Curriculum for NCSC Justice Case Files #1

Respectfully submitted by

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NCSC Justice Case Files 1

The Case of Internet Piracy

Goal:

This packet of support materials seeks to provide varied materials that any teacher (grades 6-12) may use, in part or in whole, to fit specific objectives, content needs, and/or differing student abilities while teaching three fundamental concepts: internet piracy, eminent domain, and how the courts work. Since Justice Case Files 1 combines two separate stories in one book, we have endeavored to provide separate worksheets, where appropriate, for teachers who seek to address only one of the two topics.

It is the belief of the NCSC that the U.S. court system is not designed to punish its citizens, but rather to help citizens learn how to follow the law that benefits us all. The fundamental base of a fulfilled citizen is knowledge of the system that protects her/his rights. As such, the NCSC seeks to use as many avenues as possible to educate its citizens, hence this exciting venture into the graphic novel field.

Packet Materials:

The activities presented in this packet range from traditional worksheets, to crossword puzzles, to thought-provoking Q&A's supported by preparatory worksheets, to an essay component, and finally to extended research.

- The traditional worksheet section consists of a short answer "basic facts of the case" (1 worksheet per case), terminology worksheets based on ability level (a middle school version which comes directly from the text – crossword format; and a high school version which requires more student effort – matching format; a Venn diagram format covering criminal v. civil and defendant v. plaintiff), and a scenario worksheet (the Connecticut eminent domain situation and Napster case) that would lead to a fantastic classroom discussion.
- The crossword puzzle is a lighthearted method of learning / remembering the basic concepts used in Justice Case Files 1.
- The preparatory worksheets (Advocate Decision Making - ADM) allow a successful classroom discussion based on a metacognitive process. Three groups would be created: those in favor, those against, and those unsure. Both the pro and con seek to sway those undecided using the ADM worksheet as their base. The undecided students question both sides as a judge would question litigants and litigators in a case. The teacher's role is to moderate to ensure an active question and answer session that fulfills the learning objective.
- Two possible essays are…

  Option 1: Given the rapid changes brought by technology, how may the judicial and legislative branches work together to enable the courts to effectively protect the rights of all U.S. citizens.

  Option 2: When weighing possible economic growth and new jobs against individual property ownership, how does a government best serve the people?

- Extended research may be conducted, based on the time available to the teacher, on significant national, state, and local eminent domain and internet piracy cases. Some suggested areas of research are included in the packet. The cases highlighted in this packet are the *Kelo v. City of New London* (2005) (eminent domain), *A&M Records, Inc. v. Napster,Inc.* (2001) (internet piracy), and *Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd.* (2005) (internet piracy).
- Extended activities such as a trip to the local court, holding a mock trial role play, having a mock legislature to develop bills to solve the issues addressed in Case Files 1, or assigning a concluding writing assignment to address either the moral conflict inherent in victimless crimes or how courts deal with and adapt to changes in society, creating a public service announcement about citizen rights.
- The packet concludes with applicable national DOE standards as well as links to state standards

Internet Piracy Teacher Materials

Suggested Uses:

1. Teachers may assign students to read the graphic novel and respond to the questions on the "What's the issue?" sheet.

2. Teachers may engage students in a class discussion of the issues in the text using the suggested "Discussion Questions."

3. Teachers may role play an extended trial representing the various stakeholders in this issue.

4. Teachers may arrange time and facilities to have students engage in extended research into the current state of the issue. If you do not have time for student research there is a sheet summarizing some recent developments with questions that you can use. Also there is a chart that has students analyze responses to these recent developments.

5. Teachers may have students use the Advocate Decision Making Worksheets to organize their thoughts and prepare for a debate on internet piracy.

6. Teachers can use one of the sample lesson plans provided.

What's the issue?

1. What is Megan doing that is illegal? Why is it illegal?

2. Who is the victim in this case/who is being harmed? Is there such thing as a victimless crime?

3. How does Megan find out she is being charged with a crime?

4. Why does the policeman ask first if she is Megan Robbins before stating his purpose? Why are the charges against Megan in a written document instead of the policeman just telling her verbally?

