



Curriculum Units by Fellows of the Yale-New Haven Teachers Institute  
1995 Volume III: The Constitution and Criminal Justice

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## **The Constitution, Juvenile Justice, and You**

Curriculum Unit 95.03.05  
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This Unit was written for Special Education Students in grades 9-12, who are not always easily motivated and whose reading levels are below grade level. In writing this unit, it is my wish that it will interest and motivate students in what they are learning.

In this unit, students will study, explore, reflect, debate, discuss, write, create and expand their knowledge about the Constitution and their rights.

This unit will assist in developing both knowledge and skills. I will help to examine all issues essential to helping students to understand the government.

This unit will increase students' development of learning skills, such as reading, analyzing, and organization as well as skills of citizenship.

The first part of this unit will focus on the overview of the Constitution which includes the 1) Preamble, which gives a statement of goals for our government 2) the Bill of Rights which describes our plan for citizen rights.

The second part of this unit will discuss landmark cases affecting teenagers. The cases will form the basis for class-room debates. The cases discussed relate to the question of whether or not teenagers are entitled to the same protection under the law as adults. The third category deals with substantive issues. It deals with cases that relate to the question of what teenagers can and cannot do in society.

This unit will emphasize that the best and most lasting political social, and economic changes result from the functioning of moderate political processes, not from violence and intimidation.

I will further emphasize individual responsibility and provide examples of meaningful change achieved through the legal-system.

The purpose of this unit is to help students acquire knowledge and skills needed to carry out their responsibilities and protect their rights as citizens of a free society. Each lesson will emphasize basic knowledge of governmental institutions, decisions making of public officials, economic policies and processes that affect the decisions of citizens and practical political decisions in the daily lives of citizens. Lessons will also stress doing as well as knowing; they allow for practice of basic skills in finding and using information and in making, judging, and influencing decisions.

As students work through this unit, they will continually make and judge decisions, and they will analyze decision making by government officials and those seeking to influence government.

Responsible decision making involves careful assessment of alternative and their consequences in light of values and goals. Responsible decision makers consider the effects of their choices on themselves and various others. They will judge the fairness of their choices in terms of both individual and group goals. A responsible citizen might ask; 1) How will my decision affect me? and 2) How will it affect various others? The responsible citizen tries to make decisions that balance the needs of the individual and of society.

The Unit will conclude with an originally written case study featuring current topics, issues, and events. Each case is written to develop one or more decision-making skill and to highlight important content in this unit.

Students are motivated to learn when they see clearly that what is learned in school is linked to life outside the school. For example, students who are shown that decision-making skills can help them achieve goals they value are likely to strive to acquire these competencies.

Each activity will challenge students to use information, ideas, and skills. These application exercises allow students to move from lower to higher cognitive levels. Students will not only read about making decisions, they will practice making and judging decisions. They will use skills in finding, comprehending, organizing, evaluating, and communicating information and ideas. Through regular application of these skills, students may demonstrate competence.

This unit has been designed to help students learn basic knowledge and skills needed to become competent citizens. The reward for learning the unit will be to make significant progress in the lifelong pursuit of becoming a good citizen in a free society.

## **OBJECTIVES:**

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- 1) help students acquire knowledge and skills needed to carry out their responsibilities and protect their rights.
- 2) help students increase their thinking skills and decision making process.
- 3) help students use skills in finding, comprehending, organizing, evaluating, and communicating information and ideas.
- 4) apply questions to decision-making situations.
- 5) inferring the consequences that are likely to result from particular alternatives.
- 6) evaluating the consequences.
- 7) judging choices with reference to criteria about practicality and fairness.
- 8) define the main purpose of the Constitution.
- 9) identify the main ways the Constitution has been amended to extend citizens' rights and liberties.
- 10) describe the responsibilities of citizens in order to preserve their rights under the Constitution.
- 11) identify the role of the courts.

## THE CONSTITUTION

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The Constitution is the plan for government in the United States. It tells how the government is organized. It says what the government can and cannot do.

In the United States, the government is supposed to act according to laws based on the Constitution. Conflicts between citizens, and between citizens and government, may be settled according to law. In this way, the Constitution is the foundation of a peaceful and orderly society.

