

# WELCOME

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Dear Law Day Participant:

The Pennsylvania Bar Association, in conjunction with the Pennsylvania Bar Foundation, is pleased to present the third 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.

Since the events of September 11, 2001, teaching about the rule of law has taken on new significance. It is now more important than ever for students, young and old, to share in the knowledge of what makes our country stand apart. As such, Pennsylvania's Law Day 2002 theme will focus on the "Symbols of Freedom." Everywhere we go, we are surrounded by our country's symbols of freedom. American flags flying over buildings. Newspapers on doorsteps. Police officers and firefighters on city streets. And while these symbols may represent something different to each of us, collectively they remind us that, as Americans, we are afforded freedoms unlike any other people in the world.

George W. Bush began his presidency by saying, "We are bound by ideals that...teach us what it means to be citizens. Every child must be taught these principles. Every citizen must uphold them...I ask you to be good citizens. Citizens, not spectators. Citizens, not subjects. Responsible citizens."

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,

A handwritten signature in blue ink, which appears to read "H. Reginald Belden Jr.", is positioned above the typed name.

H. Reginald Belden Jr.  
President  
Pennsylvania Bar Association

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# GETTING STARTED: JUDGES & LAWYERS

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## A FEW NOTES ABOUT VISITING A CLASSROOM

**T**hese 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 make contact 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 your audience, dictate that a change is needed.
- ✓ Whatever you cover, be prepared for wide-ranging questions from the students in your class. 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.

# GETTING STARTED: JUDGES & LAWYERS CONTINUED

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- ✓ It is important for every presenter to stress both rights and responsibilities — the students need to understand that part of being a good citizen is realizing and respecting the freedoms and rights of all people.
- ✓ Try to focus your presentation on the students by actively involving them in the learning. 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.
- ✓ 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.

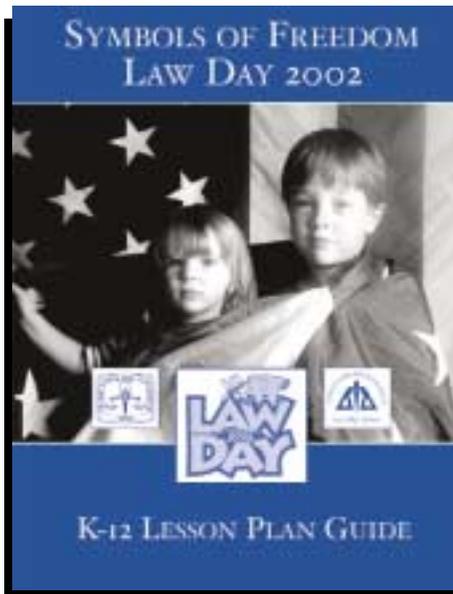
You also will need directions for moving both yourself and the students around in the classroom. When working with students, try not to get yourself locked into one place. There are many different ways to direct students around the classroom and some of the best ways are detailed in the included lesson 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. For fun, have the group split up by lining up in chronological order of birthdays over the course of the year. Or, 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. No matter how interesting your presentation, when the period is over, end it. 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

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**T**his 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. Appropriate handouts have been included, along with information about the Proposed Academic Standards for Civics and Government each lesson satisfies.

As you may know, the 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.

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 (see LRE Support Organizations).

The PBA is interested in feedback from educators about these materials. Please address any comments or concerns to David Keller Trevaskis at 800-932-0311, ext. 2236 or by e-mail to [david.trevaskis@pabar.org](mailto:david.trevaskis@pabar.org).

# LESSON PLANNING IDEAS

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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. All the PBA asks is that you consider sharing your lesson ideas with future presenters by sending them to the PBA (contact information can be found in the LRE Support Organizations section).

## 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 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.

<sup>1</sup> 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.

# LESSON PLANNING IDEAS

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## 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. You might simply ask them to reflect on the class. 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 \_\_\_\_\_ matter.”

# LESSON PLANNING IDEAS

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

- **Writing Logs/Diaries**  
Students document reactions to events and interpret what has happened.
- **Naming Themes**  
Students think of the 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.



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

# CLASSROOM WARM-UP EXERCISES

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## PUNDLES

- **Grade Levels: 1 - 12**

**P**undles are configurations of letters, lines and symbols that “spell out” familiar words and phrases. Write each pundle on the board and ask the students to figure them out.

MAN  
\_\_\_\_\_  
BOARD

(man over board)

STAND  
\_\_\_\_\_  
I

(I understand)

LE  
VEL

(split level)

J  
YOU U ME  
S  
T

(just between you & me)

CYCLE  
CYCLE  
CYCLE

(tricycle)

HE'S/HIMSELF

(he's beside himself)

# CLASSROOM WARM-UP EXERCISES

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## MINUTE MYSTERIES

**Grade Levels: 1 – 12**

**Academic Standards:** Proposed Standard 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/lawdayinformation.shtml](http://www.pabar.org/lawdayinformation.shtml)

Many of these puzzles come from Anne Spector of the Cheltenham School District

**G**et 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.



- A woman had two sons who were born in the same hour of the same day in the same year, but they were not twins. How could this be? *(They were two sons of a set of triplets.)*
- Johann Hurlinger, an Austrian, set a world record by walking the 871 miles from Vienna to Paris in 55 days. He averaged only 1.5 miles per hour and did the walk in 1900 – yet the record still stands today. What is so special about it? *(He walked the whole way on his hands, thereby setting the world duration record for walking on hands.)*
- A truck became wedged under a low bridge. It could not move forward or back without severely damaging its roof. The truck driver was perplexed until a little girl standing nearby suggested an easy solution. What was it? *(The girl suggested that the driver let enough air out of the truck's tires to let it pass under the bridge.)*
- Sylvester had received a promotion in his company. To celebrate, Sylvester and his wife invited his boss, his boss' wife and a party of 70 in for dinner. A fire broke out during the party and no one escaped from the room. In the morning, firemen found the bodies of only five people in the ruins. How can that be? *(There were only five people at the dinner: the man and his wife, his boss and his wife and a person who was 70 years old)*
- A man walks into a restaurant and asks a waiter for a glass of water. The waiter pulls out a gun and points it at the man. The man says thank you and leaves the restaurant. *(The man had the hiccups)*

# CLASSROOM WARM-UP EXERCISES

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## EACH ONE, TEACH ONE

### Grade Levels: 7 & Up

(This can be used with middle school students by picking appropriate “nuggets.”)