5. What is a public defender? Why are they assigned to cases and in what circumstances? What are the strengths and weaknesses of the use of public defenders?

6. Why are no witnesses called in Megan's case?

7. Why is Megan given the chance to say something before the judge made her ruling on the case?

8. Megan's lawyer says, "The courts system is in place to protect all of us." Who was protected in this decision? In what ways?

9. Why is Megan given a deferred sentence and not the maximum possible sentence?

10. The attorney for the prosecution said they "will accept a fair and just verdict." Do you think this verdict was fair and just for all parties involved? Why or why not?

11. If one goal of the court system is to reform or rehabilitate offenders, was the ruling in this case successful in achieving that goal? Why or why not?

12. If another goal of the court system is to make all citizens want to follow the law, was the ruling in this case successful in achieving that goal? Why or why not?

What's the issue?--Key

1. What is Megan doing that is illegal? Why is it illegal?
   Downloading music files from the Internet. Because the songs are copyrighted and belong to others, so she is stealing.
2. Who is the victim in this case/who is being harmed? Is there such thing as a victimless crime?
   The bands who made the music, the record companies who produced the CDs.
   Opinions vary
3. How does Megan find out she is being charged with a crime?
   A policeman arrives at her door and issues her a warrant.
4. Why does the policeman ask first if she is Megan Robbins before stating his purpose? Why are the charges against Megan in a written document instead of the policeman just telling her verbally?
   To verify that she is the person being charged and needs to make sure he is giving it to the correct person. It is written because we are a constitutional government, which means we are based on a written law and things must be put in writing to be legal.

5. What is a public defender? Why are they assigned to cases and in what circumstances? What are the strengths and weaknesses of the use of public defenders?
   A government lawyer for someone who cannot afford an attorney. Everyone is assured representation. Public defenders may be overburdened, underpaid and/or inexperienced and may not provide the best legal assistance.

6. Why are no witnesses called in Megan's case?
   No need, the evidence was electronic

7. Why is Megan given the chance to say something before the judge made her ruling on the case?
   That is the court process, you have the right to address the charges against you.

8. Megan's lawyer says, "The courts system is in place to protect all of us." Who was protected in this decision? In what ways?
   Every citizen—so that the law is known and consistently applied
   Record companies—revenue secure
   Bands—revenue/income secured, right to their property

9. Why is Megan given a deferred sentence and not the maximum possible sentence?
   The point of the court is not to put citizens in jail, but to show them how to follow the law. Megan committed a crime and thus was not able to be

completely let off, but it would not serve the court's purpose to imprison her.

10. The attorney for the prosecution said they "will accept a fair and just verdict." Do you think this verdict was fair and just for all parties involved? Why or why not?
    Opinions will vary

11. If one goal of the court system is to reform or rehabilitate offenders, was the ruling in this case successful in achieving that goal? Why or why not?
    Opinions will vary

12. If another goal of the court system is to make all citizens want to follow the law, was the ruling in this case successful in achieving that goal? Why or why not?
    Opinions will vary

Suggested Discussion questions and Courtroom Roleplay

Discussion topics:

1. Does this comic and its message about internet piracy deter you from downloading music illegally? Why or why not? Would actually getting caught change your attitude?

2. The Recording Industry Association of America (RIAA) has on several occasions sent letters to college students across the country informing students that they have used campus computer networks to violate copyright infringement. These letters then informs students that they face a copyright infringement law suit unless they resolve the mater and pay penalties ranging from $750 to $150,000 per downloaded file. Does knowing that this could randomly happen to you make you change your behavior? Why or why not?

3. How do companies or the authorities decide who to go after and prosecute for crimes which are being committed by many people? Is it fair to go after some people and not others? Are only wealthy people and corporations sued? Can you get money/settlement from those who don't have any?

4. Is the music industry and, now with shows and movies on the web, the entire entertainment industry fighting a losing battle against illegal downloads? Why is it so hard to stop? What do you think would be the most effective deterrent to stop internet piracy?