Citizens who know the Constitution have an advantage over others. They know their legal rights. They know how to protect themselves against any wrong use of government power. Citizens who do not know what is in the Constitution cannot use the rules to help themselves or others. Citizens who do not know their legal rights may lose benefits they deserve. Thus, it is important for citizens, young and old, to know their Constitution.

## THE PREAMBLE

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The Preamble is the first part of the Constitution. It is a preface or introduction to the other parts of the Constitution. The Preamble tells why the Constitution was written. It is not law. Rather, the Preamble states purposes, or goals.

The Preamble name six goals that the writers wanted the United States to reach. These goals reflect the beliefs that the makers of the Constitution had about how government should serve citizens.

- 1) First goal stated in the Preamble is 'to form a more perfect union. This means that the citizens of the United States wanted a better union of the states than they had under the articles of confederation.
- 2) The second goal; is 'to establish justice.' This means that the United states should have a system of laws. Conflicts between people or between citizens and their government, should be settled fairly in a court of law.
- 3) The third goal is 'to insure domestic tranquility.' This means that life should be peaceful in all the states. The government should prevent behavior that could threaten health, safety, or property.
- 4) The fourth goal is 'to provide for the common defense.' This means that citizens should be to protect themselves and their country from any enemies. The government should have military forces to defend citizens against attack by outsiders.
- 5) The fifth goal is 'to promote the general welfare.' This Means that people should have good living conditions. The government is supposed to help make it possible for citizens to work productively and enjoy the rewards of their work.
- 6) The sixth goal is 'to secure the blessings of liberty.' This means that citizens now and in the future should be free. The government should try to protect the civil rights and liberties of all citizens.

The first ten amendments were added in 1791, only three years after the Constitution was ratified. These are called the Bill of Rights.

## **THE BILL OF RIGHTS**

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The Bill of Rights put limits on the power of the national government. Its purpose is to protect the rights and liberties of citizens. Of the ten amendments that make up the Bill of Rights, the First Amendment has to do with important citizen freedoms.

- 1) The First Amendment. The First Amendment protects freedom of speech. It says the government cannot make laws that stop people from speaking and writing their ideas.
- 2) The Fifth Amendment. This Amendment gives protection to people accused of crimes. First, a grand jury must decide that there is enough evidence against a person before he or she can be tried for a serious crime in a federal court.
- 3) The Sixth Amendment. Amendment six gives people accused of crimes the right to a prompt, public trial by jury. Accused persons have the right to be defended by a lawyer. They also must be present when accused of a crime and when evidence is given against them.
- 4) The Eighth Amendment. Amendment eight says that courts cannot require an unusually high bail. Bail is the money or property that an accused person gives the court so that he or she may stay out of jail until the trial.
- 5) The Ninth Amendment. According to this amendment, the civil rights stated in the Constitution are not the only rights that people have. And they are not necessarily the most important rights.

Many of the amendments that have been made since 1791 have increased the rights or freedoms of citizens in one way or another.

## **LANDMARK SUPREME COURT DECISIONS AFFECTING TEENAGERS**

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Should teenagers have the same rights as adults under the Constitution? Several cases have dealt with this question. The answer is not always yes and the court has said, in fact, that in certain instances teenagers can be treated differently.

In this section, we will discuss cases affecting teenagers. These cases can form the basis for classroom debates or in preparation for state debate competition. The cases discussed relate to the question of whether or not teenagers are entitled to the same protection under the law as adults.

The first section deals with cases relating to the 1st amendment rights of teenagers. The second section deals

with Supreme Court rulings regarding the disciplining of teenagers.

Section 1 Supreme Court cases affecting the procedural protection of teenagers under the Constitution.

### **In Re Gault Minors' Rights**

WAS IT FAIR? In 1964, in Globe, Arizona, 15-year-old Gerald Gault was arrested with a friend and charged with making dirty remarks over the telephone to a woman. Gerald was in police custody for 12 hours before his parents found out where he was. They were not told what the charges were against him.

Police kept Gerald in the Gila County Detention home for a week before he was given a hearing. The woman who made the complaint against him did not testify or even come to court. No record was kept of the proceedings.

A second hearing was held for the judge to announce his decision. He ordered Gerald to stay in the State Industrial School until he was 21 years old—or until officials there decided he could be release to his parents again.