Academic Standards: All of the proposed standards (depending upon the content of the nugget statements)

In “Each One, Teach One” students are handed facts (“nuggets” of knowledge) about a topic. They are asked to teach other students about what they learn from their nuggets while also learning other information from their classmates. This works well for conveying “dry” information in a quick manner.



If, for example, you want to share with students some facts from a news article about how the law is adapting to the events of September 11, 2001, you could use Each One, Teach One to get all of the facts out to the class without having to go through each fact.

Note one fact on a strip of paper or a card, making up cards for every member of the class. It does not matter if some cards are repeats (indeed, that will reinforce the learning). Distribute one fact card or strip to each student in the class.

Each participant should spend a few minutes reading the information on the card (be sure to check with the teacher to see if any students have reading difficulties—you always can discreetly read their cards out loud to them so that they can repeat what they heard from you to other students during the exercise). Each student should go around the room and teach

their fact to everyone else, one student at a time.

Then ask the students to tell the class something they learned from someone else. You can add anything that was missed during the exchange as you go over the information the students learned from each other.

# CLASSROOM WARM-UP EXERCISES

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## TAKING A STAND

- **Grade Levels:** 1 – 12
- **Special Tip:** Select an age-appropriate issue
- **Academic Standards:** Proposed Standard 5.1.J; it also meets 5.2 and 5.3 (depending upon the content of the lesson statements)

**T**his exercise, sometimes called “Voting With Your Feet,” asks students to take a stand along a continuum. The easiest way to conduct this lesson is to make two signs — one reading “agree” and the other reading “disagree.” Place the signs on opposite ends of the room. Explain to students that you will be making a statement about an issue of concern. Then ask a few students to stand in the room where they fit on the continuum, with those who strongly agree or disagree taking positions at each sign and those who are uncertain standing in the middle. After the students have taken their positions, ask one or two of the students to explain why they chose to stand where they stood.



### **Example Statements:**

- School publications, written by students, should be able to cover any topic, without censorship.
- Each applicant for federal employment should be required to take a loyalty oath to the U.S. Constitution and affirm that he/she is not, and never has been, a member of any terrorist organization.
- No religious practices/activities/celebrations should be allowed in public schools.
- Individuals convicted of terrorist acts should have their sentences reduced if they volunteer significant intelligence information to federal law enforcement authorities.
- The constitutional rights of students are not the same as adults when students are on school property.

You should explain to the students how the various courts or legislatures have dealt with your issue after the students have explained their views.

# K- 6 CLASSROOM LESSONS

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## SWEET DEALS

- **Grade Levels:** K – 6
- **Academic Standards:** Proposed Academic Standard for Civics and Government 5.3
- This is modified from an American Bar Association lesson
- **Supplies:** One large plain chocolate bar; one large chocolate bar with almonds; one bag of small plain chocolate bars; and one bag of small chocolate bars with almonds

**T**his lesson introduces students to civil law and contract negotiations through chocolate. Before you get to the class, remove the chocolate from one of the large chocolate bars and replace the foil by stuffing it with tissue paper – making it look like a real chocolate bar. Place the two chocolate bars on a desk at the front of the class (out of student reach).



Ask for a show of hands of who likes plain chocolate bars. Next, of those students, ask which ones really dislike almonds. Pick one of those students to come to the front of the room. Now ask for a show of hands of who likes chocolate bars with almonds. Next, of those students, ask which ones really like almonds. Pick one of those students to come to the front of the room.

Next, ask the two students to stand behind the chocolate bars they least like, without touching them. Tell them that they will need to talk to each other to work out an arrangement to exchange the chocolate bars. Explain to the class that they just have covered basic contract law - a bargained for exchange with consideration. Once an agreement is reached, tell each student to pick up the chocolate bar he/she obtained in the “negotiated” exchange.

However, during contract negotiations, parties do not always get what they think they negotiated. In the classroom, one student will be surprised and upset when he/she picks up the empty chocolate bar. Ask the student to express his/her feelings. You will find that the student will discuss most legal concepts associated with “mistake of fact”. There is no “fraud,” since the other student knew nothing of your chocolate bar deception. Explain to the class that they now have a conflict that may need to be resolved through the courts. Note how “Buyer Beware” was a long held concept of contract law, but that fairness today suggests other resolutions.

Now suggest that the two students renegotiate. The student with the real chocolate bar probably will have different opinions about what constitutes a fair resolution. The student without the chocolate bar may suggest that they split the other one. Your role is to help the students through the negotiation process while encouraging them to bargain and settle their dispute on their own. (Remember: suing the lawyer is not an option). If necessary ask for a student volunteer to serve as a judge to help settle the dispute and hand down a ruling (probably to split the chocolate bar).

As a surprise, distribute your hidden supply of chocolate bars to the entire class, including the two students.

# 1-12 CLASSROOM LESSONS

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## THE MINDWALK

- **Grade Levels:** 1 – 12
- **Academic Standards:** Proposed Academic Standards for Civics and Government 5.1 & 5.3

**T**he mindwalk begins by saying to students: “I’m now going to ask you the hardest question you will ever be asked — what would you rather be doing than listening to me?” Ask the students to create a list (choose one or two students to write the ideas on the board until you have a list of 10 activities). Now challenge the students with the statement that “everything is connected to the law and that is why studying the law is so important.”

Go through how the ideas they listed can be connected to the law (sleeping involves pillow tags that say “Do Not Remove Under Penalty of Law;” eating costs money, which gets its value by law; winking at someone could be sexual harassment). Ask them to come up with things they think are not connected to the law in any way. Let the group work through the connections.

One presenter who has used this lesson a number of times said he only was stumped once, when a student brought up the notion of pure thought—eventually, the group decided that you had an absolute right in America to think whatever you want, a right that certain nations do not protect.

Variations of this exercise are numerous. You may use a newspaper, what a student or teacher did the previous weekend or even what documents can be found in your wallet (driver’s license, credit card).



For additional mindwalks, visit the PBA Law Day Web site at:  
[www.pabar.org/lawdayinformation.shtml](http://www.pabar.org/lawdayinformation.shtml)

# K-12 CLASSROOM LESSONS

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## ON WRITING A LAW: NO HATS IN THE CLASSROOM

- **Grade Levels:** K – 12
- **Academic Standards:** Proposed Academic Standards for Civics and Government 5.2 & 5.3
- **Special Tip:** For a literature connection to the lesson, read Laura Geringer’s *A Three Hat Day*.



