

One Nation Indivisible Law Day 2003





Funded by the Pennsylvania Bar Foundation

Kevin Butler, Grade 3
Overlook Elementary School, Abington, Pa.
2002 Winner of the Pennsylvania Bar Association "I Signed the Constitution" Poster Contest



WELCOME

Dear Law Day Participant:

The Pennsylvania Bar Association, in conjunction with the Pennsylvania Bar Foundation, is pleased to present the fourth annual Law Day lesson plan guide. This unique resource is designed to provide judges, lawyers, educators and students of all ages with exciting and informational lesson plans, as well as links to other law-related education organizations and materials from around the country. The PBA hopes that you will find this guide very valuable in your classroom activities.

The theme for this year's program is "One Nation Indivisible." The events of September 11, 2001, left a lasting impact on all Americans, including our children. As we continue to work together to heal as a nation, we now have the opportunity and responsibility to teach children about our country's strength and history. Words like freedom, democracy and equality can become commonplace in the classroom as we work with schools and parents to foster the spirit of America in our children.

Through Law Day we have the unique opportunity to teach 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 children.

Sincerely,

Timothy J. Carson
President
Pennsylvania Bar Association

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Pennsylvania Bar Association,
100 South Street, P.O. Box 186, Harrisburg, PA 17108-0186
Phone: 800-932-0311
Fax: 717-238-2342
Web site: www.pabar.org



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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 comfortable about heading into a classroom.

Everyone knows the “Three Rs.” The law-related education presenter needs to know the “Five Ws”: Who? What? Where? When? and Why?

WHO? Who refers to your audience. Is the class you are visiting in an elementary, middle or high school? 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 have as many of these questions answered as possible. Most teachers will appreciate your efforts to work with them on your program.

WHAT? What refers to the content of your law-related education (LRE) 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 law-related and civic education providers listed in this guide for additional lessons (see LRE 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 old teacher’s 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.
- ✓ Try to focus your presentation on the students by actively involving them. Remember...lecturing is the least effective means of teaching (see the Glasser Chart in the Lesson Planning Ideas section). Think back to times when you were excited about learning and model your lessons on those memories.

GETTING STARTED: JUDGES & LAWYERS CONTINUED

- ✓ 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? 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 need to report to the main office? Do you need a pass to walk in the building? Even if you have visited the same school for many years, the recent problems with school violence have led many schools to tighten visitor controls.

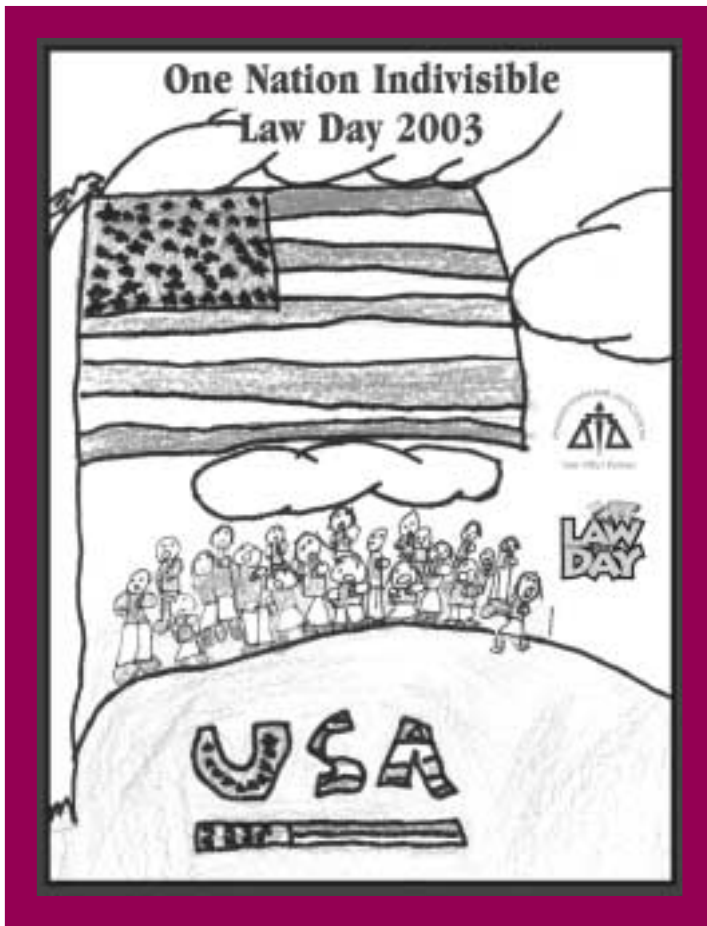
You also will need directions for moving both yourself and the students around in the classroom. When working with students, try not to get yourself locked into one place. There are many different ways to direct students around the classroom and some of the best ways are detailed in the included lesson plans. The easiest and best way to involve students more completely in a lesson is by dividing the large group into smaller groups of between 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? 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? 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.

GETTING STARTED: EDUCATORS



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

As you may know, the Final Form Proposed Academic Standards for Civics and Government are divided into four parts: Section 5.1, Principles and Documents of Government; Section 5.2, Rights and Responsibilities of Citizenship; Section 5.3, How Government Works; and Section 5.4, How International Relationships Function.

All of the lesson plans have been referenced to the Final Form Proposed Academic Standards for Civics and Government. The lessons also meet many of the other standards, especially in social studies. Visit www.pde.state.pa.us/social_studies to learn more about the standards. At press time for the Law Day guide, the standards

were awaiting regulatory approval. The proposed academic standards were published in the *Pennsylvania Bulletin* on Feb. 16, 2002, and were followed by a 30-day public comment period and a review by House and Senate Education committees and Independent Regulatory Review Commission. On May 16, 2002, the State Board Committee on Academic Standards reviewed all comments and the Council of Basic Education recommended that the State Board accept final form of the standards during its July meeting. The final academic standards were approved by the State Board of Education on July 18, 2002. The board now must receive regulatory approval of the final standards before they can take effect. Once approved they become effective upon publication in the *Pennsylvania Bulletin*. For information about the regulatory review and approval process visit www.irrc.state.pa.us. To review the *Pennsylvania Bulletin* visit www.pabulletin.com.

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 law-related and civic education organizations listed in this guide for additional law-related resources (see LRE Support Organizations).

LESSON PLANNING IDEAS

There is probably a law-related education (LRE) lesson for any topic on which you might like to present. You always can contact one of the LRE support organizations listed in this guide (see LRE Support Organizations). Nonetheless, many judges and lawyers enjoy creating their own unique lessons for their presentations.

This material will give you an overview of everything you will need to know to create an original lesson for your effort. Please consider sharing your lesson ideas with future presenters by sending them to the PBA (contact information can be found in LRE Support Organizations).

GLASSER'S PERCENTAGES OF WHAT STUDENTS LEARN¹

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 involve feelings)
- 95% of what they teach someone else

As such, do not give out 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 LRE 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 LRE LESSON?

1. Start with a warm-up—something to get the students ready for your presentation. Some examples are provided in the lesson materials.
2. 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 a few times during the class (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).
3. End with a wrap-up, something that brings closure to the presentation. Some examples are provided in the lesson materials.

ACTIVITIES THAT HELP STUDENTS ATTACH MEANINGS TO LEARNING EXPERIENCES ²

- 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 they create alternative outcomes to surmise about alternatives.
- 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.

¹ For more information, see William Glasser’s *Control Therapy in the Classroom*, Harper & Row: NY, 1986; Reality Therapy: A New Approach to Psychiatry, Harper & Row, NY, 1965.

² James Roth, “Enhancing Understanding Through Debriefing,” *Educational Leadership*, October, 1987, pp. 24-27.

CLASSROOM WARM-UP LESSONS



MY RIGHT IS BETTER THAN YOUR RIGHT

- **Grade Levels:** K-12
- **Academic Standards:** Final Form Proposed Academic Standards for Civics and Government 5.2.

Ask each student to write down the right they think is the most important one a person can have as an American citizen. Have each student read his/her “best” right to the class. Group together the students who had the same rights — you should have a few groups and a number of students who are alone. Ask a spokesperson for each group to explain why his/her group’s right is “best” and then ask the individuals standing alone to explain why their rights are “best.” Give the students an opportunity to change their minds and choose a new “best” right, either by joining a group or by moving to one of the individuals. After the changes are made, tell students who are still standing alone that they have to join one of the groups by choosing their “next best” right. Repeat the steps, allowing new spokespeople to explain why their groups’ rights are “best.” Continue to make the smallest group choose their “next best” rights and join other groups until only two groups are left. After final arguments and final movements, the “best” right with the largest number of supporters becomes the choice of the class.

You might try this exercise at different points in the year to see if your class changes its view.

Variation: Bring in signs outlining key rights and tell students they must choose one of these rights as their “best” right (you can leave a blank sign for students to self-express).

