

My World – My Responsibility



#### Dear Law Day Participant:

he Pennsylvania Bar Association, in conjunction with the Pennsylvania Bar Foundation, is pleased to present the seventh annual *K-12 Law Day Lesson Plan Guide*. This unique resource provides judges, lawyers, educators and students with exciting and informational lesson plans, as well as links to other civic learning organizations and materials from around the country. The PBA hopes you will find this guide very valuable in your activities.

Teaching kids about their legal rights and responsibilities is what this year's Law Day program is all about. The theme for Pennsylvania's celebration is "My World — My Responsibility." Children of all ages will have the opportunity to explore the ways in which they can have an impact on our world. I am pleased to announce that several lessons in this guide were submitted by Pennsylvania educators. The PBA thanks them for sharing their knowledge and talent with others. I also would like to draw your attention to the new section, "Quick Classroom Lessons." This section was added this year to provide lawyers and judges with quick, fun lessons when they only have a few minutes to stop by a classroom. Educators will enjoy them, too.

And while the annual Law Day celebration is designed to highlight the importance of teaching children about the law, the PBA hopes that civic learning becomes a yearlong activity as commonplace in Pennsylvania classrooms as pencils and chalkboards. That is why the PBA continues its partnership with the First Lady of Pennsylvania, 3<sup>rd</sup> Circuit Court of Appeals Judge Marjorie O. Rendell, the National Constitution Center and the Pennsylvania Department of Education in promoting civic learning across the commonwealth through PennCORD (Pennsylvania Coalition for Representative Democracy). You can learn more about the PBA and PennCORD by visiting our Web site at www.pabar.org.

I know we all recognize the significance of sharing with our children what being an American citizen is all about. I thank you for your participation in the program and for your willingness to make a difference in the lives of Pennsylvania's young people.

Sincerely,

William P. Carlucci

President

Pennsylvania Bar Association

William Paluer



Pennsylvania's Law Day 2006 celebration is funded by the Pennsylvania Bar Foundation.



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<sup>\*\*</sup> Please note that the PBA received a number of outstanding lesson plans from Pennsylvania teachers for this year's lesson plan guide. Due to limited space, some of the lessons are being featured on the PBA Web site at www.pabar.org/O6ldinformation.shtml. Be sure to visit the Web site and review the lessons.



# Setting Started: Importance of Civic Learning

n the Civic Mission of Schools (CMS)<sup>1</sup>, the consensus goal of civic education was identified as helping students gain and apply citizenship skills, knowledge and attitudes. This is also the goal of public education in Pennsylvania as outlined in the Public School Act of 1949 and the goal of the PennCORD initiative, in which the PBA is proud to be a leading partner. CMS recognized the need to provide resources and encouragement to ensure that all students can become the kind of competent and responsible citizens who are:

- Informed and thoughtful;
- Involved in their communities:
- Active politically; and
- Concerned for the rights and welfare of others.

CMS offered six promising approaches for civic education. The approaches of the report, which are outlined below, provide a strong framework for law-related education and civic learning in Pennsylvania:

- 1. Provide instruction in government, history, law and democracy. Formal instruction in U.S. government, history and democracy increases civic knowledge. This is a valuable goal in itself and may also contribute to young people's tendency to engage in civic and political activities over the long term. However, schools should avoid teaching only rote facts about dry procedures, which is unlikely to benefit students and may actually alienate them from politics. History is full of conflict and the many ways conflict is dealt with in history from war to peace² provides ample opportunity to teach about handling conflict in such instruction³. Creative teachers have for years excited their students and informed their teaching by freezing historic events at certain points in time and then exploring how historic figures might respond if certain dispute resolution techniques were employed. A mock trial of Columbus for crimes against Native Americans might provide special insight into the cultural clashes of the past and present. Similarly, a mock mediation between Ben Franklin and Charles Pickney at the Constitutional Convention might allow students to understand better the conflict over slavery that led to the major compromises in the Constitution⁴.
- 2. Incorporate discussion of current local, national and international issues and events into the classroom, particularly those that young people view as important to their own lives. When young people have opportunity to discuss current issues in a classroom setting, they tend to have greater interest in politics, improved critical thinking and communications skills, more civic knowledge and more interest in discussing public affairs out of school. Conversations, however, should be carefully moderated so that students feel welcome to speak from a variety of perspectives. Both students and teachers need support in broaching controversial issues in classrooms since they may risk criticism or sanctions if they do so.
- 3. Design and implement programs that provide students with the opportunity to apply what they learn through performing community service that is linked to the formal curriculum and classroom instruction. Service programs are now common in K-12 schools. The ones that best develop engaged citizens are linked to the curriculum; consciously pursue civic outcomes, rather than seek only to improve academic performance or to promote higher self-esteem; allow students to engage in meaningful work on serious public issues; give students a role in choosing and designing their projects; provide students with opportunities to reflect on the service work; allow

# >> Getting Started: Importance of Civic Learning (continued)

students — especially older ones — to pursue political responses to problems consistent with laws that require public schools to be nonpartisan; and see service-learning as part of a broader philosophy toward education, not just a program that is adopted for a finite period in a particular course. Free curricular materials that help organize service projects are available through Project Citizen. See www.leap-kids.com/programs/pennwtppc.php.

- 4. Offer extracurricular activities that provide opportunities for young people to get involved in their schools or communities. Long-term studies of Americans show that those who participate in extracurricular activities in high school remain more civically engaged than their contemporaries even decades later. Thus, everyone should have opportunities to join school groups, and such participation should be valued. Group participation means interaction with peers and others as part of that participation, thus providing real-life experience in grassroots democratic practices.
- 5. Encourage student participation in school governance. A long tradition of research suggests that giving students more opportunities to participate in the management of their own classrooms and schools builds their civic skills and attitudes. Thus, giving students a voice in school governance is a promising way to encourage all young people to be engaged civically. The conflicts associated with school governance often mirror the conflicts found in political life in the larger society, and the need for skill development is vital if the experience is to be positive for students. Although a developmentally appropriate approach is needed, there is room at every level for students to participate in school governance with the level of participation growing as the students mature.
- 6. Encourage students' participation in simulations of democratic processes and procedures. Recent evidence indicates that simulations of voting, trials, legislative deliberation and diplomacy in schools can lead to heightened political knowledge and interest. The data is not conclusive, but these approaches show promise and should be considered when developing programs and curriculum. Mock trials, as shown in the lessons in this year's guide, are just one way of providing interactive civic learning.

CMS was sponsored by CIRCLE (Center for Information and Research on Civic Learning and Engagement) and the Carnegie Corporation of New York in cooperation with the Corporation for National and Community Service. See www.civicmissionofschools.org for the complete findings of CMS. The CMS report was the creation of a diverse and talented group of civic scholars and practitioners and was accepted by the Bush Administration as an important document that demands careful review.

<sup>2</sup>Former President Jimmy Carter has spoken about the need to "wage peace" as strongly as we have waged war. See Jimmy Carter's Nobel Lecture as the recipient of the 2002 Nobel Peace Prize in Oslo, Sweden. www.nobelprize.org.

The New Jersey Center for Law-Related Education has been working on curriculum that combines history and conflict resolution explicitly. Contact: Arlene Gardner, director, New Jersey Center for Civic and Law-Related Education, Rutgers-The State University of New Jersey, Livingston Campus, Lucy Stone Hall, Rooms B305-309, Piscataway, NJ 08854; Ph: 732-445-3413/3414; Fax: 732-445-3420; E-mail: agardner@njclre.rutgers.edu; Web site: www.civiced.rutgers.edu.

<sup>4</sup>This would be a wonderful activity to do to fulfill the Constitution Day educational mandate of the recent Byrd Amendment.

<sup>5</sup>In other words, students in such service activities should be graded, paid for their work or rewarded in some significant fashion.

# Getting Started: Judges & Lawyers

#### A Few Notes About Visiting a Classroom

These ideas come from a variety of sources and are meant to help a presenter feel more comfortable when heading into a classroom.

Everyone knows the "Three R's." The civic learning presenter needs to know the "Five W's: Who? What? When? and Why?

Who refers to your audience. Are you visiting an elementary, middle or high school class? Is the school public, private or parochial? How many students are in the class? Are you presenting before more than one class? Is there anything special about the students, teacher or school that you should know before making your presentation? It would be helpful for you to talk with the classroom teacher prior to the presentation to answer these questions. Most teachers will appreciate your efforts to work with them on your program.

What refers to the content of your civic learning presentation. Are you focusing on a specific topic, or are you giving a general overview of the law? If you have been asked to cover a specific content area, please feel free to use the lessons provided in this guide or to contact any of the civic learning providers listed in this guide for additional lessons (see Civic Learning Support Organizations). If you are going to develop your own materials, please see the lesson planning suggestions provided in this guide (see Lesson Planning Ideas).

The following are some useful content and delivery tips to help you get started:

- Be prepared and have a plan that covers the time allotted. Build into your plan the capacity to deviate from it if circumstances, or questions from students, dictate that a change is needed.
- Whatever you cover, be prepared for wide-ranging questions from the students. Answer the questions as best you can and be cautious some students will try to draw you into making a judgment about an action of a parent, teacher, school administrator or local law/justice official.
- Always try to present both sides of an issue and use the teacher's old trick of turning the question back on the student who asked it.
- **>** Be prepared for students to share their personal experiences (or their parents' experiences) with the law. Always try to respect their points of view while encouraging them to expand on those perspectives.