**T**hrough this exercise students will begin to understand what a law is and how to write one. You will guide them through a series of questions to help them determine if the law is fair and just. If the students determine that it is not a good law and that exceptions need to be made, then ask them to help you rewrite it.

The new principal, Bonnie Beret, arrived at the Caps-Off-To-Reading School. Her first task was to bring her staff together to create the perfect set of rules. Ms. Beret

pondered how the staff might promote showing the respect they all spoke about. Finally, it seemed that she had arrived at the answer.

Ms. Beret’s plan was simple. As she explained to her staff, taking off one’s hat is a sign of respect. Her suggestion, therefore, was to have as one of her five key school rules: No Hats in the Classroom. The rule seemed clear and easy to understand. It also seemed like a rule for which there should be no exceptions. Ms. Beret felt that her new rule was a perfect one. Do you?

Ask the students to consider possible exceptions to the rule, such as:

- Security officers who wear headgear for identification (hats) and safety purposes (helmets)
- Children suffering from cancer who wish to hide hair loss
- Children with strong religious beliefs who wear yarmulkes or scarves



Then ask the students if they wish to rewrite the rule. If they do, help them.

# K-12 CLASSROOM LESSONS

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## ANALYZING THE PLEDGE OF ALLEGIANCE

- **Grade Levels: K – 12** (for younger grades, ask them to recite the pledge and discuss its meaning with them)
- **Academic Standards:** Proposed Academic Standards for Civics and Government 5.1 & 5.2
- This lesson comes from the Center for Civic Education’s “We the People... The Citizen and the Constitution.” (See LRE Support Organizations for contact information)



**F**or Americans, the most familiar expression of citizenship is taking the Pledge of Allegiance. The pledge is something you have recited countless times and probably know by heart:

*I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.*

The original draft of the Pledge of Allegiance was written by James B. Upham in 1888 and revised slightly four years later by Francis Bellamy, who included it in the 400th anniversary celebration of Columbus’ first voyage to the new world. The phrase “under God” was added to the Pledge of Allegiance by an act of Congress in 1954.

### **Ask the students to consider the following questions:**

1. What is involved in pledging allegiance? What does allegiance mean? What does the taking of the pledge say about your relationship to government?
2. Why do we pledge allegiance to the American flag? Why not to the president of the United States, our members of Congress or the justices of the Supreme Court?
3. Do we have the right to withhold our allegiance? What would be the consequences of doing that? If you were born here, when and how do you decide to be an American citizen? If you were not born an American citizen, how do you become one? How is a citizen different from someone else living in this country?
4. What is a “republic?” Does the pledge define what that word means? How does a republic differ from a democracy?

# K-12 CLASSROOM LESSONS

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## SYMBOLS OF FREEDOM: NAME THAT SYMBOL

- **Grade Levels: K – 12** (The lesson originally was designed for early elementary grades. It can be used with higher grade levels by using more sophisticated symbols, such as an attorney, followed with a discussion of the right to counsel in criminal cases guaranteed under the Constitution.)
- **Academic Standards:** Proposed Academic Standard for Civics and Government 5.1 and Proposed Academic Standards for History 8.2 & 8.3
- **Materials:** Prepare note cards with different symbols of freedom listed on each one



**T**his lesson uses the popular Pictionary Game format to identify symbols that are discussed by the class.

Divide the class into two teams and select one student from each team to go to the board. Give each student a card with the same symbol on it. Have them start drawing the symbol on the board (no words may be written) and have their teams shout out the name of the symbol being drawn. The first team that gets the answer correct wins. This is a noisy lesson, so a quieter variation involves having the team watch the drawing and raise their hands as soon as they know what is being drawn. Call on students from each team in alternate fashion to solicit answers. After each symbol is drawn, follow-up by discussing the symbol's origin and meaning.

**Suggestion:** If you decide to use the American flag as one of the symbols, contact your state legislator for information about the flag. He or she should have brochures that describe the flag's history and the proper way to care for a flag. Your legislator also may be willing to donate a flag to the class.

# K-12 CLASSROOM LESSONS

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## A VISITOR FROM OUTER SPACE – YOUR RIGHTS AND FREEDOMS

- **Grade Levels: K – 12**
- **Academic Standards: Proposed Academic Standards for Civics and Government 5.1 & 5.3**

**T**his lesson introduces students to some of the basic concepts of the Bill of Rights. Begin by explaining to students that they will have an opportunity to decide which rights and freedoms are the most and least important to them personally. Give students the handout, “A Visitor From Outer Space.”

Determine from students’ responses (e.g. a show of hands) which rights and freedoms they believe to be most important. Ask students to give reasons for their selection of the rights and freedoms they deem to be least important.



# K-12 CLASSROOM LESSONS

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## A VISITOR FROM OUTER SPACE

**Y**ou are quietly watching television with your family when a special news bulletin comes over the TV station. You immediately see that this is not the normal type of news bulletin because there is, what looks to be, a very strange creature on the screen — the only thing familiar is that it is speaking English. It tells you that it and its people have gained control over all of the communications networks in the United States, and that everyone had better pay attention to what it has to say. You change the channel, and just as it said, it is on every station. It begins to speak very loudly and you gather your family around because you are beginning to worry about what it is going to do. Its speech is as follows:



My name is STHGIR and I am from the planet NOITUTITSNOC in another galaxy where the inhabitants are far superior to the beings on this planet EARTH. Just as we have gained control over the communications of the United States, we have the ability to take complete control over every one of your lives. We do not want a war between our planet and yours, but we do want to control some things so that we can live in peace and harmony with you. We have looked at some of your laws and the way your government operates and have found that it gives too much freedom to the individual. Therefore, we are going to conduct a survey to try and arrive at a decision in which both you and I are happy. As I have said, I do not want to take everything away from you — but I can't allow you to continue to live as you have in the past. Therefore, I am giving you a list of ten of the rights, which you now have according to your Constitution. You are to look over the list of ten of your Constitutional rights and decide which of the ten are most important to you. I will allow you to keep FIVE of the ten rights — the five that get the most votes from all citizens of the United States. You are to rank the following rights in the order in which you would give them up: 1 being the right you would give up last and 10 being the right you would give up first. After you have completed your ranking, you will receive further instructions.