CLASSROOM WARM-UP LESSONS CONTINUED

ANAGRAM QUIZ

- **Grade Levels:** K-12
- **Academic Standards:** Final Form Proposed Academic Standards for Civics and Government covered by the words used in this exercise.

In an anagram you take the letters in a word or name and rearrange them to make other names or words that, ideally, have something in common with the original word. A great follow-up to this is to have students try to create their own anagrams.

EXAMPLES:

rescue top = prosecute

course term up = supreme court

local show = law school

newsstand sit = witness stand

a stone try = attorneys

CLASSROOM WARM-UP LESSONS CONTINUED

PUZZLES FOR THE MIND

- **Grade Levels:** K-12
- **Academic Standards:** This lesson does not meet any of the Final Form Proposed Academic Standards for Civics and Government.

Puzzle: What is it from which you may take away the whole and still have some left?

Answer: The word “wholesome.”

WHOLESOME



Puzzle: A police officer had a brother who was in a car crash on Monday. On Tuesday, the police officer was in a second car crash. The story in the paper on Wednesday said the man who crashed on Monday had no brother. What is the relationship of the police officer to the man who crashed on Monday?

Answer: The police officer was the man’s sister.



Puzzle: What Spanish musical instrument shares its name with a fisherman’s job?

Answer: Castanet (cast a net...)



CLASSROOM WARM-UP LESSONS CONTINUED

MINUTE MYSTERIES

- **Grade Levels:** 1–12
- **Academic Standards:** Final Form Proposed Academic Standards for Civics and Government 5.2 and 5.3 (if used as an introduction to a mock trial cross-examination exercise)
- For additional mysteries, visit the PBA Law Day Web site at www.pabar.org/educationprograms.shtml

Get everyone's minds working by using one of the mysteries below. Explain to students that they are going to be told what happened, but that they must solve the mystery of how it happened. Tell them they can ask you any question, as long as it can be answered with "yes" or "no." The reason we do this exercise is not only because it is fun, but also because it teaches students to think outside of boxes (something lawyers need to do), and it gives students practice at asking cross-examination type questions that only may be answered "yes" or "no." Some of these mysteries have been used in other Pennsylvania classrooms. Be sure to ask if any students already know the answer after you read the clue – ask them to recuse themselves from answering and instead ask them to help the other students by asking questions.

1. A worker decides, as dusk falls, that it is time to head home from work. She turns off the light, gets in her car and starts the drive home. While stuck in a traffic jam, she turns on the radio for the news and hears about a disaster that she has caused. What happened?

She is the lighthouse operator and, by turning off the light, she caused the ship to crash at night into the rocks.

2. The music stops and the man dies.

He is a blind tightrope walker who walks towards the sound of the music. When the music stops, he doesn't know where to go and falls to his death.

3. A man leaves home as fast as he can travel, takes three left turns during his journey and arrives back at home where two men with masks await.

Jim Thome hitting his first homerun for the Phillies.

4. A woman leaves home, heads one mile directly south, then goes one mile directly east and then travels one mile directly north, arriving back home again to find her dwelling trashed. What was the color of the bear that trashed her home?

White (the only place in the world where you can go one mile directly south, one mile directly east and one mile directly north and arrive back where you began is at the North Pole. Therefore, it was a polar bear.)

K-12 LESSON PLANS

WHAT MAKES AN AMERICAN CITIZEN?

- **Grade Levels:** K-6
- **Academic Standards:** Final Form Proposed Academic Standards for Civics and Government 5.2.
- This lesson plan is adapted from lessons by elementary school teachers Sara Shapiro of the Philadelphia City School District and Diane Pastella of the Upper Darby School District.

Following with this year's Law Day theme of "One Nation Indivisible," this unique lesson allows children to explore the importance of being American citizens.

- Ask each student to write his/her definition of an American citizen. The definitions should be read aloud and compiled into one master list. Be sure to eliminate any duplicate definitions.
- Create a poster-size American flag (this can be done in advance). Choose a few of the class' favorite definitions of an American citizen and write them on the stripes of the American flag.
- Have students trace and decorate handprints and people with patriotic colors and symbols.
- Have a newspaper scavenger hunt for photos, words or headlines that relate to being an American citizen.
- Create a large poster collage to display all of the work done by your students.

Variation: Create an American citizen book for your class. Ask your students to answer the questions on the "An American Citizen" handout. Then compile the handouts together into your class' *American Citizen Book* for display in your classroom or school.

LESSON PLANS



An American citizen is:

Qualities that make up a good American citizen are:

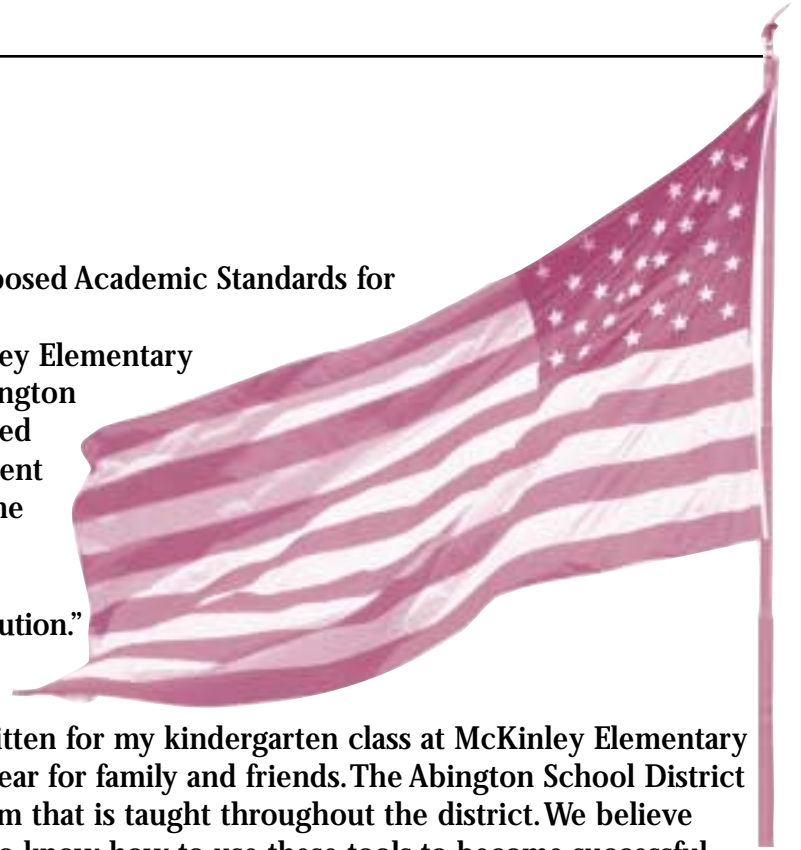
If I could improve one thing about my country/community, it would be:

The image that I see when someone says being an American citizen is:

LESSON PLANS

WE THE KIDS

- **Grade Levels:** K–6
- **Academic Standards:** Final Form Proposed Academic Standards for Civics and Government 5.1.
- This lesson plan was written by McKinley Elementary school teacher Nancy Matteo of the Abington School District. The lesson can be adapted for all elementary grade levels. The content of the play can be modified to fit into the curriculum being covered in each class. It also serves nicely as a forum for civic celebrations such as “I Signed the Constitution.”



Nancy Matteo wrote: This play was written for my kindergarten class at McKinley Elementary School to present at the end of the year for family and friends. The Abington School District has in place a character education program that is taught throughout the district. We believe that children need tools for life and need to know how to use these tools to become successful adults. We also believe that developing character is an evolutionary, complex process that, if begun in kindergarten and ideally at home, children will have the opportunity to achieve true personal success.

I have chosen citizenship as the trait I emphasize with my class. Citizenship is often overlooked in many homes. And, since September 11, I feel that we all need to be reminded of the importance of being good citizens.

The play I authored is patriotic and salutes our American Flag. My class learned ten patriotic songs by the end of the school year and sang them with pride every day. Hopefully all families will have the same sense of pride I do when I hear their children recite these words about our flag and its history.

“AN ALL AMERICAN CELEBRATION: A SALUTE TO OUR KINDERGARTEN CLASS”

Patriotic music is playing until the play begins. Children should be standing on the stage.

Curtain opens.

Speaker #1: We would like to welcome our parents and friends to our play, “An All American Celebration: A Salute to our Kindergarten Class of 200__.”

Speaker #2: We are really happy about you sharing this celebration with us.

Speaker #3: Our character education program taught us to be respectful, honest and to be good citizens.

Speaker #4: Together, we make up the fabric of McKinley Elementary School, showing diversity, unity and love.

Speaker #5: The fifty stars on our flag represent the fifty states of our country and show our patriotism and loyalty.

Speaker #6: Without further ado, we will introduce you to our shining stars that glow ever so brightly.

Class sings “Grand Old Flag.” Students hold and wave flags.

Speaker #7: The Pledge of Allegiance was first published in the *Youth’s Companion Magazine* in September 1892.

Speaker #8: The pledge was written by Francis Bellamy and used to observe National Public School Day.

