



Introduction

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After the First Amendment, most of the Constitution's Bill of Rights is devoted to criminal justice procedures and the rights of accused persons. The Fourth Amendment includes rights against unreasonable searches and seizures, the Fifth against compulsory self-incrimination, the Sixth includes a right to counsel, the Eighth bans cruel and unusual punishments, and there are many more. The reason is clear. Americans in the founding age feared tyrannically coercive governments, and nowhere are the coercive powers of governments more regularly exerted than in their criminal justice systems. At the same time, Americans created a stronger national government in part because they knew that an effective criminal justice system is absolutely necessary for citizens to lead safe, peaceful, and free lives.

Today, scholars dispute whether crime rates in general are rising or falling, but no one disputes two facts. First, crime rates, including violent crimes, are disturbingly high. Second, crime is most severe in the urban environments where many American children, including most minority children, are raised and schooled. With five million Americans in prison, jail, or on probation, and 50% of federal prisoners African-Americans, students in cities like New Haven do not need to be taught that crime and the criminal justice system loom all too large in their lives. But they do need to learn how to cope with the dangerous environment they inhabit, so that they can avoid wrongdoing and learn where and how to get help if trouble comes.

The seminar in which the following units were written was designed to give teachers some background knowledge that could help them teach their children about dealing constructively with crime and the criminal justice system. We began with overviews of how the American system works, paying special attention to the special provisions for juvenile justice. Then we considered the sensitive issue of the high rates of criminal arrest and conviction of non-whites, especially African-Americans. Do these patterns reflect racism in the criminal justice system, broader problems in the conditions of African-Americans and Americans in general, or both? Finally, we turned to the substantive provisions of the Bill of Rights. We examined the legal and policy controversies over their extension to the states, largely by the Warren Court, and recent decisions cutting back the scope of the exclusionary rule, Miranda rights, and protections against the death penalty. Our discussions centered on how to present the facts of crime and criminal justice in America to students clearly, honestly, and constructively. We did not wish to hide problems of high crime rates and ineffective and sometimes biased and unfair criminal justice processes. We also did not wish to frighten or demoralize students. Above all we wanted them to learn how to stay out of and away from crime as much as possible, how to use the criminal justice system as an ally, not an enemy, and what their constitutional rights and duties are.

The teachers participating teach a wide range of children, from elementary to high school, and from “talented and gifted” to “special education” students. Their units confront the challenge of teaching these difficult and sensitive topics effectively in a great variety of imaginative, stimulating ways. One unit, for younger children, focuses not on the criminal justice system as such but on helping students avoid it, teaching them how to deal with conflict, bigotry and hardship without resorting to violence or crime. Another concentrates on having young people see the actual institutions and meet the real people running the Connecticut juvenile criminal justice system, so that both the bad consequences of crime and the help available to them are made real. Units for older students present the checkered history of law enforcement in America, recognizing injustices but pointing to valuable traditions of human rights. One studies in detail three examples which dramatize the complex relationship of wealth and race to fair treatment under the criminal justice system. It explores the cases of a poor black man in New Haven, William James; the wealthy white Claus von Bulow; and the black celebrity O. J. Simpson. Another focuses on the controversies of extending Bill of Rights guarantees to the states and recent rulings cutting back on them, developments which some see as improving, some harming, fair and effective crime enforcement. One works through the difficult legal, political, and philosophical issues raised by the death penalty. Still another uses forensic science, as displayed in the O. J. Simpson case, as a fascinating vehicle to teach students about scientific methods, genetics and D.N.A., and the possibilities of careers in science. Many of the units creatively employ real and fictional criminal cases, simulations, debates, writing exercises, role-playing, films, guest speakers and field trips to produce lively and thought provoking lesson plans. Together they provide a wide array of resources and ideas for successful teaching about issues that are complex and difficult, yet of enormous importance for the current and future lives of urban students and indeed, all Americans.

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