



**November/December 2009**

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**ILLINOIS STATE  
BAR ASSOCIATION**

# LAW-RELATED EDUCATION

*The Newsletter of the ISBA's Committee on Law-Related Education*

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*Statements, expressions of opinion or comments appearing herein are those of the editors or contributors, and not necessarily those of the Association or the Committee.*

Our LRE Newsletters are going to be emphasizing Abraham Lincoln in the coming editions to help teachers prepare for and enjoy celebrations of the 200<sup>th</sup> anniversary of his birth. All editions are archived at <http://www.isba.org/Sections/lrenewshome.html>

**In this Newsletter:**

**2010 ISBA Mock Trial Information**  
**Welcome Constitutional Rights Foundation Chicago**  
**Sad News For Mock Trials – Justice Gene Franchini**  
**Heritage, legend, rumors and myths about Lincoln**  
**Lincoln's first partnership has 180-year history**  
**ABA Resources for Teachers**  
**Law Day 2010 Theme Announced**  
**Lawyers in Classrooms Program**  
**Abraham Lincoln and Rt. 66**  
**Lincoln Celebrations Continue...**  
**Civility in Classrooms and Society**  
**ISBA LRE Committee Member Roster**

*In times like the present, men should utter nothing for which they would not willingly be responsible through time and eternity. A. Lincoln*



**2010 Illinois State Bar Association High School  
Mock Trial Invitational Information**

First, we'd like to welcome the Constitutional Rights Foundation Chicago (CRFC) as an official co-sponsor of the ISBA's annual High School Mock Trial Invitational. CRFC and ISBA have a long-standing cooperative relationship in law-related education matters, with ISBA and Illinois LEARN providing grant funding for some CRFC programs.

The Constitutional Rights Foundation Chicago (CRFC) works with elementary and secondary schools to develop critical thinking skills, civic participation, and commitment to the rule of law among young people. Nonprofit and nonpartisan, CRFC is a national leader in the design and implementation of quality law-related education programs for local, national, and international projects. CRFC was founded in 1974 as part of the Constitutional Rights Foundation in Los Angeles and became an independent 501(c)(3) organization in 1990. CRFC reaches out to our youngest citizens-elementary and high school students-by providing:

**Student Programs:** Students from diverse backgrounds are provided with opportunities to learn first-hand about legal and political issues.

**Teacher Training:** Teachers learn in-depth content about the American legal and governmental system, as well ways to incorporate interactive methods such as mock trials, Socratic discussions, case studies, and role-plays into their classrooms.

**Resource Experts in the Classroom:** Lawyers, judges, police officers, and other public officials are recruited and prepared to work with teachers and students.

**Innovative Curricula:** Designed for use in government, Constitution, civics, and other social studies classes, CRFC curricula give students background on our legal and political system and challenge them to apply this knowledge through case studies, mock trials, discussions, and other interactive means.

Another very welcome co-sponsor of the 2010 Illinois State Bar Association High School Mock Trial Invitational is the Illinois Judges Association [www.ija.org](http://www.ija.org)

The Judges Association's Seven Reasons to Leave the Party program inspired the case this year. The ISBA's Law-Related Education Committee felt it was important to draw attention to this initiative that has impacted many high school students across Illinois.

From the IJA Website:

"7 Reasons to Leave the Party" is a 50-minute, award-winning program directed to teenagers with the goal to alter their perception about what's "cool" and ultimately save young lives. Conducted for several years in the 8th judicial circuit by Hon. Mark Drummond, of Quincy, the presentation shakes teenagers to their very core. The Illinois Judges Association (IJA), working with numerous members who have received training



to deliver the program voluntarily, presents the program statewide, informing students about the legal and personal consequences of drinking and driving, taking drugs and having sex.

At the beginning, a hip-hop music track sets the tone of a typical teenage party. There is something unlawful going on in each room of the house. The presenter walks the teens through each room, and by using examples from actual court cases, gives them 7 reasons to leave that party.

Students are given a blank "contract" containing a pledge not to drink alcohol, not to drive with someone who has been drinking, and to promise that if they are at a place where they feel uncomfortable or unsafe, they will call the parent or guardian for a ride home, no questions asked. Both the teen and the parent or guardian are encouraged to sign the contract. The first 5 percent of teens at each school where the presentation takes place, who present a signed contract to their driver's education teacher or other school official, will receive a key chain flashlight, courtesy of the IJA – and more importantly, gain a new respect for the importance of lawful conduct and the role that the judicial system plays in it.

By the time these "party-goers" hit the courthouse, it is too late. The "7 Reasons" program is the judges' attempt at preventative law. It concedes that the people who have the most influence on teens are not judges but their peers. The goal is to give the majority who do not drink or do drugs the inspiration they need to convince their peers not to go down this road, thereby saving their friends from having a criminal record, losing their driver's license or even saving their friend's life. The presentation is blunt, visual and interactive.

### **WELCOME CRFC and IJA!!!**

The 2010 ISBA High School Mock Trial case materials involve a traffic accident between two teenage drivers.

The fact scenario: Fictional Mary Lincoln High School offers the very real and extremely popular Illinois Judges Association program, *Seven Reasons To Leave The Party* and the entire school population attends. On a weekend following the school program, some students are invited to a party at the home of a high school student and are assured the parents will be home. The party is going to be a simple "movie night." When guests arrive, they realize the parents are not at home and there is evidence of alcohol being present, brought by guests in coolers.

Some of the students who attend the parentless party are members of the high school swim team, specifically Logan Lovell and Pat Sainsbury. Mary Lincoln High School, like many real high schools, has a zero tolerance policy regarding drugs, drinking, smoking and curfew violations, especially for those on school athletic or scholastic teams. Once the swim team student Logan Lovell sees the alcohol come out of a cooler brought to the party by an upper-classman, he/she leaves, taking two other students along.



Later that evening, a traffic accident occurs involving Lovell and Sainsbury. Lovell sustains injuries. All others are shaken up, but uninjured. After calling an ambulance to the scene, police officers ask all the uninjured students to undergo breathalyzer tests, including the passengers. Both drivers blows alcohol levels under the legal limit for those above 21, but the legal limit for those under 21 is zero.