- \_\_\_ Right to bear arms
- \_\_\_ Right to freedom of speech
- \_\_\_ Right to legal counsel
- \_\_\_ Right to protection from cruel and unusual punishment
- \_\_\_ Right to freedom of press
- \_\_\_ Right to a jury trial
- \_\_\_ Right to freedom of religion
- \_\_\_ Right to peacefully assemble
- \_\_\_ Right to privacy
- \_\_\_ Right to protecting self-incrimination

*Copied with permission from: We the People, Constitutional Rights Foundation, Chicago*

# 3-8 CLASSROOM LESSONS

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## MINI-MOCK TRIAL: COMMONWEALTH V. BEAN

- **Grade Levels: 3 – 8**
- **Academic Standards:** Proposed Academic Standard for Civics and Government 5.3

This mini mock trial is based on a mock trial from the Constitutional Rights Foundation Chicago’s VOICE curriculum.

For additional mock trials, visit the PBA Law Day Web site at:  
[www.pabar.org/lawdayinformation.shtml](http://www.pabar.org/lawdayinformation.shtml)

The following is an instructional framework for creating and conducting a mini-mock trial with your class. To enhance this experience be sure to invite a lawyer from your home or school community, or a parent of a child in your classroom who is in a law-related field. Other parents can be invited to serve on the jury.

**Case: Commonwealth v. Bean**  
**Conflict: Criminal trespass and theft**

**Witnesses:**

Prosecution:

Mr. Biggs  
Camilla Hen

Defense Side:

Jackie Bean  
Juanita Hen

*The facts of the case are presented in the following pages. There is a newspaper article, journal entries and directions for how to proceed with the mini mock trial.*

1. Have students choose the side of the case they would like to argue or divide the class into groups.

2. Each side should write opening statements collaboratively.

Your Honor and ladies and gentlemen of the jury, \_\_\_\_\_  
(name of witness) will tell us \_\_\_\_\_

\_\_\_\_\_  
(name of witness) will testify that \_\_\_\_\_

\_\_\_\_\_  
Finally we will hear from \_\_\_\_\_ (name of witness) who will tell us \_\_\_\_\_

The higher the grade level, the more independent this activity can become. After it is written, the opening statement can be used to develop many oral and written communications skills.

## 3-8 CLASSROOM LESSONS

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### MINI-MOCK TRIAL: COMMONWEALTH V. BEAN continued:



#### 3. Write the direct questions.

- A. A lawyer asks direct questions of his/her own witnesses. These questions are used to make sure your witness tells his/her whole story.
- B. There are 3 standard questions with which a lawyer begins: What is your name? Where do you live? and What is your job? (occupation)

Students should be assigned to write direct questions for a witness individually or in small groups. If there is some concern about this activity, one direct question can be done collaboratively with the whole class.

#### 4. Write the cross examination questions.

The cross examination questions are the questions a lawyer asks the witnesses from the other side. Your job is to ask questions that have the jury doubt the testimony of the witness. For the cross examination, a lawyer asks “leading questions,” questions that lead the witness to a “yes” or “no” answer. Example: The defense attorney asks Mr. Biggs, “Isn’t it true that you couldn’t see if Jackie Bean was carrying your hen?”

#### 5. Write the closing statement.

The closing statement also can be written collaboratively and should include a summary of everything that was said during trial. No new information can be introduced during the closing statement.



SUNDAY  
OCTOBER 7, 2001

## The Village Gazette

COUNTY FINAL  
35¢

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### HEN MISSING - Local Youth Suspected of Fowl Play

By Robin Hooding



**THE VILLAGE (VOICE)** - Has anyone seen Henrietta Hen? Since her disappearance on October 6, rumors have been flying all over the village. The sheriff told us that Mr. Biggs reported the theft of one of his prized hens, Henrietta, yesterday. A local youth, 18-year-old Jackie Bean, has been taken into custody for the alleged crime. Jackie Bean has been charged

with criminal trespass and theft. The trial will begin as soon as the jury is selected.

Other strange things have been happening around the village. One unnamed police officer reported a strange stalk growing overnight at the Bean's place. A neighbor of Mr. Biggs told the blacksmith that he has heard tales of golden eggs being found at the Biggs' place. With talk of magic plants and golden eggs, we may be headed for another Salem!

Sheriff Omelette Swenson, known locally as Omelette the Dane, would not comment on any of the rumors, but said he will be glad when this case is over.

Anyone having information related to this case should contact the sheriff immediately.

## 3 - 8 CLASSROOM LESSONS

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**Juanita Hen has written a journal. It comes from the day after Jackie's arrest. Read carefully and prepare your character's role from this information. This journal is private and is for Juanita Hen only!**

**Juanita's Journal:  
October 7**

**E**veryone on the ranch is talking about Henrietta's disappearance. I was there, so I know what happened. I'm going to write what happened yesterday in here so I can remember everything. Henrietta's problem is that she is just plain featherbrained. She's far too flighty to be a proper chicken. She tries to escape from the henhouse now and then. Yesterday, a scared-looking little kid came into the henhouse. The police showed us a picture of Jackie Bean, the person they arrested, and I'm sure Jackie was the person who was here. It's true that the child picked Henrietta up while in the henhouse, but the poor thing looked more curious than anything. I think I saw Jackie set her down, but I'm not sure. Then I heard Mr. Biggs' voice and turned to look at him. Then Jackie turned chicken and ran off. I think that's when Henrietta saw her chance and flew the coop. It's silly to think Jackie took Henrietta. How could that little kid climb down the beanstalk carrying that big bird? Jackie may have been poking a nose where it didn't belong, but the child didn't steal anything.



