



U.S. Government: How It Works THE JUDICIAL BRANCH

Introduction

This Instructor's Guide provides information to help you get the most out of *The Judicial Branch*, part of the six-part series *U.S. Government: How It Works*. The contents of the guide will allow you to prepare your students before using the program and to present follow-up activities to reinforce the program's key learning points.

While the complexities of the American political system have never been greater, the right visual aid can help students sift through them — and even develop a passion for the subject. The six-part series *U.S. Government: How It Works* is an ideal tool for introducing and exploring key aspects of U.S. government and public policy. Using a combination of eye-catching graphics, dynamic video footage, and interviews with legal and political scholars, each episode celebrates a particular dimension of American democracy while equipping students to candidly discuss political issues. The series includes:

- *The Legislative Branch*
- *The Executive Branch*
- *The Judicial Branch*
- *The Constitution and Foundations of Government*
- *Elections and Political Parties*
- *Citizenship and Civic Responsibilities*

Program Summary

September 24th, 1789 — the First United States Congress establishes the basic structure of the Federal Judiciary. With this act, the American legal system becomes an entity entwined with our fundamental notions of democracy and fair government, equal in power and authority to the Executive and Legislative branches. This program guides viewers through the history of the Judiciary and illustrates how it works in theory and practice. Topics include the main purposes of the Judicial branch — specifically, interpreting the law, determining if laws are unconstitutional, and applying

the law to individual cases; the various divisions and levels of courts, such as lower, appellate, and specialized courts; the unique powers of the Supreme Court; summaries of famous Supreme Court cases; and more.

Learning Objectives

After viewing the program, students will understand:

- The history and purpose of the judicial branch of government
- The structure of the Federal Court System
- The structure and the responsibilities of the Supreme Court
- Information about some influential Supreme Court Chief Justices, and some landmark opinions
- The three-tiered system of state courts

Main Topics

Section 1: Introduction

The program begins with a discussion of *Brown v. Board of Education of Topeka*, using it as an example of how far-reaching a Supreme Court ruling can be.

Section 2: The Judicial Branch

This section provides an overview of the federal court system, and the roles and responsibilities of each of its three main parts — district courts, courts of appeal, and the Supreme Court. Bankruptcy court, grand juries, and the importance of checks and balances are also covered.

Section 3: The Supreme Court

This section provides an overview of the Supreme Court and the duties of the Supreme Court justices. Viewers also learn about Louis Brandeis, Thurgood Marshall, and other notable Chief Justices. Also covered: how cases are chosen for a Supreme Court hearing.

Section 4: U.S. Supreme Court Opinions

Marbury v. Madison, *Griswold v. Connecticut*, and some other landmark Supreme Court decisions are presented in this section, along with the Chief Justices who ruled on them.

Section 5: State Court Systems

The three-tiered system of state courts is described in this section.

Fast Facts

- Approximately 7,500 cases are sent to the Supreme Court each year, but only 80 to 100 are actually heard. The process of choosing cases usually begins with law clerks, who analyze each petition and then summarize its details. Each Justice must then vote on whether or not to hear a case. Of these, about 100 cases are chosen for full review, and another 80 to 90 are given formal written opinions. The Supreme Court's written opinion in just one case can be nearly 5,000 pages long.
- In a federal trial court (also called a district court), evidence is presented by two sides for a decision by a judge or a jury. This is where a case is heard for the first time. If either side disagrees with the verdict, they can "appeal" the decision, which means bringing it to a higher court — an appellate court, also called a court of appeals — for review. To get to the Supreme Court, the case must involve important questions about the Constitution or federal law, or disputes between states.
- Besides district, appellate, and supreme courts, the judicial system also includes the U.S. Tax Court, the Court of Appeals for the Armed Forces, and the Court of Appeals for Veterans Claims. A Court of International Trade and a Court of Federal Claims are also part of the district court system.
- Under the Fifth Amendment, charges involving capital crimes (that is, crimes punishable by death) must be presented to a grand jury. Unlike trial juries, grand juries don't decide whether someone is guilty of the charges brought against them — they decide if the person should be charged with a crime at all. When the grand jury decides that a criminal charge is valid, that person is "indicted," and will then face trial.
- *Marbury v. Madison*, brought before Supreme Court Justice John Marshall in 1803, was a groundbreaking case that gave us the term "unconstitutional" and the concept of judicial review. The case helped to define the way checks and balances work in the U.S. legal system. William Marbury had been appointed to a government post at the end of John Adams' term of office, but the appointment was never finalized by the outgoing president. The ramifications of Marbury's subsequent lawsuit mean that when the Constitution conflicts with a legislative act, that act is invalid. The Constitution remains "the supreme law of the land."
- Chief Justice Samuel P. Chase was one of only three non-Presidents to appear on U.S. currency. Chase was on the \$10,000 bill, despite the fact that following the Civil War he declared paper money (first printed in 1862) to be unconstitutional.
- During World War II, over 100,000 citizens of Japanese, German, and Italian ancestry were forced into internment camps within the U.S., because it was feared they could become a risk to national security. Fred Korematsu, born in California of Japanese parents, refused to go, thus