Lovell has filed suit against Sainsbury alleging that he/she was driving under the influence, was careless, failed to control his/her vehicle, was tailgating, caused a hazard by driving while using a cell phone, and caused permanent physical harm as well as pain and suffering, including possible loss of college swimming scholarship.

To read the case materials, please visit the Illinois State Bar Association's Law-Related Education website, <http://www.isba.org/teachers/index.html>, and look for "high school mock trial information."

The ISBA's mock trial program this year will utilize a regional trial format with only regional first and second place teams eligible to attend the final trials in Springfield on Saturday, March 13, at the University of Illinois at Springfield. New Rules governing the program are available on-line at <http://www.isba.org/teachers/mocktrial/index.html>

### **Sad News for High School Mock Trial Programs Everywhere**

We received the sad news on November 5 that the former Chief Justice of the New Mexico Supreme Court, Gene Franchini, passed away while speaking to first year law students at the University of New Mexico. Justice Franchini was fondly referred to as the Godfather of the New Mexico Mock Trial Program due to his 20 years of service to that program. He also did much to enhance the National High School Mock Trial Championships, attending regularly and serving as a presiding judge and host when the Nationals were held in New Mexico in 1998.

Justice Franchini served on the New Mexico Supreme Court from 1990 to 2002. He will most certainly be remembered by mock trial teams who went to Nationals as a tremendous supporter of the program and a man who made a huge impact on students and volunteers alike.

He will be sorely missed. We extend our deepest sympathies to his wife, Glynnie, who was also such a familiar face at the National Mock Trials, and to his family.

### **Heritage, legend, rumors and myths about Lincoln**

Lincoln received many letters of congratulations on his reelection in 1864. One read, "We congratulate you on your reelection by the American people. If resistance to slave power was the watchword of your first election in 1860, the triumphal war cry of your re-election is death to slavery." The letter was signed by Karl Marx, author of *Das Kapital*.

Lincoln's image and lasting legacy are captured in some of the quotes below:



- *His capacity for illustrating either wit or argument, whether upon a trial in court or in our social gatherings, always distinguished him from other men. His very presence was a joy to all. Special Address: Recollections of the Illinois Bench and Bar, John Dean Caton, Delivered before the Illinois State Bar Association at Springfield, January 24, 1893*
- *I saw Lincoln there, and sitting alone, unanimated, his face was about the saddest I ever looked upon. The melancholy seemed to roll from his shoulders and drip from the ends of his fingers. When a lawyer would step up to him and rouse him, instantly his whole countenance would change in appearance. He had sort of a changeable or flexible face and you would hardly know it was the same man. Remarks by the Honorable Joseph W. Fifer. Illinois State Bar Association Annual Banquet, Illinois Hotel, Bloomington, Thursday, May 29, 1930.*
- *In manner he was always cordial and frank, and although not without dignity, he made every person feel quite at his ease. I think the first impression a stranger would get of him, whether in conversation or by hearing him speak, was, that this is a kind, frank, sincere, genuine man; of transparent truthfulness and integrity; and before Lincoln had uttered many words, he would be impressed with his clear good sense, his remarkably simple, homely, but expressive Saxon language, and next by his wonderful wit and humor. "Reminiscences of the Illinois Bar, forty years ago: Lincoln and Douglas as Orators and Lawyers." Read before the Illinois State Bar Association, at Springfield, January 7<sup>th</sup>, 1881, by Hon. Isaac N. Arnold.*
- *Lincoln was angular and raw-boned, his limbs long. He was gaunt of body, his neck long, his cheek-bones high, his features irregular, his arching eye-brows overshadowing. He was regarded as a very homely man, but upon occasions when he arose to the full apprehension of a subject in which he was interested all the rugged inequalities of his frame and features combined to make his appearance majestic and even sublime. ISBA Proceedings, 1907. Special Address: The Lincoln - Douglas Debates, Hon. Clark E. Carr, Of Galesburg*
- *Lincoln firmly believed that the human mind is best swayed by rational arguments based on information gathered by questions and answers. No matter how complex the issue might be, he always succeeded in disentangling it. Simplicity was probably his strongest point, and his illustrations were often quaint and homely, but always clear and apt, and generally conclusive. As he himself once put it, he never tried "to shoot over the heads of his audience." Lincoln's Ability As A Lawyer, by Anton-Hermann Chroust. Illinois State Bar Association, 53:512 Illinois Bar Journal, February 1965*
- *On August 28, 1963 Martin Luther King, Jr. began his 'I Have a Dream' Speech with these words: "Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity."*



## Lincoln's first partnership has 180-year history

By K. Stephen Anderson

Abraham Lincoln's first law partnership in Springfield lasted only four years, but traces of the firm have endured for 180 years. It has been known as Brown, Hay & Stephens since 1921.

The firm's genesis occurred Oct. 25, 1828, when John Todd Stuart arrived in Sangamon County. He had studied law in Kentucky and was licensed to practice there in 1827. As related in "One Hundred Fifty Years of Law," published in 1978 by Brown, Hay & Stephens, John Stuart had six cases on the docket of the circuit court when it convened on April 27, 1829. Two were dismissed, and four were held over for the fall term. Stuart practiced solo for five years before joining Henry E. Dummer in an 1833 partnership that lasted until April 12, 1837. On that day, establishment of the practice of "J. T. Stuart and A. Lincoln" was announced in the *Sangamo Journal*.

Stuart and Lincoln had been elected in 1834 to the state legislature, and they became close friends during the winter session in Vandalia. Stuart took Lincoln in as a junior partner soon after he was admitted on March 1, 1837. It wasn't long before Lincoln was handling the business side of the practice. Stuart became a congressman in 1838, defeating Stephen A. Douglas by 36 votes, and he left for Washington in 1839.

After the number of Illinois circuits increased from five to nine, Sangamon County became part of the new 8th Circuit in 1839. Lincoln started riding the circuit, and on Dec. 3, 1839, was admitted to practice in the federal courts.

With Stuart preoccupied in politics, and Lincoln handling the law practice while maintaining a troublesome relationship with Mary Todd, it seemed inevitable that the partnership would not last. In fact, Lincoln wrote to Stuart that he preferred to work with Stephen T. Logan. So on April 14, 1841, the partnership was dissolved after four years and two days, and Lincoln became a partner with Logan.

