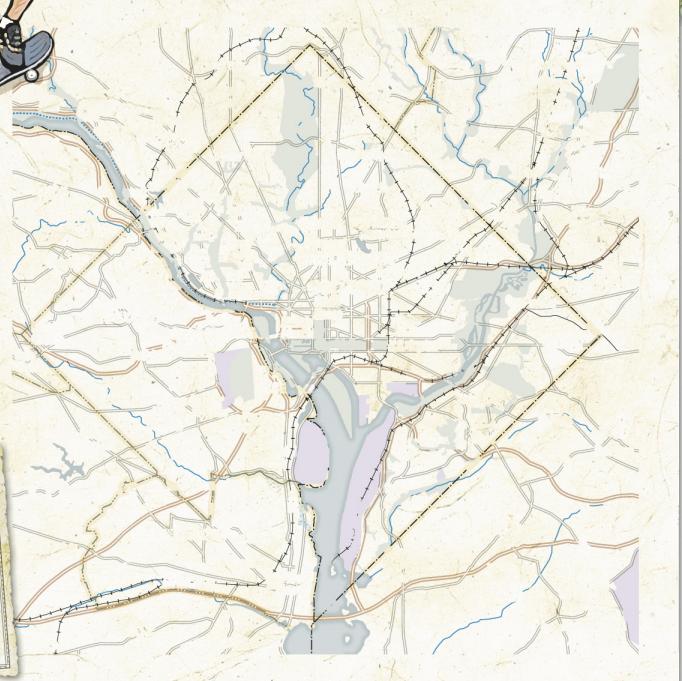
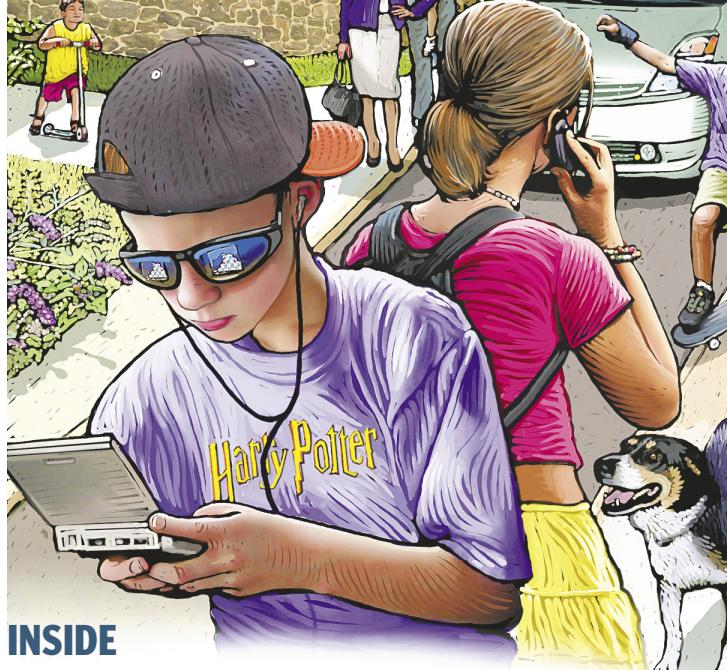
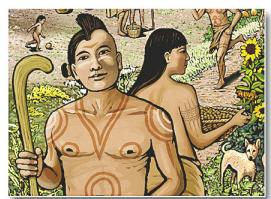


Extending the Legacy



INSIDE

- 8** Map It
16 Justice Douglas Challenges Post Editors

- 11** Currents of Change
17 Law and Order

An Integrated Curriculum For The Washington Post Newspaper In Education Program

Extending the Legacy

"The Unboring Illustrated True Story of the Washington Area from 1600 to Right Now, Part 10"

Lesson: As the D.C. area grows and looks eastward to expand, the area that was first settled by native inhabitants becomes the focus of waterfront redevelopment. Students are challenged to consider water quality, manmade pollution and potential to transform our neglected "other river" into a source of vitality and recreation.

Level: All

Subjects: Science, social studies, economics

Related Activity: Language arts, art, geography

About This Series

This is the tenth and final of KidsPost's illustrated look at the history of the Washington area. Each installment treats a different period—European settlement, the creation of the nation's capital, the Civil War era, the turn of the century, up to the present.

July: Extending the Legacy

This is not a lesson on the Macarena or Lambada, Guess Jeans or slap-on bracelets. It gets close to *Dances with Wolves*. This is not about the top story of the 1990s or 9/11 at the beginning of the 21st century.

The activities in this guide bring us full circle to the first guides. The village of Nacotchtank situated on the Anacostia River where it meets the Potomac was a haven to its inhabitants who fished in clear streams and hunted in verdant forests. Once the rivers were wider and the Anacostia could be navigated to Bladensburg. George Washington and other leaders

dreamed of a canal to connect the Chesapeake Bay and Ohio.

The activities in this guide are about our natural legacy—and judicial activism. Supreme Court Justice William O. Douglas was an environmental activist. He believed we had a responsibility to appreciate the beauty of nature and to husband natural resources. When the Jan. 3, 1954, Washington Post editorial endorsed the government's plan to pave the canal, he responded with a letter to the editor. That spring, he led a 185-mile walk along the C&O Canal that would influence preservation.

We focus on the legacy of land and water, on being caretakers and users of the natural resources in the D.C. area. Whatever role our students play in the next decades, they can begin to think about what they would like the Anacostia waterfront to be.

Whether they are athletic in their involvement or strollers on the paths, single or with young families, what services and scenery do they want? You can focus on the science, the urban planning, the civic responsibility; have students consider being future tenants or business owners, the sculptors or landscapers, the local citizens.

Discuss

The Danube, Rhine and Seine. The Amazon, Nile and Yangtze. Do students know where these rivers of the world are located? What river runs through London? Have students seen any of them or visited the cities along their banks?

In the Field

Visit a variety of monuments before you design the monument to be included in your Anacostia Waterfront Redevelopment plan. Do you want elegant and simple, traditional or abstract, bronze or natural features?

<http://www.nps.gov/nacc/>

National Capital Parks

Secure a copy of the National Park Service Junior Ranger booklet that provides a self-guided tour of the national mall area for students. Also at this site, download a pdf of selected monuments (Maps and Brochures).

<http://www.nps.gov/kwvm/home.htm>

Korean War Veterans Memorial

Water, statues and 2,500 photographic images honor and recall the men and women who served in Korea beginning June 1950. Located near the Vietnam and Lincoln memorials on French Drive S.W.

<http://www.lonesailor.org/>

U.S. Navy Memorial

Visit the Lone Sailor, walk along a 100-foot diameter map of the world and view 26 bronze reliefs. Check Plan of the Day for concerts and other events. Also visit the Naval Heritage Center. Pennsylvania Avenue between 7th and 9th Streets, N.W.

<http://www.nps.gov/this/>

Theodore Roosevelt Island

Under President Theodore Roosevelt the establishment of national parks was begun. It is fitting that his memorial is a 91-acre wooded island in the Potomac River. Two and a half miles of trails can be walked through the swamp, marsh and forest. Access to the memorial is off the northbound lane of the GW Parkway.

An Integrated Curriculum For The Washington Post Newspaper In Education Program

On what river is D.C. located? What activities have students enjoyed along the Potomac River? Are they aware of the "other river" in D.C.? Do students know where the Anacostia River is located?

Of what importance are rivers and clean water? What are the roles of marshes and wetlands?

Examine the Time

Have students brainstorm the significant events, leaders, discoveries and inventions, works of art and literature during their lifetime. Share their nominees and vote to determine the top three in each category. Give them "Timeline (1990-2015)." Have students research the dates so they will know where to place each entry on the timeline.

Since the timeline goes beyond the present, students could predict the accomplishments, the awards and the individuals to be recognized in the next decade. What criteria do they use to make their selections?

Read Art

Have students draw pictures that present their current lives and that of their community. One picture could be an interior and another an outside scene. Ask them to include the dress of children and adults, an example of entertainment, games and transportation, and a building that is important in their lives.

Give students copies of "D.C. 2004." What items are in their pictures and in the illustration drawn by Patterson Clark? Do they see themselves in Clark's illustration? What buildings, professions, entertainment and transportation have been highlighted? What would they have added to the illustration to represent life in 2004?

Check out Geography

Give students "Map It." Students should recognize the monuments and buildings, transportation indicators, waterways and place names. The questions provided lead students to a definition of "region" and consideration of the interconnectedness of the rural, suburban and urban spaces. You might wish to compare this map with one of the earlier maps in this series or with a current street map of your area. What purpose does each type of map serve?

Develop the Anacostia

As teams of experts have formed to plan the redevelopment of the Anacostia River waterfront, citizens should have a voice in its design and components. Today's students will be the citizens who will live with the results. Read "Cityscape: The Other River," the series of five articles examining the Anacostia River Waterfront Initiative. The map "A New Perspective on the Anacostia," provides current suggestions for change. Get student reaction and have them study the plans. Or you could begin with students designing their own plans. When finished, compare to those that have been suggested.

Divide students into development teams to design what the Anacostia waterfront should/could be by 2025. In January 2004, The Washington Post reported that Mayor Anthony Williams wanted redevelopment of the Anacostia waterfront. He convened "famous architects, urban planners and builders." Post reporter Dana Hedgpeth reported, "The plan calls for building 4,600 houses, apartments, shops restaurants,

Anacostia

<http://www.washingtonpost.com/wp-dyn/articles/A43465-2004Jul11.html>

Cityscape: The Other River

A Washington Post five-part series examining the Anacostia Waterfront Initiative.