# >> Getting Started: Judges & Lawyers (continued)

- Try to focus your presentation on the students by actively involving them. Remember ... lecturing is the least effective means of teaching (see *Glasser's Percentages of What Students Learn* in the Lesson Planning Ideas section). Think back to times when you were excited about learning and model your lessons on those memories.
- Finally, try not to promise the students anything that you will be unable to deliver in the future. If you say you will get back to the class with the answer to a question, make sure you do. If you promise to visit later in the year, make sure that visit takes place.

Where refers to directions within the school to the classroom. The often overlooked part of knowing where you are going is determining what the school's rules are for visitors. Do you have to report to the main office? Must you have a pass to walk in the building? Even if you have visited the same school for many years, the problems with school violence have led many schools to tighten visitor controls.

You also will need directions for moving both yourself and the students around in the classroom. When working with students, try not to get yourself locked into one place. There are many different ways to direct students around the classroom and some of the best ways are detailed in the included lesson plans. The easiest and best way to involve students more completely in a lesson is by dividing the large group into smaller groups of four to six students. Ask the teacher if the students already have cooperative learning groups established. You can utilize those groupings for any small group work you wish to do during your presentation.

When refers to the time of your session — both beginning and ending times. Schools run the gamut with regard to scheduling: some schools have 42-minute periods, while others have 90-minute periods. Make every effort to follow the schedule the school sets up for you. In addition, try to get to your class a few minutes early to observe the students entering the classroom. This will give you some hints about the class and also will create anticipation among the students. End the class on time, too. The students will need to move on to their next class. A good way to make sure you end on time is to ask someone (a student, the teacher) to give you a five-minute warning that the class is close to ending.

Why refers to the purpose of your presentation. Why are you making this presentation? Why is this class having you visit? Knowing these answers will help you to plan your presentation effectively. You may be making a one-time Law Day presentation that is not connected to anything else. On the other hand, you may be expected to provide the background on a project that the class is undertaking. Whatever the reason, recognize and respect the opportunity you have to make a difference in that school.

This lesson plan guide is filled with lessons that get to the heart of our country's democracy. If there is a topic you wish to teach that is not in the guide, visit the PBA Web site for dozens of archived lessons from past Law Day and Celebrate the Constitution programs. The lessons may be found at www.pabar.org/educationprograms.shtml. If you decide to create a new lesson or even just tweak one of ours, let us know. We enjoy featuring the work of others in our materials (see Civic Learning Support Organizations).

# Setting Started: Educators

his lesson plan guide is designed to help you, and judges/lawyers, introduce civic learning lessons into the classroom with ease. The lessons are fun, informative and easy-to-use, and appropriate handouts have been included.

All of the lesson plans have been linked to Pennsylvania's Academic Standards for Civics and Government. The lessons also meet many of the other standards, especially in social studies. The Academic Standards for Civics and Government, which became final upon their publication in the *Pennsylvania Bulletin* on Jan. 11, 2003, describe what students should know and be able to do in four areas:

- 5.1. Principles and Documents of Government
- 5.2. Rights and Responsibilities of Citizenship
- 5.3. How Government Works
- 5.4. How International Relationships Function

"The Pennsylvania Constitution of 1790 was the basis for the Free Public School Act of 1834, which is the underpinning of today's system of schools operating throughout the commonwealth. Schools were created to educate children to be useful citizens, loyal to the principles upon which our republic was founded and aware of their duties as citizens to maintain those ideals. Today, social studies education continues the mission of promoting citizenship." — Pa. Dept. of Education Web site. Visit www.pde.state.pa.us/social\_studies to learn more about the standards.

In addition, this lesson plan guide offers you the unique opportunity to invite local judges and lawyers into your classroom to help with teaching the lessons. As you know, students often respond well to outside people who share with them their

knowledge and experience in certain subject areas, such as the law. Do not, however, feel restricted only to use these lessons during the Law Day celebration. This guide was created to be a year-long civics and government teaching tool for educators across Pennsylvania. Please also feel free to contact the civic learning organizations listed in this guide for additional civic learning resources (see Civic Learning Support Organizations).



# >>Lesson Planning Ideas

here is probably a civic learning lesson for any topic you might like to present. There are a variety of lessons found in past PBA Law Day and Celebrate the Constitution booklets, which are posted in the Public Education area of the PBA Web site at www.pabar.org/educationprograms.shtml. If you decide to create a new lesson — or even just tweak one of ours — let us know. Send your lesson planning ideas, as well as news of your presentation efforts, to the PBA (see Civic Learning Support Organizations). The PBA likes to feature the work of Pennsylvania lawyers, judges and educators. In fact, some of the lessons in this guide originally were developed by educators, lawyers and judges for classroom visits. For additional civic learning lessons, contact one of the other organizations listed on the Civic Learning Support Organizations page.

If you decide to create your own lesson, the following overview provides a time-tested model for creating an original lesson.

#### Glasser's Percentages of What Students Learn<sup>1</sup>

#### **Students Remember:**

10% of what they read
20% of what they hear
30% of what they see
50% of what they see and hear
70% of what they discuss with others
80% of what they experience personally (that involves feelings)
95% of what they teach someone else

As such, do not distribute a lot of handouts and then lecture. Whenever possible, try to involve the students in interactive learning activities. Conducting a mock trial with the students will teach them much more about how courts operate than a lecture on the structure of the courts. Role-playing a police stop is a far better way to teach about police powers than reading the opinion in *Terry v. Ohio*.

#### What Are the Essential Elements of a Good Civic Learning Lesson?

#### The lesson should:

- develop substantive knowledge about a legal/constitutional concept that is of interest to young people;
- present a balanced view of the topic as well as the legal system;
- develop a wide range of cognitive and affective behaviors, as well as critical thinking skills;
- stress interactive learning processes such as small-group activities;
- provide a debriefing procedure that leads participants to evaluate their own learning; and
- relate to students' daily lives and be appropriate to the students' ages and levels of understanding.

# >> Lesson Planning Ideas (continued)

#### What Are the Steps of a Good Civic Learning Lesson?

- 1. Have at least one activity during the main lesson other than you talking (see the ideas below). You might want to use a number of different activities during the class (for example start by asking a question, then move on to a role-play or simulation, have the students brainstorm some ideas, ask them to visualize a scene, read a passage from a case and close with a survey you provide).
- 2. End with a wrap-up, something that brings closure to the presentation. You might simply ask them to reflect on the lesson. If the teacher thinks a homework assignment is a good idea, give the students an assignment such as this: "Here's the address of your senator write the senator and explain how you feel about \_\_\_\_\_\_\_."

#### ACTIVITIES THAT HELP STUDENTS ATTACH MEANINGS TO LEARNING EXPERIENCES<sup>2</sup>

- Writing Logs/Diaries Students document reactions to events and interpret what happened.
- Naming Themes Students think of a personal lesson that was learned and try to derive an abstract meaning from the experience. The question, "What does it remind you of?" encourages students to find themes.
- **Imagining** Students imagine "What if?" or create alternative outcomes.
- **Evaluate** Students rate or rank an experience in relationship to other similar experiences they may have had.
- **Role-Playing** Students express their understanding of problems by acting out their interpretations of the elements of the experience (mini-mock trials are great for presentations).
- Drawing Students identify major themes or issues and draw pictures identifying the meaning derived from the experience.
- **Comparing** Students relate reading or taking a field trip to another similar experience. This helps them identify features they consider relevant.
- Concept Mapping Students visualize and draw the relationships among concepts with a series of links or chains.

William Glasser. Control Therapy in the Classroom. Harper & Row: NY, 1986. Reality Therapy: A New Approach to Psychiatry. Harper & Row, NY: 1965.

<sup>&</sup>lt;sup>2</sup> James Roth. "Enhancing Understanding Through Debriefing." Educational Leadership. October: 1987. pp. 24-27.

# >>Quick Classroom Lessons

#### NEW THIS YEAR! >> NEW THIS YEAR! >> NEW THIS YEAR! >> NEW THIS YEAR!

The lessons contained in this section are designed for lawyers, judges and educators who only have a few minutes to visit a classroom. These lessons are quick, easy and engaging and only take about 20 minutes. They are also wonderful for educators who are looking for a quick civics lesson.

#### What's In A Name?

- Grade Levels: K-12
- <u>Academic Standards</u>: Various Academic Standards in Civics and Government are covered in this exercise, depending upon the accompanying discussion.
- Submitted by: Jesse Teti, a Bensalem middle school student.

Walk into the classroom and write in large letters across the board a word that describes you (LAWYER, ATTORNEY, JUDGE, MEDIATOR, ADVOCATE, TRIAL LAWYER, CITIZEN) or a word that represents something you wish to discuss (JUSTICE, RESPONSIBILITY, FREEDOM, CONSTITUTION, BILL OF RIGHTS, LAW DAY). You may want to bring sheets with the different words spelled out vertically on the pages.