*Balancing life and law* - While concentrating on successful development of his professional career, Lincoln was plagued by contrary situations in his personal life that are described in Dale Carnegie's 1932 book, "The Unknown Lincoln."

Ann Rutledge, his first love, had died in August 1835. Lincoln, distraught and potentially suicidal, walked five miles each day to her grave, weeping and mumbling incoherently. He was still grieving two years later when, in the state legislature, he told a colleague that he was so depressed he was afraid to carry a pocket knife. Today, such a melancholy man might not pass character and fitness for admission to the bar, but that was the Lincoln who became a practicing attorney in Springfield in 1837.

He met Mary Todd in 1839, and so did Stephen Douglas. Both men courted her, but she became determined to marry Lincoln. She believed he was the best prospect to become president – apparently her main criterion. They became engaged in mid-1840 and set a wedding date of Jan.





1, 1841. In that interim, however, Mary became so critical of her future husband's crude appearance and shoddy apparel that she nagged him continuously. Lincoln began to see himself and his betrothed as complete opposites and unfit for each other. He became more depressed each day as the scheduled marriage approached. By 7 p.m. on New Year's Day, guests were assembled in the Ninian Edwards mansion. The minister and bride were ready for ritual. But Lincoln was not there. By midnight, friends were searching for him. They found him at daybreak in his office, once again incoherent and suicidal. The Todds thought he was insane. Colleagues kept watch over him, and a doctor urged him to begin attending sessions of the legislature.

Lincoln made a few short appearances before being secluded in the home of Joshua Speed's mother. On Jan. 19, his "illness" was announced to the Illinois House by John J. Hardin. Lincoln recovered gradually and although determined never to marry Mary Todd, he proposed to her again on Nov. 4, 1842 – her 24th birthday. They married that evening.

*Stuart firm evolves* - After Abraham Lincoln's departure; John Stuart practiced solo from 1841 to 1843. Benjamin E. Edwards joined him then, and stayed as a partner until 1886. Christopher Columbus Brown became the first Brown in the firm in 1860 and remained until 1904. The partnership of Stuart, Edwards & Brown came to an abrupt end in its 25th year. John Stuart died Nov. 28, 1885. Benjamin Edwards, who at the time was president of the Illinois State Bar Association, died Feb. 4, 1886.

Christopher Brown's son, Stuart, joined him in 1886, as did William J. Allen, changing the partnership briefly to Allen, Brown & Brown. But Allen became a federal judge after the death of Samuel H. Treat.

The next partner was Samuel P. Wheeler, and Brown, Wheeler & Brown practiced together for 10 years. Wheeler was ISBA president in 1893. In 1897, the firm became Brown, Wheeler, Brown & Hay.

The arrival of Logan Hay created an irony. He was the grandson of Stephen Logan, the second law partner of Abraham Lincoln after he left John Stuart in April 1841. Hay also was a brother-in-law of Stuart Brown. During his 45 years with the firm, he was ISBA president in 1920-21.

The subsequent sequence of firm names was Wheeler, Brown & Hay (1904); Brown & Hay (1906); Brown, Hay & Hand (1912); Brown, Hay & Creighton (1914), and finally, Brown, Hay & Stephens (1921). The name partners at various intervals included Fred H. Hand, John T. Creighton and R. Allan Stephens.

Stephens hailed from Danville. He became interested in the state bar association, chaired its membership committee and edited its quarterly bulletin. When John F. Voight of Mattoon resigned as ISBA secretary in 1916, Stephens replaced him, and the ISBA headquarters relocated to Danville. Stephens came to Springfield in 1918 as appointed secretary of the new Illinois Public Utilities Commission. When Logan Hay completed his term as ISBA president in 1921, he invited Stephens to become a partner in the law firm.



A son, Robert A. Stephens Jr., joined the firm in 1931, became a partner, and practiced until his death in 1976. Two of his sons became partners, as did a great-grandson of John Stuart.

Stuart Brown died in 1924. Hay and Stephens died within two months of each other in 1942. But the name of their firm, in which Abraham Lincoln was a partner 167 years ago, has not changed in 87 years.

*The legitimate object of government, is to do for a community of people, whatever they need to have done, but can not do, at all, or can not, so well do, for themselves -- in their separate, and individual capacities. A. Lincoln*





## ABA Resources for Teachers:



The American Bar Association has a mock trial based on the popular Dr. Seuss book *Yertle the Turtle*! Visit [http://www.abanet.org/publiced/lawday/schools/lessons/46\\_dueprocess\\_yertle.html](http://www.abanet.org/publiced/lawday/schools/lessons/46_dueprocess_yertle.html) and find out how Sadie, a young turtle, battles Yertle in court. Appropriate for grades 4-6.

## Law Day 2010 Theme Announced

Attention all Law Day Planners! The 2010 Law Day theme has been selected. Please be sure to visit [www.lawday.org](http://www.lawday.org) in the coming months for more details on the theme, as well as downloadable artwork, lesson plans, resources, the *Dialogue*, and more.

The 2010 Law Day Theme is - **Law in the 21st Century: Emerging Challenges and Enduring Traditions.**

The American Bar Association's Law Day Announcement stated:

As we begin the second decade of the twenty-first century, the law is changing dramatically as it seeks to shape and adapt to new conditions. Economic markets are becoming global, transactions require cultural adaptation and understanding, populations are more mobile, and communication technologies such as the Internet bridge distances and time zones to form new communities around the world. In such a world, all of us must renew our commitment to the enduring principles of law, become knowledgeable about other legal systems, recognize the need to adapt our practices, and acquire new cultural understandings. In a global era, matters such as human rights, criminal justice, intellectual property, business transactions, dispute resolution, human migration, and environmental regulation become not just international issues - between nations - but shared concerns. Law Day 2010 provides us with an opportunity to understand and appreciate the emerging challenges and enduring traditions of law in the 21st century.

## Illinois State Bar Association Lawyers in Classrooms Program

Teachers, don't forget that ISBA member lawyers are signing up as volunteers to help you in your classroom presentations. The volunteers are listed on the ISBA's Website at <http://www.isba.org/lawyersinclassrooms/> There are numerous topics from which to choose, or feel free to find a lawyer in your area, contact him or her, and discuss other options that might benefit your class.

There are lawyers waiting to hear from you!