<http://response.restoration.noaa.gov/cpr/watershed/anacostia/start.html>

Anacostia Watershed Toxics Alliance

Excellent foundation site for history of the Anacostia, watershed and wetlands; why it was designated the nation's most polluted river in 1997 and photo gallery. Link to NOAA Anacostia River Watershed Database & Mapping Project and to Web sites of organizations with activity with the Anacostia.

http://www.cbf.org/site/PageServer?pagename=about_epr_anacostia

Chesapeake Bay Foundation

Anacostia River Initiative

Learn about activities of this organization whose office is at 725 8th Street, S.E.

<http://www.washingtonpost.com/wp-dyn/articles/A21173-2004Jan15.html>

Hedgpeth, Dana. "Anacostia

Plan Wins Backing: Special Company to Oversee Waterfront Development," Jan. 16, 2004, E4.

<http://www.csa.com/hottopics/ern/04may/04may06.html>

Contaminant Distribution and

Fate in Anacostia River Sediments: Particulate Transport Survey

For older students. Environmental Policy Issues 2004 study of the Anacostia River.

An Integrated Curriculum For The Washington Post Newspaper In Education Program

office buildings, parks, bridges and roads, and a light-rail system."

You may wish to arrange a visit to the City Museum to learn about the past uses of the area and current situation. Read the entire Post (News, Metro, Style and Business sections) for coverage of the Anacostia Waterfront development.

You are provided with maps prepared by Washington Post cartographers. "Currents of Change" was published in December 1996. "The Anacostia River Basin" was published in the Metro section and "Anacostia Waterfront Development" was published in the Washington Business section. "A New Perspective on the Anacostia" illustrated the July 12, 2004, "The Ripple Effect," the first in a five-part series that takes a closer look at the river and the plans for redevelopment of the Anacostia River waterfront.

Analyze an Area

If you compare the Anacostia River as it appears in this guide with the Anacostia River in the first guide, you will notice that it has been straightened. This is not the only change since the first settlers fished in its waters and lived on its shore. In 1997, the Anacostia was named the nation's most polluted river.

As development of the waterfront is considered, the Anacostia River must be studied. The plan for waterfront development calls for D.C. to clean up the "polluted Anacostia River and create more protected wetlands along the shores." Have conditions improved since 1997 or worsened? Read "Coming Clean

"About the Future," the second in the Forney series in The Post.

In what ways has urban development, input of untreated sewage from D.C. and Maryland, sediment and surface runoff from agricultural activities and storm drains, trash and the release of chemical contaminants from industrial and federal facilities influenced the present quality of the river? How does one keep new development from adding to the problem?

This is more than a D.C. problem. As Nurith Aizenman reported Jan. 29, 2004, in "Anacostia River's Dirty Little Secret: Major Water Pollution Begins in Md., Not D.C.": "While District officials prepare to spend billions cleaning up the city's segment of the Anacostia and transforming the waterfront into a gleaming expanse of apartments, shops and parks, many environmentalists worry that upstream in Prince George's County, the river is just as foul, if not more so."

What is being done and can be done to improve the quality of the water? Would anyone want to live by a polluted river? Would developers want to put resources into a project that looks out over contaminated surfaces or is downwind from foul air?

Who benefits from a clean Anacostia River?

Examine the First Draft of History

Justice William O. Douglas had a lifetime love of nature. When the editors of The Washington Post and Times Herald (its name at the time) endorsed a federal proposal to pave the C&O Canal, Douglas could not contain himself. Have students read his letter to the editor as a study in persuasion. Why does he begin with a list of

Read About It

Bell, David. *Awesome Chesapeake*

The Audubon Naturalist News

commends this children's guide to the Chesapeake Bay for its illustrations and approachable explanations.

Henry, Marguerite. *Misty of Chincoteague*

Pony Penning Day changes Paul and Maureen when a beautiful wild mare and her foal, Misty, enter their lives. A Newbery Honor Book

Hobb, Will. *Wild Man Island*

Andy Galloway leaves his group to visit the site where his father died. A storm redirects him to the Fortress of the Bears where the Stone Age helps him to survive.

Horton, Tom. *An Island Out of Time*

Former Baltimore Sun environment reporter tells about his family's life on Smith Island, a 300-year-old community that speaks English closer to Shakespeare's than to that spoken in today's schools

Warner, William W. *Beautiful Swimmers: Watermen, Crabs and the Chesapeake Bay*

If you have not been to the Chesapeake Bay, this book will make you wish you had seen the water and the life in it.

An Integrated Curriculum For The Washington Post Newspaper In Education Program

others who are opposed to the highway? How does the inclusion of Justice Brandeis strengthen his position? What details are accepted by all sides in the debate? What is the tone of this letter? Did the Post editorial writer(s) have any choice but to join him on his walk?

What was the result of the walk taken the spring of 1954?

Learn about Law and Order

Through these activities, students will become familiar with the definition and practice of judicial activism. They will be encouraged to think critically on the extent to which personal values and background affect how judges interpret the law.

Begin this activity by defining judicial activism and restraint. Either use definitions that are provided or have the class create their own definition. Read and discuss the guest commentary that was printed in The Washington Post, "Time to Bench Judicial Activism." Give students "Judicial Activism and the Supreme Court." After clarifying the terms and discussing this historic perspective, give students copies of "Interpreting Laws Without Infusing Our Personal Values" or write the constitutional amendments on the board. The goal of this exercise is to demonstrate that it is nearly impossible to interpret laws or the Constitution without infusing our own personal values.

Provide "William O. Douglas," an example of a judicial activist. In April 2004, the 50th anniversary of the walk instigated by Justice Douglas was celebrated. His interest led to the creation of the C&O Canal National Historical Park. When asked how he wished

to be remembered, "he replied as someone who tried to make the earth a little more beautiful."

In 1954, The Washington Post and Times Herald, as it was then named, reported on the "trek from Cumberland to Washington with Justice Douglas. We went into the hike with one firm conviction: that the scenery, historical setting and tonic qualities of the lovely Potomac Valley ought to be made available to more people." The commentary followed with suggestions for compromise, knowing that all people would not get their wishes since some wanted a pristine area with no roads and others wanted a parkway for access. The conclusion: "Finally, we urge our readers to investigate for themselves the wonderful potential of this scenic attraction—with its respite from daily concerns—so close to the Nation's Capital. We think it is possible to develop this resource so that it will serve as a boon to hikers as well as to those whose enjoyment of nature must be limited to a leisurely drive in an automobile."

Extension

Societies have to face fundamental questions: What goods and services are to be produced? Who and how are they to be produced? Who benefits from production?

Reston, Va., and Columbia, Md., are planned communities in our metropolitan area. They were designed to provide employment, recreation and housing within the community. Have students pretend they have 500 acres on which to build a similar self-contained community. They are to assume that schools, hospitals, police and fire departments are available in a neighboring community and through the county government.

William O. Douglas

<http://www.nps.gov/choh/History/People/Douglas.html>

Justice William O. Douglas and the C&O Canal

The National Park Service site provides the history of Douglas's personal interest in saving the C&O Canal, beginning with a letter published in The Washington Post. Experience the 8-day hike, the media coverage and the impact made by the 55-year-old justice (one of nine who completed the entire 185-mile walk).

Douglas, William O. *Of Men and Mountains* (1950)

Douglas, William O. *Go East, Young Man* (1974)

Simon, James. *Independent Journey: The Life of William O. Douglas* (1980)

Murphy, Bruce Allen. *Wild Bill: The Legend and Life of William O. Douglas* (2003)

<http://www.bsos.umd.edu/gvpt/lpbr/subpages/reviews/murphy-bruce.htm>
Review of Murphy's biography by David O. Friedrichs, University of Scranton.

Great Falls Tavern Visitor Center
View the portrait of Justice Douglas painted to commemorate his 100th birthday anniversary.

An Integrated Curriculum For The Washington Post Newspaper In Education Program

Students are to determine the demographic make-up of their community. Have them consider what services are needed for communities with small children that are not needed for adults-only communities, for senior citizens but not for teenagers.

What other demographic factors influence businesses, services and entertainment found in a community?

As students plan, they are to include:

1. Four businesses that provide service
 - What service should be provided by the state or county?
 - What services can be privately owned? For profit?
2. Four businesses that produce goods that can be used by residents and potential customers
 - Read Washington Business articles and graphs. Would students recommend one or more of these businesses to locate in their community?
 - What new businesses would they like to see begin in their community?
 - Would specializing in certain products benefit the community?
3. Two types of housing

- Look in The Post for examples of housing and architecture that they would like to have in their community.
 - In what price range will their housing be?
 - 4. A plan for transportation within the community
 - Will automobiles be allowed in all areas? Will some areas be pedestrian- or bicycle-only paths?
 - Will public transportation be provided for all in the community
- This community is bordered by a pristine river. Students are to consider the environmental impact of their decisions.
- Might this resource be utilized for recreation and revenue?
 - Who is responsible for maintaining quality of this resource?