violating the federal order. He was arrested, and the ACLU pleaded his case before the Supreme Court. The Supreme Court ruled against Korematsu, admitting that internment was “constitutionally suspect, but justified during circumstances of emergency and peril.” Forty years later documents were found which revealed that the military had lied to the Supreme Court, and in 1983 a new team of lawyers challenged the original decision. The Supreme Court held to its 1944 ruling, although it pardoned Korematsu. From 2001 until his death in 2005, Fred Korematsu served on the Liberty and Security Committee, working to “enhance our security while simultaneously protecting our civil liberties.”

- From 1953 to 1969, the Court of Chief Justice Earl Warren made a number of controversial rulings regarding the application of the Constitution to civil liberties. In addition to the milestone decision in *Brown v. Board of Education*, there were many other landmark decisions: *Griswold v. Connecticut* (the Constitution protects a right to privacy, overturning a law that prohibited even married people from using contraceptives); *Abington School District v. Schempp* (public schools cannot conduct mandatory Bible readings) and *Gideon v. Wainwright* (the Constitution grants the right of retaining a court-appointed attorney for those who cannot afford one).
- Since Chief Justice John G. Roberts’ tenure began in 2005, there have been major rulings in the areas of abortion, anti-trust legislation, the death penalty, free speech of high school students, and voting rights.
- In addition to many other duties, the Supreme Court Chief Justice also serves as Chancellor of the Smithsonian Institution, and sits on the boards of the National Gallery of Art and the Hirshhorn Museum.

Vocabulary Terms

appellate court: Also known as a court of appeals, it is a court that reviews decisions of lower (district, or trial) courts.

appropriation: An act of a legislature authorizing money to be paid from the treasury for a specified use.

associate justice: Any of the Supreme Court justices who is not the Chief Justice.

bankruptcy court: A unit of a federal District Court, it is a court that has original jurisdiction over bankruptcy cases.

capital crime: Also called a capital offense, it is any crime that can be punished by the death penalty.

checks and balances: The powers conferred on each of the three branches of government by which each restrains the others from exerting too much power. Judicial review is an example of checks and balances.

Chief Justice: The presiding judge of a Supreme Court.

court of appeals: In the U.S. federal court system (and some state court systems) an appellate court intermediate between the trial courts and the court of last resort.

court of last resort: A court of final appeal in a jurisdiction, usually a state Supreme Court or the U.S. Supreme Court.

district court: Also known as a "lower" court, it is a trial court having general jurisdiction in a judicial district. There is at least one federal district court in every state.

executive branch: The branch of federal and state government responsible for implementing, supporting, and enforcing the laws made by the legislative branch and interpreted by the judicial branch.

federal court: A court established by the federal government and having jurisdiction over questions of federal law.

grand jury: A jury convened in private session to evaluate accusations against someone charged with a crime and to determine whether the evidence warrants indictment.

indictment: A formal accusation charging someone with the commission of a crime, presented to the accused after having been considered by a grand jury.

judicial branch: The court systems of local, state, and federal governments, responsible for interpreting the laws passed by the legislative branch and enforced by the executive branch.

judicial review: The power to examine actions of the government that may violate the Constitution.

judiciary: A system of courts, or the judges of these courts.