5. Who is responsible if you allow a friend to copy what you have copied—you, your friend, both of you? Why?

6. The internet has given rise to new issues and situations that courts had not previously had to address. Courts must base their decisions on existing law. How do courts have to adapt, and by what means, to maintain justice for all? What else has to change and adapt as society evolves so that courts can do their job properly? (legislatures, laws)

Extended Research and Assessment Ideas

Have students research sentences given in actual music piracy cases that have gone to court. How were these verdicts similar to or different from Megan's verdict? Why is this? Do you think these other verdicts were fair and just for all parties involved? Why or why not?

Have students develop and propose a bill/legislation that they feel may help protect the entertainment industry and help courts adapt to changing technology and thus protect all citizens.

Take one of the scenarios on "Copying: When is it legal?" Have students make public service announcements, like Megan's TV commercial, pamphlets or posters, for one of the issues in the scenarios. Students should educate their peers and community about why this action is a crime, who it hurts, the consequences of it and encourage them to alter their behavior.

Role play

1. Discuss with students that no witnesses were called in Megan's case. Who might be witnesses? Brainstorm with students a list of possible stakeholders, different people or groups who might have some vested interest in the outcome of this case (Bands, record companies, music store owners, Megan's friend Henry, other students who have limited funds, Napster or other music download providers, others..)
    a. Assign students small groups so there is one group for each of the stakeholders and one group to be the prosecutor and one group to be the defendant.
    b. Have the small groups determine the point of view of their stakeholder group—why do they feel music downloading should/shouldn't be allowed, they should try to express their argument for their position based on how it is in the best interest for all, fair to all people
    c. The prosecution and defense groups should formulate questions for the stakeholders based on their objective in the case.
    d. Role play a calling of witnesses in class. Call each stakeholder group to the stand allow the prosecution to question each witness and then the defense.
    e. Reevaluate: The attorney for the prosecution said they "will accept a fair and just verdict." Do you think this verdict was fair and just for all parties involved? Why or why not?

Copying: When is it Legal?

1. Recording a movie while you are watching it in the theater
2. Watching a "bootleg" movie on your home computer
3. Recording a concert without permission from the musicians / singers
4. Ripping &/or burning a CD
5. "Fair Use" of images, pictures, documents, and books

1. Bob wants to be able to watch the latest movie release over and over so he sneaks a digital camera into the theater. He loves the movie and watches the movie once every few weeks with different friends at home. He does not make copies, nor sell copies of the movie. Is he violating the law if he already paid once to see the movie in the theater? Would it make a difference if he just watched the recorded movie at home by himself?

Bob is violating the law by making the copy and by showing it to his friends. It would not make a difference if it was for his personal use as it was illegally obtained.

2. Gwen is sent a link to an upcoming box office success and discovers that her friend has sent her access to the entire movie. She watches the movie on her computer, but doesn't keep the file and does not forward it to anyone. After watching the movie she erases the link. Do Gwen's actions constitute a crime? If she forwards the link does that action constitute a crime?

It is illegal to watch a movie on your computer if you have not been given permission by the creator to do so (prerelease) or if you have not purchased the product. Once Gwen discovered that her friend had sent her more than a trailer, she was legally bound to terminate the connection. If she forwards the link she is an accessory to the fact and is liable.

3. Carlos is enjoying his favorite band at a live concert and decides to send a live video of the event to one of his friends. The band specifically asked the concert attendees not to download the concert without paying them a royalty fee up front. Carlos believes he is simply sharing the experience with his friend and he is not responsible for what his friend does with the images. In addition, Carlos does not save the image on his phone so he has not "downloaded" it. Is Carlos more or less liable than his friend? Is Carlos not liable at all since he did not save the image?

Both Carlos and his friend are liable since the band asked for a royalty payment up front. Had the band not asked for a fee, neither Carlos nor his friend is liable since they did not save nor reproduce the concert. The band would have a difficult time proving the offense since Carlos did not save the image on his phone.

4. Li rips (CD to computer) a CD that she has purchased to her computer and then burns (computer to CD) a copy to a blank CD. While playing her CD one day, her friend overhears and asks for a copy. Li happily burns another copy for her friend. Is Li breaking the law by burning a copy for her friend?

Ripping a CD from a legally purchased item is legal. Li cannot make a copy for her friend because she is denying the artist the royalties from the copy.