Speaker #9: Please stand and join us for the Pledge of Allegiance.

Class and audience recite the Pledge of Allegiance.

Speaker #10: Please remain standing while we sing the “Star Spangled Banner.”

Class sings the “Star Spangled Banner.”

Speaker #11: The United States flag flies over our schools, buildings and homes.

Speaker #12: We see our flag at sporting events and other social gatherings.

Speaker #13: As a tribute to our country, our class will sing “God Bless America,” a song made popular by Irving Berlin.

Class sings “God Bless America.”

Speaker #14: The colors of the flag are red, white and blue. These are known as patriotic colors.

Speaker #15: White stands for purity.

“AN ALL AMERICAN CELEBRATION: A SALUTE TO OUR KINDERGARTEN CLASS” continued.

Speaker #16: Red means strength and bravery

Speaker #17: Blue shows our dedication, determination and justice.

Play “Yankee Doodle Dandy.” As the song is played, children should march around the auditorium playing various instruments.

Speaker #18: In 1771, Congress said, “We need a flag.”

Speaker #19: The first American flag showed 13 stars and stripes.

Speaker #20: The 13 stood for the first 13 colonies of our country.

Speaker #21: It is believed that Betsy Ross made our very first flag.

Speaker #22: It was used during the bicentennial celebration in 1976.

Speaker #23: After Vermont and Kentucky joined the Union in the early 1790’s, Congress questioned the new flag.

Speaker #24: In 1794, President Washington said the flag of the United States would increase from 13 stripes to 15 stripes.

Speaker #25: President Monroe signed the Flag Act, which stated that there would be 13 stripes for the 13 colonies and one star for each state. From that time on our country grew.

Speaker #26: This is reflected in the song we will sing for you called “My Country ‘Tis of Thee.”

Speaker #27: Throughout the years, Congress decided if a state would enter the Union.

Speaker #28: The president would decide on the position of the star on the flag.

Speaker #29: The 48-star flag was the longest lasting flag in our country’s history.

Speaker #30: Let’s celebrate the growth of the 48 states by singing “This Land is Your Land.”

Speaker #31: Alaska and Hawaii were the last states to join the Union — making fifty states.

Speaker #32: Flag Day is celebrated every year on June 14th to remember the birthday of the flag.

Speaker #33: Flag Day became an official holiday in 1949.

Speaker #34: We’ll close our play by having you join us in singing “America the Beautiful.”

LESSON PLANS

“WE THE PEOPLE” MAKE ONE NATION INDIVISIBLE: MOCK CONGRESSIONAL HEARING

- **Grade Levels:** K-12
- **Academic Standards:** Final Form Proposed Academic Standards for Civics and Government 5.3. Depending upon the topics covered by the mock congressional hearing, this lesson could meet all of the civics and government standards. This lesson is adapted from material developed by the Center for Civic Education that provides free *We the People* textbooks to schools across the country.



We the People... Hearings

Congressional hearings are held by committees of the U.S. Congress and other law-making bodies in an effort to gather information upon which they can base recommendations regarding subjects regulated by law or for which laws are being considered. These hearings are a basic function of the legislative branches of government.

Role-playing a congressional hearing provides students with an opportunity to increase their understanding of the purpose and procedures of such hearings as well as the roles and responsibilities of committee members. Students also gain experience in identifying and clarifying the ideas, interests and values associated with the subjects being discussed.

How to Proceed

1. Pick a topic. Any topic from current events or the class curriculum can be used as the congressional hearing topic. Elementary classes have held hearings on playground rules, and high school classes have explored the conflict in the Middle East. The key step is to make sure that students are clear about the topic being covered and that they have the necessary background information to hold the hearing on the topic. You may need to use some reading material or have the class prepare a topic before holding the hearing. Also, if the class uses the *We the People* texts, the content of the text can be the background for the hearing.
2. Assign roles. Explain to the students the purpose of a congressional hearing and assign the appropriate roles:
 - a. Legislators. Six legislators is a practical number for a committee, but the number can vary to meet class needs. One legislator should be designated committee chairperson.
 - b. Witnesses. The number and nature of the witnesses will depend upon the topic being discussed. Other students, or even invited adults, can play the witness roles, but an effort should be made to present different views on the topic being discussed.
 - c. Recorders. This optional role is a nice way to keep students watching the hearing involved by having them keep a record of the proceedings and then present a review or summary of what took place.
 - d. Newspaper Reporters. Another optional role is to have additional students serve as newspaper reporters and provide follow-up writing assignments.
3. Prepare presentations. Allow time for students to prepare for the congressional hearing in accordance with their assigned roles. Legislators should identify key issues and prepare questions for witnesses. Witnesses should prepare brief position statements and anticipate questions they might be asked.

LESSON PLANS

MOCK CONGRESSIONAL HEARING CONTINUED

4. Arrange the classroom. Set up the classroom to resemble a legislative chamber. Be sure to include a table for the legislators and a desk or table for the witness presentations. A gavel and nameplates are nice touches. You may even try to hold the hearing at the meeting room of a local governmental body, such as the school board hearing room.
5. Conduct the hearing. The following procedures should be used to conduct this activity:
 - a. The committee chairperson calls the hearing to order, announces the purpose of the hearing and lists the witnesses and the order in which the witnesses will be called.
 - b. The chairperson calls each witness. Each witness makes a brief opening statement outlining his or her position on the topic and then the legislators ask questions of each witness. Time limits should be established for both the opening statements and the questions that follow to ensure that all of the witnesses have an opportunity to speak in the time available.
 - c. The chairperson is the first to ask questions and is followed by other members of the committee. During an actual hearing, committee members may interrupt to ask questions or make comments at any time. For purposes of the mock hearing, however, allow witnesses to complete their opening statements without interruption.
 - d. After all of the witnesses have been heard, the committee may review the testimony and make recommendations on any action that should be taken with regard to the topic of the hearing.
6. Debrief the activity. Debriefing questions vary according to topic and student age. Begin by having the legislators announce their decision. Discuss the facts and arguments presented on the topic and evaluate the strengths and weaknesses of the positions taken. Ask the students to evaluate the hearing process itself. Did they find it a good way to explore the topic? Did they learn anything new through this process?

Follow-up Activity: At the higher grades, students might be assigned to attend a local congressional hearing. Local legislators also might be invited into the classroom to share their experiences with the hearing process.

If the class is not using the *We the People* texts and would like to receive them, contact the Center for Civic Education or Pennsylvania *We the People* (see LRE Support Organizations). Through the *We the People* curriculum, participants hold a simulated congressional hearing. The entire class, working in cooperative teams, prepares and presents statements before a panel of community representatives who act as congressional committee members. Students then answer questions posed by the committee members. The format provides students with an opportunity to demonstrate their knowledge and understanding of constitutional principles while providing teachers with an excellent means of assessing performance.

Teachers may engage their students in the simulated hearing activity at the following levels: Elementary and middle school level classes may conduct noncompetitive hearings in front of a classroom or an auditorium-size audience with community members acting as judges. High school classes may conduct noncompetitive hearings, but are encouraged to participate in the nationwide competitive program. The high school competition begins at the congressional district level with teams from each school vying for the district championship. District winners go on to compete at a statewide hearing, and the state champions travel to Washington, D.C. to represent their state in the *We the People* national finals. Contact the Center for Civic Education or Pennsylvania *We the People* for more information (see LRE Support Organizations)

LESSON PLANS

THE CITIZENSHIP TEST

- **Grade Levels:** 7-12
- **Academic Standards:** Final Form Proposed Academic Standards for Civics and Government 5.1, 5.2 and 5.3.
- This lesson plan was written by Poquessing Middle School teacher Sharon Webb of the Neshaminy School District.

Sharon Webb wrote: During our first Friday of school, we began talking about the test that immigrants must take in order to become citizens of the United States of America. This discussion made me wonder how well I would do on that test, so I downloaded it from the Internet and took the test myself. I did pretty well, scoring 93 percent. I wondered how my eighth-graders would do on the same test. So, I cut the 100-question test down to 25 questions and proceeded to give it to my students. This is when it became interesting.

The five questions they answered most correctly were:

- What are the colors of the flag?
- How many stripes are on the flag?
- What is the president's official home?
- Who was the first president?
- Who is the president today?

The five questions they answered most incorrectly were:

- Who elects the president of the United States?
- In what month is the new president inaugurated?
- What are the first ten amendments to the Constitution called?
- What are the three branches of our government?
- How many senators are there in Congress?

I expected the students to have problems with some of the more difficult questions I placed on their modified test since the test was given in November and they only had studied through the Revolutionary War. I also knew that some of the vocabulary would be too high for them (i.e. amendments, inauguration, etc.). What I did not expect were some of the outlandish answers they gave on the test. The following is an excerpt of United States history according to my eighth graders:

What country did we fight during the Revolutionary War? Germany or Japan

How many stars are on the flag? 52

What do the stripes on the flag mean? They represent the thirteen continents

Which president is called the "Father of our Country?" God

What are the first ten amendments to the Constitution called? The Ten Commandments

What holiday was celebrated for the first time by the American colonists? Honica (note the spelling)

Who was the president during the Civil War? Nixon, JFK, Reagan

According to the Constitution, a person must meet certain requirements in order to be eligible to become president. Name one. Jefferson (They named a president)

What are the three branches of our government? Justice, Bravery and Honesty

LESSON PLANS

The Citizenship Test continued....