Ask the students to tell you what the word means, and every time the students use a word that begins with one of the letters of your word, write it down. For example, if the word is LAWYER and the students respond that a lawyer takes cases to court, the instructor could tell the students that some lawyers are litigators, explaining that term and writing it in as below:

Litigator A W Y E	The words can also be given to the class for students to fill out on their own. Here is how one might look:  Jury  Understanding  Deliberate  Guidelines (as in sentencing)
Y	Deliberate

## >> Quick Classroom Lessons (continued)



#### Ten Things I'd Rather Be Doing

- Grade Levels: K-12
- <u>Academic Standards</u>: Various Academic Standards in Civics and Government are covered in this exercise depending upon the accompanying discussion.
- <u>Background</u>: This exercise was developed as a variation of the "Mindwalk" lessons found on the PBA Web site in past Law Day lesson plan booklets (see www.pabar.org/lawdayinformation.shtml).

Walk into the classroom and announce that you are about to ask the students the hardest question they have ever been asked: ask them to list 10 things they would rather be doing besides listening to you. Don't be too worried — students everywhere can come up with things they would rather do than be in class; even with you as a guest speaker. Write their comments on the board. Once the list is developed, explain to the students that you are there to talk about Law Day and the rule of law and that you can connect anything they would rather be doing to the law.

Shopping? Warranties, implied contracts, truth in advertising, liability for defective products

Traveling? Passports, money (legal tender), contracts

Sleeping? Remember those tags on the pillow with the warning "Do not remove under penalty of law?"

If you get stuck (or even if you don't), ask the students how the law is connected. They will start thinking, which is the purpose of the exercise, and may surprise you with ideas you never considered.

# >> Quick Classroom Lessons (continued)

#### Coconut Chaos and the "Eight Ates"

- Grade Levels: K-12
- <u>Academic Standards</u>: Various Academic Standards in Civics and Government are covered in this exercise depending upon the accompanying discussion.
- <u>Background</u>: This warm-up exercise was developed as a variation of the classic "Red River Orange" lesson used in conflict resolution education. A coconut, instead of an orange, is used in this lesson for two reasons. One, no one has ever eaten the coconut during this lesson while more than a few oranges have been consumed. Second, no one has ever had a spare coconut in his or her lunchbox to offer as a solution to the conflict of the coconut lesson but, when an orange has been used, extra oranges have been offered. The "Eight Ates" portion of the lesson comes from a wonderful mediation lesson used in materials created by the New Jersey Bar Foundation.

Walk into the classroom with a coconut and the two coconut chaos descriptions on the provided student handout. You have a few options for the disputants in the case: you or the classroom teacher can pick two students to be in the dispute; you can have the teacher be in the dispute with you; or you can tell the students that this is a dispute between two people you know.

- 1 Distribute the coconut chaos descriptions from the student handout to two students (or you and teacher) one for Disputant #1 and one for Disputant #2. Tell them not to share this information with the class. Ask the disputants to review their information and begin the dispute. Each disputant must stick to his or her script. Someone will need to serve as a mediator, helping the disputants and the class find a compromise.
- 2 To begin the scenario, explain to the class that the coconut was left in the classroom. Disputant #1 thinks the coconut is his/hers, and Disputant #2 thinks it is his/hers. Have the disputants begin to argue over the coconut.
- To begin the mediation, ask the class for ways to solve the problem. Whenever a suggestion is made, reduce that suggestion to a single word that ends in "ate" that describes the conflict resolution process suggested. Thus, taking it to court would be to "litigate;" making a rule that no coconuts can be brought to school would be to "legislate;" having the teacher decide might either be "arbitrate" or "dictate."

If a student suggests the disputants try to work it out themselves, the descriptive process might be to "negotiate." One class came up with 56 "ates;" however some suggestions were pretty far fetched – since the class thought the disputants were "chewing each other up," they decided another way to describe the process was as "masticate."

Eventually, ask the disputants why they want the coconut, and help the disputants and the class figure out the mediated compromise.

# Disputant Cards Student Handout

#### Disputant #1

- You think the coconut is yours.
- · You want the coconut for the insides for making a pie. BUT, do not say that just demand the whole coconut don't compromise.
- ONLY when the actual mediation begins and you are asked, "What do you want to use the coconut for?" you can answer that you "want the insides for making a pie."
- We will want to settle the dispute at that time, but up until then, play it hard "No compromise, I want the whole coconut!"

#### Disputant #2

- You think the coconut is yours.
- You want the coconut for the shell for a costume you are making. BUT, do not say that just demand the whole coconut —
  don't compromise.
- ONLY when the actual mediation begins and you are asked, "What do you want to use the coconut for?" you can answer that you "want the shells for a costume."
- We will want to settle the dispute at that time, but up until then, play it hard "No compromise, I want the whole coconut!"

# >> K-12 Lesson Plans

# A Good Citizen Understands ... This is My World and My Responsibility ... A Civic Mission Book List

- Grade Levels: K-3
- Academic Standards: Various Academic Standards for Civics and Government are covered in this lesson
  depending upon the text selected and the discussion that accompanies the book. Standards are listed in the
  three sample lessons provided.
- <u>Procedure</u>: Select one of the three sample lessons provided and present it to a class. Read the selected book aloud to the students, and complete the activity provided for the book.

PHILADELPHIA READS is a nonprofit literacy organization whose mission is to support Philadelphia in becoming a "City of Readers." PHILADELPHIA READS joins the Pennsylvania Bar Association and PennCORD in the effort to reinvigorate civic education for all K-12 students in Pennsylvania. Through this partnership, PHILADELPHIA READS is building a list of books to be used to promote the civic mission of schools. The books on the list are age appropriate for students from pre-school to grade three. They provide lawyers, judges and educators with the opportunity to work with children in civic-related activities designed to enhance their reading, writing and communication skills. The books are arranged into three categories: books that build knowledge of; skills in; and positive disposition towards becoming a "good citizen." The following describes the type of book found in each category:

**Knowledge of:** Books about historical events and/or figures; books that describe how government works; books that refer to current events; and books that include information about rights and responsibilities.

**Skills in:** Books that describe things that young students can do including: community service; environmental awareness; model/lead; communicate effectively; and demonstrate an understanding of their rights.

**Disposition towards:** Books that have to do with problem solving and speaking up; books that demonstrate different points of view; books that have to do with abiding by rules/laws; and books in which the characters model what it is like to be helpful, ethical, accepting and patient.

Along with the list of books, there are three sample lessons with suggested activities. They are designed as readalouds or as enrichment work that can be easily integrated across the curriculum. A sample list of books includes:



The PHILADELPHIA READS list of books that promote the civic mission of schools is being collated by Dr. Adrienne Jacoby, executive director; Sarah Galbally, volunteer coordinator; and Anne Spector, program consultant. They welcome your suggestions and would also welcome your generous contributions of new or gently used books. You can contact PHILADELPHIA READS at philadelphiareads@gpuac.org or ajacoby@gpuac.org.

#### "KNOWLEDGE OF" BOOKS

• "Click Clack Moo . . . Cows That Type" by Doreen Cronin — This book highlights the concept of rights and responsibilities. (ISBN 0-78820-764-4)

#### "SKILLS IN" BOOKS

• "Miss Rumphius" by Barbara Cooney — This is an excellent book from which to generate a list of "Things I Can Do To Make My \_\_\_\_\_\_(Classroom, School, Playground, Home, Neighborhood, etc.) A Better Place." (ISBN - 0-67047-958-6)

#### "DISPOSITION TOWARDS" BOOKS

- "Ernest and Elston" by Laura T. Barnes This is an animal story with an easily absorbed lesson about being true to yourself. (ISBN: 0-9674681-6-7)
- "I Was So Mad" by Mercer Mayer This delightful piece of literature promotes the practice of "stop and think." (ISBN: -0-307-11039-4)
- "Lilly's Purple Plastic Purse" by Kevin Henkes Lilly learns that it is important to follow the rules in school and to use her problem solving skills. (ISBN: 0688128971)
- "Noisy Nora" by Rosemary Wells A good citizen is, according to the PennCORD student interns, patient. Noisy Nora learns that patience is a virtue. (ISBN: 0-14-056728-3)

#### YOU FORGOT YOUR SKIRT AMELIA BLOOMER

Developing Skills in Civic Responsibility

<u>Title of Book: "You Forgot Y</u>	our Skirt Amelia Bloon	ner"	
<u>Author</u> : Shana Corey	<b>Illustrator</b> : Chesley M	cLaren	
<u>ISBN</u> : 0-439-07819-9			
Level of Story: Primary			
Category:   Knowledge	e of Skills in	☐ Disposition towards	
(Check the category/categories that apply)			

Story Summary: Amelia Bloomer thought that many of the rules and laws that controlled women were silly. She disliked that women could not vote or work, so she fought to change those things. Even more, Amelia could not understand why women were expected to dress in such uncomfortable clothing. Women wore such big dresses! When Amelia saw a friend's cousin wearing something very different, she was hooked. She immediately made herself several pieces of "bloomers" to wear. It did not take long for this new trend in women's clothing to catch on.

#### Suggested Discussion Questions and/or Activities:

- 1. Think of a time you found a rule to be unfair. What did you think was unfair about the rule? Could you have done something to change what you thought was unfair about the rule? (Academic Standard 5.2.E: Describe ways citizens can influence the decisions and actions of government)
- 2. Why do you think that people expected women to dress the way they did in heavy, long dresses with corsets?
- 3. In the story, the fact that women were not allowed to work was the law of the day. On the other hand, expecting women to wear dresses that were so heavy and uncomfortable was a <u>rule</u>. Brainstorm any <u>laws</u> you know of. Now brainstorm a second list of <u>rules</u>. What do you think the difference is between <u>rules</u> and <u>laws</u>? Think of how <u>rules</u> and <u>laws</u> are set and the consequences for breaking different <u>rules</u> and <u>laws</u>. (Academic Standard 5.2.F: Explain the benefit of following rules and laws and the consequences of violating them. Academic Standard 5.3.C: Identify reasons for rules and laws in the school and community.)