Key (for use with Page 7)

1. Game Boy, ear buds and Harry Potter.
2. Backpack, bare midriff and a cell phone.
3. Trying a new skateboard move.
4. Toyota's gas-electric hybrid Prius gets up to 60 miles per gallon of gas on city streets.
5. Weighing in at more than four tons, the Hummer H2 uses a gallon of gasoline every 10 miles.
6. This boy on a scooter should be wearing a helmet and pads.
7. Mom surfs the Web on her laptop.

8. Airbus A321.
9. Amtrak's Acela can reach speeds of 150 miles per hour.
10. Washington Mayor Anthony Williams.
11. Taking the baby out for a jog.
12. A renovated fire call box showcases the work of a neighborhood artist.
13. Shrieking leaf blowers have taken the place of outdoor brooms and rakes.
14. An electric-powered Segway Human Transporter.

On the River

<http://somdthisisliving.somd.com/vol5num1/river.html>

A River Runs Through It

Patuxent River today with homage to the past

<http://www.newsnet.umd.edu/history/8.htm>

Potomac Lighthouse, Known to Presidents, Now a Secret Treasure

Present lighthouse with reflection on past

<http://www.baygateways.net/placesandpeople.cfm>

Chesapeake Bay Gateways

Links and short features on people and places to visit

<http://www.baygateways.net/tinytowns.cfm>

Tiny Towns and Old Rivers (from Window on the Chesapeake)

Lewisetta, Va.

<http://www.chesapeakelifemag.com/tourism/kinsale.html>

Kinsale, Va.

Captures lifestyle in a small town on the Chesapeake

Credits

Illustration and research by Patterson Clark, The Washington Post

Map by Gene Thorp, The Washington Post

Research and writing for the KidsPost series by Fred Barbash, The Washington Post

Law and Order, Martin Ryan, a third-year law student at American University Washington College of Law. A native of Milwaukee, he has taught at School Without Walls and KIMA Public Charter High School in the District.

1600

First families

1700

Hogs wild Construction zone

1800

Washington grows up Civil War

1900

Turn-of-the-century fashion Roaring '20s Rock-and-roll

2000

Beltway Boom Game Boys, Terror Alerts

The Unboring, Illustrated True Story of the Washington Area

PART 10

This is the last chapter in KidsPost's history of the Washington area.

Our story began more than 400 years ago, when a small group of Native Americans lived on the banks of the Anacostia River in a village called Nacotchtank.

We explored the lives of the first European settlers, who organized Georgetown and Alexandria. We showed Washington during the Civil War and the Roaring '20s.



8

Today's page shows you a familiar scene—what Washington is like now.

Almost everything changed over all those years, perhaps nothing more than the lives of kids. By the time the children of Nacotchtank were 11 or 12, they were living very grown-up lives: hunting, fishing, farming and weaving. In the 1800s, as soon as kids were strong enough they went off to work, not to school.

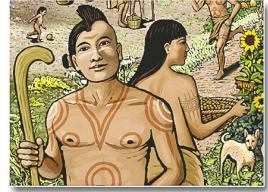
Even in the 1900s, children were seen as miniature adults. And their clothes were just smaller versions of what their

parents wore.

Today, you struggle with school and tests, not hunting and weaving. And many fashions are created with kids in mind.

In some ways, life is easier now. You have more time to do what you want and more ways to entertain yourselves—books, video games, sports teams and music.

But life is also more complicated. In the past, kids had fewer choices about what they would become. Now you have a lot of choices—and that's the challenge.



You can see all 10 parts of KidsPost's history series at www.washingtonpost.com/kidspost



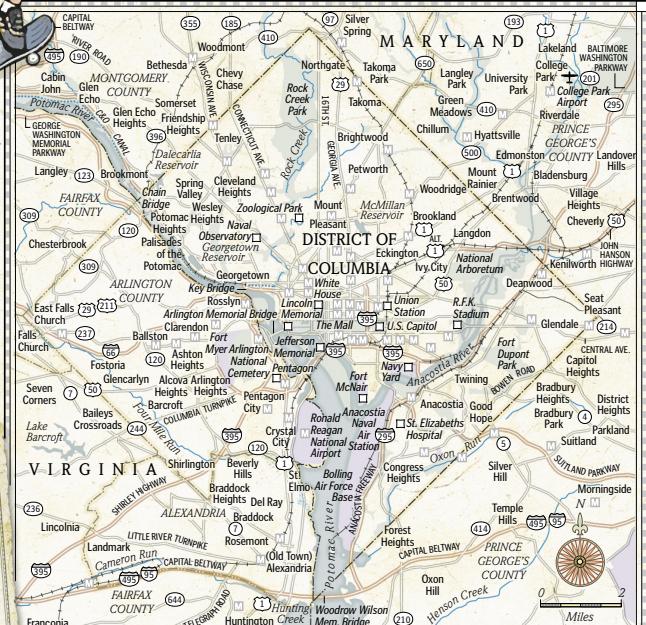
How They Did It

In each illustration of the series there has appeared a recurring cast of four characters or items: a crow, a raccoon, an Indian head and an axe. Most of the time, to see birds, you have to look up. Usually, the opposite is true for the raccoon. While finding the Indian head requires a sharp eye, the axe, well, it can appear anywhere, such as on a wall or in a person's hand. Happy searching.

— Patterson Clark, Washington Post news artist



4 Miles
Rock Cr.
Potowmack Cr.
Eastern Branch
Nacotchtank
Oxon Run
Broad Cr.
Hunting Cr.
Four-Mile Cr.



The Washington area in 1600, left, and today.

Map It

This map presents Washington, D.C., as it appears in 2004. The insets clearly show the D.C. area has extended to Frederick, Md., and to Fredericksburg, Va., to Leesburg and to Annapolis. It is a varied area in topography as well as in economics, politics, ethnicity and culture.

1. Note the areas that are considered developed and those that are undeveloped. What other terms could be applied to these distinctions?
2. Identify the major highways.
3. Name the two main rivers in the area.
4. What cities are at the east, north, south and west extensions of the Washington area?

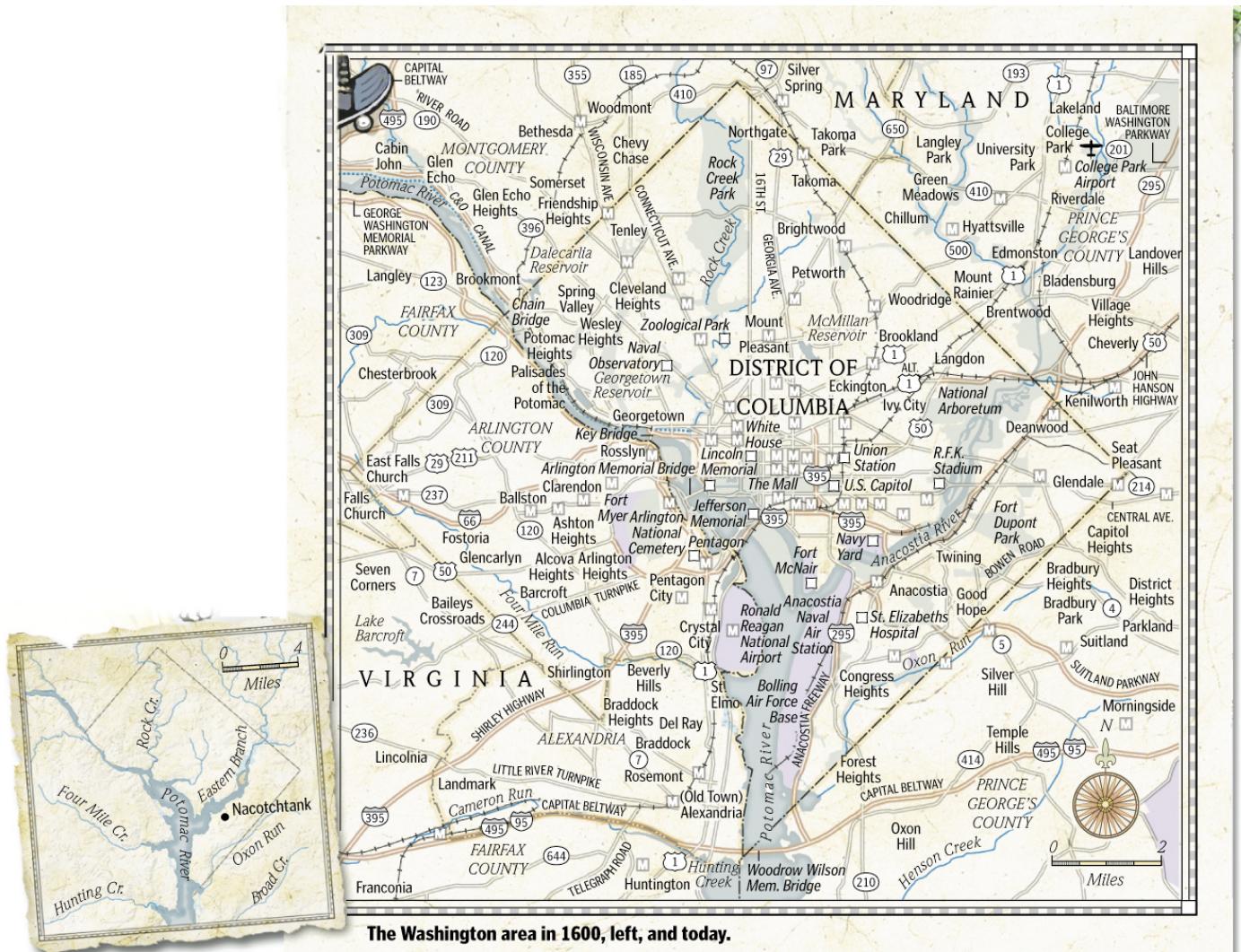
East—

North—

South—

West—

5. What is a region? How would you define the Washington, D.C., region?



An Integrated Curriculum For The Washington Post Newspaper In Education Program

Q&A

Introduction begins here.