## 3 - 8 CLASSROOM LESSONS

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**Camilla Hen has written a journal. It comes from the day after Jackie's arrest. Read carefully and prepare your character's role from this information. This journal is private and is for Camilla Hen only!**

### **Camilla's Journal: October 7**

**T**his has been an exciting week in the henhouse!

First, there was a big commotion yesterday, when that kid kidnapped one of us. Since then, the police have been here asking all of us questions about what we saw. The police showed us a picture of the person they arrested, Jackie Bean, and I know Jackie is the same person I saw in the henhouse yesterday. The name of the kidnapped chicken is Henrietta. I know Jackie took her, because I saw it with my own eyes! The police said that I should try to remember the exact details of what I saw, so I'm writing them here. The three of us,

Henrietta, Juanita and I, were all roosting in the henhouse, laying solid gold eggs, as we always do. All of a sudden, that young thief, Jackie, came rushing in, all out of breath. The little punk looked mean and said something about getting back at Mr. Biggs. I saw Jackie pick up Henrietta. Then I heard Mr. Biggs' yelling and coming this way. I turned to look at Mr. Biggs, and when I turned around, the kid and Henrietta were gone! We are a very rare breed of chicken, and once we leave Mr. Biggs' ranch, we can never lay golden eggs again. That means that even if Jackie returns Henrietta, she wouldn't make Mr. Biggs money anymore. We miss Henrietta, and Mr. Biggs will miss the money. That horrible person should be punished!



## 3 - 8 CLASSROOM LESSONS

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**Mr. Biggs has written a journal. It comes from the period just before and after Jackie's arrest. Read carefully and prepare your character's role from this information. This journal is private and is for Mr. Biggs only!**

### **Mr. Biggs' Journal** **October 6**

**T**oday I lost a fortune! I was in town yesterday, buying some supplies. On the road, I saw a young person crying, and holding on to a cow. She was a very nice, pretty cow of a very rare breed. I talked to the kid, whose name was Jackie, and who was very trusting. I know a chance for a deal when I see one! I offered the kid some beans that are pretty unusual, but not worth nearly as much as the cow. I felt a little bit bad for not offering more, but business is business! Anyway, it cheered Jackie up and I thought the kid would have fun with the magic beanstalk and maybe even make some money from the beans it produces.



This morning I got home and took care of the chickens and this nice new cow. The next thing I know, there's a commotion in the henhouse. I ran over there and saw Jackie running out of the henhouse to the beanstalk. I chased and yelled at that rotten kid, but Jackie got away. I looked inside the henhouse, and one of my best chickens was missing. She was there just a little while before, so I know Jackie took her! I'm going to call the police.

### **October 7**

The police arrested that young criminal yesterday. They say that they found mud on Jackie's shoes matching the mud on my ranch, and feathers on Jackie's sweater matching my hens' feathers. When they went in the Bean's house, they saw that Jackie had written about stealing my chickens in a journal. This proves that Jackie did it! The police say I can press charges if I want.

## 3 - 8 CLASSROOM LESSONS

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**Jackie Bean has written a journal. It comes from the period just before the arrest. Read carefully and prepare your character's role from this information. This journal is private and is for Jackie Bean only!**

### **Jackie Bean's Journal**

**October 4**

I am SO MAD at that giant man. I took our cow Bessie to town this morning, but no one wanted to buy her. I REALLY wanted a new TV, so I was kind of upset. On the way home, this really tall guy started talking to me. He seemed very nice, and told me what a great cow Bessie was. He got real quiet and said he had a special deal for me, since I seemed like such a good kid. He said he'd trade me five magic beans for Bessie. He made them sound SO good that I made the trade. Boy, was I dumb.



After Mom threw the beans away, I was even madder. That jerk ripped me off, and we'll never have a TV. We might not be able to afford milk either. Now I'd like to get back at him.

**October 6**

You won't believe what I saw! I had to come down really fast to write this stuff down, but I'm going back. Those magic beans grew into a giant beanstalk! I just had to climb up it to see what was at the top. I climbed up into the clouds, and I got this weird feeling in my stomach. Suddenly, I looked out and I was somewhere else! I could see a ranch and the giant man who took Bessie was working on it. I saw Bessie, too, with a whole herd of other cows. Then I saw the giant man go into a henhouse and come out with GOLD eggs! I climbed back down and ran home so he wouldn't see me.

I know how I could get back at that guy. He told me those beans were worth a fortune, and all they really did was grow in a strange way. It's almost like he stole Bessie from me and Mom. If I took one of those chickens that lay gold eggs, it would make up for him lying and ripping me off. We could get a new TV and even a new irrigation system for the farm. He's so rich he'd never even miss it.

## 3 - 8 CLASSROOM LESSONS

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### Commonwealth v. Bean



- The clerk says, “Hear ye, hear ye! All rise for the Honorable \_\_\_\_\_.”
- The judge says, “Today we will hear the case of Commonwealth v. Bean. Jackie Bean has been charged with theft and trespassing. Will the prosecution state what it intends to prove?”
- The prosecutor describes the crime and tells what the state intends to prove.
- The defense attorney tells what the evidence will show from the defendant’s point of view.
- The judge says, “Is the prosecution ready to call its witnesses?”
- The prosecutor calls state’s witnesses and presents evidence against the defendant. The
- Prosecutor may call: Mr. Biggs and Camilla Hen
- The defense attorney may then ask questions to cast doubt on the statements given.
- The judge says, “Is the defense ready to call its witnesses?”
- The defense attorney calls witnesses to discredit the commonwealth’s case. The defense attorney may call: Jackie Bean and Juanita Hen
- The prosecutor may then ask questions to cast doubt on the statements given.
- The judge says, “If there are no further witnesses, does the prosecution have anything to add?”
- The prosecutor tells what the commonwealth feels it has proved in a closing statement.
- The judge says, “Does the defense have anything to add?”
- The defense attorney tells the story from his or her client’s point of view in a closing statement.
- The judge reads the following instructions to the jury:

“Ladies and gentlemen of the jury: Now that you have heard all of the evidence and arguments presented by the attorneys, it is my job to tell you about the law. First of all, Jackie Bean is innocent until proven guilty. The defendant does not have to prove innocence. You must look upon Jackie Bean as an innocent person unless, after you discuss the testimony and evidence, all of you decide that the defendant is guilty beyond a reasonable doubt. This means you have no doubt in your mind that Jackie Bean is guilty. If you have doubt and there is reason for that doubt, you must find Jackie Bean not guilty. The decision must be unanimous for a verdict of guilty. Jackie Bean is charged with theft - that is taking something that belongs to another - and the crime of trespassing - that is being on another’s property without permission. Take each charge separately. Review the evidence and vote on each of the charges after you have deliberated. Begin by electing a foreman, and then keep an open mind as you listen to your fellow jurors.”
- The jury meets to decide the case. Everyone says whether he/she thinks the charges have been proved beyond a reasonable doubt.
- The foreman of the jury announces the verdict by saying, “We find Jackie Bean to be (“guilty” or “not guilty”) of the charge of criminal trespass and (“guilty” or “not guilty”) of the charge of theft.”
- The judge will determine the sentence, if the defendant is found guilty. (The judge may wish to confer with others about a fair sentence.)