Gerald's parents, Paul and Marjorie Gault, could hardly believe their ears. The Gaults had only \$100, and neither of them had finished high school. But they believed their son had been mistreated and they were determined to fight his case.

When they found an attorney, he appealed their case all the way to the U.S. Supreme Court. In 1967—three years after Gerald was arrested—the court overturned Gerald's conviction. Its decision affects the way all juveniles are treated in court today.

### **Hazelwood v. Kuhlmeier Student Censorship**

The Hazelwood vs. Kuhlmeier case deals with the First Amendment rights of students to free expression. The controversy began in the Spring of 1983 when Robert E. Reynolds, the principal of Hazelwood East High School, refused to permit the publication of two articles in the Spectrum, a school newspaper.

Principal Reynolds said he deleted the two articles dealing with divorce and teenage pregnancy because they described families and students in such a way that even though their names were not mentioned it was clear the articles were going to tread on the rights of privacy of students and their parents.' School officials further said that the newspaper was an extension of classroom instruction and did not enjoy first Amendment protection.

A district court judge agreed with the school board's lawyer who said that schools would be in trouble if people could change curriculum at the drop of a lawsuit. A court of appeals disagreed, however, and by a 2-1 decision overturned the judge's decision saying the Hazelwood's Spectrum was, in fact, 'a public forum.'

When the case finally reached the Supreme Court on January 13, 1988, the court ruled 5-3 that school officials have broad power to censor school news papers, plays and other 'school sponsored expressive activities.'

## 'LESSONS ON JUVENILE JUSTICE'

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In the early days of our country, young people who broke the law were treated like adults. If a 40-year-old man burned down a barn he could be put to death. If an 11-year-old boy burned down a barn, he too could be put to death. Young people were also put into the same prisons as adults.

That upset many people. They said that most young people in trouble could probably be turned into good citizens if they got the right kind of help.

What was the answer? To set up one court and penal system for adults and another for juveniles. Massachusetts set up the first reform school in 1847. It was called a reform school because it was to re-form, or change, the young people sent there.

In 1899, Illinois started the first system of juvenile courts. Today every state has some form of juvenile courts and reform schools. (Connecticut does not have a separate juvenile court system, but it does have courts responsible for juvenile justice as part of the general court system).

In this unit, students will read about young people under the age of 18. In some ways, these young people are probably a lot like them and their friends. In other ways they may be quite different. For the people they are going to read about have been in trouble with the law. They are just a few of the thousands of young people whom state and local governments call juvenile delinquents.

What does Juvenile delinquently mean? It is a legal phrase, used in courts. The dictionary says a juvenile delinquent can be any young person who behaves in an antisocial way. He or she 'is beyond parental control and therefore is subject to legal action.'

How does such a definition apply to real life? Well, people have different ideas about that—just as they have different ideas about what should be done to or for young people who are done to or for young people who are called juvenile delinquents.

Judge Maurice B. Cohill, Jr., a juvenile judge in Pittsburgh, described in a newspaper three cases he had decided. In the article, he argued that it was good that juvenile judges have a wide choice in the way they treat young offenders. After reading the following cases, see if you agree with Judge Cohill's decisions.

- 1) Beverly was in judge Cohill's when she was 15. She repeatedly ran away from a home for emotionally disturbed children. There was no doubt that Beverly was emotionally disturbed. She was described as bitter and hostile, and she often banged her head against the wall. The people who ran the home where she lived said they could not keep Beverly any longer. No one knew who her parents were because she had been left in a garbage can when she was an infant. She had already been in three foster homes and an orphanage.
- 2) Nancy, 13, was picked up for shoplifting in a department store. When police couldn't locate her mother, she was sent to a detention home. There it was discovered that the only person she was close to was a 16-year-old boy with whom she was sexually involved (a juvenile offense in most states). When Nancy's mother came to her hearing, she sat in the back of the courtroom muttering dirty words. The judge thought the mother didn't know where she was.
- 3) Ken, 14, took an old family car out for a ride without his parents' permission. He had no

driver's license. He and a friend were riding along the highway when the car went out of control. It smashed head-on into another car, killing the other driver.

Students will think about each case. What do they think should be done about Beverly, Nancy, and Ken? They will discuss their opinions with other classmates.

