

Foreword

“Children have a very special place in life which law should reflect.”

**—Mr. Justice Frankfurter, concurring in *May v. Anderson*,
345 U.S. 528, 536 (1953)**

The United States of America has the finest legal system in the world. Created at the time our nation was born, our courts and laws have undergone much change over the past 230 years. Judge Tom Jacobs’s book, *Teens Take It to Court*, chronicles how the American legal system has attempted to reflect the “special place” that children have in our society. His book has something for everyone.

First, it is a civics lesson. The cases describe the process we, as a society, have followed to establish rules and guidelines for how we deal with our children. Many of them reflect the ongoing philosophical debate that began in 1776 about our rights as individual citizens and the power of our government. A parent’s right to set rules for his or her child versus the child’s right to make individual choices and the authority of school officials to maintain order versus the individual rights of students are just two examples where courts are constantly trying to find the proper balance between equally valid, but often conflicting, interests.

Readers will also feel like they are in law school. Roscoe Pound said that “The law must be stable, but it must not stand still.” As you read this fascinating book, you will see how courts have tried to establish stability by providing guidance for schools, parents, children, and others for future cases. However, you will also learn how difficult it is to establish “bright line” rules that will fit all cases, and that court cases on similar issues often differ depending on the facts or society’s evolution.

Finally, this is a collection of short stories of individual courage and perseverance by young people and parents. Many of these cases were brought into the legal system by parents or guardians on behalf of children. Together they stood up for something they believed in through countless court hearings that often spanned years. Their commitment to principles and ideas that were important to them has had a profound influence on the lives of children and families in this country.

Teens Take It to Court will remind you of the many challenges we have faced as the country has grown and matured. It will educate you about the current state of the law. Hopefully it will challenge you to think about, and become active in, the issues that children, families, and society are dealing with in the new millennium.

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Introduction

Do you remember the first time somebody told you that life isn't fair? Maybe you were shocked and didn't want to accept it as true. Fairness, after all, is something we've been taught to work for in life. Parents strive to treat all of their children equally, to not give one more than another. Schools promote the idea of fairness, to provide every student with an opportunity to succeed. And we learn that we should treat other people as we want to be treated ourselves—in other words, to be fair. So when we learn that life isn't fair, either through words or personal experiences, we're often very disappointed.

The good news is that our country's judicial system is designed to provide "justice for all." Justice means following the laws, setting things right, or correcting a wrong.

As a juvenile court judge for twenty years, I had the honor of working with thousands of teenagers and their families to bring about justice. Courts are called on to answer questions and resolve problems about all aspects of life, including crime, individual rights, and relationships at home, work, and school. This means going to court isn't limited to kids who get into trouble. Young people also come into the courtroom to challenge rules in their school, to file claims of sexual harassment, to participate in custody hearings, and more.

Through my experience with families in the court system, I've learned that many people think this part of the government is mysterious and confusing. That's unfortunate, because the law is for you—the people—and isn't the exclusive property of lawyers and judges.

Looking at cases brought before the U.S. Supreme Court is a good way to learn more about the law and the judicial system. And because the Court hears cases involving our constitutional rights, its decisions affect everyone—including you.

When you understand how the courts work, you have the knowledge that can help you achieve fairness in your own life and in the lives of others.

This book is divided into two parts. Part 1 contains answers to questions you may have about the U.S. Supreme Court and the U.S. Constitution. Whether this information is new to you or you read it as a refresher, it

will help you understand the significance of the cases that follow. Part 2 presents twenty-one cases about teenagers and a few children who were involved in important court cases. Most of the cases were reviewed by the U.S. Supreme Court. In some cases, the teens challenge a law they don't agree with; other cases focus on the rights of teens and children charged with a crime; and still other cases concern the protections young people have under the law.

You may notice the following about some of the U.S. Supreme Court cases and the related cases in this book: (1) some include more details than others, (2) some use the full names of the participants, while others contain abbreviated

Not all of the teens featured in this book are role models. In fact, some committed crimes. Yet, the results of all the cases affect the rights and responsibilities that all American teens have today.

names, and (3) the final decisions in several cases aren't given. This is because each state has different confidentiality laws (laws that restrict how much juvenile court information is made public). For example, some states require that only a juvenile's initials be used, while other states allow the first name and the initial of the last name. Also, when cases before an appeals court are sent back to the lower court, the final results sometimes aren't made public.

The cases you read may spur further questions in your mind. If you want to learn more about the cases and why they were decided a certain way, check out the section in Part 1 called "How to Do Legal Research." You'll find lots of tips for doing in-depth research on the decisions of the U.S. Supreme Court.

In reviewing the cases contained in this book, you'll come across certain legal terms that may be new to you. Terms in **bold** are included in the glossary at the end of the book (see pages 192–197). Other terms are explained within the cases. However, the legalese, or legal language, is kept to a minimum. This is consistent with today's legal profession, which is attempting to speak more English and less Latin.

As you read these cases, you'll discover that the law is flexible; it sometimes has to change to meet the needs of a nation that's constantly changing and growing. However, you'll also see that the common thread is fairness, in the proceedings and to the participants.

Teens Take It to Court allows you to participate in the U.S. Supreme Court cases under discussion. Each case begins with an outline of the facts—this is the information that a judge or jury would hear. Next, you're given a set of questions to help you consider the issues. (You can think about how you'd decide the case.) The ruling, or decision, is then revealed, including the Court's reasoning. Related cases, which illustrate the ongoing debate over these issues in courtrooms across the nation, are presented next. In a few cases in the book, the issues remain unsettled, with U.S. Supreme Court decisions yet to come. At the end of each case, you'll find discussion-starters or activities to help you get more involved in the issues that interest you.

I'm always interested in hearing from teens about their experiences and questions. If you'd like to get in touch with me, you can contact me in care of:

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I look forward to hearing from you!

Tom Jacobs, J.D.