5. Javon seeks out images and/or photographs to put on his website. The images he downloads are not free share, but he is selling nothing on his website. Is Javon liable to the creator of the image or the photograph?

Images must say they are free share to be copied and pasted onto Javon's document. The fact that he is not selling anything on his website does not discount the financial loss to the creator of the image or photograph.

Reactions to the Napster and Grokster Decisions--Musicians

Person or Group	Perspective: How does this person or group feel about the decisions and why?	Evaluation: As a judge, who is looking to make a decision to protect the rights of all of American society, reflect on each perspective:	
		What is the strength of this perspective? What valid points are made?	What are the weaknesses of this perspective? What issues/points are being overlooked?
1. Don Henley, president of the Recording Artists Coalition, said "These unauthorized systems [*Grokster*] promote copyright infringement on an unprecendented scale. They make millions of dollars in advertising, but pay the artists nothing."			
2. Music group Wilco's frontman Jeff Tweedy said "Any decision that outlaws or discourages developing technology that expands Wilco's reach is shortsighted. [This decision is] squarely on the side of big business and so damaging to the side of culture."			
3. Rapper Jay-Z said, "[The *Grokster* decision] is a great victory for artists, songwriters, and all of those who make their living through the creative process."			
4. Indie musician Tim Burris said "When I go on tour, people who listen to my music online will show up to my shows, and maybe they'll buy my CDs. If not, they'll pay the cover to see the music."			

Reactions to the Napster and Grokster Decisions--Others

Person or Group	Perspective: How does this person or group feel about the decisions and why?	Evaluation: As a judge, who is looking to make a decision to protect the rights of all of American society, reflect on each perspective:	
		What is the strength of this perspective? What valid points are made?	What are the weaknesses of this perspective? What issues/points are being overlooked?
5. Jeff Joseph, Vice President of Communications for the Consumer Electronics Association, said the *Grokster* ruling negatively affects the "development of new technologies."			
6. Edward Black, President of the Computer and Communications Industry Association said, "This is a very dangerous decision for technology and for innovation."			
7. Lawrence Lessig, an Internet law expert at Stanford University said, "My view is that the RIAA loses…because they become the bad guys…the political resistance to this extreme view of copyright law will grow stronger."			
8. The Recording Industry Association of America (RIAA), on behalf of the major record companies, fights copyright infringement to protect intellectual property rights worldwide and the First Amendment rights of artists.			
9. Donald Verrill, entertainment lawyer in *Grokster* said "It can't be written under this nation's laws that you can build a business on the basis of taking somebody else's property.			

Quotes on Chart taken from:

1-4: "Mixed Reaction from Musicians" June 28, 2005.
http://www.smh.com.au/news/technology/mixed-reaction-from-musicians/2005/06/28/1119724613388.html accessed 4/27/08

5: "Anti-Napster Ruling Draws Mixed Reaction" Sam Costello, IDG News Service and PCWorld.com staff at http://pcworld.abut.com/news/Feb122001id41327.htm accessed 4/27/08

6 & 9: "Hollywood Wins Internet Piracy Battle" By Krysten Crawford, CNN.
http://money.cnn.com/2005/06/27/technology/grokster/index.htm accessed 4/28/08

7. "The Napster Decision: The Reaction" by Amy Harmon, February 13, 2001
http://query.nytimes.com/gst/fullpage.html?res=9F01E3D71E31F930A25751C0A9679C8B63

8. "Pre-Lawsuit Letters Sent in New Wave Targeting Music Theft on 19 Campuses" October 18, 2007 posted on the RIAA website at
http://www.riaa.com/newsitem.php?id=E549F223-3648-E92C-0CA2-7BFAFC2DB352
acc: 4/27/08

Recent Developments in Internet Piracy

Internet piracy was brought to public attention in 2000 with the case against the music provider Napster. At that time, Napster had a database of songs which users could download for free. In the Circuit Court case *A&M Records, Inc. V. Napster Inc.*, the court found that "Napster users infringe at least two of the copyright holders' exclusive rights: the rights of reproduction and distribution. Napster users who upload file names to the search index for others to copy violate plaintiffs' distribution rights. Napster users who download files containing copyrighted music violate plaintiffs' reproduction rights...In the record before us, commercial use is demonstrated by a showing that repeated and exploitative unauthorized copies of copyrighted works were made to save the expense of purchasing authorized copies...and found evidence of lost sales attributable to college use to probative of irreparable harm..." As a result, Napster was shut down. It has since restructured and now operates in a different manner.