Those were the most interesting answers I received. While they made me chuckle, they also made me cringe. I hope that we, as educators, will do something to make sure that each and every student knows the real answers to these questions. One thing the months since September 11 has taught me is that we are extremely lucky to live in this country. We need to instill this same feeling in our students in the years to come.

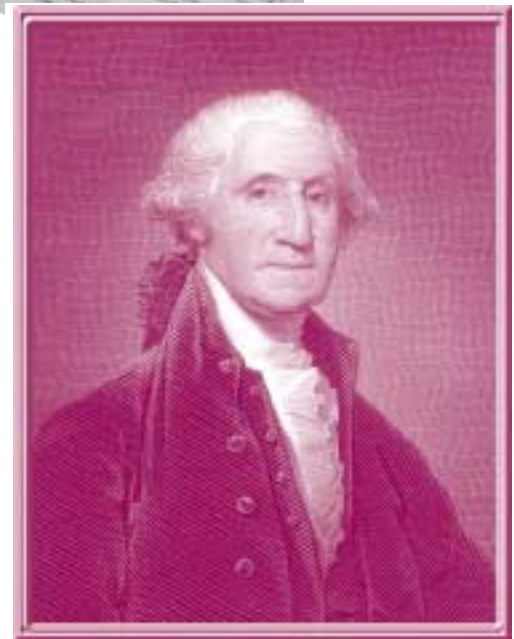
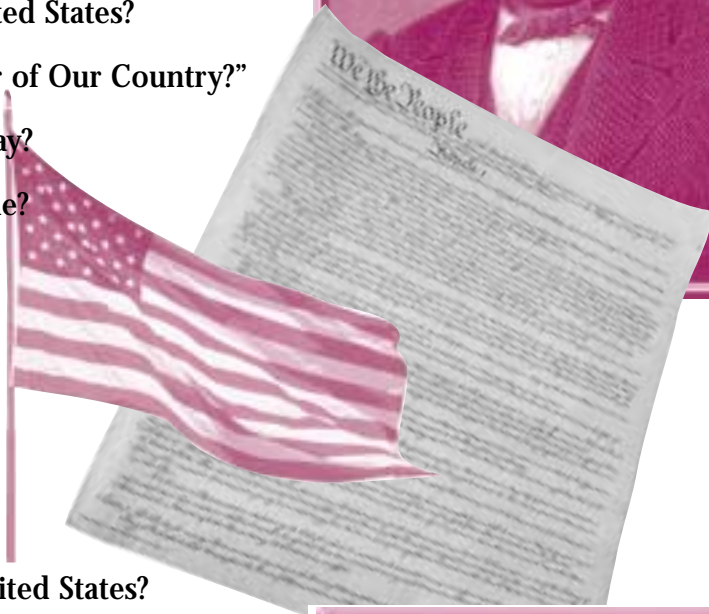
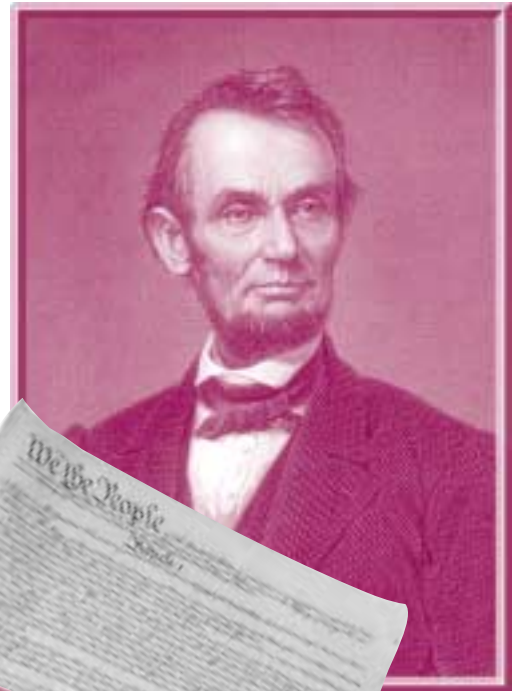
Included are the 25 questions that I gave to my students (The Citizenship Test Handout). Try giving them to your students. You might be surprised at their answers.

Variation #1: Ask the students if it is fair for immigrants to have to prove their civic knowledge before they gain their rights when American-born citizens gain them as a birthright? Should there be a citizenship test before someone is allowed to vote or serve on a jury?

Variation #2: Law Day is a traditional time for naturalization ceremonies. You could take students to observe a ceremony, or you could invite a new citizen to visit your class and share his or her views on being an American citizen. A class might write welcome letters to a new group of American citizens.

THE CITIZENSHIP TEST*

1. What are the colors of our flag?
2. How many stars are there on our flag?
3. What is the capital of your state?
4. What do the stars on the flag mean?
5. How many stripes are there on the flag?
6. Who was president during the Civil War?
7. What do the stripes on the flag mean?
8. What is the highest court in the United States?
9. Which president is called the “Father of Our Country?”
10. What is the date of Independence Day?
11. What is the president’s official home?
12. What country did we fight during the Revolutionary War?
13. Who was the first president?
14. Who is president today?
15. Who is the Commander in Chief of the U.S. Army and Navy?
16. Who elects the president of the United States?
17. In what month is the new president inaugurated?
18. For how long do we elect the president?
19. What are the first ten amendments to the Constitution called?
20. What holiday was celebrated for the first time by the American colonists?
21. According to the Constitution, a person must meet certain requirements in order to be eligible to become president. Name one.
22. How many full terms can a president serve?
23. Who is the current governor of your state?
24. What are the three branches of our government?
25. How many senators are there in Congress?



* *The full citizenship test can be downloaded from the Immigration and Naturalization Service at www.ins.usdoj.gov.*

LESSON PLANS

SHOULD JUVENILES BE TRIED IN ADULT CRIMINAL COURT?

- **Grade Levels:** 9-12
- **Academic Standards:** Final Form Proposed Academic Standards for Civics and Government 5.2 and 5.3.
- **Materials:** There are three handouts: Juvenile Waiver in Pennsylvania (for teachers/lawyers); Juvenile Waiver Hearing Case Studies; and Questions for Debriefing. This lesson was modified from a lesson originally written by Carolyn Pereira and Teri Engler for the Constitutional Rights Foundation in 1987. Laval Miller Wilson, an attorney with the Juvenile Law Center, and Leon Stimpson of LEAP-Kids, modified this lesson to make it Pennsylvania specific for this publication. The Juvenile Law Center is one of the oldest children's rights organizations in the United States and works on behalf of children who have come within the purview of public agencies (i.e. abused or neglected children placed in foster homes; delinquent youth sent to residential treatment facilities or adult prisons; or children in placement with specialized services needs).

Introduction

At one time in our history, little distinction was made in the charging and sentencing of adults and juveniles. In the early 1900's, reformers attempted to improve the lot of juvenile offenders. Today, the tendency is swinging back to laws that sometimes allow certain juvenile offenders to be treated like adults. Should the Constitution guarantee equal rights and responsibilities to all regardless of age? This lesson compares and contrasts the adult and juvenile legal systems and considers due process as it applies to juveniles.

1. Begin by polling the class as to whether or not the students believe young people who commit crimes should be treated the same as adults under the law. Should they be tried as adults? If convicted, should they be punished like adults?
2. Explain that, in fact, juveniles who commit crimes are treated differently from adults. Note that the goals of the criminal justice system are: 1) punishment and rehabilitation of criminals; 2) protection of society; and 3) deterrence of others from criminal activity. The juvenile justice system (as it relates to minors involved in crimes), however, is designed primarily to rehabilitate juveniles and to protect society from their delinquent acts.
3. A good example of the nonpunitive, rehabilitative nature of the juvenile justice system is its unique vocabulary. Make a list of the terms (like the one on the next page) on the chalkboard or on a transparency. Fill in the Criminal Justice System side first and then complete the Juvenile Justice System blanks. See if the students understand the terms involved in the two systems. A good way of establishing the difference between the two systems is to explain the following: a child, who is adjudicated delinquent for an act that would have been considered a crime if the child was an adult, may honestly answer the common job application question, Have you ever been convicted of a crime?, by answering, "No, I have never been convicted of a crime," with regards to the delinquent act.

