

Grades K-3: Due Process Freedoms Seeking Facts to Solve Mysteries

Time: The teaching time of this exercise is approximately 30 minutes.

This scenario about a missing bicycle will help students distinguish between facts and opinions, and then use the facts to solve the mystery. This lesson helps students recognize that legal personnel use facts much more than opinion, as they themselves use a series of facts to draw a reasonable conclusion when determining the innocence or guilt of an individual.

A community resource person from the justice system - a lawyer, a judge or police officer who uses fact to develop an argument - is an invaluable asset to this lesson.

Scenario and Evidence

Read through the scenario and testimony, stopping periodically to provide students with a definition of fact and opinion appropriate to their level. Ask students to distinguish facts from opinion.

Have the class respond to questions at the end of each person's testimony.

On April 17, 2009, John's red ten-speed Schwinn bicycle disappeared. Detective Jim Shoes was assigned to investigate the case.

Detective Shoes: "When did you last see the bicycle?"

John: "I rode home after delivering my papers yesterday, April 16th, at about 6:30 p.m. I parked the bike in the corner of the garage. I didn't put the lock on because it was in the garage. When I got up to ride it to school, the bike was gone. I think Lou took it because he wanted a bike like mine and I don't think he likes me."

Class Discussion:

- What are the facts?
- What are the opinions?

(If no response, re-read the situation and John's testimony and ask the questions again.)

Detective Jim Shoes interviews a neighbor:

Detective Jim Shoes: "Did you see John's bicycle yesterday?"

Neighbor: "Yes, I was cutting grass about 6:30 and I saw John ride his bicycle into the garage. About 9:30 I let my dog out and saw a suspicious shadow moving in the garage. I think it was Lou. He's always in trouble."

Class Discussion:

- What are the facts?
- What are the opinions?

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Source: American Bar Association. Developed by Dale Greenawald, an educator in Boulder, Colorado. This strategy first appeared in the ABA magazine Update on Law-Related Education.

http://www.abanet.org/publiced/lawday/schools/lessons/k3_dueprocess2.html

Detective Shoes interviews Lou:

Detective Shoes: "John's bike is missing. Where were you and what were you doing about 6:30 p.m. on Thursday, April 16th, 2009?"

Lou: "I was just having fun. I was pitching for the Highland Park Champs. After the game the whole team went out for hamburgers. My folks picked me up about 10:30 p.m. at the Big Shake restaurant and we went home together. I had a really good evening. My brother John and I had a pillow fight which really made a mess. Then we went to sleep. I think Harvey took the bike."

Once again, have the class review the testimony and distinguish fact from opinion.

Sorting It Out

At this point conduct a pro se court:

The pro se court may be organized in a variety of ways, depending upon the maturity of the students.

The simplest way is to divide the class into three groups.

One group will represent John and try to present all of the reasons why he thinks Lou should pay him for the bicycle.

A second group represents Lou and should present all of the reasons why he should not have to pay.

A third group represents judges, and they decide what should be done based on the evidence.

It is also possible to form a series of groups of three students. Each student will play the role of either John, Lou, or the judge.

When all groups have completed their role play, ask each judge how they decided the case and why. When a decision has been reached debrief the activity by discussing:

- What are the arguments in favor of finding Lou responsible for taking John's bike?
- What arguments can be made in support of Lou?
- How strong is each argument?
- Are other arguments possible?

The resource person might explain a case he/she was involved in and indicate what were some of the facts and opinions in that case. Let students try to identify which statements were facts and which were opinions.

Discuss why facts are usually more important than opinions in trials.

The Mystery Solved

John's bike was returned by Mike, who had asked John two weeks before if he could borrow it on the 16th. John had simply forgotten that he had given permission.