Judiciary Act of 1789: A landmark statute adopted in 1789 in the first session of the first United States Congress establishing the U.S. federal judiciary.

justice: The term for a judge at the level of state or federal Supreme Court.

landmark decision: A court decision that establishes a precedent or a new legal principle or concept, or that otherwise substantially changes the interpretation of existing law.

legislative branch: The branch of federal and state government empowered to make the laws that are then enforced by the executive branch and interpreted by the judicial branch. The legislative branch consists of Congress and the fifty state legislatures.

Senate Judiciary Committee: The informal name of the United States Senate Committee on the Judiciary, it is a standing congressional committee charged with conducting hearings prior to the Senate votes on whether to confirm prospective federal judges (including Supreme Court justices). The committee also has jurisdiction over matters relating to federal criminal law, and all proposed Constitutional amendments pass through the Judiciary Committee.

separate but equal: A term used to describe systems of segregation that provided separate, "colored only" facilities or services for blacks, with the declaration that the quality of each group's public facilities was the same. In reality, the facilities and services for blacks were usually inferior to those reserved for whites.

separation of powers: The doctrine that the individual branches of government (executive, legislative, judicial) have separate and unique powers which the others cannot impinge upon.

Supreme Court Justice: A Supreme Court judge.

United States Supreme Court: The highest federal court in the United States, consisting of nine justices and having jurisdiction over all other courts in the nation.

Pre-Program Discussion Questions

1. What is the difference between a district court and an appellate court?
2. What is the difference between the Supreme Court and lower courts?
3. Can you name any past or current Supreme Court justices?
4. How do you become a Supreme Court justice (that is, are they promoted into the position, nominated, appointed)?
5. Who is the current Supreme Court Chief Justice?

Post-Program Discussion Questions

1. When is a case tried in the state court system, and when would it be tried in the federal system?
2. Describe the 3-tiered court system.
3. Can you name some groundbreaking Supreme Court cases? How did American society change as a result?
4. Do you think Supreme Court justices should serve for a set term instead of for life? Why or why not? Why did the Founding Fathers stipulate life terms for Supreme Court justices?
5. Has the Supreme Court been in the news recently? If so, what was the issue? Has viewing this program helped you to have a better understanding of the issue under debate?

Student Projects

- Make a chart or other visual representation of the Judicial system. Include blocks for the various courts and quasi-judicial agencies, such as the 12 regional circuit courts of appeals, the 94 judicial districts, bankruptcy courts, tax courts, claims courts, etc.
- Choose a Supreme Court decision and do a brief write-up on the effects it has had on American life. Try to describe at least five different ramifications of this case, considering legal, societal, and personal impact. The class should take turns presenting their write-ups. Does anyone feel that a Supreme Court decision has had both positive and negative effects?
- Report on the justices serving on your state's Supreme Court. Include information on their backgrounds and committees they serve on, and what some of this court's rulings have been.

- Consider the following Supreme Court cases, and decide whether or not you agree with the Court's decision. Before you decide, though, be sure you understand why the Court ruled as it did. Discuss as a class.
 - *New Jersey v. T.L.O.*: T.L.O. was accused of smoking in the girls' bathroom of her high school. The principal questioned her and then searched her purse, finding a bag of marijuana and other drug paraphernalia. Did the search violate T.L.O.'s 4th and 14th Amendment rights? The Supreme Court ruled against T.L.O.
 - *Bethel School District No. 403 v. Fraser*: Matthew Fraser made a speech at his high school assembly, using a "graphic sexual metaphor." He was suspended for using obscene language. The Supreme Court found that this did not violate Fraser's First Amendment right to free speech.
 - *Vernonia School District v. Acton*: A student athlete refused to consent to random drug testing, and was thus denied participation in his school's football program. Does random drug testing violate the reasonable search and seizure clause of the 4th Amendment? The Supreme Court ruled against Fraser.

- Besides becoming an attorney, what kinds of careers are available in the judicial system? The Web site of the U.S. Courts lists the following opportunities, drawing from a variety of educational backgrounds:
 - preparing a report to Congress on authorized wiretaps;
 - briefing foreign judges, parliamentarians, and other visiting officials on federal court management and operation;
 - developing national training conferences for federal public defenders;
 - assisting a court manager in turning space requirements into design specifications;
 - testing newly developed software;
 - preparing national financial plans for Judiciary appropriations;
 - developing and analyzing new legislation and determining its impact on federal court operations.

Research job titles such as Alternative Dispute Resolution, Victim Services, and Courtroom Deputy. How do you get a certificate in court management, or as a court interpreter? Create a brochure advertising some job opportunities in the judicial system, and the educational background they require.