# 9-12 CLASSROOM LESSONS

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## YOU HAVE THE RIGHT TO AN ATTORNEY

- **Grade Levels: 9 – 12**
- **Academic Standards:**  
Proposed Academic Standard for Civics and Government 5.1 & 5.3

**B**egin by writing the following statement on the board: (*You also could ask your local police for a copy of the Miranda warnings to show the students*)



“You have the right to an attorney. If you cannot afford an attorney, one will be appointed for you.”

Next ask the students: “Why do Americans have this right to an attorney?” Have an open discussion with them about the importance of this right.

Now present the students with the following list of possible scenarios in which a person may or may not have the right to an attorney. Ask them to determine if people do have that right in each instance and, if people do not, ask them if people should.

Do you have the right to counsel in the following situations:

- Discrimination cases (no)
- Paternity (yes)
- Parties in dependency proceedings, including the parents and child (yes)
- Bankruptcy (no)
- Unemployment compensation cases (no)
- Vehicle code cases – where a person can lose a driver’s license that is needed to work (no)
- Criminal cases – where imprisonment is possible (yes)
- Family law – including victims in protection from abuse cases, custody cases, divorces (no)
- Housing cases – where a family has been unlawfully locked out of its home by a bank or landlord in the middle of winter (no)
- Public benefits problems – where a person is threatened with the loss of public assistance or foodstamps (no)

**Note: In counties with strong pro bono programs, some judges may appoint counsel when there is no constitutional or statutory requirement to do so.**

**Educators: If you are interested in finding a civil legal aid lawyer to talk with your class about why poor people need legal representation, contact Pennsylvania Legal Services at 800-322-7572 or [www.palegalservices.org](http://www.palegalservices.org).**

## 9-12 CLASSROOM LESSONS

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### MOCK APPELLATE ARGUMENT: ILLINOIS V. WARDLOW

**Grade Levels:** 9-12

**Academic Standards:** Proposed Academic Standards for Civics and Government 5.1 & 5.3 This lesson is part of the educational outreach efforts of the Third Circuit Court of Appeals

Give each student a copy of the case facts and arguments. Talk them through the facts, arguments and Fourth Amendment and ask them to discuss whether they agree or disagree with the Supreme Court's majority and minority opinions.

### ILLINOIS V. WARDLOW

#### *The Case Facts*

**S**am Wardlow, a 44 year-old black man, was standing on a sidewalk in what is considered one of Chicago's high-crime areas when four police cars containing eight officers came into sight. Though Wardlow was not doing anything visibly suspicious, he fled the scene when he saw the police officers. Timothy Nolan, a veteran police officer, chased Wardlow. They believed that his flight indicated unlawful activity since Wardlow was in what the officers believed to be a high crime area. They caught Wardlow and frisked him. During the pat-down search, the two officers found a handgun.



Wardlow was charged in the Cook County Circuit Court with several counts of unlawful use of a weapon by a felon. His attorney filed a motion to have the gun evidence suppressed before the trial. Wardlow and his attorney contended that the pat-down search violated the Fourth Amendment right against unreasonable search and seizure because the police had no reasonable cause to stop him. However, the motion was denied by the trial court. The court found that, although Wardlow was not engaged in a crime or acting otherwise suspiciously, the combination of Wardlow's flight and the knowledge that drugs and weapons commonly are carried in the area justified the stop and frisk by the police.

The evidence was allowed in court. Wardlow was convicted of unlawful use of a weapon by a felon. He appealed his case to the Illinois Appellate Court. That court unanimously ruled in Wardlow's favor, reversing the lower court decision. The appeals court ruled that there was not enough evidence to support the police allegations that Wardlow was in a high crime area. That being the case, the officers could not stop Wardlow simply for fleeing the scene.

This time the state of Illinois appealed the case to the Illinois Supreme Court. That court sided unanimously with Wardlow, affirming the appellate court's decision. The Illinois Supreme Court agreed with the circuit court that the area where they saw Wardlow was indeed a high crime area; however, this did not justify the stop and frisk. The Illinois Supreme Court declared that the search violated the Fourth Amendment. The state of Illinois then appealed the case to the U.S. Supreme Court.

## 9 -12 CLASSROOM LESSONS

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**The following is a list of some of the arguments used in the Wardlow court case. Read through each argument and decide whether it supports Illinois, Wardlow, both sides or neither side.**

1. It is common sense that if a person sees the police and runs away, the police have reason to believe that the person is engaged in illegal activity. As a rule, the police must be able to stop those who flee at their sight.
2. People may have different reasons for wanting to flee the police. The Supreme Court stated in *Alberty v. United States* (1896) that the innocent sometimes flee the police because they are scared of being accused of a crime they didn't commit or out of fear of humiliation. Establishing a general rule allowing the police to stop and search fleeing subjects would not account for these ambiguous circumstances. In this case, any reasonable person might leave the scene where four police cars suddenly converge.
3. In the case of *Terry v. Ohio*, the Supreme Court gave police the right to conduct warrantless stops and searches to protect themselves and bystanders from those who may be carrying a concealed weapon. Police can stop a person when they have reasonable suspicion supported by articulable facts that a person is engaged or about to engage in illegal activity. However, to search the subject, the police must have reasonable suspicion, again supported by articulable facts, that the person is armed.
4. In the case of *Terry v. Ohio*, the Supreme Court established a lower standard of reasonable suspicion. Police do not need probable cause to stop a person, only a reasonable suspicion that illegal activity is taking or about to take place. A police officer would consider flight suspicious.
5. If the Supreme Court allows officers to stop people who are in flight, how are police officers supposed to determine whether a person is in flight or merely refusing police contact? The court in *Florida v. Royer* (1983) and *Brown v. Texas* (1979) ruled that people have the right to refuse police contact and go their own way. The court did not say how quickly or slowly the person had to walk. If the police are given the right to stop anyone they say is fleeing the scene, this will give them too much discretion to conduct groundless searches.
6. Allowing the police to use their judgment about the reputation of a geographic area in determining the suspicion of a person fleeing that area is not fair. Just because a person happens to be in a particular part of a city does not automatically make them guilty or suspicious of a crime. In addition, if the court allows police to consider this factor, it would essentially allow people to flee the police in some areas, but not in others.
7. In the case of *California v. Hodari* (1991), a man fled when he saw an approaching police car. During the police chase, he threw away what appeared to be crack cocaine. The police retrieved the cocaine and then were able to subdue Hodari. Hodari asserted that the police stopped him without reasonable suspicion, but the Supreme Court held that the police seized him after the crack cocaine was picked up. The police then certainly had reasonable suspicion to seize him.