The Supreme Court Said: 1) Juveniles must be warned that they do not have to testify against themselves or give a confession. 2) Like adults, they are entitled to a lawyer for any offense for which an adult could have one. If they can't afford a lawyer, the court must furnish one. 3) Juveniles must be told what the charges are against them soon enough to prepare for their hearing. 4) They have a right to confront the witnesses against them and cross-examine them. Witnesses must be sworn in.

Later the Supreme Court made other decisions affecting juvenile courts. In 1970 it said that a juvenile court must find a youth guilty 'beyond a reasonable doubt,' rather than simply because most of the evidence is against the youth. In 1975, the court said that a juvenile could not be tried twice for the same offense. This is a protection adults have always had under the U.S. Constitution.

## **LESSON PLAN # 1**

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### *Learning Objectives:*

1) help students increase their thinking skills and decision making process.

2) apply questions to decision-making process.

In this lesson plan, students will be presented with two true stories about two young people who were taken to juvenile courts in New York and California. Students will read each person's story. Then try to decide what they think state and local government agencies should do about such young people.

### *STORY # 1—SONNY BOY*

Sonny Boy grew up in New York. Here is His own account of a day when he and his friends got into trouble.

Turk, Bucky, and I went down to the backyard to steal sheets and some bedspreads. We could sell them for about three or four dollars and buy a bag of reefers. We'd roll up and get high and then go do something crazy.

We went in the backyard and got some bedspreads. Then we sent Bucky to sell them to one of our customers. Turk and I went to get some more spreads. Turk tied a rock to the end of a rope and threw the rock up over the spreads to pull them down . . . Then he stopped all of a sudden and said, 'Run, Run, Sonny! Run!'

Turk started running. Then I heard a shot, one shot. Blam! I saw some fire from a gun, and I started running.

When I got about midway on the stairs leading up from the backyard, it seemed to just dawn on me. I thought, 'Somebody's shooting at us.' I kept on running.

Then, after I had gotten out of the backyard, I don't know what happened. But suddenly I knew I was shot. I didn't feel any blood right away. I didn't feel any pain. I didn't feel anything. All I felt was that I was slowing down. It was like something had a hold on me, and I knew it was a bullet.

*DISCUSSION QUESTIONS:*

- 1) would you call Sonny Boy a delinquent?
- 2) Would you send him to prison with adults?
- 3) Would you lock him up with young lawbreakers?
- 4) Would you let him go free?
- 5) What would you have done differently? Why?

*STORY # 2—ANN*

Ann grew up on the West Coast. Here is a newspaper reporter's description of her life.

Ann, the youngest of 12 children, was a child in trouble from the start. Her mother was divorced before Ann was born, and Ann never met her father.

When Ann was five, her mother remarried. Not long after that, Ann was molested by her new stepfather. This was discovered after she ran away from home. The stepfather went to prison. The little girl began visiting a psychiatrist.

There was little happiness in Ann's life. At age nine she went to court for the first time when she ran away with some teenage boys. Less than a year later, her mother sent her to Seattle to live with a half sister and brother-in-law. When Ann ran away from their home, she went to court for the second time.

The judge decided to send Ann back to California to live with a half brother. Not long afterward, he was arrested for selling drugs, forgery, and other crimes. The little girl ran away again. When she was picked up by police, she was returned to her mother. Again Ann ran away and again she went to court.

*DISCUSSION QUESTIONS:*

- 1) Would you call Ann a delinquent?
- 2) What should the courts do with her?
- 3) What so you think would happen to her if she lived your city?
- 4) Would she get involved in crime?
- 5) Would she be helped by any government agencies?



## LESSON PLAN # 2

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*Learning Objectives:*

- 1) to increase vocabulary
- 2) finding the main ideas

### VOCABULARY

Match the following words with their meaning.