Q

A

Q

A

Q

A

Q

A

Q

A

Paste Photograph
or Artwork

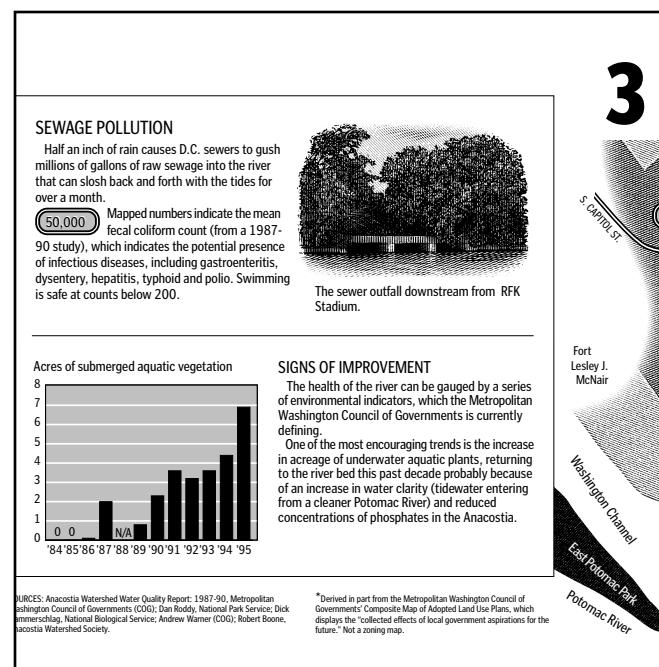
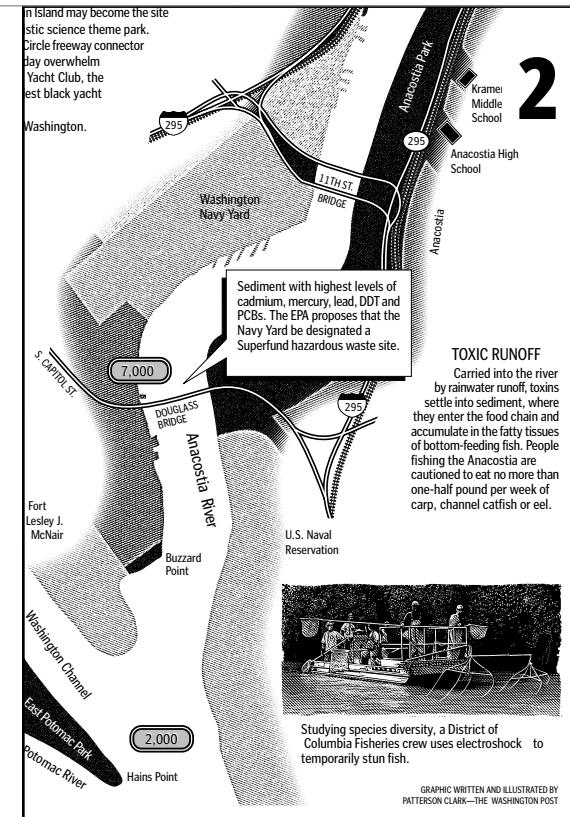
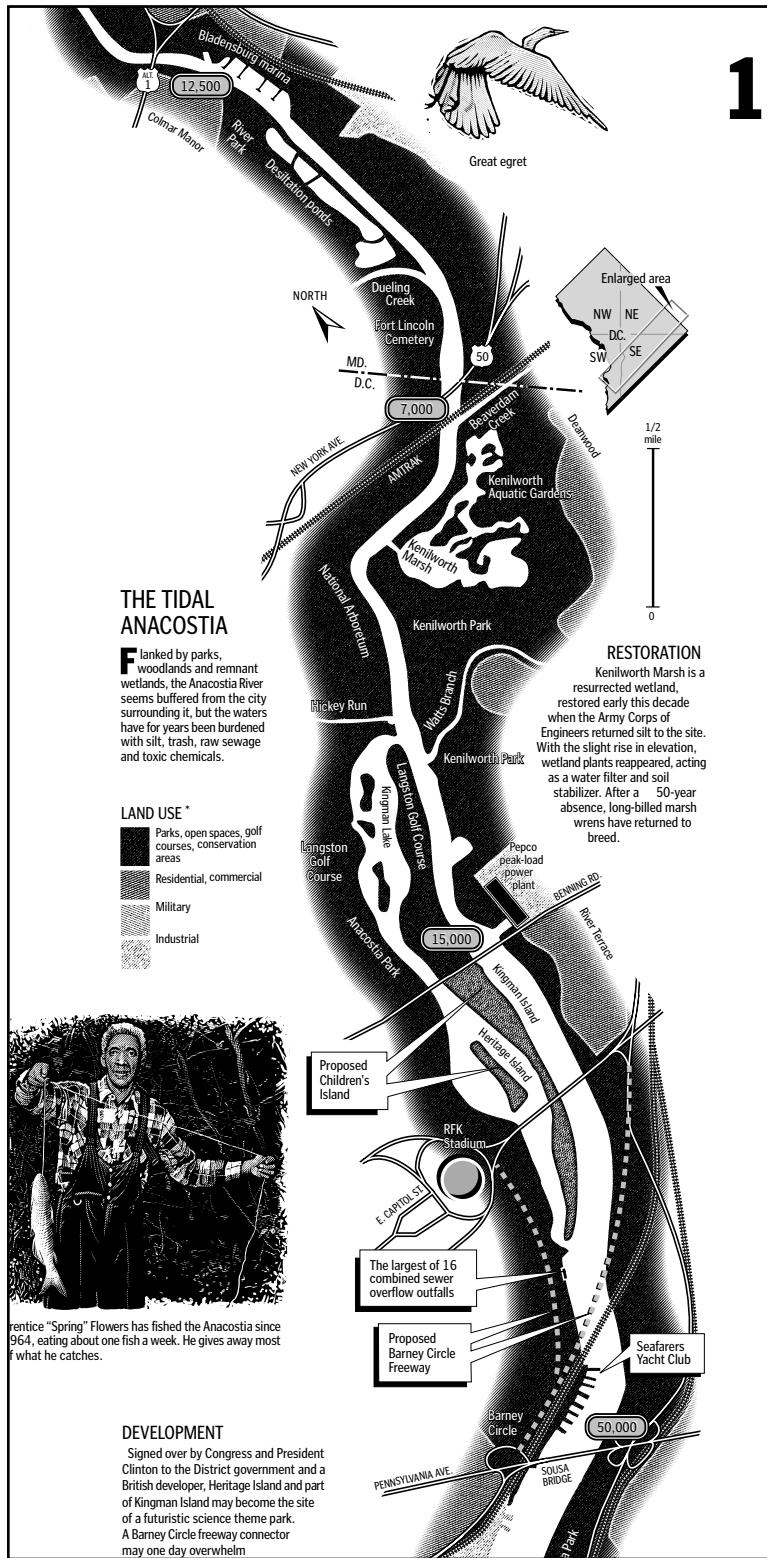
Write caption here

Timeline (1990-2015)

WORLD	1990	1995	2000	2005	2010	2015
HISTORY	<ul style="list-style-type: none">- 1990: Mikhail Gorbachev, USSR, Nobel Peace Prize- 1991: Soviet Union dissolves- 1993: Apartheid ends in South Africa	<ul style="list-style-type: none">- 2000: South and North Korean leaders meet- 2000: Yugoslavian president Milosevic overthrown- 2001: Kofi Annan, Nobel Peace Prize	<ul style="list-style-type: none">- 2001: UN and Kofi Annan, Nobel Peace Prize- 2003: U.S. and Britain launch attack on Iraq (March); Saddam Hussein captured (Dec.)			
INVENTION		<ul style="list-style-type: none">- 1997: Scientists clone sheep	<ul style="list-style-type: none">- 1998: Akashi Kaikyo Bridge completed- 1998: Razor scooter introduced	<ul style="list-style-type: none">- 1997: Harry Potter and the Sorcerer's Stone, British Children's Book of the Year	<ul style="list-style-type: none">- 2003: Harry Potter and the Order of the Phoenix makes bestseller lists	
LITERATURE		<ul style="list-style-type: none">- 1990: Octavio Paz, Mexico, Nobel Prize for Literature	<ul style="list-style-type: none">- 1997: Harry Potter and the Sorcerer's Stone, British Children's Book of the Year	<ul style="list-style-type: none">- 1997: Harry Potter and the Order of the Phoenix makes bestseller lists		
ARTS	<ul style="list-style-type: none">1976-	<ul style="list-style-type: none">- 1990: Toru Takemitsu, <i>From Me Flows What You Call Time</i>, opera	<ul style="list-style-type: none">- 1996: Coosje van Bruggen, Claes Oldenburg collaborate on sculptures	<ul style="list-style-type: none">- 1994: Gunther Schuller, <i>Of Reminiscences and Reflections</i>, Pulitzer Prize	<ul style="list-style-type: none">- 1995: Alfred P. Murrah Federal building in Oklahoma City bombed- 1997: Pathfinder sends Mars photos back to Earth	<ul style="list-style-type: none">- 1998: President Clinton impeached
NORTH AMERICA		<ul style="list-style-type: none">- 1990: Hubble space telescope launched		<ul style="list-style-type: none">- 1994: Gunther Schuller, <i>Of Reminiscences and Reflections</i>, Pulitzer Prize	<ul style="list-style-type: none">- 1995: Alfred P. Murrah Federal building in Oklahoma City bombed- 1997: Pathfinder sends Mars photos back to Earth	<ul style="list-style-type: none">- 1998: President Clinton impeached
					<ul style="list-style-type: none">- 2000: Elian Gonzalez reunited with his father- 2000: Al Gore gets votes; George W. Bush wins election	<ul style="list-style-type: none">- 2000: Elian Gonzalez reunited with his father- 2000: Al Gore gets votes; George W. Bush wins election
					<ul style="list-style-type: none">- 2001: Terrorists attack World Trade Center towers and Pentagon, Sept. 11	<ul style="list-style-type: none">- 2001: Terrorists attack World Trade Center towers and Pentagon, Sept. 11
						2010
						2015