# 9 -12 CLASSROOM LESSONS

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## THE FOURTH AMENDMENT

***The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.***

**– Fourth Amendment to the US. Constitution**



**T**he Fourth Amendment was included in the Bill of Rights to protect people from unreasonable and arbitrary intrusion on their privacy by the government. It sets out broad guidelines for police searches of people and property and says that searches can be conducted with a warrant and must be reasonable. The courts over time, however, have had to make significant interpretations of the Fourth Amendment. For instance, it is not always clear what a reasonable search is. The courts must examine the facts and circumstances of each case to determine if the search was reasonable. In addition, the courts have found that some searches can be conducted without a warrant.

### ***When can police stop a person and conduct a frisk?***

At the time the *Wardlow* case was heard, past courts had determined that police were allowed to conduct a warrantless stop and frisk search if an officer saw the person acting suspiciously or had reason to believe the person was likely to be armed. A frisk is a brief search of a person with the aim of determining whether the person is armed. It is not a full search. Instead, it is a pat-down of the outer clothing. The rule allowing a stop and frisk in certain circumstances came from the Supreme Court's ruling in *Terry v. Ohio* (1968). The Court said:

*“where a police officer observes unusual conduct which leads him reasonably to conclude in light of his experience that criminal activity may be afoot and that the person with whom he is dealing may be armed and presently dangerous, where in the course of investigating this behavior he identifies himself as a policeman and makes reasonable inquires, ...he is entitled for the protection of himself and others in the area to conduct a carefully limited search of the outer clothing of such persons in an attempt to discover weapons which might be used to assault him.”*

The *Terry* decision requires that police have reasonable cause to conduct a stop and frisk. This is a lower standard of proof than probable cause. In determining whether there is reasonable cause to stop a person, the police must be able to point to specific and articulable facts that support the inference of suspicion. In other words, the police cannot act on gut feelings. The consequence of this lower standard is that police can stop and frisk when they have a suspicion, grounded in concrete facts, that illegal activity may be taking place, or about to take place. They do not have to see the illegal activity itself.

In *Sam Wardlow's* case, the only indication that the police had of suspicious activity was *Wardlow's* flight from the police. He was not engaged in other activity, nor did they have any indication he was carrying a gun. The question then became whether *Wardlow's* flight from the

## 9-12 CLASSROOM LESSONS

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### **THE FOURTH AMENDMENT** continued:

police was reason enough to justify a stop and frisk. The state of Illinois claimed in this case that fleeing from police officers was suspicious in and of itself. And, in case the court did not agree, Illinois also claimed that a person's flight in combination with the surroundings of a high crime area were enough to make the fleeing person suspicious. On the other hand, Wardlow claimed that there were many reasons a person might flee at the sight of police, making it impossible to determine suspicion or not. Ambiguities like these make search and seizure law very complex and force the

courts to address the law on a case-by-case basis. This is why it is very important to examine carefully the circumstances of the Wardlow case.

### ***Why is the suspicion attached to flight so important for Wardlow?***

Generally speaking, if a court finds a search to be unreasonable, then the evidence obtained during the search cannot be used against a defendant during trial. The principle by which illegally seized evidence is kept out of trials is called the exclusionary rule. When Sam Wardlow was preparing for trial, his attorney filed a pretrial motion to get the gun evidence suppressed. They claimed that the search was unreasonable because Wardlow was doing nothing suspicious and was not obviously engaged in crime. Therefore, the gun should not be allowed as evidence to support the weapons charge. However, in this case, the trial court declared that his flight in a high crime area was suspicious and denied the motion to suppress the gun. During the trial, this evidence was enough to convince a jury to convict Wardlow. The evidence also became the reason for Wardlow's appeal to the Illinois Appellate Court.

## 7-12 CLASSROOM LESSONS

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### CHIEF JUSTICE REHNQUIST DELIVERED THE OPINION OF THE SUPREME COURT.

In finding for the petitioner, the state of Illinois, the Court referred back to the standard for a stop and frisk established in the case of *Terry v Ohio* (1968). In that case, the Supreme Court held that an officer may, consistent with the Fourth Amendment, conduct a brief, investigatory stop when the officer has a reasonable, articulable suspicion that criminal activity is afoot. While noting that “reasonable suspicion” is a lower standard than “probable cause,” the court nonetheless reinforced that the officer must have at least a minimum level of objective (i.e. observable) justification for making the stop. The officer cannot act on a hunch.

Though Sam Wardlow was not observably engaged in criminal activity, nor acting suspiciously other than running, the court reiterated past decisions in asserting that “officers are not required to ignore the relevant characteristics of a location in determining whether the circumstances are sufficiently suspicious to warrant further investigation.” Therefore, the fact that the stop occurred in a “high crime area” is one of the relevant facts that an officer can consider when evaluating the suspiciousness of a person.

The court also affirmed the officer’s contention that flight is indicative of suspicious behavior. “Headlong flight - wherever it occurs - is the consummate act of evasion: it is not necessarily indicative of wrongdoing, but it is certainly suggestive of such.” Based on what the court understands about human behavior, therefore, the justices concluded that Officer Nolan was justified in suspecting that Wardlow was involved in criminal activity. Therefore, the stop and frisk also was justified.

In the final analysis, the court did not establish a “bright-line rule” allowing police to stop fleeing people in every circumstance. Nor did the court adopt a per se rule that fleeing alone could not justify a stop. The justices did establish that flight, in combination with other articulable circumstances, can be considered in evaluating the suspiciousness of the situation.