- 1)felony
- 2)arraignment
- 3)plea bargaining
- 4)jury
- 5)defendant
- 6)indictment
- 7)misdemeanor
- 8)equity suit
- 9)injunctlon
- 10)writ of mandamus

- a) acourt order to do something
- b) a process seeking to prevent harm
- c) a serious crime
- d) a court order to stop doing something
- e) aformal charge of wrongdoing
- f) a person accused or sued in a court
- g) discussing a reduced charge
- h). a minor crime
- i) a group of citizens who hear evidence and decide guilt in a trial
- j) the step in which a person formally charged with a crime answers 'guilty' or 'not guilty'

## REVIEWING IDEAS

- 1) The four main types of state courts are lower courts, , appellate courts, and the state supreme court.
  - a. tax courts
  - b. general trial courts
  - c. customs courts
- 2) State courts are overcrowded because:
  - a. there are not enough money on courts
  - b. states don't spend enough money on courts
  - c. there are too many steps in bringing a case to trial
  - d. all of the above
- 3) Number the following steps in a criminal case in the proper order
  - a) sentencing
  - b) arraignment
  - c) preliminary hearing
  - d) presentation of evidence
  - e) bail

## LESSON PLAN # 3

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### *Learning Objectives;*

- 1) to explain the system of checks and balances
- 2) to name liberties protected by the Bill of Rights

### *MOTIVATING:*

Read aloud these words from the Preamble to the Constitution: 'We the people of the United States in Order to form a more perfect Union, establish . . . this Constitution.' Review what was imperfect about the articles of Confederation. Then have students figure out the age of the Constitution. (subtract 1787 from the current

date.)

### SETTING UP:

I will prepare copies of the 14th Amendment. Distribute copies of the following adaptation of the 14th Amendment.

Have students make a list of the amendments in the Bill of Rights. Under each amendment, have students summarize its most important points. Then direct students to design a poster illustrating some of the liberties protected by these amendments. For a past-to-present link, suggest that students look through magazines or newspapers for pictures that show how these amendments touch our lives today. Students with an interest in photography might take their own pictures. (a photo of a news stand illustrates freedom of press. A photo of a church, synagogue, or mosque shows freedom of religion).

## BIBLIOGRAPHY & SUGGESTED READING LIST FOR TEACHERS

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Burt, Robert, 'Developing Constitutional Rights of, In and for Children' 39 *Law and Contemporary Problems*, 118 (Summer 1975) Discussion regarding the rights of parents to make decisions for children and the right of government to limit such decisions.

Mnookin, Robert, ed. *In the Interest of Children: Advocacy, Law Reform and public policy*. New York: Walt Freeman and Co., 1985. Explores five landmark child advocacy cases. Excellent introduction to legal system and questions regarding the rights of children.

Fincher, E.B., *The American Legal System*: Franklin. Watts, New York, 1980. This work describes the legal system and related the experience of two teenagers in trouble with the law, one of whom is tried as an adult and one as a teenager.

Doland, Edward F. Jr., *Protect Your Legal Rights*. Simon & Schuster Inc., New York, 1983. This handbook for teenagers and adults.

Sampson, Robert and Laub, John 1993. *Crime in the Making: Pathways and Turning Points Through Life*. Harvard University Press. A widely praised analysis of the sources of juvenile crime and key points where paths can be altered.

## BIBLIOGRAPHY & SUGGESTED READING LIST FOR TEACHERS

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Fryar, Maridell, Thomas, David A., and Goodnight, Lynn. *Basic Debate*. Illinois: National Testbook Co., 1966. A basic textbook for beginning level debate students in which the skills of analysis, research, and reasoning are carefully examined.

Fincher, E.B., *The American Legal System*. Franklin Watts, New York, 1980. This work describes the legal system and related the experience of two teenagers in trouble with the law, one of whom is tried as an adult and one as a teenager.

Doland, Edward F. Jr., *Protect Your Legal Rights*. Simon & Schuster Inc., New York, 1983. This is a handbook for teenagers and adults.

*Hazelwood School District v. Kuhlmeier*, 108 S. Ct. 562, 98 L. Ed. 2d. 592 (1988). Recent Supreme Court decision upholding the rights of School officials to censor school newspapers.

*In Re Gault* 387 U. D. 1, 87 S. Ct. 1428, 18 L. ED. 2d 527 (1964). Decision which gave teenagers many procedural protections

previously denied.

Friedman, Lawrence. 1993. *Crime and Punishment in American History*. Basic Books. A comprehensive historical survey of criminal justice in America by one of the nation's most influential legal historians.

O'Neil, Terry, ed. *Censorship Opposing Viewpoints*. Minnesota: Greenhaven Press, 1985. A series of essays giving opposing viewpoints on censorship including library censorship, news media, pornography, the national security, and free speech in general. Better suited for high school students.

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