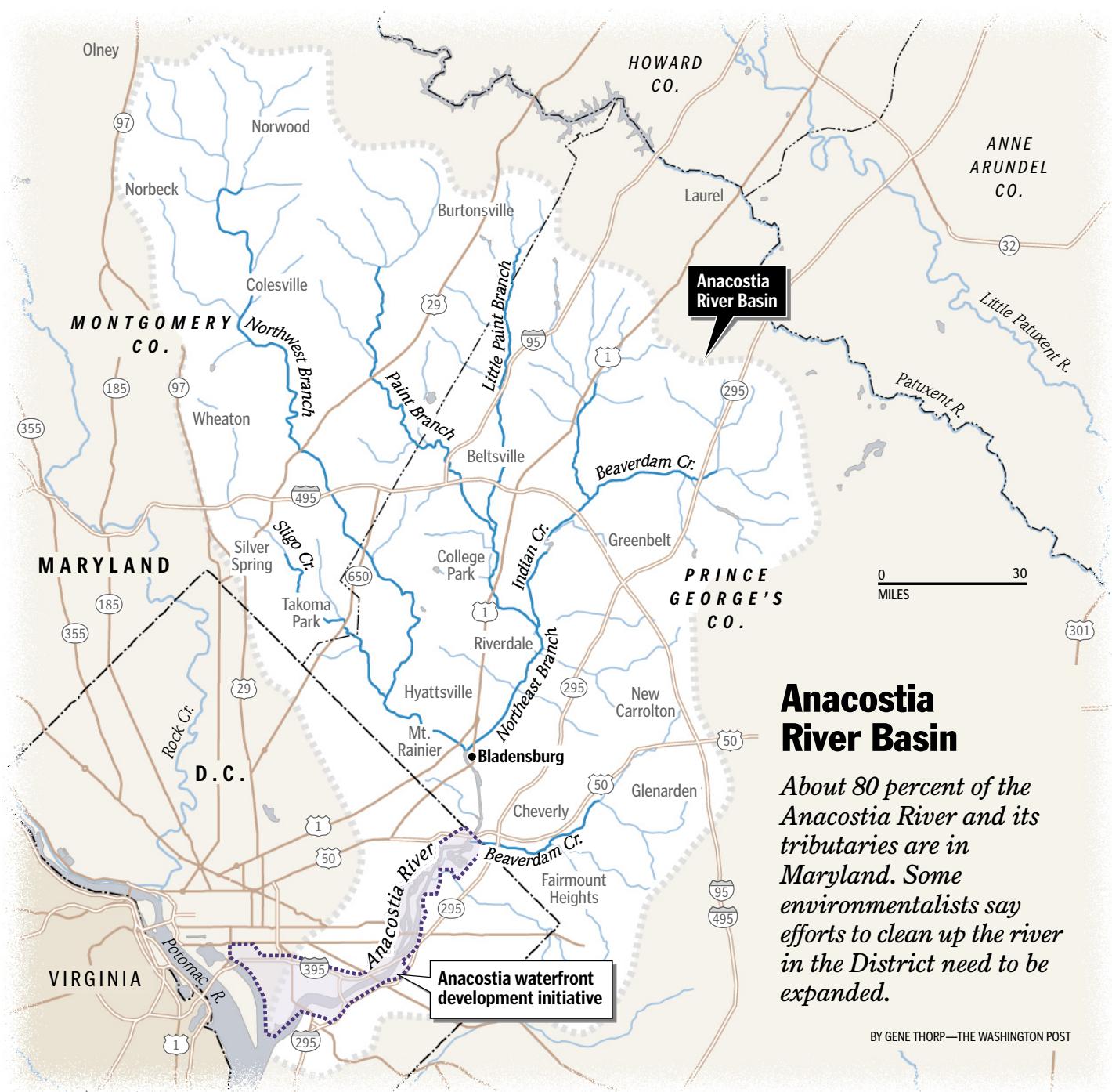
An Integrated Curriculum For The Washington Post Newspaper In Education Program

Anacostia: Currents of Change



An Integrated Curriculum For The Washington Post Newspaper In Education Program

Anacostia: River Basin



Anacostia River Basin

About 80 percent of the Anacostia River and its tributaries are in Maryland. Some environmentalists say efforts to clean up the river in the District need to be expanded.

BY GENE THORP—THE WASHINGTON POST

An Integrated Curriculum For The Washington Post Newspaper In Education Program

Anacostia: Developing the Waterfront

Betting Big on Near Southeast; City Planners See Great Promise in a Long-Neglected Neighborhood

By Benjamin Forgey
Washington Post Staff Writer
Thursday, July 15, 2004; Page C1

Optimists have said it for decades: The time is coming soon for the Near Southeast. But then, year after year, nothing happened.

Today, however, there is reason to believe. Although it's still pretty much a desolate checkerboard of working warehouses and vacant lots, this important, up-for-grabs segment of the city is changing fast.

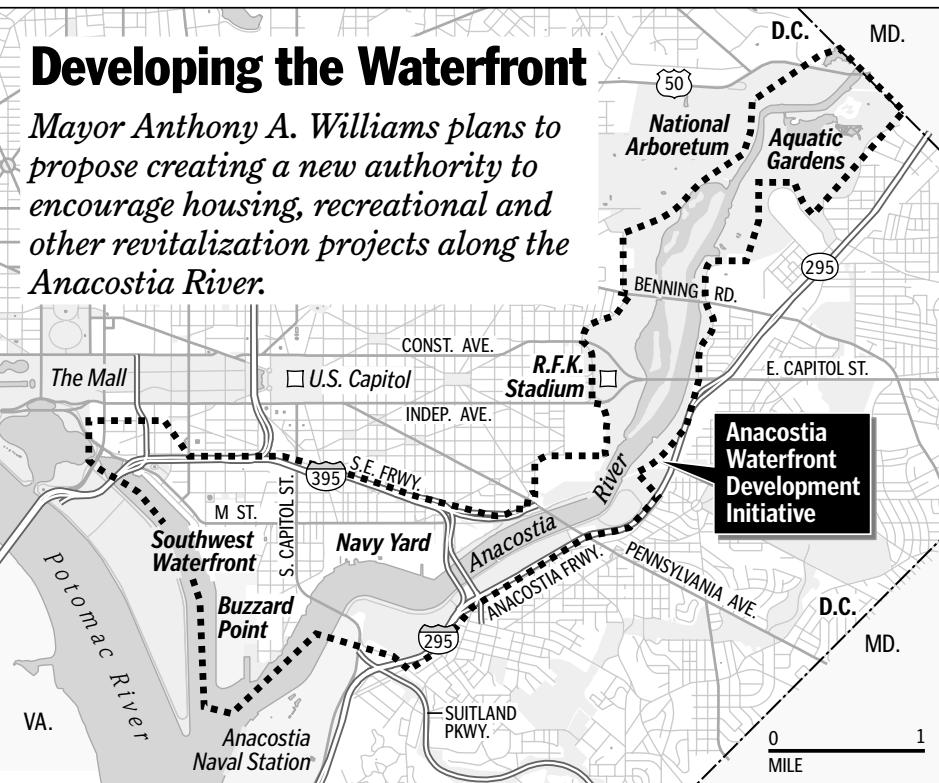
For that reason, this large chunk of territory between the Southwest Freeway and the banks of the Anacostia River is a prime focus of the city's ambitious Anacostia Waterfront Initiative.

Taking in 378 acres, the plan is the biggest urban renewal effort in Washington in more than 30 years, comparable to the gigantic federal plan that reconfigured Southwest Washington from the 1950s through the 1970s.

Actually, if you add nearby Buzzard Point and the western edge of South Capitol Street to the total—territories technically excluded from the plan but crucial to it—the Near Southeast effort is the largest in the city's history. . . .

In a sense, the plan for this district is not about its mostly forgotten waterfront. It is, rather, about urban regeneration, about reviving a river's edge to attract, coordinate and control public and private investment.