LESSON PLANS

Example:

CRIMINAL JUSTICE SYSTEM

Crime
Arrest
File charges
Plead not guilty
Plead guilty
Trial
Verdict of guilty
Sentencing hearing
Sentence

JUVENILE JUSTICE SYSTEM

Delinquent act
Take into custody
Petition
Deny involvement
Admit involvement
Adjudicatory hearing
Finding of delinquency
Dispositional hearing
Disposition

4. Explain that under the Juvenile Act of Pennsylvania, and in many other states, juveniles who commit serious crimes may be transferred to the adult criminal court for prosecution and, if convicted, for sentencing. Brainstorm and list the criteria that students think should apply in deciding whether to transfer juveniles to the adult criminal justice system. Compare their list with the criteria specified in the “Juvenile Waiver in Pennsylvania” handout. Which considerations do students believe are important in transfer cases also are found in the Juvenile Act? Which are not?

Now ask the students if any cases are so serious that the offender, even though a child, should start out in adult criminal court and not be treated in the juvenile system? Compare their list with the legislative exclusions Pennsylvania has set out in law.

5. Divide students into groups of five and distribute the “Juvenile Waiver Hearing Case Studies” handout, using cases 1-4 (you can assign more than one case to a group, if necessary). Assign two students in each group to be the district attorneys and two others to be the defense attorneys. Have them read their assigned cases and develop arguments for or against the waivers to adult criminal court of the juveniles in question. Have one student act as the judge and determine whether the case will remain in juvenile court or be sent to adult court.

As a follow-up exercise, ask the students to discuss and/or complete the “Questions for Debriefing” handout.

You can vary this lesson by giving the students a case that must be in adult criminal court because of legislative exclusion. Have them argue for a transfer into the juvenile court system. Case #5 is such a case.

6. Invite a district attorney, public defender or any other lawyer familiar with juvenile issues to act as judges. They should: a) decide, based strictly on the arguments presented to them, whether the juveniles should be transferred; b) tell what they think the outcome of the cases would be in real life; and c) discuss how they would have used the facts of the cases to support arguments for or against transfer.



LESSON PLANS

JUVENILE WAIVER IN PENNSYLVANIA

The transfer of children to criminal court is governed by the Juvenile Act, which permits two separate approaches for the criminal prosecution of young offenders: judicial waiver and legislative offense exclusion. Judicial waiver reflects the traditional individualized, offender-oriented approach. The Juvenile Act prescribes requirements that must be considered by the juvenile court judge in making the transfer decision. Judges are directed to retain jurisdiction over juveniles who are “amendable to treatment, supervision, and rehabilitation.” 42 Pa.C.S. § 6355(a). Judicial waiver is discussed in detail below.

In contrast, legislative exclusion removes decision-making authority from the juvenile judge by requiring that juveniles charged with specified offenses be tried in adult criminal court. Those offenses include: 1) murder (by a defendant of any age - youngest child initially tried as an adult was 9 years old); and 2) if the child is 15 years or older and used a deadly weapon to commit the following types of crimes: rape, aggravated assault, robbery, robbery of a motor vehicle, kidnapping, voluntary manslaughter or conspiracy to commit murder or any of the above crimes 42 Pa. C.S. 6302 (defining a delinquent act). There is a procedure to transfer (decertify) youth initially charged in the criminal system. The burden essentially falls on the child to prove that he or she should be transferred to the juvenile justice system because the transfer serves the public’s interest 42 Pa. C.S. § 6322 & 6355 (included on the next page).

Judicial Waiver

Historically the most common statutory scheme for removing a juvenile from juvenile court for trial in criminal court, judicial waiver requires that the juvenile court assess the suitability of transferring a child to criminal court. Although juvenile waiver was initially an informal process, it is now subject to constitutionally required procedures as well as additional safeguards provided under Pennsylvania state law. Appellate decisions continue to explicate the scope of the juvenile judge’s discretion in transfer hearings.

In *Kent v. Unites States*, 383 U.S. 541 (1966), the U.S. Supreme Court addressed the level of due process to be afforded juveniles facing waiver to criminal court. In *Kent*, a 16-year-old boy was prosecuted for housebreaking, robbery and rape. The District of Columbia Juvenile Court waived its jurisdiction to the U.S. District Court after denying the youth’s motion for a hearing prior to transfer.

Without reaching the merits of the case, the supreme court ruled the juvenile court’s waiver must incorporate due process. In commenting on the impact of the decision the court wrote, “there is no place in our system of law for reaching a result of such tremendous consequences without ceremony - without a hearing, without effective assistance of counsel, without a statement of reasons.” *Id.* at 554.

The court further stated that juvenile court jurisdiction could be waived if the offense “is of a heinous character, or even though less serious, if it represents a pattern of repeated offenses which indicate that the juvenile may be beyond rehabilitation under juvenile court procedures.” *Id.* at 566. In addition to its holding, the court suggested eight factors for judges to consider in making transfer decisions. These include: the need to protect the community, the seriousness of the offense, the prosecutive merits of the complaint, the sophistication and maturity of the juvenile, the juvenile’s previous record and history of contacts with the juvenile court and the likelihood of rehabilitation. *Id.* at 566-567.



Judicial Waiver Under the Juvenile Act Section 6355

Kent significantly impacted state statutes and court decisions across the nation, including Pennsylvania, which codified the mandates of the court in Section 6355 of the Juvenile Act. Plainly, Section 6355 demands a hearing on whether a transfer should be made, effective assistance of counsel for the child and a statement of reasons from the court. The statute contains three other noteworthy requirements for transfer:

Age: At the outset, the minimum age at which judicial waiver is allowed is 14. 42 Pa. C.S. § 6355(a)(1). The philosophy behind a minimum age for waiver is based upon the assumption that the younger the minor, the more likely the minor will be able to respond to treatment.

Notice: A juvenile also is entitled to adequate notice of the transfer hearing and his or her opportunity to be heard. Failure to notify the juvenile at least three days prior to the hearing violates Section 6355(a)(3).

Burden of Proof: In general, the commonwealth has the burden of proving by a preponderance of the evidence that the public interest is served by the transfer of the case to criminal court and that the child is not amenable to treatment, supervision or rehabilitation 42 Pa. C.S. § 6355(g).

¹The general rule to Section 6355 provides that, after a delinquency petition has been filed, the juvenile court, before hearing the petition on its merits, may rule that the Juvenile Act is not applicable and that the juvenile should be transferred to adult criminal court for prosecution.

JUVENILE WAIVER HEARING CASE STUDIES

CASE: #1

Name: Tim Sugino

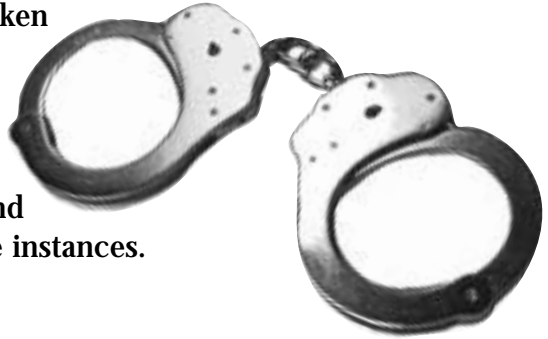
Age: 16 **Charge:** Auto Theft

Circumstances:

Late one Thursday night, Sugino and a 19-year old friend hotwired an expensive sports car parked in the garage of an apartment complex where both worked as maintenance people. They then drove the car 120 miles to an oceanside resort. The theft was discovered approximately 48 hours later when the two young men were taken into custody.

Previous Record:

Sugino has three recorded detentions by police, all within the last 18 months: two for curfew violations and one for underage drinking. He was released in all three instances.



Personal Background:

Sugino is a junior in high school with an average attendance record. He is an only child. His mother is deceased, and he lives with his father who works as a computer programmer. He has worked part-time since age 14 and was fired from his current job as the result of an incident. One psychologist's report indicates normal profile and another suggests a serious emotional disturbance as a result of his mother's death.

CASE #2

Name: Linda Dubrensky **Age:** 15

Charge: Delivery of a controlled substance with the intent to sell

Circumstances:

Dubrensky was taken into custody as a result of a police undercover operation in a local community college where she was not enrolled. Dubrensky was caught selling three grams of cocaine to a police officer who was working undercover as a student.

Previous Record:

She has two recorded police contacts: one for curfew violation and one for prior adjudication for possession of marijuana. She served three months in the County Home for Girls and six months participation in a program for drug abusers.

Personal Background:

School records indicate she has a moderate rate of truancy and is a bright student who does not work up to her potential. Her family has two children and a mother and stepfather. Her mother works as a tax accountant, and her stepfather is an engineer. Both are members of Alcoholics Anonymous. Dubrensky has no work record. The medical report indicates that Dubrensky is addicted to cocaine and alcohol.

CASE # 3**Name:** Patricia Ann Warner**Age:** 15**Charge:** Burglary**Circumstances:**

Warner and her 20-year old boyfriend broke through the back windows of a local electronics shop after neutralizing the alarm. Police on patrol detected the crime in progress. Warner was apprehended carrying two videocassette recorders to the car. Her boyfriend was picked up several blocks away after attempting to escape. In the car, police found a personal computer, VCRs, portable tape players and other equipment with an estimated total value of over \$7,000.