Without Napster, people found other ways to download and share files illegally. In 2005 the Supreme Court took another step towards preventing internet piracy. In *MGM, et al. v. Grokster, LTD, et al.* The Supreme Court ruled against software companies, Grokster and Streamcast, for creating software that enabled file-sharing and argued that the companies "clearly voiced the objective that recipients use the software to download copyrighted works and took active steps to encourage [copyright] infringement." The court decided that "One who distributes a device with the object of promoting its use to infringe copyright...is liable for the resulting acts of infringement by third parties using the device, regardless of the device's lawful uses."

1. What have the courts done to stop internet piracy?

2. Why were these decisions made? Who are they protecting and how do these decisions attempt to protect American society and rights in the long-run?

3. Do you agree with these decisions? Why or why not?

4. Do you think software companies should be held responsible for the actions of the software users? Why or why not?

5. The court argued that Grokster and Streamcast encouraged infringement. In these situations is it just to hold the software companies responsible for the actions of its users?

6. Complete the chart on reactions to Napster and Grokster. Did these quotes alter your perspective on downloading files and the court decisions thus far? Why or why not?

7. Why are musicians divided on the decisions? Does this surprise you?

8. Which points on the chart did you find the most convincing? Which were the weakest and most problematic for American society? Why?

9. The RIAA argues that "According to market research firm NPD, college students alone accounted for more than 1.3 billion illegal music downloads in 2006. According to non-profit research group Institute for Policy Innovation global theft of sound recordings cost the U.S. economy $12.5 billion in lost revenue and more than 71,000 jobs and $2 billion in wages to U.S. workers." How does this information support the court decisions? How might some of the individuals on the perspectives chart respond to these statistics? Why? (Quote and statistics in question 10 taken from "Pre-Lawsuit Letters Sent in New Wave Targeting Music Theft on 19 Campuses" October 18, 2007 posted on the RIAA website at http://www.riaa.com/newsitem.php?id=E549F223-3648-E92C-0CA2-7BFAFC2DB352 acc: 4/27/08

10. These two cases show the entertainment industry taking corporations to court to stop copyright infringement. Individuals are also going to trial, much like Megan. The Recording Industry Association of American (RIAA) has several times sent letters to universities nationwide on behalf of the major record companies. In the most recent case, the RIAA sent letters to students at 19 schools ranging from Drexel University to the University of Alabama to the University of Southern California. The students are informed that they have used campus computers to violate copyright laws and give students the chance to resolve the issue at a discounted rate before a formal lawsuit is filed. If students don't pay the discounted fine, they risk going to court and facing penalties ranging from $750 to $150,000 per downloaded file. What is your reaction to this? Why? Does this information make you less like to download files illegally? Why or why not?

ADVOCATE DECISION-MAKING WORKSHEET

Name _____ Block/Period _____ Score _____/20 Points
Issue _____

Instructions for decision-makers:
complete Section I before the debate
complete Section II during the debate
complete Sections III, IV, and V after the debate for homework

Section I: You should ask yourself: "What do I need to know in order to make a decision on the issue?"

1. _____
2. _____
3. _____
4. _____
5. _____

Section II: List the arguments for each side:

Arguments For	Arguments Against

Section III: Some questions to consider when making your decision.

1. Is the argument relevant (worthwhile, important)?

2. Is the argument supportable by evidence?

3. Was sufficient / enough evidence presented to support the arguments?

4. Were any arguments presented by one side that were unchallenged by evidence presented by the other advocates (debaters)?

5. Was contrary (contradicting or opposite) evidence presented?

6. Were any sources used biased (overly favoring one side)?

Section IV: After evaluating the arguments presented by the advocates, make your decision and list your reasons for making the decision.