Assessment Questions

1. **The judicial branch of government _____. (Choose all that apply)**
 - a) makes laws
 - b) interprets laws
 - c) determines if laws are constitutional
 - d) carries out laws
 - e) applies laws to individual cases

2. **The three main parts of the Federal Court system are ____.**
 - a) District Courts; Courts of Appeals; the Supreme Court
 - b) Appellate Courts; Courts of Appeals; the Supreme Court
 - c) Appellate Courts; District Courts; Courts of Appeals
 - d) District Courts; Bankruptcy Courts; the Supreme Court

3. **To become a federal judge _____.**
 - a) a person must work their way up through the district and then appellate court systems, and then apply for a judgeship
 - b) a person must be selected by the President
 - c) a person must be nominated by the President, and the nomination approved by the House and the Senate
 - d) a person must be nominated by the President, and the nomination confirmed by the Senate

4. **Cases brought before the Supreme Court usually involve _____. (Choose all that apply)**
 - a) complicated or ambiguous criminal evidence that lower courts could not agree on
 - b) important questions about the Constitution or federal law
 - c) cases that have been thrown out of the lower court system
 - d) bankruptcy, takeovers, and issues concerning federal corporations
 - e) legal matters involving two states or a state and the federal government

5. **There are _____ Supreme Court justices (including the Chief Justice), and they serve _____.**
 - a) 12; a term of 4 years
 - b) 51; until retirement, impeachment, or death
 - c) 9; until retirement, impeachment, or death
 - d) 51; a term of 4 years

6. **Supreme Court Chief Justice _____ offered groundbreaking opinions that played a significant role in the development of the legal system, such as establishing the concept of “judicial review” (the power to examine actions of the government that may violate the Constitution).**
 - a) Earl Warren
 - b) John Marshall
 - c) Warren Burger
 - d) Thurgood Marshall

7. Chief Justice _____ made a number of controversial rulings regarding the application of the Constitution to civil liberties, including decisions on racial segregation, the right to privacy, and the banning of mandatory prayers in public schools.
- a) Earl Warren
 - b) John Marshall
 - c) Sandra Day O'Connor
 - d) Thurgood Marshall
8. The Supreme Court case that declared that public schools cannot have mandatory Bible readings is _____.
- a) *Abington School District v. Schempp*
 - b) *Miranda v. Board of Education of San Jose*
 - c) *Roe v. Wade*
 - d) *Marbury v. Madison*
9. The Supreme Court case that established the concepts of “judicial review” and “unconstitutionality” is _____.
- a) *Abington School District v. Schempp*
 - b) *Miranda v. Board of Education of San Jose*
 - c) *Roe v. Wade*
 - d) *Marbury v. Madison*
10. True or False? In addition to the federal Supreme Court, each state and U.S. territory also has its own ‘state’ Supreme Court.
11. The three-tiered system that the majority of states use begins with a circuit, or _____ court. The system continues with a(n) _____, which see cases that have already passed through circuit court. The State Supreme Court is considered the “court of last resort,” and in most states is the highest court in its given state.
- a) appellate; district court
 - b) regional; Court of Appeals
 - c) district; Court of Appeals (or an appellate court)
 - d) district; regional court

Assessment Questions Answer Key

1. The judicial branch of government _____. (Choose all that apply)

- a) makes laws
- b) interprets laws
- c) determines if laws are constitutional
- d) carries out laws
- e) applies laws to individual cases

A: (b) interprets laws

(c) determines if laws are constitutional

(e) applies laws to individual cases

2. The three main parts of the Federal Court system are ____.

- a) District Courts; Courts of Appeals; the Supreme Court
- b) Appellate Courts; Courts of Appeals; the Supreme Court
- c) Appellate Courts; District Courts; Courts of Appeals
- d) District Courts; Bankruptcy Courts; the Supreme Court

A: (a) District Courts; Courts of Appeals; the Supreme Court

3. To become a federal judge _____.

- a) a person must work their way up through the district and then appellate court systems, and then apply for a judgeship
- b) a person must be selected by the President
- c) a person must be nominated by the President, and the nomination approved by the House and the Senate
- d) a person must be nominated by the President, and the nomination confirmed by the Senate

A: (d) a person must be nominated by the President, and the nomination confirmed by the Senate (The names of potential nominees often are recommended by senators or members of the House who are of the President's political party.)