## ISBA Lawyers in Classrooms – Lawyer Sign up Form

This informal program will provide ways for Illinois teachers to search an ISBA volunteer database to find lawyers in their areas who are willing to speak on specific subjects. The list will be available on our law-related education website, <http://www.isba.org/Sections/lawrelated.asp>, as an on-going resource for teachers.

Mr./Ms./Mrs \_\_\_\_\_ (full name)  
Address: \_\_\_\_\_  
City: \_\_\_\_\_  
County: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Office Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### I am willing to speak

\_\_\_\_\_ In my neighborhood  
\_\_\_\_\_ In my city  
\_\_\_\_\_ In neighboring counties  
\_\_\_\_\_ In my county  
\_\_\_\_\_ Statewide

### Please select all that apply. I'm willing and able to volunteer to speak on the following topics:

- \_\_\_ Abraham Lincoln and other famous lawyers in Illinois (grade school)
- \_\_\_ Alternative Dispute Resolution – reaching consensus and problem solving
- \_\_\_ Becoming a Lawyer (junior high and high school levels)
- \_\_\_ Careers in the law (high school level)
- \_\_\_ Constitution/Bill of Rights issues (junior high and high school levels)
- \_\_\_ Consumer issues/Contracts and responsibility (high school level)
- \_\_\_ Current events: law-related issues in the news
- \_\_\_ Diversity – the law is on your side (middle and high school)
- \_\_\_ Drugs, Guns and Safety issues in schools (junior high and high school levels)
- \_\_\_ Employment issues (high school level)
- \_\_\_ Environmental issues – how to “green” your classroom
- \_\_\_ Establishing good credit...and keeping it (high school)
- \_\_\_ Fairy Tales and the Law (using mock trial fairy tales to teach about the law (grade school)
- \_\_\_ Famous trials
- \_\_\_ First amendment as it relates to schools and students
- \_\_\_ Fourth amendment as it relates to schools and students
- \_\_\_ How real are lawyers on TV and Film? (high school)
- \_\_\_ Marriage and family law (high school level)
- \_\_\_ Mock trials – I'd be available to meet with a mock trial team to help fine-tune their presentations
- \_\_\_ Planning a class courtroom visit – able to assist with plans and attend
- \_\_\_ So what if I'm arrested? What's the worst that can happen? (middle and high school)
- \_\_\_ The Adversarial System/steps in the trial process
- \_\_\_ The Court System and its role in government (middle and high school)
- \_\_\_ The importance of Rules and Authority (grade school)
- \_\_\_ The Law School Experience (high school and college)
- \_\_\_ Traffic Laws and Courts (high school level)
- \_\_\_ Working your way through college (high school)
- \_\_\_ Others \_\_\_\_\_

**Please return completed form to: Donna Schechter, Illinois State Bar Association,  
424 South Second Street, Springfield, Illinois 62701 or fax it to 217.525-9063.**



## Abraham Lincoln and Rt. 66

Historic Route 66, which starts/ends in Chicago, **Illinois**, has numerous Lincoln connections, and not only in Illinois. Rt. 66 crosses three time zones and eight states: Illinois, Missouri, Kansas, Oklahoma, Texas, New Mexico, Arizona and California. If you start in Chicago and drive west, you'll pass through the cities of Lincoln and Springfield, Illinois where Lincoln had numerous connections.

Passing into **Missouri**, you'll drive near the courthouse where the Dred Scott trial was held in St. Louis. Read about the case at <http://www.historyplace.com/lincoln/dred.htm> Also in St. Louis is U.S. Grant's home.

**Kansas** has Lincoln connections because of the Kansas/Nebraska Act that led to the series of debates with Stephen Douglas.

**Oklahoma** pays tribute to President Abraham Lincoln as he is remembered as the President who led a nation divided by Civil War, but while in office President Lincoln contributed in several ways to the settlement of the west. In May of 1862, he signed the Homestead Act, which permitted more than a million families to take ownership of western farmland. In July of 1862, he also signed the College Land Grand Act, which allowed the establishment of colleges in the frontier west. In 1862 and 1864 President Lincoln used his influence to pass the Railroad Land Grants, which laid the groundwork for the transcontinental railroad that hastened the settlement of the western frontier.

As a result of these significant contributions leading to the settlement of the west, President Lincoln is honored with this statue, at the National Cowboy Hall of Fame and Western Heritage Museum Oklahoma City, Oklahoma. The statue was created by renowned artist James Earl Fraser, which portrayal Lincoln sitting on a stone on a hill overlooking Washington, and gazing down on the troubled capitol of the Union, his shoulders revealing the burden of his office. Fraser also created one of the most famous pieces of Western Art, the "End of the Trail" statue. The plaster model of which stands in the museum's entrance. Source/Credit: The National Cowboy Hall of Fame and Western Heritage Museum.

<http://www.waymarking.com/waymarks/WMWJV>

**Texas**...If you *Google* "Abraham Lincoln +Texas, you'll find some interesting connections between the state and Lincoln. Take, for instance, Weatherford, Texas, just west of Fort Worth. This community has a rich history of folklore including a belief that Lincoln faked his own death and moved to Texas to escape politics and his wife. Read about the legend and see a picture of Alexander (Billy Bob) Hamilton taken in the Spring of 1869. See the uncanny resemblance to Lincoln! [http://www.geocities.com/waylon\\_halen/](http://www.geocities.com/waylon_halen/)

Recently, Texas Governor Rick Perry has, through his comments about his state seceding from the Union, given Texas another Link to Lincoln. Lincoln said in his first Inaugural speech:

Descending from these general principles, we find the proposition that, in legal contemplation, the Union is perpetual, confirmed by the history of the Union itself. The



Union is much older than the Constitution. It was formed in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And finally, in 1787, one of the declared objects for ordaining and establishing the Constitution, was “to form a more perfect Union.” But if [the] destruction of the Union, by one, or by a part only, of the States, be lawfully possible, the Union is less perfect than before the Constitution, having lost the vital element of perpetuity.

It follows from these views that no State, upon its own mere motion, can lawfully get out of the Union, — that resolves and ordinances to that effect are legally void, and that acts of violence, within any State or States, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances.

**New Mexico**’s Governor, Bill Richardson, offered a speech on Lincoln’s connections to New Mexico to commemorate the 200<sup>th</sup> anniversary of Lincoln’s birth.