Your Decision _____

Reason #1
Reason #2
Reason #3
Reason #4
Reason #5

Section V: Value Criteria Used: Based on the reasons listed in Section IV, what values underlie your decision?

Value #1
Value #2
Value #3
Value #4

*adapted from the Southern Center for International Studies – South Asia course material

Internet Piracy (Against) Con Arguments

1. Artists have copyright over their creations and thus should enjoy all the fruits (profit) of their labors. Individuals who download without paying for the product are stealing from the artist.

2. The music and movie industries have a monopoly over a patented work and thus have the right to set the price. Sales are not down because the prices are too high; sales are down because individuals are taking the product without permission and without paying.

3. Piracy of copyrighted material is a problem worldwide so it must be combated worldwide. It is the U.S. government's, the IFPI's (International Federation of the Phonographic Industry), and the U.N.'s job to place effective, deterring fines on violating countries.

4. The Harvard Business School and the University of North Carolina completed a survey in 2002 that showed sales for the most heavily illegally downloaded songs stayed the same or increased. There are studies and then there are studies. The Voter Consumer Research Center conducted a series of surveys that showed those who illegally download are less likely to pay for the music.

5. The courts clearly ruled in the *Napster* case that even though file-trading networks could not be held liable for the actions of their users, they could not knowingly facilitate illegal activity.

6. Anti-copying devices that freeze or crash computers are necessary to deter individuals, businesses, and countries from stealing the product. If the consequence of an illegal activity is severe enough, rational individuals will actively seek to not break the law.

7. All attempts to stop illegal activity begin with the most egregious offenders. Once a few illegal down-loaders are caught and punished, the vast majority will respond by following the law. The RIAA is spending substantial money prosecuting individual offenders because the ripple effect will allow the industry to keep much more of its profits in the year to come.

8. Ignorance of the law is not a legal excuse once individuals turn 18. Citizens, including young adults, are responsible for their actions.

Internet Piracy (Allowing) Pro Arguments

1. A free market allows for a greater exchange of information allowing artists to be heard by more possible buyers. Since a majority of participants in this market download freely available information without uploading pirated content, the MP3 copying situation should be viewed as a promotional opportunity.

2. The music and movie industries are causing the situation by disregarding the true market price for a CD or movie. By making the price too high, the industries are causing sales to be down. The government and media are simply accepting RIAA's (Recording Industry Association of America) version of the reason for the decrease in music sales to be piracy when the industry is keeping prices artificially high.

3. The major piracy problem is NOT in the USA. Rather, the vast majority of pirated music is due to conscious theft on the part of sovereign nations (China, Spain, etc.). The RIAA should stop taking young Americans to court when they legally buy much more than citizens in other countries.

4. The Harvard Business School and the University of North Carolina completed a survey in 2002 that showed sales for the most heavily illegally downloaded songs stayed the same or increased.

5. The RIAA has started prosecuting young adults for copyright infringement simply because the courts have ruled that file-trading networks could not be held responsible for the actions of their users.

6. Anti-copying devices that freeze or crash computers do not allow transferring music to a mix tape or spare copy – both legitimate exercises with a legally purchased piece of music or a movie.

7. The RIAA is prosecuting only a small fraction of the offenders. It is unconstitutional to apply a law to just a few while allowing the majority to violate the law at will.

8. The RIAA is spending more money prosecuting individual offenders than it lost from them.

Example Lesson Plan: Internet Piracy

Objectives:

1. To identify the major issues and events in the case
2. To brainstorm possible stakeholders and analyze their perspectives
3. To discuss the prosecution of those illegally downloading internet entertainment files

Activities:

1. Give students a copy of the graphic novel and a "What's the Issue?" sheet. Have students read the novel and complete the sheet. Discuss student answers.

2. Discuss with students that no witnesses were called in Megan's case. Ask: Who might be witnesses? Brainstorm with students a list of possible stakeholders—different people or groups who might have some vested interest in the outcome of this case and list them on the board. (Suggested answers: bands, record companies, music store owners, Megan's friend Henry, other students with limited funds, Napster or other music download providers, etc.)