#### **Justice Stevens, with whom Justice Souter, Justice Ginsberg and Justice Breyer join, concurring in part and dissenting in part.**

The dissenters agreed with the majority that it would be unwise to adopt a rule always allowing the police to detain anyone who flees at the mere sight of a police officer. They also agreed with the court that it should not adopt the opposite rule, that flight alone can never be sufficient to justify a temporary investigative stop.

Like the majority, the dissenters introduced their opinion with a review of *Terry v Ohio* (1968) and other court decisions that clarified the circumstances under which an officer may conduct an investigatory stop. The dissenters remind us that the officers must take into account the totality of the situation and that it is appropriate to rely on “certain common sense conclusions about human behavior” when evaluating the suspiciousness of a person or situation.

The question in this case is “the degree of suspicion that attaches to” a person’s flight, or what can an officer reasonably infer about the motives of a person fleeing the police. Certainly, the dissenters agree, there are many reasons why a person may break into flight - to catch up with a friend, to seek shelter, to answer the call of nature - and these reasons may happen to coincide with the arrival of a police officer on the scene. The inferences that police may draw about the motives of a fleeing person must rely on myriad other circumstances at the scene, such as the time of day, the character of the area, the direction of the flight, etc.

The dissenters contend that the State of Illinois failed to provide enough objective, articulable evidence to support the reasonable suspicion needed to justify a stop and frisk.

# CLASSROOM WRAP-UP EXERCISES

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## REFLECTION ON THE LESSON

- **Grade Level(s):** All Grades
- **Special Tip:** You can do this exercise orally with younger students

**A**sk the students to list on index cards up to three things they have 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.





**“A free press is essential to us as a people and to the maintenance of our form of government.”**  
-- Franklin D. Roosevelt

**C**elebrate citizenship with your students during Law Day 2002. 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 third annual statewide Law Day 2002. 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 and 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.

#### **ELEMENTARY AND MIDDLE SCHOOL ACTIVITIES**

- ★ Find examples in the news of a trial by jury. Talk about the importance of this right and the judicial process. Ask students to tell what part the following people play: prosecuting attorney, witness, defense attorney, defendant, plaintiff, judge and jury.
- ★ Have students read about the powers of Congress as listed in Article I of the Constitution. Highlight the relevant phrases and sentences for your students. Then have them search for examples of these powers in newspaper accounts of legislative events. For example, powers include making rules for government, regulating commerce with foreign nations, calling up the militia, borrowing money, etc. Afterwards, discuss the role Congress plays in our everyday lives.
- ★ Scan the newspaper for news stories or photos that illustrate a provision of the Bill of Rights: freedom of press, of assembly, of religion and freedom to petition the government. Describe how life would be different if the First Amendment were not part of the Constitution.
- ★ Have students build a file of newspaper clippings related to freedom of the press and other First Amendment issues.
- ★ Discuss what it means to be a fully informed citizen. Make a list of characteristics of a fully informed citizen. Draw up a plan for becoming one, including a list of resources you consider essential.
- ★ Make a list of the symbols of freedom you can think of. Find articles, comics or pictures in the newspaper that represent the meaning of the symbol.

## MIDDLE AND HIGH SCHOOL ACTIVITIES

- ★ Many government groups at the local, state and national levels create, regulate and enforce policies that affect citizens. Zoning boards, utilities agencies, departments of transportation and environment and the Federal Communication Commission are just a few examples. Find news stories about regulatory groups at each level of government and explain how their decisions affect your life.
- ★ Read the First Amendment to the U.S. Constitution. Find examples of the freedoms in the newspaper. Divide a sheet of paper into two columns, labeling the left column “First Amendment Rights” and the second column “Newspaper Headlines.” List the rights or freedoms and find headlines representing each right. Add an additional sentence to the First Amendment that specifically guarantees people’s rights regardless of gender, race, ethnic or cultural background, age, veteran status or health.
- ★ 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 are subject to regulations and laws that often protect the consumer.
- ★ Assign students to find the public notices section of the local newspaper and read through the advertisements to identify the various local government subdivisions — county, municipal, school district and special district — in which they live. This exercise can supplement lessons about the structure and functions of local government, the relationship between local government and the state and Federal governments, and the concepts of citizenship and residency. [www.MyPublicNotices.com](http://www.MyPublicNotices.com)
- ★ Ask students to watch their local public notices in the newspaper for the announcement of a public meeting on a topic that interests them and make attendance and perhaps participation at the meeting a class or individual project. The students can later 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 on by the meeting agency. [www.MyPublicNotices.com](http://www.MyPublicNotices.com)
- ★ As a long-term class project, follow the development of a public policy or law from the earliest proposal stage through public notice ads public hearings, amendments, adoption by a government agency and formal publication in the newspaper. [www.MyPublicNotices.com](http://www.MyPublicNotices.com)
- ★ Use public notices to illustrate social studies, civics or history units on a multitude of subjects. For example - the electoral system, the interdependence of citizens in a self-governing democracy, government regulation of private enterprise, public policy formation and change and the separation of powers among co-equal branches of government. [www.MyPublicNotices.com](http://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.

## ACKNOWLEDGEMENTS

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# LRE SUPPORT ORGANIZATIONS

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**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](http://www.pabar.org/educationprograms.shtml).**

Pennsylvania Bar Association  
David Keller Trevaskis  
100 South Street, P.O. Box 186  
Harrisburg, PA 17108-0186  
Phone: (800) 932-0311, ext. 2236 — Fax: (717) 238-4134  
E-mail: [david.trevaskis@pabar.org](mailto:david.trevaskis@pabar.org)  
Web site: [www.pabar.org/educationprograms.shtml](http://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, LEAP-Kids, 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.

# LRE SUPPORT ORGANIZATIONS

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LEAP-Kids (Law, Education & Peace for Children)  
Leon Stimpson, Program 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](mailto:leon@leap-kids.com)  
Web site: [www.leap-kids.com](http://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.

Center for Civic Education  
5146 Douglas Fir Road  
Calabasas, CA 91302  
Phone: (800) 350-4223  
Fax: (818) 591-9330  
Web site: [www.civiced.org](http://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](mailto:gwf1@psu.edu)  
Web site: [www.de.psu.edu/pawtp](http://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

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**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](http://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](http://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.

**Pennsylvania Newspaper Association Foundation**  
3899 North Front Street  
Harrisburg, PA 17110  
Phone: (717) 703-3000 — Fax: (717) 703-3008  
Web site: [www.pa-newspaper.org](http://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

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