As the Governor of New Mexico, I am honored to recognize the bicentennial of the birth of Abraham Lincoln. New Mexico was in its last year as part of the Spanish Empire on February 12, 1809, when Lincoln was born.

During his life, following Mexico's War of Independence in 1810-1821, New Mexico became part of the Mexican Republic and following the Mexican American War in 1846-1848, became a territory of the United States in 1851.

Lincoln's political appointments in New Mexico were unlike the policy employed in the eight other western territories; balancing strategic positioning and courageous leadership, Lincoln appointed both residents and Democrats in the territory. New Mexico's 1862 Battle of Glorieta Pass, characterized as the "Gettysburg of the West", was fought, marking the end of the Confederacy's southwest aspirations.

President Lincoln is best known in New Mexico for the "Lincoln Canes", which were presented in 1864 to the 19 Pueblo Indian Governors. Drawing from a tradition implemented by the Spanish and Mexican governments, the ebony canes were capped with a silver crown inscribed with "A. Lincoln" were given in recognition of the Pueblos' newly received land patents and sovereignty. These canes have ever since been passed down as the symbols of the authority of the office of the Pueblo governor. Lincoln's leadership in the Civil War era, coming as it did so soon after American sovereignty over New Mexico, made the then-fledgling Republican Party a strong force in early New Mexico politics.

Lincoln's name was also memorialized in New Mexico when Lincoln County was established in 1869 and subsequently gave its name to the infamous Lincoln County War. It is, therefore, with pride and a sense of shared history that New Mexico joins in commemorating the birth of this monumental figure in American history.



--Governor Bill Richardson <http://www.nmlincoln200.org/governor.html>

**Arizona** – To commemorate the Bicentennial of Lincoln’s birth, the Arizona Department of Education offered the following information:

Abraham Lincoln has a connection to Arizona in that he was the president who signed the Organic Act creating the Arizona Territory in 1863. As President, he also appointed the first Arizona Territorial governor and other territorial officials. An inkstand, made by the Tiffany Company out of 400 ounces of pure silver from the Santa Rita Mountains south of Tucson, was presented to President Lincoln in March 1865 by Charles Poston. It was presented in gratitude for Lincoln’s friendship to the cause of making Arizona a separate territory from New Mexico. According to historian Jay Wagoner, Charles Poston designed the inkstand, wanting to dramatize Lincoln’s signing of the Organic Act. In the center of the stand was a miniature capitol dome that covered the inkwell itself. On one end was an Indian woman and on the other a frontiersman with his rifle. Abraham Lincoln’s name was inscribed on one side of the case and the other side read “From Charles D. Poston, Arizona—1865.” The inkstand was donated to the Library of Congress by Robert Todd Lincoln’s daughter, Mrs. Charles Isham, in 1937.

Charles Poston, known as the “father of Arizona” for his contributions to it is establishment as a separate territory, greatly admired Lincoln. Lincoln and Poston were born in the same section of Kentucky and Poston had a Kentucky connection to Lincoln through his father-in-law, Samuel Haycraft, who knew Lincoln’s father in Elizabethtown, Kentucky. <http://www.ade.state.az.us/sa/sdi/AbrahamLincolnBicentennial.pdf>

**California** – Before his death in 1865, Lincoln had told many people of his desire to travel to see California. One of his last conversations before he left for Ford’s Theater on the night of his assassination was with House Speaker Schuyler Colfax, who was himself about to depart for California. The two leaders discussed Colfax’s trip, prompting Mr. Lincoln to say in farewell: “Don’t forget, Colfax, tell those miners that that is my speech to them, which I send by you. Let me hear from you on the road, and I will telegraph you at San Francisco. Pleasant journey and good bye.” Read more about Lincoln’s California friends and connections at <http://www.abrahamlincolnsclassroom.org/Library/newsletter.asp?ID=48&CRLI=128>

- Teaching Opportunity - For more Rt. 66 connections to Lincoln, ask your students to do independent Internet searches using “Abraham Lincoln” and the state name, or Rt. 66. Post photos in your classroom of cites found by your students.

*Upon the subject of education, not presuming to dictate any plan or system respecting it, I can only say that I view it as the most important subject which we as a people can be engaged in. A. Lincoln*



## Lincoln Celebrations Continue...

The 200<sup>th</sup> Anniversary of the birth of Abraham Lincoln has filled classrooms and communities, newsletters and lesson plans for the past year. You may be glad to hear that the celebrations will continue into 2010 and beyond. 2010 will be the 150<sup>th</sup> anniversary of Lincoln's election to the presidency, and 2011 will witness the 150<sup>th</sup> anniversary of the outbreak of the Civil War. In 2015 there will be commemorations and remembrances as we witness the 150<sup>th</sup> anniversary of Lincoln's assassination and burial in Springfield, Illinois. All these offer opportunities for learning!

Elections from early in our country's history through the most recent can offer lessons in our perceptions of who should be qualified to serve. Comparisons in political cartoons, for instance, can show that the media played just as large a role in Lincoln's day as it does now, even without the impact of the Internet, radio and television.

- Learning Opportunity: Create a "Lincoln Log" or file. Throughout the year, ask students to watch the newspapers for stories about Lincoln, his election and/or the civil war. Maintain a file in the classroom of articles that can be made available to all for research ideas. Include any on-line resources students find as well. Students should be sure to document sources and include the name of the newspaper, the date of publication, or the website where the information was obtained. File by topic and by date. Teach organizational skills while learning about Lincoln and history.
- Learning Opportunity: Could the United States ever experience another civil war? May a state or states secede from the union legally? Are there provisions in the Constitution that cover this issue? What would the consequences be for a state that may choose to secede? [http://en.wikipedia.org/wiki/Secession\\_in\\_the\\_United\\_States](http://en.wikipedia.org/wiki/Secession_in_the_United_States)

*...my opinion is that no state can, in any way lawfully, get out of the Union, without the consent of the others; and that it is the duty of the President, and other government functionaries to run the machine as it is. A. Lincoln*

- Learning Opportunity: Ask students to search the Internet to find political cartoons depicting Abraham Lincoln. Then ask them to search for political cartoons depicting Barack Obama. They may find cartoons that combine the two presidents into one cartoon. Ask them to determine if the political cartoon supported the President or was expressing disagreement or disdain. Was the president characterized in a positive light or negative? Was the cartoon easy to understand? Ask students to write a brief paragraph on what they think each of the political cartoons they found (one for Lincoln and one for Obama, and possibly one joint cartoon) meant, and provide some background on the topic.
- Learning Opportunity: Ask students to list the U.S. Presidents who have been assassinated. (There have been four: Garfield, McKinley, Lincoln, and Kennedy). What happened to the assassins? How were they captured? Were there witnesses? Did the assassins confess? Did they have trials?