#### MRS. MCBLOOM, CLEAN UP YOUR CLASSROOM!

Developing Skills in Civic Responsibility

Author: Kelly DiPucchio  Illustrator: Guy Francis  ISBN: 078680932-9  Level of Story: Primary  Category:	litle of Book: "Mrs. McBloom, Clean Up Your Classroom!"			
Level of Story: Primary  Category: □ Knowledge of □ Skills in □ Disposition towards	Author: Kelly DiPucchio <u>Illustrator</u> : Guy Francis			
Category:    □ Knowledge of    □ Skills in    □ Disposition towards	<u>SBN</u> : 078680932-9			
	Level of Story: Primary			
(Check the category/categories that apply)	<u>Category</u> :	☐ Knowledge of	☐ Skills in	☐ Disposition towards

Story Summary: Mrs. McBloom had the messiest classroom in all of Up Yonders. When it was finally time for her to retire and clean her room for the next teacher, she did not know where to begin. She asked her class to come up with ideas for cleaning up in a "jiffy." One student came up with an idea to have each citizen of Up Yonders come to school and pick one item from Mrs. McBloom's classroom.

#### Suggested Discussion Questions and/or Activities:

- 1. The citizens in the story all chipped in to help Mrs. McBloom brainstorm possible solutions to her problem.

  Brainstorm a list of ways you could chip in to help someone around your school or community. (Academic Standard 5.2.G: Identify ways to participate in government and civic life.)
- 2. Mrs. McBloom was not able to solve her problem without the help of others. Think of a time when you needed others' help either their ideas or help to complete a task. Explain that time and how others helped you. (Academic Standard 5.2.C: Students will begin to learn that there are different ways to solve problems.)
- 3. As a group, identify a problem you are having in your classroom, school or community. Brainstorm a list of possible ways it could be solved. Next, classify the solutions as either needing a group (more than one person) or able to be solved by one person. Which solutions seem to be the easier to carry out? What makes the solution easier to do? (Academic Standard 5.2.C: Students will begin to learn that there are different ways to solve a problem.)
- 4. Brainstorm a list of characteristics that make a good citizen. (Academic Standard 5.2.A: Students will begin to identify the rights and responsibilities of citizenship.)

#### THE THREE QUESTIONS

Developing Skills in Civic Responsibility

<u> Title of Book</u> : "	The Three Questions"	(Based on a story	by Leo Tolstoy)
Author: Jon J. M	luth		
<u>ISBN</u> : 0-439-199	96-4		
Level of Story:	Primary		
Category:	☐ Knowledge of	☐ Skills in	☐ Disposition towards
(Check the cate	gory/categories that apply)		

<u>Story Summary</u>: Nicolai is a young boy who thinks about how he can be a good person. He asks the help of his best friends — a crow, a monkey and his dog. He asks them three big questions: When is the best time to do things? Who is the most important one? What is the right thing to do? Searching for the answers to his questions, Nicolai goes to the wise old turtle. Through first-hand experiences, Nicolai discovers the answers to his questions.

#### <u>Suggested Discussion Questions and/or Activities:</u>

- 1. Brainstorm with the children the characteristics of a good person / a good citizen. (Academic Standard 5.2.A: Students will begin to identify the rights and responsibilities of citizenship.)
- 2. Think about how you solved a problem with the help of others. Be prepared to share. (Academic Standard 5.2.C: Students will begin to learn that there are different ways to solve a problem.)
- 3. Think of a time when you helped someone. How did that make you feel? (Academic Standard 5.2.A: Students will identify examples of personal rights and responsibilities; and Academic Standard 5.2.C: Students will explain ways that they can help resolve conflicts in their school and community.)
- 4. Think of a time when someone helped you. How did that make you feel? (Academic Standard 5.2.A: Students will identify examples of how others demonstrate their civic responsibility; and Academic Standard 5.2.C: Students will explain ways that others in their school and community can help resolve conflicts.)

#### "We the People"

- Grade Levels: 3-6
- Academic Standards: Academic Standards for Civics and Government 5.1
- <u>Submitted by</u>: Cindy Munch, a fifth-grade teacher at Irving Elementary School in the Erie City School District. It was adapted for use in this guide by Bucks County attorney Harry Cooper.

The purpose of the lesson is to identify the basic ideas of government as identified in the preamble to the U.S. Constitution. This lesson was adapted from the "We the People" curriculum of the Center for Civic Education. Free classroom sets of these materials are available. Visit www.leap-kids.com/programs/pennwtp\_req.php for more information.

#### **Materials:**

- Dictionaries
- Copies of the preambles to the U.S. Constitution and the Pennsylvania Constitution (included handout)
- "School House Rock" video "America Rocks!" (if available)
- > Preamble Scramble Student Handout

#### **Procedure:**

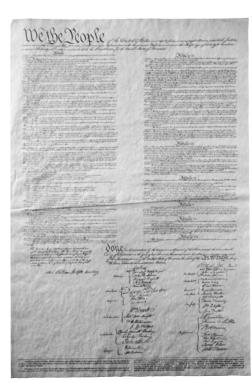
Have students watch the video (if available) and examine a copy of the preamble to the U.S. Constitution. If no video is available, dramatically read the preamble aloud. Highlight words that may be unfamiliar to the students. Divide the students into six groups and assign each group a portion of the preamble to the U.S. Constitution to study and a dictionary to help them figure out the meaning of the words. Ask each group to answer the following questions regarding its portion of the preamble:

- 1. What does the part mean? Give an example.
- 2. Why is it important?
- 3. What does it have to do with protecting your rights and freedoms?
- 4. What does it have to do with your world and your responsibility?
- 5. Can you find the same wording in the preamble to the Pennsylvania Constitution?

The Pennsylvania preamble only shares Group 6's "ordain and establish this Constitution" language. It contains specific religious language not found in the preamble to the U.S. Constitution.

#### Closing:

If time, distribute the Preamble Scramble handout. Discussion for the entire class: The first three words of both constitutions are the same — "We the People." Many people think those are the most important words in both constitutions. Do you agree or disagree with this statement? Why?



# The Preambles of the United States & Pennsylvania Constitutions Student Handout

#### **Preamble to the United States Constitution**

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

#### **Preamble to the Pennsylvania Constitution**

"We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution." (end box)

#### Student Group #1

We the People of the United States, in Order to form a more perfect Union...

#### Student Group #4

...promote the general Welfare...

#### Student Group #2

...establish Justice, insure domestic Tranquility...

#### Student Group #5

...and secure the Blessings of Liberty to ourselves and our Posterity...

#### Student Group #3

...provide for the common defence...

#### Student Group #6

...do ordain and establish this Constitution for the United States of America.

### Preamble Scramble Student Handout

<u>Directions</u>: Working in groups, cut out the phrases as boxed below. The phrases come from both the United States and Pennsylvania constitutions. Reorder the phrases to spell out both the United States Constitution and the Pennsylvania Constitution.

and secure the Blessings of Liberty to ourselves and our Posterity,

We the People of the United States

establish Justice, insure domestic Tranquility,

grateful to Almighty God for the blessings of civil and religious liberty

promote the general Welfare,

and humbly invoking His guidance,

do ordain and establish this Constitution for the United States of America.

in Order to form a more perfect Union,

do ordain and establish this Constitution.

provide for the common defence

We, the people of the Commonwealth of Pennsylvania,

#### It's Your Constitution

- Grade Levels: K-8
- Academic Standards: Academic Standards for Civics and Government 5.1D, 5.1E & 5.1F.
- <u>Submitted by</u>: Helen Miller, Epiphany of Our Lord School in Plymouth Meeting, Pa. It was adapted by PennCORD's Chanel Broadus.

This lesson, which can be used throughout the school year to celebrate the U.S. and Pennsylvania constitutions, was originally created for a school-wide assembly for students in grades one through eight on Constitution Day. The presenters decided to share some information about the Constitution in the form of a quiz show — displaying the information for the audience as it was presented and eliciting responses from the student audience. The presenters geared the show to the younger students to give the younger students opportunities to participate. It is a great way to make the rule of law come alive for children. They used local references, such as nearby places and members of the school staff, to get some laughs. Just remember to change that part of the script to fit your school! Only eight upper-grade students were needed to run the program at Epiphany of Our Lord School in Plymouth Meeting, but each school may wish to involve more or less cross-age students.

#### Participants:

- One emcee to run the show. The emcee stands behind a podium.
- Three contestants to answer the questions. The three contestants sit at desks, each with his/her own copy of the script, so no memorization is necessary. Each contestant has a bell to ring to answer a question. They should do at least one rehearsal to ensure that the presentation runs smoothly.
- One scorekeeper to keep track of points won by the contestants. The game will eventually end with a tie score of four points as scripted below, but the game can be extended by adding more questions if time allows.
- One student gives out the prizes to the students in the audience when they participate with correct answers. Prizes could be candy, red, white and blue pencils or ballpoint pens, pocket constitutions or more.
- Two students to put up posters with correct responses given in the show. (Example: The three branches of government are legislative, executive and judicial.) Better yet, as the show progresses, answers could be displayed on a large screen as part of a PowerPoint presentation.