Previous Record:

Warner has two prior detentions for questioning by police. One resulted when Warner and a 32-year old female companion were picked up for selling costume jewelry from the back of a van. Neither female had a bill of sale for the merchandise. Because of her age, Warner was released without charge. Her companion was cited for peddling without a license, which is a misdemeanor.

Personal Background:

School records indicate she has a high rate of truancy and poor scholastic achievement, probably caused by a minor learning disability. Warner is the oldest of four children. Both of her parents are present and employed at bluecollar jobs. Psychological reports indicate she has emotional instability and suggest the possibility of child abuse in the Warner home.



CASE #4

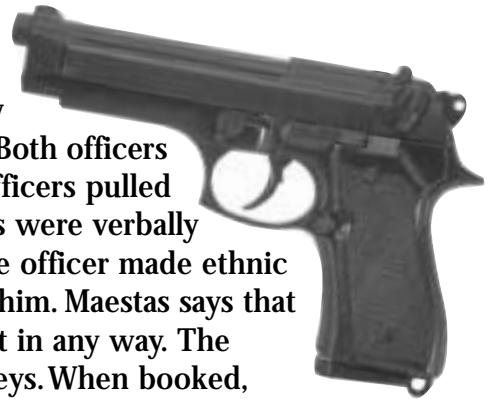
Name: Danny Maestas

Age: 16

Charge: Aggravated Assault

Circumstances:

Police claim that when they stopped Maestas on suspicion of drunk driving, he became belligerent and verbally abusive. He took a swing at one officer, but missed him. Both officers had to physically subdue him. Maestas claims that the officers pulled him over for no reason. He also claims that both officers were verbally abusive and that he merely responded in kind when one officer made ethnic slurs. At that point, according to Maestas, the officer hit him. Maestas says that he realized the possible consequences and did not resist in any way. The officer slugged him three more times, twice in the kidneys. When booked, Maestas showed signs of having been beaten. Tests revealed the boy had no alcohol in his system.



Previous Record:

Maestas has four prior detentions by police for questioning. None resulted in any charges.

Personal Background:

School records indicate he is average in scholastic achievement. His family has four children, one of whom is away at school and another is in the army. Both parents are present, and his father is an attorney.

CASE #5

Name: Michael Robinson

Age: 14

Charge: Armed Robbery, Murder

Circumstances:

Robinson and two other juveniles, one armed with a handgun, robbed a local liquor store. The owner, a 66-year old woman, pulled out a weapon and, in the following shoot-out, was killed. Robinson was not armed and did not shoot the woman, but did most of the talking during the robbery. Robinson and two others, both 14 years old, were apprehended shortly after the incident. Since the murder took place during the commission of a felony act (armed robbery), all of the individuals involved can be charged with first-degree murder.

Personal Background:

School records indicate Robinson has a high rate of truancy. His family has three children and a mother and grandmother. The mother works as a waitress. He does not have a steady job. The psychiatric report indicates severe emotional disturbance.



QUESTIONS FOR DEBRIEFING

1. Is there a general agreement about which juveniles should be tried as adults? Is there a general agreement about the reasons for these decisions?
2. Based on the circumstances and nature of their alleged crimes, which juveniles represent the clearest threat to the community? Which are least harmful?
3. Based on their prior records and personal backgrounds, which juveniles could be potentially the most harmful?
4. Of these two factors, crime or background, which was most important in your decisions?
5. Which of these juveniles do you think should be punished? Which should be rehabilitated? Which seem most and least likely to respond to the rehabilitative treatments available in the juvenile justice system?
6. In adult court, these cases will be tried by juries unless the defendants waive their right to a jury trial. Do you think any of these juveniles would benefit by a jury trial? Why or why not?
7. What is the youngest age at which juvenile courts should be allowed to waive their jurisdiction and send a juvenile to adult court? Why?
8. Are there any circumstances under which juvenile courts should not be allowed to waive jurisdiction?

LESSON PLANS

FREEDOM OF EXPRESSION: ONE NATION INDIVISIBLE ALLOWS MANY VOICES TO BE HEARD

- **Grade Levels:** 9-12
- **Academic Standards:** Final Form Proposed Academic Standards for Civics and Government 5.1 and 5.2

This lesson plan was adapted by North Penn High School teacher David Hall using materials from the Street Law Web site www.streetlaw.com. The lesson ties into the Law Day theme, “One Nation Indivisible,” by demonstrating how the Constitution protects the rights of dissenters to challenge the government even in time of war. Our nation remains united not by stifling dissent, but by protecting it. The lesson takes approximately 120 minutes. It also works well being done over a few days.

Directions:

1. Discuss with students what the freedom of speech means to them.
2. Distribute the “Freedom of Speech” handout. As a class, read the information provided and examine the chart. Ask the students to vote on whether or not the types of symbolic speech listed in the chart are protected. If you would like more detailed information on the case law reasoning behind the cases listed in the chart, visit: www.landmarkcases.org/tinker/symbolicspeech.html.
3. Ask the students to record what types of standards, based on what they have learned to this point, apply to protected speech.
4. As a class, read the “*Tinker v. Des Moines* (1969) Background Information and Questions” handout. Have Agree/Disagree signs posted at opposite ends of the classroom wall. Ask students to stand by the “Agree” sign if they think that the administration had the right to suspend the students or to stand by the “Disagree” sign if they think that the students had the right to wear the armbands. Students should stand in the middle if they are undecided.
5. Ask students for a general response as to why they chose their positions. Then ask the specific questions listed under “Questions to Consider” (this portion also can be done as a writing assignment.)
6. As a follow-up exercise, ask the students to complete the “Classifying Arguments in the Case” and “*Tinker v. Des Moines*” handouts.

For more information about this case and for other activities and resources regarding symbolic speech, visit www.landmarkcases.org/tinker/home.html.

Answers to the chart handout:

The following are the answers to the chart handout: 1) picketing is yes; 2) burning draft card is no; 3) “f..” is no; 4) mall permit is no; 5) license plate is yes; and 6) flag burning is yes. For reasoning information about these answers, visit <http://www.landmarkcases.org/tinker/symbolicspeech.html>

FREEDOM OF SPEECH

Directions:

1. Read the text below and complete the chart.
2. When you are finished with the chart, your teacher will go over the answers with you or will ask you to go online to find the answers.
3. After you have gone over the answers, complete the “Questions to Consider” handout.

The First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people to peaceably assemble and to petition the government for a redress of grievances.



Almost everyone knows that the First Amendment contains the right to freedom of speech. What does this mean? On its most basic level, it means you can express an opinion without fear of censorship by the government, even if that opinion is an unpopular one. However, it does not mean that you can say anything you want, whenever you want. For instance, slander, speech that harms a person’s reputation, is not protected. In addition, obscene expressions are not protected by the First Amendment.

While most people understand these basic limitations on the right to free speech, understanding what constitutes “free speech” is complicated. For instance, some people argue that books, art, music and other genres also are forms of speech because they, too, are expressive in nature. Over the years, the U.S. Supreme Court has debated what limitations should apply to these genres. The court also has debated the claims made by others that actions that express an opinion also are protected. Often, these actions are referred to as “symbolic speech,” which is described below:

“Expression may be symbolic, as well as verbal. Symbolic speech is conduct that expresses an idea. Although speech is commonly thought of as verbal expression, we are all aware of nonverbal communication. Sit-ins, flag waving, demonstrations and wearing . . . protest buttons are examples of symbolic speech. While most forms of conduct could be said to express ideas in some way, only some conduct is protected as symbolic speech. In analyzing such cases, the courts ask whether the speaker intended to convey a particular message, and whether it is likely that the message was understood by those who viewed it.

In order to convince a court that symbolic conduct should be punished and not protected as speech, the government must show it has an important reason. However, the reason cannot be that the government disapproves of the message conveyed by the symbolic conduct.”

So, just as there are limitations on the extent to which “free speech” applies to the spoken word, there are restrictions on the actions that people seek to have protected as symbolic speech.

Examine the actions below. Based on the information you have just read, determine if each action listed is a form of constitutionally protected “symbolic speech.” In the last column, provide a brief rationale for your response.