Clearly, then, plans for the new Near Southeast are every bit as ambitious as the old Southwest urban renewal program. But there are huge differences. Because the terrain is so sparsely populated, the Near Southeast plan, unlike the Southwest effort, will not require massive residential demolition and popu-



BY GENE THORP—THE WASHINGTON POST



Rendering of a new Frederick Douglass Bridge that would replace the existing bridge, part of the Anacostia Waterfront Initiative's plans for south Capitol street.

lation displacement. In other words, it isn't another "urban removal" scheme.

And in ironic contrast to the old, brave-new-world modernist plan, the city's new, revisionist idea enthusiastically looks backward. Its aim, that is, is to fill all those empty Southeast lots with

something resembling a densely populated, traditional urban neighborhood.

The article continues at <http://www.washingtonpost.com/wp-dyn/articles/A50584-2004Jul14.html>. This excerpt is from the fourth in a five-part series.

Anacostia—Your Plan

In 2004 the Anacostia Waterfront Initiative was unveiled. More than \$8 billion in redevelopment projects were presented.

When you are in your late 20s, what would you like the Anacostia waterfront to be? In 1936, Washingtonians boarded steam-boats for three-hour tours, eating and dancing to big bands as the sun set. Do you picture passengers again boarding ships for a moonlight cruise of the Anacostia and Potomac rivers? Do you picture people looking from their offices to see sailboats gliding on clean waters or light industry?

What would be on your wish list in the following areas?

Housing

Industry

Manmade Environment and Monuments

Museums and Culture

Natural Environment and Ecology

Office space

Recreation

Restaurants and Retail

Transportation and Pedestrian Walkways

Other?

A New Perspective on the Anacostia

The Ripple Effect

An \$8 Billion Development Plan Promises Payoffs Far Beyond the High-Water Mark

By Benjamin Forgey
Washington Post Staff Writer
Monday, July 12, 2004; Page C1

Washington has two rivers, and one of them the world knows. The other remains a well-kept local secret.

Yet it is the other river, a mere tributary of the broad Potomac, that holds the keys to the city in the first half of the 21st century. The Anacostia's time has come.

Yes, the dirty, slow-moving, undervalued, overburdened, poorly used Anacostia River. Change is coming its way, guided by one of the most ambitious plans in this planned city's 214-year history—the Anacostia Waterfront Initiative.

The plan is impressive in its territorial reach, complexity and cost.

It takes in both sides of the river's seven-mile wander through the District of Columbia, along with goodly portions of inland terrain.

It requires the coordinated efforts of powerful, turf-conscious agencies in both the city and federal governments, not to mention the enthusiasm and money of dozens of private developers. And ultimately the people of the United States also will have to approve, because the support of Congress is essential.

It will cost, more or less, \$8 billion in public investment alone.

Skeptics will say it can't happen, cynics will insist that it won't. But this is what smart cities do these days: Baltimore. Barcelona. Boston.

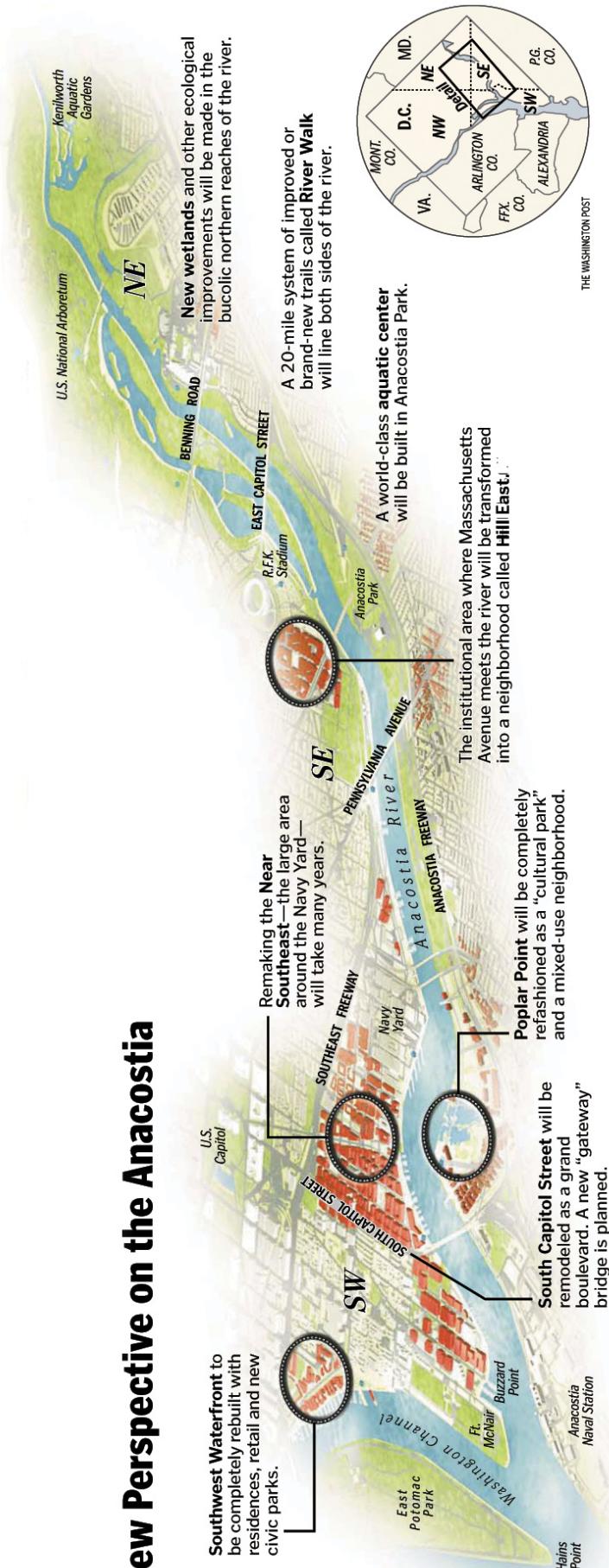
And that's only the biggest of the B's. To the great benefit of their citizens and economies, cities worldwide have reclaimed waterfronts ruined by pollution, greed, stupidity and neglect.

And it is what Washington needs at this point, for much of the change is going to occur, plan or no plan.

Why? Because the old downtown is practically full. With nowhere else to go, real estate capital is flowing eastward. Vacant or underused private land is abundant near parts of the Anacostia. Living near urban waterfronts is a proven global trend. Residential demand in the city is on the rise.

The article continues at <http://www.washingtonpost.com/wp-dyn/articles/A43465-2004Jul11.html>. This excerpt is from the first in a five-part series.

A New Perspective on the Anacostia



SOURCE: D.C. Office of Planning

An Integrated Curriculum For The Washington Post Newspaper In Education Program

First Draft of History

Justice Douglas Challenges Post Editors to Hike with Him

The following letter written by Supreme Court Justice William O. Douglas was published in the Jan. 19, 1954, edition of The Washington Post and Times Herald. In early January the Post editors had supported a government plan to pave the canal to create a parkway.

The discussion concerning the construction of a parkway along the Chesapeake and Ohio Canal arouses many people. Fishermen, hunters, hikers, campers, ornithologists, and others who like to get acquainted with nature first-hand and on their own are opposed to making a highway out of this sanctuary.

The stretch of 185 miles from Washington, D.C., to Cumberland, Md., is one of the most fascinating and picturesque in the Nation. The river and its islands are part of the charm. The cliffs, the streams, the draws, the beaches, the swamps are another part. The birds and game, the blaze of color in the spring and fall, the cattails in the swamp, the blush of buds in late winter—these are also some of the glory of the place.

In the early 20's Mr. Justice [Louis D.] Brandeis traveled the canal and river by canoe to Cumberland. It was for him exciting adventure and recreation. Hundreds of us still use this sanctuary for hiking and camping. It is a refuge, a place of retreat, a long stretch of quiet and peace at the Capitol's back door—a wilderness area where we can commune with God and with nature, a place not yet marred by the roar of wheels and the sound of horns.

It is a place for boys and girls, men and women. One can hike 15 or 20 miles on a Sunday afternoon, or sleep on high dry ground in the quiet of a forest, or just go and sit with no sound except water lapping at one's feet. It is a sanctuary for everyone who loves woods, a sanctuary that would be utterly destroyed by a fine two-lane highway.

I wish the man who wrote your editorial of January 3, 1954, approving the parkway would take time off and come with me. We would go with packs on our backs and walk the 185 miles to Cumberland. I feel that if your editor did, he would return a new man and use the power of your great editorial page to help keep this sanctuary untouched.

One who walked the canal its full length could plead that cause with the eloquence of a John Muir. He would get to know muskrats, badgers, and fox; he would hear the roar of wind in thickets; He would see strange islands and promontories through the fantasy of fog; he would discover the glory there is in the first flower of spring, the glory there is even in a blade of grass; the whistling wings of ducks would make silence have new values for him. Certain it is that he could never acquire that understanding going 60, or even 25, miles an hour.

An Integrated Curriculum For The Washington Post Newspaper In Education Program

Law and Order

Judicial Activism and the Supreme Court

During the campaign for the 2000 election, George W. Bush made an early pledge that he would nominate only judges who practice judicial restraint. Bush identified Justices Scalia and Thomas as his ideal judges and criticized judges who usurped the power of the legislative and executive branches. Bush's criticism of activist judges is not new; Roosevelt made similar allegations about the Supreme Court in the 1930s.