4. Cases brought before the Supreme Court usually involve _____. (Choose all that apply)

- a) complicated or ambiguous criminal evidence that lower courts could not agree on
- b) important questions about the Constitution or federal law
- c) cases that have been thrown out of the lower court system
- d) bankruptcy, takeovers, and issues concerning federal corporations
- e) legal matters involving two states or a state and the federal government

A: (b) important questions about the Constitution or federal law

(e) legal matters involving two states or a state and the federal government

5. There are _____ Supreme Court justices (including the Chief Justice), and they serve _____.
- a) 12; a term of 4 years
 - b) 51; until retirement, impeachment, or death
 - c) 9; until retirement, impeachment, or death
 - d) 51; a term of 4 years

A: (c) 9; until retirement, impeachment, or death

6. Supreme Court Chief Justice _____ offered groundbreaking opinions that played a significant role in the development of the legal system, such as establishing the concept of “judicial review” (the power to examine actions of the government that may violate the Constitution).
- a) Earl Warren
 - b) John Marshall
 - c) Warren Burger
 - d) Thurgood Marshall

A: (b) John Marshall

7. Chief Justice _____ made a number of controversial rulings regarding the application of the Constitution to civil liberties, including decisions on racial segregation, the right to privacy, and the banning of mandatory prayers in public schools.
- a) Earl Warren
 - b) John Marshall
 - c) Sandra Day O’Connor
 - d) Thurgood Marshall

A: (a) Earl Warren

8. The Supreme Court case that declared that public schools cannot have mandatory Bible readings is _____.
- a) *Abington School District v. Schempp*
 - b) *Miranda v. Board of Education of San Jose*
 - c) *Roe v. Wade*
 - d) *Marbury v. Madison*

A: (a) *Abington School District v. Schempp*

9. The Supreme Court case that established the concepts of “judicial review” and “unconstitutionality” is ____.

- a) *Abington School District v. Schempp*
- b) *Miranda v. Board of Education of San Jose*
- c) *Roe v. Wade*
- d) *Marbury v. Madison*

A: (d) *Marbury v. Madison*

10. True or False? In addition to the federal Supreme Court, each state and U.S. territory also has its own ‘state’ Supreme Court.

A: *True.*

11. The three-tiered system that the majority of states use begins with a circuit, or ____ court. The system continues with a(n) ____, which see cases that have already passed through circuit court. The State Supreme Court is considered the “court of last resort,” and in most states is the highest court in its given state.

- a) appellate; district court
- b) regional; Court of Appeals
- c) district; Court of Appeals (or an appellate court)
- d) district; regional court

A: (c) *district; Court of Appeals (or an appellate court)*

Additional Resources

The White House

www.whitehouse.gov

The U.S. Constitution Online

www.usconstitution.net

The Constitution of the United States: Questions and Answers

www.archives.gov/exhibits/charters/constitution_q_and_a.html

GovSpot

US government, state government, & more

U.S. Courts: The Federal Judiciary

www.uscourts.gov

National Center for State Courts

www.ncsc.org

The Supreme Court of the United States

www.supremecourtus.gov

Justia: U.S. Supreme Court Center

<http://supreme.justia.com>

U.S. Supreme Court Media: Oyez®

www.oyez.org

U.S. Supreme Court Blog

<http://ussc.blogspot.com>

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Moyers: Report from Philadelphia Video Clip Collection—Themes (DVD/VHS)

Filmed at Independence Hall and filled with historical images and passages from the diaries, letters, and records of the Framers themselves, this two-part set is an indispensable tool for teaching the Constitution. All 76 clips (2:35 each) are arranged into groupings that take a thematic approach to the doings and decisions of the momentous Constitutional Convention of 1787. A viewable/printable instructor's guide is available online. (2-part set, 104 minutes each) © 2007 (# 39942)

The Judicial Branch of Government (DVD/VHS)

This program focuses on the Judicial Branch and its role in government. The Supreme Court's decisions concerning school desegregation, school prayers, abortion, prison overcrowding, the death penalty, and the rights of criminal defendants are explored. Students see how the Court's decisions affect their daily lives, how it resolves disputes without bloodshed, how it interprets our laws and explains what they mean, and how it prevents the other branches from abusing their power. A Cambridge Educational Production. (35 minutes) © 1995 (# 8277)