Offstage: And now, live from Hollywood we bring you America's favorite	patriotic quiz show, It's Your Constitution,
starring everyone's most favorite patriotic emcee	_!! Please give him/her a big round of applause

Emcee: Hello, hello, folks. It's great to be back with you on Law Day, the day our government has set aside for schools all around the United States to learn something about our country's government. All over the U.S., schools will be celebrating Law Day — and today, we're featuring America's favorite document, the Constitution!

Over 200 years ago, the Constitution was written, and we've used it to run our country ever since. Today on our show, **It's Your Constitution**, we have three contestants that we found on the street outside our studio. We'll see which one of them wins the jackpot for answering the most questions correctly about ... yes, you guessed it! ... our Constitution!

So, please welcome our three contestants. Contestant #1, what is your name and where are you from?

Contestant #1: Hi	I'm and	I'm Contestant #3: Uhare those branches maple, oak or pine?
		Emcee: Sorry, that's not correct.
Emcee: Contestant #2?		Contestant #2: (Rings in)
Contestant #2: My name i from	s and	I'm Emcee: Let's hear your answer, #2.
Emcee: Contestant #3?		<b>Contestant #2:</b> I think they are the legislative, executive and judicial branches.
Contestant #3: I'm	and I'm	from  Emcee: Wow, that is right, and you just won yourself triple
Emcee: Hmm, all of our co	ontestants hail from Pennsylvania. I	points!!! For our next question, who is the head of our government, our leader?
	ians know about the U.S. Constituti question. What is a constitution?	On.  Contestant #1: (Rings in) That's easy. Our leader is, our principal.
Contestant #1: (Rings in) of government!	I know that one! A constitution is a	Emcee: No, no, the leader we're looking for is more important than the principal.
Contestant #2: (Rings in) government.	It's a list of rules we use to run ou	
	but Contestant #1 rang in first, so next question has to do with how	Emcee: Yes, #2.
many parts there are in th	e U.S. government.	Contestant #2: That's got to be then. (vice principal)
Contestant #3: (Rings in)		Emcee: No, not
Emcee: Contestant #3?		
Contestant #3: There are	so many parts they can't be counted	Contestant #3: (Rings in)? (school secretary)
Emcee: No, I'm afraid not		Emcee: No, I'm afraid not. Well, our panel is stumped, so we'll
Contestant #1: (Rings in) ernment. They're called b	There are three main parts to our ranches.	turn this question over to the TV audience. Does anyone know who gov- the leader of our government is?
Emcee: That's right Anoth	ner point to Contestant #1. Are we r	(Calls on someone. Accept either President or Mr. Bush)
for our next question? Thi t's worth triple points. Re	s is a hard one. It has three answer ady, contestants? For triple points,	That's right! The president is the head of the executive branch and his main job is to enforce laws
the three branches of our	government!	please give our winner a prize.
Contestant #3: (Rings in)		OK, back to our contestants. Here's your next question: If the president's job is to enforce the laws, then who makes the laws?
Emcee: Contestant #3?		Contestant #3: (Rings in) I think Congress makes the laws.
Contestant #3: The three areuhuh	branches of government	They're the legislative branch.
		Emcee: You are so right. Only the men and women in Congress

can make our country's laws. OK, next question and it's a pip. If

Emcee: You'll have to give us your answer.

the president enforces the laws and the Congress makes the laws, then what does the third branch of government do? What is the job of the judicial branch?

Contestant #1: (Rings in) The judicial branch decides whether laws are constitutional or not.

**Emcee:** Boy, are you smart! That is exactly right. The judicial branch is the highest court in the land, and they decide whether laws agree with our Constitution or whether they don't. If a law doesn't agree with our Constitution, then the law is no longer valid or in effect.

Our next question is this: If the judiciary is the highest court in the land, then what do we call that court?

Contestant #1: (Rings in) The Tennis Court?

Emcee: Absolutely not.

Contestant #3: The Food Court at the mall?

**Emcee:** No! Besides, you didn't ring your bell to answer the question.

Contestant #2: (Rings in) I'm not sure, but does it have anything to do with Judge Judy?

Emcee: NO! Hmm, our contestants are stumped yet again. Time to look for answers in the audience. Who can tell us the name of the highest court in the land?

(Select someone and wait for answer Supreme Court.)
\_\_\_\_\_\_\_, (Prize distributor) a prize for our winner please.

**Emcee:** Time for some questions about the Congress. Are we ready? This question has two answers and is worth double points. Congress is divided into two parts. What are the two parts of Congress?

Contestant #3: (Rings in)

Emcee: #3.

**Contestant #3:** I definitely know this. I remember it from the Constitution. The two parts are the Senate and the House of Representatives.

**Emcee:** Correct and the double points are yours! Next question: Contestants, how do you become a member of Congress or a president of the U.S.?

Contestants #1, #2 and #3 (all look at each other with puzzled looks on their faces. No one rings in).

**Emcee:** Let me ask that question again. How does a person become president of the U.S. or a member of Congress? *(Pause)* The contestants aren't ringing in, so we'll turn this question over to the audience. Can anyone tell us the answer?

(Call on someone, wait for answer elected or voters)
\_\_\_\_\_\_\_, (Prize distributor) let our winner select a prize.

Emcee: Let's go on with our show. After the Constitution was written, some people were afraid that the government would have too much power. So, they drew up 10 additions to the Constitution that would protect our rights. What are those 10 additions called?

Contestant #3: (Rings in) They're called the Bill of Rights.

Emcee: Correct! Which moves us right into the next question ... The Bill of Rights guarantees our freedoms. Can you name one of the freedoms guaranteed by our Bill of Rights?

Contestant #1: (Rings in)

Emcee: #1

**Contestant #1**: Freedom of religion ... freedom of the press ... freedom of assembly ... the right to petition ... the right to a speedy trial ...

Emcee: (interrupting) Yes, you are right. I only asked for one freedom, but you mentioned a lot more freedoms that the Bill of Rights protects. The Bill of Rights is an important part of our Constitution. And as we said, they were the very first changes we made in it. This gets us to the next question. What do we call any change or addition to our plan of government?

Contestant #2: (Rings in) They're called additions.

Emcee: No, they are not.

Contestant #1: (Rings in) Are they called changes?

Emcee: That is not correct. Well, #3, want to tell us what a change or addition to the Constitution is called?

Contestant #3: I don't know. (shaking head slowly)

Emcee: Audience, it's up to you. What's any change in the Constitution called?

(Select someone, wait for amendment) \_\_\_\_\_\_, (Prize distributor) this winner gets to select a prize too.

Emcee: Contestants, our Constitution is over 200 years old. How many changes or amendments have we made in our Constitution?

Contestant #2: (Rings in) Uh, uh ... uh, we've made uh ... uh ...

**Emcee:** I need an answer, Contestant #2. How many amendments are there to the Constitution?

Contestant #2: (doesn't know, thinking hard, decides to guess): ......uh.....uh.....oh, I'll say (gives up trying to really figure it out) ... oh, how about 27?

Emcee: That's absolutely correct. (#2 looks shocked that the answer is right)

Contestant #2: I can't believe I got that right!

Emcee: Yes, it *is* pretty amazing that in over 200 years we have had to change our great Constitution only 27 times. Not bad for a government two centuries old.

Well, we now come to the super-duper jackpot question. Put on your thinking caps contestants. We said that Congress has two parts — the House of Representatives and the Senate. Here's your question: If there are 50 states and each state has two senators, then how many senators are there in the U.S. Senate?

Contestant #1: (Rings in) That's easy. There are 52 senators.

**Emcee:** No, Contestant #1, that is not correct.

**Contestant #2:** (*Rings in*) I think there are 502 senators.

Emcee: Nope. Way too many.

Contestant #3: (Rings in) Are there 7?

Emcee: No, and audience, you know what that means! You get to answer the question: If there are 50 states and each state has 2 senators, then how many senators are there in Congress? (Select someone, wait for 100) \_\_\_\_\_\_\_, (Prize distributor) please give our winner a prize.

Well folks, that wraps it up for today's show.

Contestant #1: Wait, which one of us won? Who won the jackpot?

**Contestant #2:** Yeah, we answered the questions, so who won?

Emcee: As you can see, none of you did. No, I'm afraid that we'll just have to wait for our next show to find the jackpot winner. However, we do have some really nice consolation prizes for our players. So, tune in next year on Law Day when we'll learn a little more about YOUR CONSTITUTION.