Many academics evaluate Supreme Court judges based on their judicial temperament, or how they view the role of judges. To them, judges can practice either judicial activism or judicial restraint.

The basic difference is whether the judge evaluates the intent of the law they are evaluating, or if they evaluate the plain meaning of the legislation. Judicial activists attempt to understand the purpose of the law, and then analyze the present case in accord with the intent of the law, considering the modern implications of the law. Judges who practice judicial restraint, notably Justice Scalia, only evaluate the common meaning of, or how the average person might understand, a particular law. They are not interested in the intent of the lawmakers or the Founding Fathers, only how they believe the average person would have interpreted the law when it was passed. Therefore, strict constructionists will often use popular dictionaries from the era when a particular law was passed to evaluate the meaning of a law.

Many consider the late William O. Douglas to represent the quintessential activist Supreme Court Justice. Despite personal controversies sometimes overshadowing his career, William Douglas is known to have been an extraordinary protector of the environment and the Bill of Rights. Douglas is remembered as a judicial activist whose interpretations of the law often fit his personal goal of protecting the environment.

Examples of Supreme Court Activism

The following four examples of judicial activism will help you to understand the concept.

Substantial Due Process

Most instances of alleged judicial activism involve the Fourteenth Amendment Substantial Due Process Clause cases. The first instance of judicial activism involving the Fourteenth Amendment was in the case *Lochner v. New York* in 1905. In that case, the Supreme Court found that the Fourteenth Amendment created individual economic rights. Because of this finding, the government had a difficult time creating economic regulation. During the New Deal in the 1930s, President Roosevelt felt constrained by the Supreme Court's decision, as they struck down many of his laws that regulated business and economic activity. He believed that this was judicial activism, as the *Lochner* Court infused meaning into the Fourteenth Amendment that was not explicitly there.

In the Know

Activist: A term used to describe a judge who uses his own values and personal interpretation of the law when making legal decision

Infuse: To inject; to substitute values in place of someone else's

Intent of the law: Reasons for Congress or legislative body passing the particular law

Interpret the Constitution: Since the Constitution often contains vague terms and are not specific on every issue, judges must decide how the Constitution should treat a particular issue.

Judicial activism: (see Activist)

Judicial restraint: The process in which a judge does not use her own values and personal interpretation of the law when making a legal decision.

Judicial temperament: Includes patience, courtesy, impartiality, even temper, a well-defined sense of justice, compassion, fair play, humility, tact, common sense and understanding.

Legal ability: Intellectual capacity to interpret and apply established legal principles to specific factual situations and to communicate, both orally and in writing, the reasoning leading to the legal conclusion.

Legal knowledge: Familiarity with established legal principles and evidentiary and procedural rules

Plain meaning: How the common person would define a term

Usurp: Take control from someone else

An Integrated Curriculum For The Washington Post Newspaper In Education Program

War Time Powers

President Truman also warned against judicial activism when the Supreme Court limited his war time powers in *Youngstown Sheet & Tube Co. v. Sawyer*. During the Korean War, President Truman seized power of the Youngstown steel plant to prevent a strike. The Supreme Court found that, despite his constitutional power as commander-in-chief and the war time difficulties, there were limits to his executive power. Truman argued that the Supreme Court's decision would undermine his and future presidents ability to deal with war time crises.

Right of Privacy

More recently, many critics believe

that the Supreme Court has created a constitutional right of privacy. In the cases *Griswold v. Connecticut* and *Roe v. Wade*, the Supreme Court found that the constitution implicitly created a zone of privacy that limits government intrusion into citizens' private lives. In *Griswold*, the Court found that individuals have a right to birth control because the state has no right to regulate the private activities of individuals. Then, in *Roe*, the Court expanded upon the opinion in *Griswold* to find that women have a right to terminate their pregnancies under certain circumstances because of a similar right to privacy. Many have argued that in both cases the Supreme Courts have created rights. They argue

that the Courts have usurped the role of the Legislative and Executive branches.

Bush v. Gore

One of the most controversial events during the 2000 election was the Supreme Court's ruling in *Bush v. Gore*. Here, the Supreme Court overturned the Florida Supreme Court and decided that there was no need for Florida to recount the votes. It is argued that the Supreme Court had no authority to decide the issue as it was an issue of Florida State law, not a constitutional question. Also, many question the decision of the court and believe that the majority of the Court ruled in favor of Bush because they wanted him to be the next President.

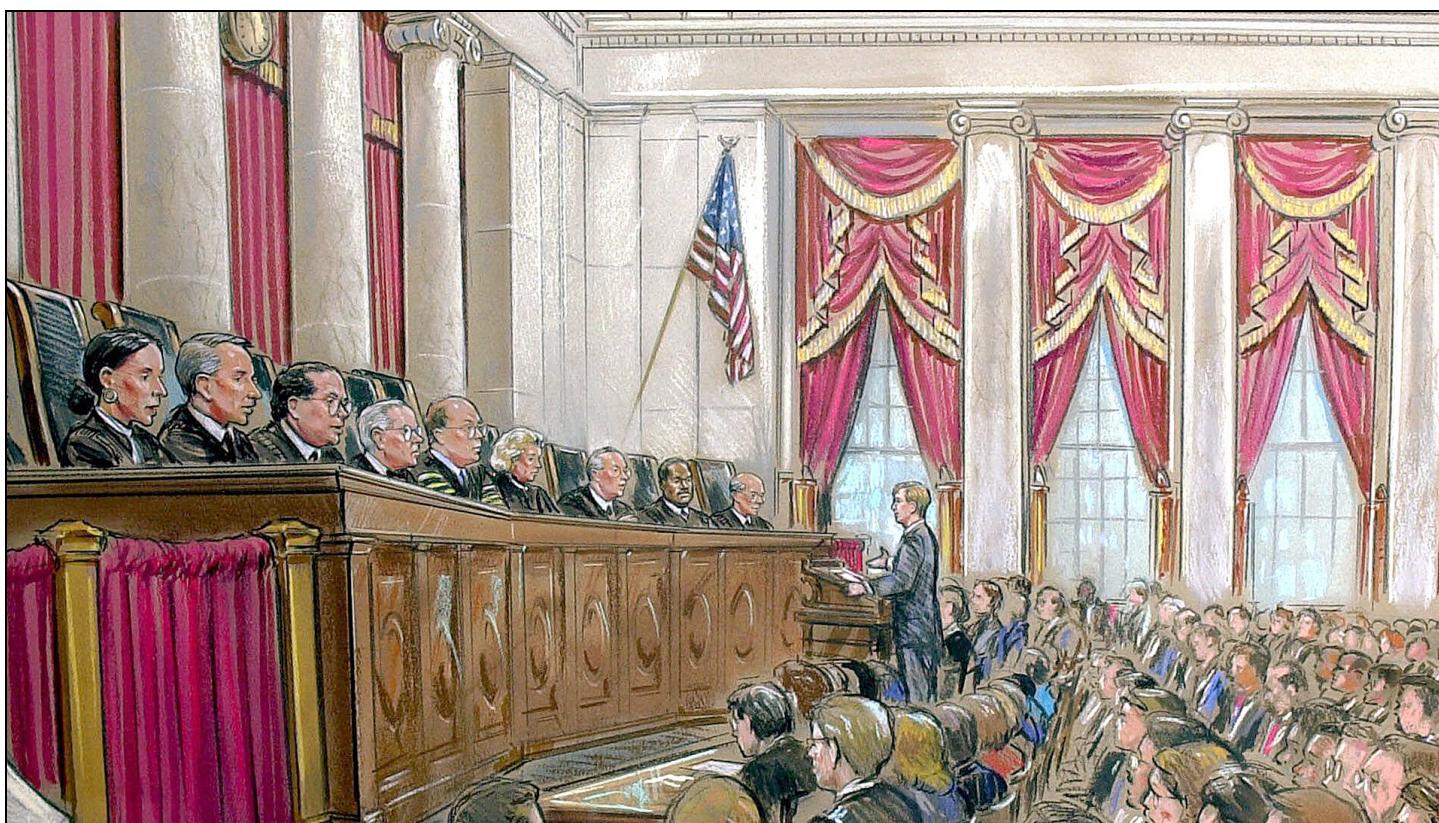


ILLUSTRATION BY WILLIAM HENNESSY VIA THE ASSOCIATED PRESS

Theodore Olson, lawyer for Republican presidential candidate and Texas Gov. George W. Bush, argues before the U.S. Supreme Court Dec. 1, 2000, file photo. From left are Justices Ruth Bader Ginsburg, David Souter, Antonin Scalia, John Paul Stevens, Chief Justice William Rehnquist, Justices Sandra Day O'Connor, Anthony Kennedy, Clarence Thomas and Stephen Breyer.

An Integrated Curriculum For The Washington Post Newspaper In Education Program

Justice William O. Douglas



NATIONAL PARK SERVICE

Supreme Court Justice William Douglas leads a group of hikers along the Chesapeake and Ohio Canal towpath beside the Maryland bank of the Potomac River in a March 1954 effort to protect what eventually became the C&O Canal National Historical Park.