3. Divide your students into as many small groups as you have stakeholders on the board (or a manageable number) with two additional groups/pairs to be prosecution and defense attorneys. Assign each small group to be one of the stakeholders identified on the board, prosecution or defense.

4. Have the small groups determine the point of view of their stakeholder—why do they feel music downloading should/shouldn't be allowed and why. Try to express their argument based on how it is in the interest of the greater good/fair to all people. The prosecution and defense groups should formulate questions to ask the various stakeholders in order to make their case.

5. Roleplay a calling of witnesses in class extending Megan's case. Call each stakeholder group to the witness stand and have the prosecution question them and the defense cross-examine.

6. Based on their role-play have students now be the jury (or have another class observe the proceedings and act as jury) and pass down a verdict about the legality of downloading music.

7. To wrap up, have students write a response: Is the music industry, and now with shows and movies on the web, the entire entertainment industry fighting a losing battle against illegal downloads? Why is it so hard to stop and what do you think would be the most effective deterrent to stop music/video piracy?

Example Lesson Plan: Internet Piracy

Objectives:

1. To identify the major issues and events in the case
2. To discuss the prosecution of those illegally downloading internet entertainment files
3. To develop legislation to help prevent illegal downloading of internet files

Activities:

1. Give students a copy of the graphic novel and a "What's the Issue?" sheet. Have students read the novel and complete the sheet. Discuss student answers.

2. Have a class discussion about the issue using some of the discussion questions as springboards for the discussion.

3. Have students research actual music piracy cases that have gone to court. What happened in these cases? Were these verdicts similar to or different from Megan's? Why is that? What obstacles do the courts seem to face in upholding the law in regards to music piracy? OR Have students complete the "Recent Developments in Internet Piracy" sheet and "Reactions to the Napster and Grokster Decisions" chart. Discuss student responses and findings.

4. Have students develop and propose a bill/legislation that they feel may help protect the entertainment industry and help courts adapt to changing technology and thus protect all citizens.

Example Lesson Plan: Internet Piracy

Objectives:

1. To identify the major issues and events in the case
2. To analyze other issues of copying for legality or illegality
3. To create a public service announcement to educate people about the legal issues related to copying materials

Activities:

1. Give students a copy of the graphic novel and a "What's the Issue?" sheet. Have students read the novel and complete the sheet. Discuss student answers.

2. Give students "Copying: When is it Legal?" Have students read the scenarios and develop responses. Discuss each scenario with students. Do they think each scenario is legal or not and why? Share with students whether or not, or under what conditions each scenario is legal. Ask students if they are surprised by this information? Why or why not? Why wasn't the answer to this obvious? Why are people so ill- or misinformed about these issues?

3. Break students into small groups and assign each one a scenario. Have them develop a public service announcement, like Megan's, for the issue described in their scenario and educate their peers about the illegality of their actions, the victims of the crime and why it is a crime. Share these with the class.

Example Lesson Plan: Internet Piracy

Objectives:

1. To identify the major issues and events in the case
2. To develop and evaluate arguments for and against internet piracy
3. To debate the issue of internet piracy

Activities:

1. Give students a copy of the graphic novel and a "What's the Issue?" sheet. Have students read the novel and complete the sheet. Discuss student answers.

2. Give students a "Advocate Decision-Making Worksheet." Have students complete the sheet and come to a position on the issue of how much the government can or should control in regard to access to entertainment.

3. Have students separate themselves by their position, or divide them equally on the issue and prepare the presentation of their arguments.

4. Debate the issue of internet piracy.

5. For an assessment, students could write a final opinion on the issue based on the information and perspectives they gained from the debate.

Eminent Domain Teacher Materials

Suggested Uses:

1. Teachers may assign students to read the graphic novel and respond to the questions on the "What's the issue?" sheet.

2. Teachers may engage students in a class discussion of the issues in the text using the suggested "Discussion Questions."

3. Teachers may role play an extended trial representing the various stakeholders in this issue.

4. Teachers may arrange time and facilities to have students engage in extended research into the current state of the issue.