- Two additional presidents were physically harmed by would-be assassins. Who were they? Were their attackers captured? Were there witnesses? Were there confessions? Did they have trials? (T. Roosevelt and R. Reagan were the two presidents who were harmed in assassination attempts).
- Two presidential deaths have been rumored to be assassinations (Z. Taylor and W. Harding). What happened to them?
- And, there have been numerous attempts on Presidents that didn't result in death or harm: *Wikipedia* lists them; Andrew Jackson, Franklin Roosevelt, Harry Truman, Richard Nixon, Gerald Ford, Jimmy Carter, George H.W. Bush, Bill Clinton and George W. Bush. Ask students to research on-line and report on who the attackers were and what happened. *Wikipedia* is a good place to start researching.  
[http://en.wikipedia.org/wiki/List\\_of\\_United\\_States\\_presidential\\_assassination\\_attempts\\_and\\_plots](http://en.wikipedia.org/wiki/List_of_United_States_presidential_assassination_attempts_and_plots)

<b>Civility in Classrooms and Society</b>
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A recent CNN on-line poll (September 15, 2009) asked “Is society in general becoming less civil?” 90% of respondents said “yes.” (Though not a scientific poll, the results were thought provoking.) Can anything be done to improve this?

That got us thinking. The legal profession has rules that govern the conduct of lawyers. The Illinois Supreme Court ensures the quality of legal services in Illinois as well as promoting civility among lawyers within the profession and with their clients through these rules. The Court requires Illinois lawyers to take a minimum number of hours of continuing legal education, and there is a permanent Supreme Court Commission on Professionalism. Illinois is one of only 13 states with a permanent commission to promote awareness of professionalism by all members of the Illinois bar and bench.

Should other professions have civility rules or codes? Which ones? Why?

Actors/celebrities?

Clergy?

Construction workers, plumbers and electricians?

Elected Public officials? Anyone working for the government?

Medical professionals like: doctors, dentists, pharmacists, chiropractors, veterinarians?

Military?

News and media personnel? Reporters and editors? Print and broadcast?

People in Sports? Players, owners, broadcasters?

Police, fire and rescue personnel?

Students?

Teachers and other school personnel?

Can a code of conduct limit a person's free expression of ideas?

A number of historical figures have felt civility to be important:





*President George Washington* copied 110 Rules of Civility and carried his handwritten list with him throughout his life. The language is antiquated and it might be fun to ask students to translate to modern English! Review Washington's Civility Rules at *Wikipedia*: [http://en.wikipedia.org/wiki/Rules\\_of\\_Civility\\_and\\_Decent\\_Behaviour\\_In\\_Company\\_and\\_Conversation](http://en.wikipedia.org/wiki/Rules_of_Civility_and_Decent_Behaviour_In_Company_and_Conversation)

*Sir Winston Churchill* said, "If the human race wishes to have a prolonged and indefinite period of material prosperity, they have only got to behave in a peaceful and helpful way toward one another."

*President John F. Kennedy* said, "So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof."

"Be civil to all, sociable to many, familiar with few, friend to one, enemy to none." *Ben Franklin*

"Whilst thou livest, keep a good tongue in thy head." *William Shakespeare*

"If a man be gracious and courteous to strangers, it shows he is a citizen of the world." *Francis Bacon*

"Life is not so short that there is always time enough for courtesy." *Ralph Waldo Emerson*

"Be the change that you want to see in the world." *Mohandas Gandhi*

"Life's most persistent and urgent question is, 'What are you doing for others?'" *Martin Luther King*

"Be kind whenever possible. It is always possible." *Dalai Lama*

"Better than a thousand hollow words, is one word that brings peace." *Buddha*

"Remember upon the conduct of each depends the fate of all." *Alexander the Great*

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations." *Abraham Lincoln's* second inaugural speech.

Does your classroom have a civility code? Does your school? If there are no codes in place, consider developing one for the classroom or school, especially if this action leads to discussions on behavior, principles and the importance of rules.



If there isn't a school civility code, and you and your class would like to open discussions, invite a lawyer, the mayor or a city government representative, or a police officer to your class to discuss civility within the community as a whole, and how a school code may help.

Questions you can put to the classroom guests, or in preliminary discussions, might include:

- Do you think our class/school/community would benefit from having a civility code? Why or why not?
- What should the code include? Make it big and comprehensive like Washington's 110 Rules, or brief? (Confederate General Robert E. Lee synopsis'd all of Washington's Rules into just one, "Every student must be a gentleman." Lee was, at the time, the President of Washington College, a boys' school in Virginia.)
- Ask if a code would be advisory or enforceable under current school rules.
- Who should report infractions? Teachers? Students? Parents? Anyone?
- Should there be an opportunity to explain or rebut allegations of incivility?
- Must there be more than one witness?
- Who should be in charge of enforcing?
- Would there be penalties for infractions? If so, what would an appropriate penalty be?
- How could you publicize the effort?
- Should awards or some type of recognition be given for outstanding civility efforts?
- Should names of those accused of incivility be publicized to the student body, or are there confidentiality issues that need to be addressed?

An alternative activity would be to ask students to undertake research on one of the historical figures listed above who had at least one comment attributed to them regarding civility. Ask them to write a one page report on the individual of their choice. You may also wish to add to the list of quotes by finding additional public figures who have spoken about civility. Post quotes around the classroom.

*Let us at all times remember that all American citizens are brothers of a common country, and should dwell together in the bonds of fraternal feeling. A. Lincoln*

#### ABA Isidore Starr Award for Excellence in Law-Related Education

During the ABA's October LRE conference held in Chicago, the Isidore Starr Award for Excellence in Law-Related Education was presented to an outstanding servant and advocate from the field. Isidore Starr, "Izzy" to those that know him, is professor emeritus, Queens College, New York, and is considered to be the "Father of LRE." Read more about Professor Starr and the award that bears his name: <http://www.abapubliceducation.org/publiced/00starr.html>

This year, the Illinois State Bar Association and its Standing Committee on Law-Related Education for the Public nominated Professor Frank Kopecky, a long-standing member of the Committee, for the award.