Emcee: Thank you for attending our program this morning. We hope that you enjoyed our assembly and that you will go home today knowing a little more about our government and how it works. Would you please give a round of applause to our performers — list names:



#### Fairy Tale Mock Trials

- Grade Levels: K-12
- Academic Standards: Civics and Government 5.3B, 5.3C and 5.3G

This lesson was inspired by the annual Law Day Fairy Tale Mock Trials developed and conducted by the Monroe County Bar Association through its wonderful volunteers on the Law Day Fairy Tale Trials Committee. The committee scripts and performs a new trial each year. For information on the trials, please contact:

Susan L. Kenny, Executive Director

Monroe County Bar Association, 913 Main Street, Stroudsburg, PA 18360

• Ph: (570) 424-7288 • Fax: (570) 424-8234

Here is a partial list of the Fairy Tale Mock Trials the Monroe County Bar has done, with topics provided:

- In Re: Snow White (A foster care case)
- Vader v. Boba Fett (Contract dispute)
- Commonwealth v. Goldilocks (Prosecution for burglary)
- Commonwealth v. B.B. Wolf (Murder of the two pigs)
- Commonwealth v. Certain Known Unnamed Pokemon Gang (A case about older kids cheating little kids out of Pokemon cards)
- Eminem v. Recording Academy (A take off on the Florida Butterfly ballot)
- Bumble v. Olivanders (A product liability case based on the Harry Potter novels)

**Materials:** You will need a copy of the fairy tale you wish to use and adapt it into a mock trial or some sort of summary of the story. Some instructors have simply created a summary based on what the students in the class have provided. Below is an example of how one lawyer visiting a third-grade class created a mock trial with the students from the Goldilocks story. The class completed the trial in a 45-minute period.

The attorney asked the students if they knew the story of Goldilocks and the Three Bears. They did! Among the highlights of the story, as recounted by the class, was that a hungry and tired Goldilocks entered the Bears' home and, after realizing no one was home, sampled porridge, broke a chair and fell asleep in a bed only to wake-up with three bears (Mama, Papa and Baby Bear) staring at her. The police were called, and she was arrested for trespass and held for trial.

The lawyer and the class discussed what happens at a criminal trial and how certain elements of the crime must be proven beyond a reasonable doubt for a guilty conviction to hold. In this case, the class decided the crime of trespass involved "going into someone's home without permission."

The class was asked how the Commonwealth would prove its case, and the class realized it needed witnesses. Two witnesses that the class thought would help the prosecution were the neighbor from across the street who watched Goldilocks check out the house after the Bears had left for their walk and the police officer who arrested Goldilocks and also took statements from the Bears. The teacher handled the orches-



tration of the trial by assigning students those roles as prosecution witnesses, as well as assigning the role of the defendant, attorneys for both sides, bailiff, judge, stenographer, court reporter and jurors. The attorney had prepared cards noting each role and handed them out to various students until every student had a role to play. Although the students were told that Goldilocks did not have to testify as the defendant, thanks to her Fifth Amendment rights, Goldilocks wanted to tell her side of the story and was joined by a classmate from Goldilocks' school who became the second defense witness.

Opening statements were very short: "We'll prove Goldilocks trespassed." "We'll show that Goldilocks did not trespass!" The Commonwealth began its case, and things looked pretty grim for Goldilocks as the witnesses responded to non-leading questions from the prosecution lawyers. They painted a picture of the unlawful entry into the home of the Bears. Defense cross-examination could not shake either witness. However, when the defense began its case, the student witness explained how he had been sitting between Baby Bear and Goldilocks the other day in class when Baby Bear had passed a note over to Goldilocks inviting her to come to the Bears' house to see Baby Bear's beehive science project. Objections about hearsay evidence were considered (on a third-grade level), and cross-examination produced no change in the student's story.

When Goldilocks took the stand, she said she was sorry she had fallen asleep, that she was sorry she had broken the chair, and that she was sorry she had eaten some of the porridge. But as careless as she was that day, she said that she was no trespasser because she had been invited to the Bears' house by Baby Bear. Goldilocks produced Baby Bear's note and, after arguments about its admissibility, read it to the jury as allowed by the judge. The note even said, "Come in and wait for me if no one is home. We often go for walks in our woods!" The cross-examination did not faze Goldilocks one bit. The defense rested, each side gave closing statements, and the judge sent the jury off to deliberate with instructions that they had to find all of the elements of the crime to convict.

The jury found Goldilocks not guilty of trespassing, but the judge did lecture her on being a better visitor in the future!

If you would like to see a step-by-step approach to creating a mock trial from a piece of literature, look at pages 19-22 in the *2001 K-12 Law Day Lesson Plan Guide* for an example using the story of Rumpelstiltskin. The guide can be found on the PBA Web site at www.pabar.org/pdf/lawday01plan.pdf.

#### You Have the Right to a Lawyer

- Grade Levels: 7-12
- Academic Standards: Academic Standards for Civics and Government 5.1L and 5.3G
- <u>Submitted by</u>: Sam Milkes, executive director of Pennsylvania Legal Services, to teach young people about the importance of attorney representation.
- Begin the class by writing or saying the following:

The following is a minimal Miranda warning as outlined in the Miranda v. Arizona case. "You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to speak to an attorney and to have an attorney present during any questioning. If you cannot afford a lawyer, one will be provided for you at government expense."

- 2 Ask the class why they think the right to have a lawyer is important. Reasons might include:
  - To protect your rights;
  - Because lawyers help people solve problems; and/or
  - To make sure the law is followed.
- 3 Ask the students if they have ever heard of Clarence Gideon, the defendant who brought the case to the U.S. Supreme Court that provided the last part of the Miranda warning "If you cannot afford a lawyer, one will be provided for you at government expense."
- Tell the students that you are going to share a story. The story is about a family that lived for many years in a house that they rented from a neighbor. One day the family came home to find new locks on the house and all of their furniture and belongings piled up outside. The landlord told the family that he needed to kick them out because he was selling the house. The family was too poor to hire a lawyer. Do they get a lawyer because of the Gideon case? "No!"

Most people mistakenly believe that if a person must go to court and cannot afford an attorney, the court will appoint one for them. In reality, thousands of people across Pennsylvania must represent themselves in significant civil trials because they cannot afford a lawyer. In our adversarial system, having a lawyer makes a difference and that is why those who can afford to hire lawyers usually do so.

Although the landmark case of *Gideon v. Wainwright* in the U.S. Supreme Court established the right to counsel in *criminal* cases, that right has not yet been recognized for most *civil* cases. Civil legal aid lawyers handle cases for the neediest among us, and other attorneys give of their services pro bono (free or at a reduced cost) for the poor. Across Pennsylvania, however, the system of legal services for the poor is so overburdened and under-funded that many of those in need of legal assistance usually have no choice but to represent themselves.

- 5 Ask the students if people have the right to counsel in the following situations:
  - Discrimination cases (no)
- Public benefits problems/loss of public assistance or food stamps (no)
- Bankruptcy (no)
- Landlord/tenant cases (no)
- Paternity (yes)

• Divorce and/or custody cases (no)

Visit www.PALawHelp.org to find out what legal resources are available to the poor in your area.

# "Stop in the name of the Law: A Lesson on the Supremes" *U.S. v. Pennsylvania: A Comparison of Courts*

- Grade Levels: 9-12
- Academic Standards: Academic Standards for Civics and Government 5.1A-F, 5.1L, 5.3A, 5.3B, 5.3F and 5.3G
- <u>Submitted by</u>: These materials were produced by the Administrative Office of the U.S. Courts and are used with permission. LEAP-Kids modified the lesson for this publication. Visit www.uscourts.gov/outreach/index.html for other materials.

Activity Directions: Distribute the handout provided and work through the answers with the students. For fun, you could play one of your favorite songs by The Supremes as the students come into the class. There is a more detailed lesson exploring the differences between the federal and state courts on the PBA Law Day Web site at www.pabar.org/06ldinformation.shtml.

#### Background on the U.S. Supreme Court

The Supreme Court of the United States sits at the apex of the federal court system. It is made up of nine judges, known as justices, and is presided over by the Chief Justice. Parties who are not satisfied with the decision of a U.S. Circuit Court of Appeals (or, in rare cases, of a U.S. District Court) or a state supreme court can petition the U.S. Supreme Court to hear their cases. Each year, the court accepts between 100 and 150 of the some 7,000 cases it is asked to hear for argument. The cases typically fit within general criteria for oral arguments. Four justices must agree to hear the case.

#### **Background on the Highest State Courts**

All states have some sort of highest court. While they are usually referred to as supreme courts, some, such as the highest court in Maryland, are known as courts of appeal. In states with intermediate appellate courts, the highest state courts usually have discretionary review as to whether to accept a case. In states without intermediate appellate courts, appeals usually are taken to the highest state court as a matter of right. In addition, many state supreme courts have original jurisdiction in certain matters. These courts often sit in panels of three, five, seven or nine judges/justices. The Pennsylvania Supreme Court has seven justices.

Answers to the handout:

- 1) US
- 2) PA
- 3) S (Although Pennsylvania Supreme Court Justice Michael Eakin has written opinions in verse.)
- 4) Both PA and US
- 5) Both PA and US
- 6) PA
- 7) Both S and PA
- 8) PA
- 9) PA
- 10) All three: S, PA and US

# STOP IN THE NAME OF LAW: A LESSON ON THE SUPREMES STUDENT HANDOUT

Diana Ross was the acknowledged leader of the singing group the Supremes. Chief Justice Ralph Cappy is the leader of the Pennsylvania Supreme Court and Chief Justice John Roberts is the leader of the United States Supreme Court. For the following statements, please note which "Supreme" is being discussed — the answers are "S" for Diana Ross' Supremes, "PA" for Justice Cappy's Supremes and "US" for Justice Roberts' Supremes. Some of the statements may have more than one answer.