Born at the end of the 19th century on Oct. 16, 1898, William O. Douglas was a bright individualist. While he was born in Minnesota, he spent most of his youth in Yakima, Wash., where he developed a fondness for the outdoors. According to Douglas, he spent much of his childhood climbing mountains to strengthen his weak polio-afflicted legs. The Douglas family did not have much money, but he was able to put himself through college and achieve significant success as a law student at Columbia University. Before becoming the longest tenured Supreme Court Justice, Douglas served as chairman of the Securities and Exchange Commission, one of Roosevelt's New Deal creations. In 1939, Roosevelt appointed Douglas to the Supreme Court, where he served until 1975 when a stroke made it difficult for him to carry out the functions necessary to serve. He died at 81 on Jan. 19, 1980.

Following his graduation from Columbia, Douglas became a professor in their law school. During this period, he questioned the strict formalism of the law, and "demanded that law be taught, not in a vacuum, but within the framework of real life" (Cathleen H. Douglas, *William O. Douglas: The Man*, Year 1981 Supreme Court Historical Society, accessed

at <http://www.supremecourthistory.org/myweb/81journal/douglas81.htm>). He believed in the rights of individuals. He said, "The framers of the Constitution knew human nature as well as we do. They too had lived in dangerous days; they too knew the suffocating influence of orthodoxy and standardized thought. They weighed the compulsions for restrained speech and thought against the abuses of liberty. They chose liberty."

Justice Douglas's wife, Cathleen Douglas, noted that some of his most controversial decisions were based on personal experience. For example, in *Sierra Club v. Morton*, 406 U.S. 727 (1972) Douglas argued that natural elements, such as lakes, should have legal grounds to sue polluters. In this case, the Sierra Club was trying to protect Washington State lakes from polluters. The lakes in question were ones with which he was familiar from his youth.

Justice William O. Douglas typified an activist Justice. He used his own personal experiences to interpret the law.

Online sources: http://www.oyez.org/oyez/resource/legal_entity/79/print; <http://www.supremecourthistory.org/myweb/81journal/douglas81.htm>

An Integrated Curriculum For The Washington Post Newspaper In Education Program

Interpreting Laws Without Infusing Personal Values

Over the past century, lawmakers have argued that they want judges who follow the plain meaning of the laws that they pass. Yet, many are upset with the way that judges interpret what the lawmakers believe are clear and unambiguous laws. When judges look beyond the common meaning of legislation it is called judicial activism.

As you work on this activity, consider how difficult it is for you not to be a judicial activist.

1. Interpret or explain the meaning of the following constitutional amendments in everyday English:

A. "...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." —Amendment XIV, Section 1

B. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. —Amendment XIII, Section 1

C. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited. —Amendment XVIII, Section 1

2. Reinterpret the constitutional amendment using your personal experiences. Create a list of what values affect how you would interpret the amendment and how these values affect the interpretation. Examples of values and influences are religion, culture, gender, age, geography, life experiences, income and education level.

3. Discuss how much, if at all, the plain meaning (created in part 1) differs from personal definitions (created in part 2).

4. To what extent do you think the current Supreme Court Justices are able to interpret amendments without inserting their own personal beliefs? Give a recent Supreme Court decision as an example.

5. Is judicial activism necessarily wrong?

An Integrated Curriculum For The Washington Post Newspaper In Education Program

Time to Bench ‘Judicial Activism’

By Peter Edelman

Wednesday, February 25, 2004; Page A25

President Bush, in calling for a constitutional amendment to ban gay marriage, has once again condemned activist judges in Massachusetts for ruling that the state's constitution requires recognition of same-sex marriages. “Judicial activism” is a ubiquitous epithet, especially at election time, but it’s time for both liberals and conservatives to enter into a disarmament agreement and give it up. It has become a cliche—a scare phrase for either side to hurl at the other in place of a substantive argument that a particular judicial decision is wrong on its merits.

From the 1950s until recently, such charges were mainly a staple of conservative rhetoric. Recall “Impeach Earl Warren” billboards and President Richard Nixon’s promise to appoint “strict constructionists.” But attacks on judicial overreaching are hardly the monopoly of one party. Franklin D. Roosevelt complained: “The Court has been acting not as a judicial body, but as a policy-making body. We must take action to save the Constitution from the Court.”

A succession of Warren Court landmark decisions made the judicial activism charge seem the property of one political camp. Signers of the Southern Manifesto condemned *Brown v. Board of Education* as “a clear abuse of judicial power.” Conservatives all over the country decried *Miranda* and other expansions of the rights of criminal suspects.

Beginning with President Nixon, the rhetoric and the reality diverged. The mantra of “judicial activism” stayed consistent enough from the conservative side. What confused things was the

substance. Presidents who campaigned against activist judges appointed 10 justices to the Supreme Court between 1969 and 1992, but it was “their” court that protected abortion and commercial speech, legitimated busing and affirmative action, restricted sex discrimination and aid to parochial schools, and even imposed a moratorium on capital punishment. Liberals, winning more than they expected to, kept quiet about judicial activism.

Over the past 15 years or so, the court has gotten more conservative. Liberals have found ammunition to turn the conservative mantra on its head, and the charges of judicial activism now flow in both directions. It is the liberals who point out that the current Supreme Court has struck down nearly 30 federal laws in the past decade, compared with fewer than 130 during the two centuries after the Constitution was ratified. It is liberals who now ask why the court does not defer to the political majority as expressed through legislative enactments. It is the liberals who now cry “activism” when the court strikes down laws establishing gun-free school zones, set-asides for minority contractors, state damages for discrimination based on age or disability, civil remedies for violence against women, and citizen suits under the Endangered Species Act. To many on the left, judicial activism will forever be defined by the court’s decision in *Bush v. Gore*.

Which brings us back to Massachusetts and President Bush.

Is it judicial activism for that state’s highest court to decide that the state constitution protects the rights of gay men and lesbians, or is it simply a decision with which President Bush disagrees? Bush did not use the rhetoric of judicial activism when the mainly conserva-

tive Rehnquist Court said last summer that state laws jailing gays for consensual sodomy are unconstitutional, even though he perhaps disagreed with the merits of the decision.

The Massachusetts court is sparking a national debate, just as occurred after *Brown*, but that debate, properly couched, is not about judicial activism. The issue is whether it is time to broaden the American dream once again by opening up the same basic opportunities to gay men and lesbians that had to be won—sometimes in the courts—by women, religious dissidents, racial minorities, disabled people and others without political clout.

Of course, in an election year, between flipping pancakes and kissing babies, politicians of all parties will find time to attack “activist” judges—meaning different things by the term. The work of courts certainly deserves substantive criticism. But it would improve public debate over the right way to read our Constitution if the politicians agreed to remove the charge of judicial activism from their campaign arsenals. It’s a tempting missile to lob at one’s opponent, but it confuses far more than it clarifies. All sides would do well to remember Judge Alfred Goodwin’s trenchant remark. “If the court makes a decision someone likes,” he said, “it’s applauded as ‘judicial statesmanship.’ If not, it’s called ‘judicial activism.’ ”

The writer is a law professor at Georgetown University and an adviser to Justice at Stake, a nonpartisan organization that promotes judicial independence. He served as an assistant secretary of health and human services during the Clinton administration.

An Integrated Curriculum For The Washington Post Newspaper In Education Program

Academic Content Standards

This lesson addresses academic content standards of Maryland, Virginia and the District of Columbia.

Maryland

Science

Environmental Science, Grade 7: Students will recognize and explain the impact of a changing human population on the use of natural resources and on environmental quality.

Social Studies

Political Science, Grade 2: Students will identify concerns in the community, such as safety issues and pollution problems and identify ways to resolve concerns.

Geography. Grade 2: Students will use geographic concepts and processes to understand location and its relationship to human activities.

Geography. Grade 4: Students will use geographic concepts and processes to examine the role of culture, technology, and the environment in the location and distribution of human activities and spatial connections throughout time. Explain how natural/physical features and human-made features affect how people live and work, and the population distribution of a region.

Geography. Grade 8: Analyze how and why people modify their natural environment and the impact of those modifications.

A complete list of State Content Standards of Maryland can be found at <http://www.mdck12.org/mspp/standards/>.

Virginia

Social Studies

Civics. The student will demonstrate knowledge of the judicial systems established by the Constitution of the United States by describing the exercise of judicial review.

World Geography. WG 12: The student will apply geography to interpret the past, understand the present, and plan for the future by

- a) using geographic knowledge, skills, and perspectives to analyze problems and make decisions;
- b) relating current events to the physical and human characteristics of places and regions.

Science

Earth Science. ES9: The student will investigate and understand how freshwater resources are influenced by geological processes and the activities of humans.

A complete list of Standards of Learning of Virginia can be found on the Web at <http://www.pen.k12.va.us/>.

Washington, D.C.

Social Studies

Religious, Ethical, and Philosophical Forces in History. The student demonstrates an understanding of people, events, problems and ideas that were significant in creating the history of Washington, D.C.

World Geography

The World in Spatial Terms. Grade 4: The student compares urban and rural environments.

Physical Systems. Grade 4: The student investigates future impact of natural and man-made changes on the physical, economic, environmental and cultural systems. Grade 7: The student locates places and natural features by interpreting and constructing maps.

Human Systems. Grade 9: The student evaluates how people interact with the environment to obtain a variety of resources that meet their needs and wants.

A complete list of Standards for Teaching and Learning of the District of Columbia Public Schools can be found at <http://www.k12.dc.us>.