John Marshall: Citizen, Statesman, Jurist (DVD/VHS)

The size and shape of American government is due in no small part to Chief Justice John Marshall. This biography focuses on his contribution to the status of the Supreme Court, his implementation of judicial review, and his advocacy of strong central authority for the protection of the new nation and its ideals. Outlining Marshall's youth on the Virginia frontier, the program describes his service in Washington's army, his early law career, and his eventual appointment to Chief Justice. Discussions of major Marshall decisions, including *Marbury v. Madison*, *Worcester v. Georgia*, and *Boyc v. Anderson*, clearly demonstrate his progressive leanings. (57 minutes) © 2005 (# 35151)

Judicial Opinions: The Supreme Court Justices (DVD/VHS)

With every ruling, the nine justices of the U.S. Supreme Court shape the judicial landscape of America — and the lives of its citizens. In this NewsHour program, Robert MacNeil and other esteemed journalists take a close look at several renowned jurists and their decisions. Episodes include Remembering Harry Blackmun; Gergen Dialogue — William Rehnquist and Civil Liberties in Wartime; Sandra Day O'Connor — The Early Years; Conversation — Sandra Day O'Connor and the Majesty of Law; Conversation — Stephen Breyer and Active Liberty; Sandra Day O'Connor and Stephen Breyer on Judicial Independence. (67 minutes) © 2006 (# 37579)

Equal Justice Under Law: Landmark Cases in Supreme Court History (DVD/VHS)

The objective of this series is to clarify the role of the Supreme Court in relation to the other branches and levels of government in the U.S. by dramatizing some of the major precedents established by Chief Justice John Marshall. To a large extent, it is through his incisive interpretation of the powers — and limitations — of the Court in the landmark cases highlighted in this series, that the Supreme Court has been able to maintain the relevance of the Constitution over the last two hundred years and more. Introduced by retired Chief Justice Warren E. Burger, narrated by E. G. Marshall. The series includes *Marbury v. Madison* | *McCulloch v. Maryland* | *Gibbons v. Ogden* | *United States v. Aaron Burr: The Trial of Aaron Burr, part 1* | *The Trial of Aaron Burr, part 2* | *The Trial of Aaron Burr, part 3*. (6-part series, 30 minutes each) © 1987 (# 4258)

A Class Apart (Streaming Digital On Demand)

In the 1954 legal case *Hernandez v. Texas*, defense lawyers forged a daring strategy — one arguing that Mexican-Americans did not fit into a legal structure which recognized only white and black racial categories. This American Experience episode interweaves the story of that landmark case, which went all the way to the Supreme Court, with the broader narrative of the civil rights movement. Viewers will learn about the heroic post-World War II struggle of Mexican-Americans fighting to dismantle Jim Crow-style discrimination targeted against them. Distributed by PBS Distribution. (60 minutes) © 2009 (# 40874)

Gay Rights, Marriage, and the Supreme Court (DVD/VHS)

Opponents of gay marriage call it an attempt to obtain preferential treatment in the eyes of the law. Supporters see it as an opportunity to abolish the inherent discrimination against same-sex couples that exists in a non-inclusive legal definition of marriage. This ABC News program uses the landmark *Lawrence v. Texas* case and the legalization of gay marriage in Canada to shed light on the future of gay marriage in the U.S. Changing attitudes toward homosexuality in general are addressed as well. (20 minutes) © 2003 (# 32660)

Black/White & Brown: *Brown v. The Board of Education of Topeka* (DVD/VHS)

Myths, misconceptions, and the march of time have obscured the true origins and legal details of *Brown v. The Board of Education*. This fascinating program connects viewers with the people, places, events, and ideas that shaped the landmark civil rights case. Interviewees include Cheryl Brown Henderson, daughter of lead plaintiff Oliver Brown; Zelma Henderson, who, until her death in 2008, was the only surviving Brown plaintiff; and the children of other plaintiffs, attorneys, and activists. Civil rights leader Roger Wilkins and other scholars provide additional expertise on the roles played by the NAACP and the U.S. Justice Department. The DVD version includes materials for further historical study of the case. (56 minutes + 32 minutes of bonus material) © 2004 (# 40082)