- 1) These Supremes are appointed for life.
- 2) These Supremes can be voted out of office even if the justice being voted out of office is doing a great job as justice.
- 3) These Supremes have waxed poetically about life and love.
- 4) These Supremes can lose their jobs through impeachment.
- 5) These Supremes may look at both the United States and Pennsylvania constitutions when making decisions involving Pennsylvania law.
- 6) These Supremes must retire from the bench at age 70.
- 7) These Supremes have had an African-American woman as part of their group.
- 8) These Supremes need to be lawyers.
- 9) Chief Justice Robert Nix became the first minority chief justice of these Supremes.
- 10) Independence from outside pressure is important to these Supremes.



#### **Testing Your Civic IQ**

- Grade Levels: 9-12
- Academic Standards: Academic Standards for Civics and Government 5.1D, 5.1E, 5.1L, 5.2B, 5.3A, and 5.3B
- <u>Submitted by</u>: This lesson was developed for PennCORD by PBA intern Chanel Broadus as a way to challenge young people to learn more about the government and courts of both Pennsylvania and the United States.

#### Procedure:

Ask the students to talk about tests that you have to pass in order to obtain something — such as a driver's license or Red Cross certification. Immigrants to the United States have to take such a test before becoming U.S. citizens. Tell the students that you will be giving them a test today to examine their civic learning IQ. Administer the test, and let the students score their own papers. Review the answers with the students, and ask them if they would add any additional questions.

#### Answers to the handout:

- 1) Arlen Specter and Rick Santorum
- 2) 19
- 3) 203
- 4) 50
- 5) B
- 6) A
- 7) 1-B; 2-B; 3-C; 4-B; 5-B; 6-A; 7-B; 8-C; 9-B; 10-C
- 8) 1-C; 2-D; 3-A; 4-C; 5-A; 6-B; 7-A; 8-C; 9-D; 10-C
- 9) Answers will vary. Visit www.house.gov to find your representative by zip code.
- 10) Answers will vary. Visit www.house.state.pa.us to find your representative by zip code.
- 11) Answers will vary. Visit www.pasen.gov to find your senator by zip code.

## STUDENT CIVIC IQ TEST

- 1) Name Pennsylvania's two U.S. Senators. (8 pts)
- How many U.S. Congressional districts are in Pennsylvania? (4 pts)
- 3) How many members comprise the Pennsylvania House of Representatives? (4 pts)
- 4) How many members comprise the Pennsylvania State Senate? (4 pts)
- 5) What happens when the U.S. Constitution is in conflict with the Pennsylvania Constitution? (6 pts)
  - A) The U.S. Constitution reigns as the supreme law of the land, and it always has the final word in conflicts with the Pennsylvania Constitution.
  - B) The Pennsylvania Constitution only reigns supreme when it provides the people of the commonwealth greater, but not lesser, rights than the U.S. Constitution provides.
  - C) The Pennsylvania Constitution reigns supreme as the final word on the law in Pennsylvania, so when it disagrees with the U.S. Constitution, the courts must follow the Pennsylvania Constitution.
  - D) All of the above have been true at various times in our nation's history as courts in both the state and federal system have changed their interpretations of the relationship between the two constitutions over time.
- 6) How does Pennsylvania select judges to its appellate courts? (5 pts)
  - A) Judges are elected for 10-year terms and then are voted to be retained for an additional 10-year term.
  - B) Judges are selected by a bar association panel, nominated by the governor and approved by the Senate.
  - C) Judges are selected by the governor, confirmed by the Senate and serve for life absent bad behavior.
  - D) Judges are elected every four years.
- Answer the questions below with one of the following answers: A) U.S. Constitution; B) Pennsylvania Constitution; C) Both constitutions; or D) Neither constitution. (Each question is worth 3 pts)
  - 1) This constitution's preamble gives gratitude to Almighty God and invokes His guidance.
  - The right to bear arms is more strongly worded in this constitution.
  - 3) Which constitution protects against unreasonable search

and seizure?

- 4) Which constitution provides protection against gender discrimination?
- 5) This constitution announces that all men are born equally free.
- 6) Which constitution gives 18 year olds the right to vote?
- 7) The right to clean air and water is found in this constitution.
- 8) Which constitution provides for numerous rights for criminal defendants such as speedy trial, confrontation of witnesses, jury trials, and no double jeopardy?
- 9) This constitution acknowledges that the people have the right to alter, reform or abolish their government in such a manner as they think proper.
- 10) Which constitution allows for the free exercise of religion?
- 8) Answer the questions below with one of the following answers: A) U.S. Supreme Court; B) Pennsylvania Supreme Court; C) U.S. Third Circuit Court of Appeals; or D) Court of Common Pleas. (Each question is worth 3 pts)
  - 1) The First Lady of Pennsylvania sits on this court.
  - 2) This is the only true trial court on the list.
  - 3) There are nine members of this court.
  - 4) This court generally hears cases before panels of three iudges.
  - 5) This is the only court that has never been headed by an African-American.
  - 6) The chief justice of this court must retire at the end of the year in which he or she turns 70.
  - 7) This court hears the fewest cases each year.
  - 8) This court serves as the local court for the U.S. Virgin Islands.
  - This court serves the same role as the Supreme Court of New York.
  - 10) Former Pennsylvania Attorney General Mike Fisher sits on this court.
- 9) Name your United States Congressman or woman. (3 pts)
- 10) Name your Pennsylvania State Representative. (3 pts)
- 11) Name your Pennsylvania State Senator. (3 pts)

#### Teen Death Penalty Debate

Roper, Superintendent, Potosi Correctional Center, v. Christopher Simmons

- Grade Levels: 9-12
- Academic Standards: Academic Standards for Civics and Government 5.1E, 5.1L, 5.2C, 5.2F and 5.3G.
- <u>Submitted by</u>: These materials were produced by the Administrative Office of the U.S. Courts and are used with permission. Visit www.uscourts.gov/outreach/index.html for other materials. LEAP-Kids modified the lesson for this publication. The unedited lesson may be found on the AOC Web site and on the PBA Web site at www.pabar.org/06ldinformation.shtml.

#### **Learning Objectives:**

Tell the students that they are going to discuss an important issue that recently was decided by the U.S. Supreme Court in a close decision. Distribute the handouts provided with the lesson, and ask the students to go through the arguments. Review each argument with the students, and take a vote on how they would have ruled in this case. Do they agree with the U.S Supreme Court's decision, or would they have decided the case differently?



# DEATH PENALTY CASE BACKGROUND STUDENT HANDOUT

The Eighth Amendment to the U.S. Constitution states in pertinent part that "cruel and unusual punishments" shall not be inflicted. In the 1972 case of *Furman v. Georgia*, the U.S. Supreme Court put a temporary halt to executions in the U.S., reasoning that the arbitrary manner in which death sentences were being imposed violated the cruel and unusual punishments clause. When a majority of the states revised their death penalty statutes to remedy the defects pointed out in *Furman*, the Supreme Court found the new statutes constitutional and permitted executions to resume in the case of *Greg v. Georgia* (1976).

Although *Greg* held that the death penalty is not unconstitutional per se, the Supreme Court has frequently been asked to rule on the constitutionality of executing different classes of individuals (the legally insane, mentally retarded and juveniles) and the constitutionality of certain methods of execution (i.e. the electric chair). Some of the Supreme Court's rulings on the death penalty are mentioned in the following cases:

- Ford v. Wainwright (1986) executing individuals who became legally insane after sentencing, but before their execution, violates the Eighth Amendment.
- *Thompson v. Oklahoma* (1988) executing an individual for a crime that was committed when the individual was 15 years old violates the Eighth Amendment.
- *Stanford v. Kentucky* (1989) executing individuals for crimes that were committed while the individuals were 16 and 17 years old does not violate the Eighth Amendment.
- *Trop v. Dulles* (1958) the court held that the Eighth Amendment does not simply prohibit punishments that were cruel and unusual at the time of its adoption in 1789 (i.e. burning at the stake), but also punishments that have become "cruel and unusual" due to a change in the times and/or social attitudes.
- Atkins v. Virginia (2002) the court declared that executing individuals who are mentally retarded, and who were so at the time they committed the crime, violates the Eighth Amendment. This case is significant because it expressly overrules a prior precedent of the court in Penry v. Lynaugh (1989). In Penry, the court addressed this same issue and held that executing such individuals did not violate the Constitution. Relying on Trop, the court in Atkins reasoned that "evolving standards of decency" (as supported by the numerous state legislatures that changed their death penalty laws to expressly prohibit the execution of the mentally retarded in the wake of Penry) now prohibit the action.

In the wake of *Atkins*, a death row inmate, Christopher Simmons, petitioned to have his death sentence set aside. Simmons, who was sentenced to death for a murder that he committed at age 17, argued that a consensus in the U.S. now exists to show that "evolving standards of decency" prohibit the execution of individuals for crimes that they committed when they were 16 and 17 years old — in essence, for individuals under 18 years of age. His case is known as *Roper v. Simmons*.

#### A Note on Habeas Corpus Cases

This is a habeas corpus case. When persons are convicted of crimes, they have the right to appeal their cases to a higher court to ensure that the trial courts did not commit errors of law. If individuals are not satisfied with the results of these direct appeals, they may challenge the legality of their imprisonment in a habeas corpus suit. In such a case, the court mandates the individual having custody of a prisoner (in this case, Roper, the warden of Simmons' prison) to demonstrate that the prisoner is in custody lawfully. In essence, petitioners in habeas corpus suits are suing the government for false imprisonment, alleging that their sentences are illegal for some reason and, consequently, that they should be released.