Frank is a founding member of the Illinois State Bar Association's (ISBA) Law-Related Education Committee; has served as ISBA's LRE Newsletter editor for over 25 years; has coordinated countless articles and lesson plans for the newsletter; has crafted or edited countless ISBA mock trial cases and helped gather supporting materials and recruited volunteers to support this annual effort. In addition, Frank co-authored "Understanding the Illinois Constitution" a tool for teaching Illinois middle school students constitutional law. This publication is currently being updated by Frank and is available free-of-charge on the ISBA Website.

<http://www.isba.org/teachers/publications/constbook.pdf>

Frank's contributions to the Illinois LRE community are many, but he is also a dedicated member of the legal community's juvenile justice and child law communities. Never does a spring legislative session pass without Frank gently reminding lawmakers who want to craft legal solutions for social problems that they are dealing with children and families.

Frank is an invaluable asset to the committee and the Association as a whole, and continues to work in the areas of law-related education and juvenile justice.

Did Frank win? Not this time! But it's not because he wasn't worthy. It's because there are, thankfully, other talented, giving people out there doing work just as diligently who are also deserving of this recognition.

## LINCOLN AND HIGHER EDUCATION

“Upon the subject of education...I can only say that I review it as the most important subject which we as a people can be engaged in. That every man may receive, at least, a moderate education...appears to be an object of vital importance. For my part, I desire to see the time when education...shall become much more general than at present, and should be gratified to have it in my power to contribute something to the advancement of any measure which might have a tendency to accelerate the happy period.” Abraham Lincoln spoke these words on March 9, 1832 during his first political announcement in New Salem, Illinois while campaigning for a seat in the Illinois General Assembly. In this speech, he foretold one of accomplishments of his presidency. As President of the United States, Abraham Lincoln contributed to the advancement of higher education, making it available to many Americans through the passage of the Morrill Land Grant Act of 1862.

The Morrill Land Grant Act of 1862 was one of the greatest legislative achievements of Congress during the Civil War. The Act transformed higher education and was responsible for the establishment of numerous colleges across the country. Under the terms of the Act, the federal government offered each state thirty thousand acres of land for each sitting federal representative and senator. The state would then sell the land and use the proceeds to either aid existing schools or establish new colleges and universities, enabling countless Americans, who otherwise would not have been able, to attend college, and providing them with a practical education that was relevant to their daily lives.

Prior to the mid-nineteenth century, institutions of higher learning generally specialized in philosophy, foreign language and literature. There was an emphasis on intellectual pursuits, not



practical skills. In the colonial days in the United States, higher education was only available at a few private institutions such as Harvard, Yale and Williams & Mary, all on the East Coast. After the Revolutionary War, states began to organize public universities, but they were no different in academic orientation from private institutions. Both were influenced by European universities which had educated many of the leading professors of the college and universities. The European universities were organized to serve a society. University education was for male leisure classes, government leaders and members of the professions. American universities, functioning in the same fashion, primarily offered classical and professional studies.

In the mid-1800s, there was a political movement calling for the creation of agricultural colleges. Amidst this environment, Representative Justin Smith Morrill of Vermont introduced a land-grant bill to Congress in 1857.

Representative Morrill, the son of a blacksmith, was unable to attend college because his father couldn't afford the tuition for all his sons. He left school at the age of 15, became active in public life and served in Congress for 43 years as both a representative and senator from Vermont, advocating for the democratic ideal that a college education should be available, at low cost, to all who desired one.

Morrill's proposed plan for land-grant colleges passed the House of Representatives in 1858. Despite heavy opposition, the bill ultimately passed the Senate in 1859, however, President Buchanan vetoed the bill for both economic and constitutional reasons. In 1861, Morrill re-submitted the bill with an amendment that the proposed institutions would teach military tactics, as well as engineering and agriculture. The new need for trained military officers to fight in the Civil War, along with the absence of southern legislators who had opposed the earlier bill (due to their secession from the Union) helped the Morrill Act sail through Congress. This was the Act that was signed into law by President Lincoln.

Because of the Morrill Land Grant Act, twelve million acres now support seventy land grant universities, including Michigan State University, whose predecessor, The Agricultural College of the State of Michigan, was chartered in 1855 as the nation's first land-grant institution, receiving a pre-Morrill Act, 14,000 acre appropriation of state-owned land. Michigan State University and Farmer's High School of Pennsylvania, later to become The Pennsylvania State University, also chartered in 1855, served as models for the Morrill Land Grant Act of 1862. Iowa State Agricultural College (now Iowa State University) was the first existing school whose state legislature officially accepted provisions of the Morrill Land Grant Act on September 11, 1862. The first land-grant institution created under the Act was Kansas State University, established on February 16, 1863. The University of Illinois at Champaign-Urbana, initially known as the Illinois Industrial University when it opened for classes in 1868, is the land-grant institution established in Illinois.

Lauren Evans DeJong  
Standing Committee on Law-Related Education for the Public



## POINTS OF LAW

**Hoaxes Can Cost You!** Is the government allowed to charge anyone for searches and rescues? Not as a general rule; however, if you are reckless or intentionally create a situation that requires emergency responders to assist you, you may be held liable and have to pay for their efforts. Those who intentionally act out a hoax for the sole purpose of gaining media attention may be held liable for expenses incurred by search and rescue personnel. While permitting entities that are responsible for search and rescue efforts to recover costs may deter risky behavior, it should not discourage people from calling for assistance when there is a real need.

**Tobacco Laws Are Changing!** The Family Smoking Prevention and Tobacco Control Act of 2009 gives the FDA the authority to regulate marketing and promotion of tobacco products and set performance standards for tobacco products to protect the public health. Starting early in 2010, tobacco manufacturers will be banned from sponsoring sporting, athletic and entertainment events using product brand names and logos. The legislation also bans tobacco advertising within a thousand feet of schools and playgrounds. By July 2011, warning labels for cigarettes and smokeless tobacco products will need to comprise the top 50 percent of the front and rear panels of the package, and the FDA will issue regulations requiring graphics on labels depicting the health risks of smoking.