Action	Is the action a form of constitutionally protected “symbolic speech?” Yes or No	Rationale
<p>In order to protest against a former employer, an individual joins a picket line. State law says picketing is illegal. The individual is arrested and fined \$100.</p>		
<p>An individual burns a draft card to express opposition to the war. Federal law says that burning draft cards is a crime.</p>		
<p>A department store employee wears a jacket that says “F— the draft. Stop the War.” The individual is convicted for violating a law that forbids “maliciously and willfully disturb[ing] the peace and quiet of any neighborhood or person [by] offensive conduct.” The individual is arrested and sentenced to 30 days in jail.</p>		
<p>An organization applies for a permit to hold a demonstration on the National Mall. Members plan to erect “tent cities” in order to demonstrate the plight of the homeless. The permit was denied on the grounds that camping is forbidden on the mall.</p>		
<p>New Hampshire’s state motto, “Live Free or Die” appears on license plates. An individual covers “or die” on the grounds that it goes against his religious and political beliefs. He is convicted for violating a state law, fined and sentenced to jail time.</p>		
<p>An individual burns an American flag in order to protest federal government policy. State law says it is a crime to destroy the flag. The individual is convicted, sentenced to one year in prison and fined \$2,000.</p>		



TINKER V. DES MOINES (1969)

Background Information and Questions

John and Mary Beth Tinker were public school students in Des Moines, Ia., in December 1965. As part of a group against American involvement in the Vietnam War, they decided to publicize their opposition by wearing black armbands to school. Having heard of the students' plans, the principals of the public schools in Des Moines adopted and informed students of a new policy concerning armbands. This policy stated that any student who wore an armband to school would be asked to remove it immediately. A student who refused to take off his or her armband would be suspended until agreeing to return to school without the band.

Two days later and aware of the school policy, the Tinker children and a friend decided to wear armbands to school. Upon arriving at school, the children were asked to remove their armbands. They did not remove the armbands and subsequently were suspended until they returned to school without their armbands.

The children returned to school without armbands after Jan. 1, 1966, the date scheduled for the end of their protest. However, their fathers filed suit in U.S. District Court. This suit asked the court for a small amount of money for damages and an injunction to restrain school officials from enforcing their armband policy. Although the district court recognized the children's First Amendment right to free speech, the court refused to issue an injunction, claiming that the school officials' actions were reasonable in light of potential disruptions from the students' protest. The Tinkers appealed their case to the U.S. Court of Appeals, but were disappointed when a tie vote in that court allowed the district court's ruling to stand. As a result they decided to appeal the case to the U.S. Supreme Court.

The case came down to this fundamental question: Do the First Amendment rights of free speech

extend to symbolic speech by students in public schools? And, if so, in what circumstances is symbolic speech protected? The First Amendment states, “Congress shall make no law...abridging the freedom of speech.” The Fourteenth Amendment extends this rule to state governments as well, of which school systems are a part. The First Amendment, however, does not identify which kinds of speech are protected. For example, it is not clear whether hate speech against an individual or group is protected. Neither does the First Amendment specify what types of expressive actions should be considered as speech.

The U.S. Supreme Court has made many attempts to determine what types of symbolic speech are protected under the First Amendment. In 1919, the court decided in *Schenck v. United States* that the right of an individual to protest World War I by distributing pamphlets urging draftee noncompliance was unconstitutional because the distribution “create[ed] a clear and present danger that...will bring about...substantive evils.” The court wrestled with the issue of the right to symbolic speech again in the case of *Thornhill v. Alabama* (1940) when the court ruled that picketing was a form of symbolic speech protected by the First Amendment because no clear and present danger of destruction of life or property or of breach of the peace was inherent in the action. Three years later in *West Virginia v. Barnette* (1943), the court extended the First Amendment protection of symbolic speech to students in public schools. In *Barnette*, the court held “[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion...”

In 1968, the U.S. Supreme Court agreed to hear Tinker’s case and consider the constitutionality of the Des Moines principals’ anti-armband policy. The court’s decision in *Tinker v. Des Moines* was handed down in 1969.

QUESTIONS TO CONSIDER:

Do you think that the school policy banning armbands was fair? Why or why not?

The students knew they would be suspended if they wore armbands to school and chose to do so anyway. Why do you think they ignored the rule?

The First Amendment says, “Congress shall make no law...abridging the freedom of speech.” Why do you think the U.S. Supreme Court has ruled that certain actions should have the same protection as verbal speech? Are these reasons valid?

CLASSIFYING ARGUMENTS IN THE CASE

The following is a list of arguments in the *Tinker v. Des Moines* (1969) court case. Read through each argument and decide whether it supports the Tinkers' position (T), the position of the Des Moines School District (DM), both sides (BOTH) or neither side (N).

_____ The First Amendment to the U.S. Constitution states: "*Congress shall make no law...abridging the freedom of speech...*" The administration of a public school is an agent of the government. At a minimum, therefore, it must uphold the basic rights protected by the U.S. Constitution.

_____ In the case of *Stromberg v. California* (1931), the Supreme Court ruled that the First Amendment protects symbolic speech by declaring unconstitutional a California law prohibiting a display of a red flag as a symbol of opposition to established government.

_____ Free speech is not an absolute right. The government, at all levels, must balance the rights of individuals to free speech with other values the society holds dear. These other values may include public safety and protecting the rights of other individuals.

_____ In order for a school to function, there must be rules prohibiting behavior that could be disruptive to the school's educational mission. Schools contribute to making us a more law-abiding people, and school discipline is an important part of children's development as good citizens.

_____ Schools are meant to be a forum for learning, which includes the possibility for debate of controversial issues. Communication among students is an inevitable and important part of the educational process.

_____ The Des Moines School District did not ban all expressions of political or controversial subjects. In the past, for instance, the school had allowed the wearing of political campaign buttons.

_____ Allowing students to flout a school rule regarding the wearing of armbands will lead us down a slippery slope. It is not difficult to imagine that if the Tinkers are supported, that students will see this as license to break other school rules as well.

_____ In the late 1960s many student groups in universities around the country were conducting sit-ins, lie-ins and other forms of protest against the Vietnam War that interrupted the normal functioning of schools.

_____ The wearing of the armbands was a silent and passive expression of a position on the Vietnam War. There was no evidence of substantial disruption to the school resulting from the armbands; however, the school officials reasonably feared disruption and therefore took preemptive action to protect the learning environment of the students.

TINKER V. DES MOINES

1. List two questions that the Supreme Court should have asked the attorney representing the school district from Des Moines, Ia., during this case?
 - A.
 - B.
2. List two questions that the Supreme Court should have asked the attorney representing John and Marybeth Tinker in this case?
 - A.
 - B.
3. Write the majority or dissenting opinion for the Supreme Court. This assignment must be a minimum of three paragraphs. The Supreme Court ruled that the Tinkers were protected regarding symbolic speech and should not have been punished. If you are writing the majority opinion, then you are agreeing with that decision. If you are writing the dissenting opinion, then you are agreeing with the school district. Please place a check below regarding which opinion you are writing:

_____ majority opinion

_____ dissenting opinion



This follow-up lesson was provided by North Penn High School teacher David Hall.



Celebrate citizenship with your students during Law Day 2003. Use this special time to help your students become familiar with their freedoms, rights and responsibilities as citizens of the United States.

The Pennsylvania Newspaper Association Newspaper in Education (NIE) is honored once again to partner with the Pennsylvania Bar Association for the fourth annual statewide Law Day 2003 program. The newspaper is a symbol of freedom and the watchdog of a nation.

The mission of the Pennsylvania Newspaper Association NIE Committee is to encourage newspaper use for lifelong learning, including citizenship skills, First Amendment issues, and to support the continuing importance of newspapers as a vital source of facts, opinions and entertainment.

Teachers can select the activities best suited to their own teaching preferences and to the needs and abilities of their students. The NIE activities follow the Pennsylvania Academic Standards for Civics and Government.

ACKNOWLEDGEMENTS

The Pennsylvania Newspaper Association Foundation Newspaper in Education Committee distributes the Law Day 2003 newspaper activities. Diversity & Educational Outreach Director of Pennsylvania Newspaper Association Susan Morgan compiled it. Additional thanks goes to Brian Gottlieb, MyPublicNotices.com Inc., Harrisburg, Pa.; Dr. Sherrye Dee Garrett, Use the News, San Francisco, Ca.; Calkins Newspapers Co., Levittown, Pa.; and the Newspaper Association of America Foundation, Vienna, Va.

ELEMENTARY AND MIDDLE SCHOOL ACTIVITIES

- ★ Find an article, photo or cartoon in the newspaper that has any of the following words in it: citizen, alien, immigration, naturalization, persecution, citizenship, deportation or refugee. Circle the word and define it aloud.
- ★ Find a news story about a citizen who is doing something positive that makes a difference in the community. Draw a picture depicting the person working. Write several sentences describing how the community is better because of that person's actions.
- ★ As a class read and identify the five freedoms stated in the First Amendment. Arrange the class into groups of two or three students and have each group select one of the following to do:
 - Create a class newspaper about the five freedoms.
 - Create a newspaper ad about one of the five freedoms.
 - Clip and label newspaper articles that are examples of each of the five freedoms.
 - Make a collage of newspaper photographs, headline and articles that illustrate one or more of the five freedoms.
 - Rewrite comic strips so that the story line tells about each of the five freedoms.

