

Introduction to Legal Studies

Spring 2007

Discussion Questions for Thursday, March 8th *What do you have when you "have" a right?*

For Thursday we are discussing two significant Supreme Court decisions. The first you have all certainly heard of – *Brown v. Board of Education*. But for many people who strongly support the cause of racial equality and strongly oppose white supremacy, there are many questions as to whether *Brown* should be celebrated. Charles Payne's article in the reader gets at some of these questions.

The second decision – the Court's 1991 opinion in *Florida v. Bostick* – is familiar to you from our recent discussion of how law shapes behavior. Like *Brown* it involves the extended discussion of a Constitutional right: the right to be free of "unreasonable searches and seizures" guaranteed in the Fourth Amendment. The topic of discussion on Monday will be what value rights have in our society, and what we can do with them. Both cases raise important issues on these questions.

1. What do you "have" when you "have a right?" What is the value or power of a right? How is what you "have" variable depending on the right in question? Think of specific examples.
2. What is the right recognized by the Supreme Court in the *Brown* decision? What evils did they believe would be eliminated by the recognition of this right? Were these evils eliminated?
3. Did the *Brown* decision change American society? If so, how? If not, why not?
4. What is the power or importance of the right recognized in *Brown* in light of Charles Payne's article?
5. What was Mr. Bostick's right? How could he use it?