**Clean Your Computer Before Passing It Along!** What do you do with your old computer if it breaks or becomes outdated? Some people pitch, some recycle, and some donate; all options that can carry consequences. Deleted data can be recovered by a professional or someone intent on stealing an identity or pirating information. If you are not destroying your hard drive, be sure to use a utility program to wipe your drive clean before passing your computer to someone else. These programs are sold online and in stores where computers are sold. If you have questions, ask a qualified salesperson about what the utility program can and cannot do.

**18 Year Old Males Must Register For The Draft!** Even though the United States currently does not have a military draft, if you are a male citizen or male alien residing in the United States you must register for the draft within 30 days of your 18th birthday. You may register up to 120 days before your 18th birthday. This is known as Selective Service registration. If you fail to register, you could be convicted of a federal crime punishable by up to five years imprisonment and a fine up to \$250,000. You may be asked to show proof of registration to be eligible for federal college financial assistance and federal job training assistance programs. You may enlist with the military services at 17 with your parents' consent. Without their consent, you may enlist between the ages of 18 to 35.

**Texting While Driving – Not In Illinois!** Illinois is the 17th to ban texting while driving, a safety worry that has caught the attention of the federal government. President Obama recently issued an Executive Order prohibiting federal employees from texting while driving. Federal Legislation being considered in Washington would withhold 25 percent of federal highway dollars from states that fail to ban texting while driving. Currently, Washington, DC, and eighteen states ban hand-held texting by drivers. The Illinois law takes effect Jan. 1, 2010. Penalties will start with fines of \$75. Illinois motorists will still be able to send mobile messages



if traffic is stopped and the car is parked or in neutral, the motorist has pulled over to the shoulder, or to report an emergency.

**Receiving Stolen Property!** If someone gives or sells you stolen property, it is a crime, even though you did not steal it. Taking control of property known to have been stolen is a crime. It is a form of criminal “theft,” and it is just as serious as any other theft. “Nobody told me it was stolen” may not be a defense. The law allows prosecutors to prove that a reasonable person would have known the property was stolen. This means that the court may examine the facts to determine whether the person knew that the items were stolen: How much was paid compared to the price in a store? Was there an attempt to flee or to hide the items? Were identifying marks removed from the items? Conviction of this kind of theft may be a misdemeanor or a felony, depending on the value of the property. But possession of a stolen firearm is always a felony.

**Animal Cruelty Is Against The Law!** Illinois law prohibits abusing animals. This includes any form of beating, tormenting, starving, overworking or otherwise harming animals. In addition, no owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure. Simple neglect of an owner’s duties can bring a fine of up to \$1500 and imprisonment of up to 6 months. As cruelty increases, so do the fines and prison terms. A conviction for animal torture, the most serious cruelty act, can bring a fine of up to \$25,000 and imprisonment from 2-5 years. Suspected animal cruelty should be reported to the local police.

**What’s A Tort?** You may have heard the phrase “tort reform” on the news and wondered what that means? What exactly is a tort? Torts are sets of laws that provide legal remedies for any civil harm, damage or wrong. If a person or company is found legally responsible for a harm, damage or wrong, they may be required to compensate the harmed person for the resulting injury. Judges and juries may award financial compensation to the person or entity harmed. The term “tort reform” usually refers to proposals to place certain limits on the ability to file claims, and set limits or caps on damage awards, which are currently in the hands of judges and juries.

### Book review

*By Kathryn E. Eisenhart, Chair, Legal Studies Department, University of Illinois at Springfield*

***The Nine: Inside the Secret World of the Supreme Court, Jeffrey Toobin, Doubleday, 2007.***

Jeffrey Toobin is a staff writer for The New Yorker since 1993 and is a senior legal analyst for CNN. Before joining The New Yorker, he was an Assistant United States Attorney in Brooklyn, and was an associate counsel in the Office of Independent Counsel Lawrence E. Walsh. He has written profiles of Supreme Court Justices Stephen Breyer, Anthony Kennedy and Clarence Thomas, and several other books on the law for the popular press.

The Nine primarily deals with the Rehnquist era and the very beginning of the Roberts era. Toobin calls it the “Rehnquist era” and not the Rehnquist Court because Chief Justice Rehnquist was not the influence on the Court Chief Justice Earl Warren or Associate Justice William





Brennan were. After Justice Brennan left, Sandra Day O'Connor took on the role of "leader" in the sense of uniting a sufficient number of justices to make a majority. Toobin carefully examines O'Connor's influence on the Court and shows why she, and not others, becomes the person who determines the majority on high profile cases.

I was drawn to the law because I was curious—maybe nosy would be a more accurate word. I wanted to know not only why the chicken crossed the road, but what was happening before the chicken crossed the road, and what happened afterward. It would thus not surprise you to know that *The Brethren* by Woodward and Armstrong is one of my all-time favorite books. I still have my original, well-thumbed copy from its best seller days.

Since *The Brethren*, I have read a large number of books about the Supreme Court. Only a few were mildly interesting. Jeffrey Toobin's *The Nine* is the Rehnquist era's *The Brethren*. I may never agree with Justice Thomas, but Toobin's discussion of him casts a gentle light on a private, often unknowable man. Justice White, Justice Ginsburg, Justice Kennedy and Justice Souter are discussed as complex people, not easily captured by labels, like conservative or liberal.

The vetting of Ginsburg and Breyer for Justices by the Clinton administration illustrates the influence of politics and the public on who is ultimately selected for the Court. Ginsburg becomes the chosen one over Mario Cuomo and Stephen Breyer. Breyer is resurrected to replace Justice Blackman. What I found fascinating was how much luck played a part of being the final choice to go before the Senate Judiciary Committee.

The narrative moves through the Clinton administration and into the Bush (two) administration, from the appointment of "liberal" justices Ginsburg and Breyer to the appointment of the ultra conservative justice, Samuel Alito and the new Chief Justice John Roberts.

I read this book in a weekend. Toobin understands the Court and the people who sit upon and influence the Court. It is as good as any of the fictional works of Grisham or Patterson, maybe better, much better.

*This book review was originally published in the Illinois State Bar Association's Human Rights Newsletter, April 2008, Vol. 34, No.5*

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