- ★ Divide the students into groups of four or five. Have them find in today's newspaper as many of the following as they can. Locate, clip and paste each item found on a large piece of paper.
 - The name of a Supreme Court justice
 - The name of a member of the executive branch of government
 - The name of a U.S. Senator from Pennsylvania
 - The name of a member of the U.S. House of Representatives
 - A reference to the U.S. election process
 - An example of the president exercising his powers
 - Mention of a trial by jury
 - An article relating to freedom of the press
 - Mention of use of a search warrant
 - An example of Congress exercising its powers

MIDDLE AND HIGH SCHOOL ACTIVITIES

- ★ The founding fathers set up a system of checks and balances in the government of the United States. No one branch of government should have more power than another: the legislative branch makes laws; the executive branch enforces laws and the judicial branch rules on the constitutionality of the laws. Look through the newspaper for examples of editorial cartoons or news articles that demonstrate how one branch of government is taking an action that checks another branch. Explain how the system is working in each example.
- ★ Find an article, photo or cartoon in the newspaper about people getting involved in government. Explain why you think the people decided to participate? What did they accomplish?
- ★ Scan the newspaper for news stories or photos that illustrate a provision of the Bill of Rights: freedom of press, of assembly, of religion or freedom to petition the government. Describe how life would be different if the First Amendment were not part of the Constitution.
- ★ Find a newspaper story about a political leader who is taking a stand on an important issue. Describe the issue. Then list reasons why that leader supports his/her position. Explain the position of people opposed to the leader. Explain why it is important to have a political leader present the issue to the public.
- ★ The people we elect make decisions about what our communities will look like, how we will spend our money and what laws we will have to follow. Look through the newspaper and find one example of an elected local leader, state leader and national leader. Identify one thing each leader does as part of his or her job.
- ★ Cut from your local newspaper all articles that involve the law. How much of the newspaper is left? Discuss how the law is involved in each article. Remember: Everything from manufacturing to food production to the stock market is subject to regulations and laws that often protect the consumer.
- ★ Ask students to watch their local public notices in the newspaper for the announcement of a public meeting on a topic that interests them. Make attendance and perhaps participation at the public meeting a class or individual project. The students later can discuss and write about their observations of the meeting, including the roles of the various attendees, both officials and private citizens, the participatory skills displayed during the meeting, and the substantive issues discussed and acted upon by the meeting agency. www.MyPublicNotices.com
- ★ Read the editorial viewpoint page(s) in your local newspaper and circle every mention of the U.S. Constitution or the freedoms protected by the Constitution. Discuss what you find.

CLASSROOM WRAP-UP LESSONS



SNOWBALLS IN MAY

Grade Levels: K-12

Special Tip: Make sure students know to stop on your command and make sure the class can handle this type of activity before trying it.

Have students write their names on the top of a blank sheet of paper. Then, for one minute, have students individually write all of the things they have learned from the lesson you just completed. Since you are timing the exercise instead of asking for a certain number of items, all students are on equal ground — whether they can write down five items or one in the time allotted. The teacher also should do the writing exercise.

When the minute is up, tell the students to put down their pens. Split the class in half and tell one-half of the students to go to one side of the room with their papers and the other half to go to the other side of the room with their papers. Once the room is divided, tell the students to bunch their papers into a ball. Now explain to them that you are going to have a snowball fight

with the paper balls. Say “go” and let them fly. After a few rounds of the balls flying back and forth, yell stop and have each student pick up a ball and return to their seats. The students should open up the paper (make sure no one has their own — if that happens, arrange a quick trade) and ask each student to write all of the things they learned from the lesson in 45 seconds. You can repeat the process a few more times, but the final step is to have each student return the paper to its original author.

This exercise can be used as a review earlier in a lesson, too.

CLASSROOM WRAP-UP LESSONS CONTINUED



REFLECTIONS ON THE LESSON

Grade Levels: K-12

Special Tip: You can do this exercise orally with younger students

Ask the students to list on index cards up to three things they learned from the class that they will want to share with their family members later. The students should be encouraged to take their cards home to share.

Ask the students to list up to three questions they have as a result of the presentation. If you have the students write the questions on separate index cards, you can take their questions with you and follow-up in writing to the class.

Think Back!

Ask the students to think back to the start of the lesson when you first began the class. Ask them what they thought the class would be about — “What did you think I would talk about today? Were you surprised? Did you enjoy the class? What did you learn?” Ask the students to write out their answers.

LRE SUPPORT ORGANIZATIONS

Law-related education 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 law-related education Web site at www.pabar.org/educationprograms.shtml.

Pennsylvania Bar Association

Jennifer Branstetter

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 law-related education programs are designed to help Pennsylvania schools lay a foundation for teaching civics and government in the classroom. The PBA partners with the Pennsylvania Department of Education, National Constitution Center, county bar associations, judges and lawyers to accomplish this goal. The cornerstone LRE projects include, I Signed the Constitution, Project PEACE, Law Day, Mock Trial and Stepping Out. To learn more about these programs, visit the PBA's K-12 Law-Related Education home page on the PBA's Web site. Lesson plans from past Law Day and I Signed the Constitution guides also are available on the Web site.

Center for Civic Education

5146 Douglas Fir Road

Calabasas, CA 91302

Phone: (800) 350-4223

Fax: (818) 591-9330

Web Site: www.civiced.org

We The People...The Citizen and the Constitution

George W. Franz, PA State Coordinator

Penn State Delaware County

25 Yearsely Mill Road

Media, PA 19063-5596

Phone: (610) 892-1411 — Fax: (610) 892-1357

E-mail: gwf1@psu.edu

Web Site: www.de.psu.edu/pawtp

CCE develops conceptual LRE programs centered on four concepts: justice, authority, responsibility and privacy. These concepts are fundamental to understanding the principles of law and the Constitution. The curriculum and training materials are provided for grades K-12 and are designed to develop better understanding of our constitutional democracy. CCE's *We the People* curriculum on the Constitution and the Bill of Rights is used across the nation in every congressional district. It complements the regular school curriculum by providing upper elementary grades, middle school and high school students with a course of instruction on the history and principles of democracy in the United States. Every teacher in Pennsylvania can receive a free class set of books on the Constitution through this program by contacting district coordinators in each congressional district.

LRE SUPPORT ORGANIZATIONS

Constitutional Rights Foundation
601 South Kingsley Drive
Los Angeles, CA 90005
Phone: (213) 487-5590 (ext. 127)
Fax: (213) 386-0459
Web Site: www.crf-usa.org

Constitutional Rights Foundation Chicago
407 South Dearborn, Suite 1700
Chicago, IL 60605
Phone: (312) 663-9057
Fax: (312) 663-9057
Web Site: www.crfc.org

CRF focuses on the connection among individuals, the law and the political system. Through participation in interactive role-plays, simulations and cooperative small groups, the Constitution is taught as living law that is applicable to students today. CRF materials emphasize the development of reasoning skills, especially as applied to evaluating the causes of, and potential solutions to, the problems facing the United States.

LEAP-Kids (Law, Education & Peace for Children)
Leon Stimpson, Associate Director
P.O. Box 428, 6 Royal Avenue
Glenside, PA 19038-0428
Phone: (215) 885-1610 — Fax: (215) 885-1036
E-mail: leon@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 LRCE study. LRCE is a unique blend of substance and strategy: students learn 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.

Street Law Inc.
1600 K Street, NW, # 602
Washington, DC 20006
Phone: (202) 293-0088 — Fax: (202) 293-0089
Web Site: www.streetlaw.org — Curriculum Web Site: www.streetlaw.com

Street Law is practical, participatory education about law, democracy and human rights. Through its philosophy and programs, Street Law empowers people to transform democratic ideals into citizen action. Street Law's programs do not end at the door of the classroom. Each student gains essential lessons that can be used for life. Street Law, Inc.'s educational materials include its flagship practical law text, *Street Law*, which, along with its comprehensive set of instructional supplements, is used in high school classrooms in every state. The Street Law Program began at Georgetown University Law Center more than 20 years ago when law students developed a practical law course that was taught in DC Public Schools. Street Law, Inc. also has brought its educational message of law, democracy, and human rights to nearly two dozen countries around the world. An informational brochure, newsletter, and annual report are available by contacting our office.

LRE SUPPORT ORGANIZATIONS

Pennsylvania Newspaper Association Foundation
Susan Morgan, Diversity & Educational Outreach Director
3899 North Front Street
Harrisburg, PA 17110
Phone: (717) 703-3000 — Fax: (717) 703-3008
Web Site: www.pa-newspaper.org

The Pennsylvania Newspaper Association Foundation is the educational arm of the Pennsylvania Newspaper Association and sponsors a variety of educational seminars each year targeted to a cross-section of newspaper departments. The PNA Foundation Newspaper in Education Committee encourages newspaper use for lifelong learning including citizenship skills and First Amendment issues. It also supports the continuing importance of newspapers as a vital source of facts, opinions and entertainment in the information age. The more than 80 Newspaper in Education programs in Pennsylvania provide newspapers to the classrooms as motivational and educational tools to encourage a variety of skills, especially the creative and divergent thinking skills. Newspapers provide real-life applications for content-area skills and concepts. Newspapers are naturally interdisciplinary and are a basic tool for lifelong self-instruction.



NOTES