### DEATH PENALTY CASE BACKGROUND STUDENT HANDOUT (continued)

Having lost in his direct appeals, Simmons filed a habeas corpus petition. He was not arguing, however, that his conviction for murder was illegal, but only his sentence of death. If the courts agree with him, he will not be released, but only resentenced. As long as the proper procedures are followed, state capital defendants may file habeas corpus proceedings in federal court if their state court claims are rejected.

#### Facts of the Case

In 1993, Christopher Simmons and two of his friends, broke into the house of a Mrs. Crook with the intention of burglarizing it. He was 17 years old. When Mrs. Crook awoke, Simmons recognized that she was an individual with whom he had been involved in an auto accident. Fearing that she would recognize him, Simmons and his friends bound Mrs. Crook with duct tape, forced her into a vehicle and then drove to a bridge.

By the time the vehicle arrived at the bridge, Mrs. Crook managed to partially free herself. When Simmons and his friends saw this, they once again tied her up in duct tape and pushed her into the river. She drowned shortly after hitting the water. Simmons and his friends then returned home. Mrs. Crook's body was later discovered downstream.

Simmons was apprehended by the police within a short period of time. He confessed to the crime. Despite evidence that he had abused drugs and alcohol and, in general, had an abusive childhood, he was sentenced to death. Until 2002, the courts that reviewed his case refused to overturn his death sentence. In August 2002, however, the Missouri Supreme Court held that, given the U.S. Supreme Court's recent decision in *Atkins v. Virginia* (2002), the Supreme Court would likely conclude that "evolving standards of decency" now prevent the execution of persons for crimes they committed under 18 years of age. Therefore, the Missouri Supreme Court overruled *Stanford v. Kentucky* (1989) and held that the Eighth Amendment now prevents the execution of persons for crimes they committed before 18 years of age. The State of Missouri, in the person of Roper, the warden of the correctional institution in which Simmons is imprisoned, petitioned the U.S. Supreme Court to hear this case — challenging both the Missouri Supreme Court's ability to overturn U.S. Supreme Court precedent and Simmons' main argument that his execution for a crime that he committed at age 17 violates the cruel and unusual punishments clause of the Eighth Amendment.

# ROPER V. SIMMONS — WINNING THE ARGUMENTS STUDENT HANDOUT

#### The U.S. Supreme Court agreed to hear the case in order to consider the following two issues:

**Issue #1:** May a lower court overrule a precedent established by the U.S. Supreme Court (before the U.S. Supreme Court does so) when it appears that the U.S. Supreme Court would likely overrule the precedent itself if given the opportunity to do so?

**Issue #2:** Whether the execution of an individual for murder who was 17 years old at the time of committing the crime violates the cruel and unusual punishments clause of the Eighth Amendment to the U.S. Constitution?

Review each argument below and decide whether it supports Roper, the warden of the prison that houses Missouri's death row in whose name the state brought its case, or Simmons, the juvenile murderer. Some arguments might support both sides. These points are based upon briefs submitted in the case and the reasoning of the Supreme Court justices in the actual decision that was 5-4 in favor of Simmons in an opinion announced March 1, 2005.

- 1) The Eighth Amendment to the U.S. Constitution provides that "cruel and unusual punishments" shall not be inflicted. The provision is applicable to the states through the Fourteenth Amendment.
- 2) Missouri law allows for the execution of a 17-year-old murderer.
- 3) Thirty states prohibit the death penalty for juveniles (18 states have the death penalty for 18 year olds and older and 12 have no death penalty).
- 4) In the past 10 years, only Oklahoma, Texas and Virginia have executed prisoners for crimes committed as juveniles.
- 5) The U.S. Supreme Court, in its 1988 decision in *Thompson v. Oklahoma*, ruled that a death sentence for an individual who was 15 when he committed a murder violates the Eighth Amendment.
- 6) By a 5-4 decision, the U.S. Supreme Court stated in *Stanford v. Kentucky* (1989) that a death sentence for persons 16 and 17 at the time when they committed the crime of murder does not violate the Eighth Amendment.
- 7) The evolving standards of decency that mark the progress of a maturing society determine which punishments are so disproportionate as to be cruel and unusual. Youth and immaturity diminish blameworthiness and make our most severe penalty, death, unconstitutional.
- 8) A 17-year-old who plots out and executes a brutal murder, showing no remorse and instead displaying a horrible pride in his actions, is so morally culpable as to deserve society's most severe penalty.

- 9) The execution of juveniles violates numerous international treaties and the overwhelming weight of international opinion is against the execution of juveniles.
- 10) The law changes. When the U.S. Constitution was written, children as young as seven faced the death penalty. Today the U.S. Supreme Court has limited the death penalty in many ways, most notably the ban in 2002 on executing mentally retarded individuals in *Atkins v. Virginia*.
- 11) The death penalty is morally wrong and should not be allowed under any circumstances. Life without parole is a far more suitable punishment.
- 12) At least eight states had considered and adopted legislation permitting the execution of 16- and 17-year olds.
- 13) The difference in maturity between juveniles and adults is neither universal nor significant enough to consider a blanket rule banning all juvenile executions.
- 14) Brain theory research suggests that adolescent brains operate differently from adult brains and that those differences are significant enough to have an impact on decision making to justify the different treatment of juveniles and adults.
- 15) The Missouri Supreme Court failed to follow the controlling precedent of the 1989 Stanford decision and ruled improperly in siding with Simmons. The court should have upheld the death penalty decision of the jury.

# >> Civic Learning Support Organizations

ivic learning support organizations are great resources for schools, judges and lawyers interested in introducing civics and government into the classroom. Please feel free to contact any of the organizations listed below.

For more organizations, visit the PBA's civic learning Web site at www.pabar.org/educationprograms.shtml.

Pennsylvania Bar Association Jennifer Branstetter, Communications Coordinator 100 South Street, P.O. Box 186 Harrisburg, Pa. 17108-0186

Phone: 1-800-932-0311, Ext. 2216 - Fax: (717) 238-2342

E-mail: jennifer.branstetter@pabar.org

Web site: www.pabar.org/educationprograms.shtml

The Pennsylvania Bar Association's civic learning programs are designed to help Pennsylvania schools lay a foundation for teaching civics and government in the classroom. The PBA is a lead partner in PennCORD (Pennsylvania Coalition for Representative Democracy) along with the First Lady of Pennsylvania, Third Circuit Court of Appeals Judge Marjorie O. Rendell, the National Constitution Center and the Pennsylvania Department of Education. The PBA's cornerstone civic learning projects include, Celebrate the Constitution, Project PEACE, Law Day, Mock Trial and Stepping Out. To learn more about these programs, visit the PBA's K-12 Civic Learning area on the PBA Web site. Lesson plans from past Law Day and Celebrate the Constitution guides also are available on the Web site.

LEAP-Kids (Law, Education & Peace for Children)
David Trevaskis, Director
P.O. Box 428, 6 Royal Avenue
Glenside. Pa. 19038-0428

Phone: (215) 885-1610 — Fax: (215) 885-1036

E-mail: david@leap-kids.com Web site: www.leap-kids.com

LEAP-Kids is the successor organization to the statewide law-related and civic education program formerly housed at Temple-LEAP. LEAP-Kids develops innovative educational programs aimed at empowering young people through civic learning study. Civic learning is a unique blend of substance and strategy. Students receive substantive information about laws, the legal system and their rights and responsibilities through strategies that promote cooperative learning, critical thinking and positive interaction between young people and adults. LEAP-Kids conducts a wide variety of teacher trainings and also produces general and Pennsylvania-specific curricula related to civics and government.

# >> Civic Learning Support Organizations (continued)

Youth for Justice Initiative

Features Five National Partners: Street Law Inc.; Center for Civic Education; Constitutional Rights Foundation; Phi Alpha Delta; American Bar Association

Web site: www.youthforjustice.org

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice sponsored a research and development program that established the potential of law-related education in reducing delinquent behavior. In 1983, the OJJDP established the National Training and Dissemination Program (NTDP) to institutionalize high-quality civic learning delinquency prevention programs in public and private schools, kindergarten through grade 12, throughout the nation. In 1994, NTDP became Youth for Justice, a national civic learning program coordinated by five national partners working in cooperation with a network of affiliated state programs (visit the Youth for Justice Web site to learn more about the partners and the state programs). Over one million students participate in Youth for Justice programs annually. With support from OJJDP, Youth for Justice's five national partners and state programs offer an array of civic learning programs and activities for young people in their schools and communities, working closely with legal, education, government and community groups to initiate and strengthen civic learning programs.

**PennCORD** 

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The Pennsylvania Coalition for Representative Democracy (PennCORD) is a unique union of educational, advocacy and governmental organizations that are committed to improving civic learning for students in grades K-12. The coalition's mission is to encourage the creation of local civic learning policy to implement state standards in every school district by: 1) motivating community advocacy for better civic education; and 2) supporting educators across Pennsylvania with civic learning resources and training. The coalition is led by the Office of the Governor, First Lady Marjorie O. Rendell, the Pennsylvania Bar Association, the National Constitution Center and the Pennsylvania Department of Education. PennCORD is housed at the NCC. Contact with both PennCORD and the NCC is best made through Chanel Broadus.









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Front cover artwork: First Place Winner, Pennsylvania Bar Association's
"Celebrate the Constitution" Poster Contest
Darien Armstead, Eighth Grade
Overbrook Educational Center, Philadelphia, PA