5. There is also an extension activity that looks at recent developments in eminent domain rulings for students to consider the issue more in-depth. If you do not have time for extended research there is a handout summarizing and asking students to analyze a recent case.

6. Teachers may have students use the Advocate Decision Making Worksheets to organize their thoughts and prepare for a debate on eminent domain.

7. Teachers can use one of the sample lesson plans provided.

8. For further study or information about *Kelo v. New London* the entire court decision is located at the Cornell University Law School website at http://www.law.cornell.edu/supct/html/04-108.ZS.html There are two useful articles about the case online as well. "Justices Affirm Property Seizures" at http://www.washingtonpost.com/wp-dyn/content/article/2005/06/23/AR2005062300783_pf.html and the Congressional response to Kelo in 2007 at http://prfamerica.org/2007/CongLegislationWouldThwartEffectsOfKelo.html

What's the issue?

1. Why does the city government want to take Mrs. Robbins' house? What do they plan to do and what gains does the city think will come from taking these homes?

2. What is eminent domain and how does it work? Where is it in the Constitution?

3. What are the advantages of having the legal right to eminent domain? What are the drawbacks or problems with this system?

4. What limitations or restrictions are placed on governments in regards to employing eminent domain? On what grounds are Mrs. Robbins and her neighbors fighting the city from taking her house?

5. Why did the city have to give written notice to homeowners and why is there a public hearing?

6. What is a plaintiff? Why does the plaintiff speak first?

7. How is fair market value determined? Why is this difficult to determine?

8. What is conflict of interest and how might it be at work in this case? In what circumstances may governments want to assess home values higher?

9. Under the judge's decision, could the city still have taken Mrs. Robbins' house?

10. Why does the city decide not to take Mrs. Robbins' house?

11. The judge said the decision in the case "has to be about justice and the law." Do you think the judge upheld justice for all parties in this case? Why or why not?

12. How did the courts in this case "protect all of us"?

What's the issue? - Key

1. Why does the city government want to take Mrs. Robbins' house? What do they plan to do and what gains does the city think will come from taking these homes?
   New library which will create jobs and expand the economy, economic revitalization and growth

2. What is eminent domain and how does it work? Where is it in the Constitution?
   Eminent domain is where the government can take your property by a fair price or just compensation. It is found in the Fifth Amendment

3. What are the advantages of having the legal right to eminent domain? What are the drawbacks or problems with this system?
   Allows local, state and national governments to operate efficiently and complete projects that are economically beneficial. People are forced to sell their homes against their will and the government can wield too much power.

4. What limitations or restrictions are placed on governments in regards to employing eminent domain? On what grounds are Mrs. Robbins and her neighbors fighting the city from taking her house?
   Has to be a fair price and it has to be for a needed project, one that benefits the community at large. Mrs. Robbins and her neighbors are arguing that they are not being offered a fair price and they shouldn't be forced to sell against their will.

5. Why did the city have to give written notice to homeowners and why is there a public hearing?
   In a republic, citizens have the legal right to be involved in the decision-making process and written notification and a hearing gives them the ability to be involved.

6. What is a plaintiff? Why does the plaintiff speak first?
   The person who brings suit. So the defendant has the chance to hear the case against him/her and be able to defend him/herself.

7. How is fair market value determined? Why is this difficult to determine?
   Tax assessments and assessments of selling prices of houses in the neighborhood. Not all improvements are easily seen, people put different values on different things, people have different agendas for setting the prices.

8. What is conflict of interest and how might it be at work in this case? In what circumstances may governments want to assess home values higher?

   Governments assess homes at higher values for tax purposes but would assess homes lower for purchasing purposes. Since the government wants to buy the home, they will want to assess the homes at a lower rate.

9. Under the judge's decision, could the city still have taken Mrs. Robbins' house?

   Yes, but the city would have had to pay a higher price for it.

10. Why does the city decide not to take Mrs. Robbins' house?

    The ruling makes the homes too expensive/cost-prohibitive for the city.

11. The judge said the decision in the case "has to be about justice and the law." Do you think the judge upheld justice for all parties in this case? Why or why not?

    Opinions will vary

12. How did the courts in this case "protect all of us"?

    They have reinforced the rule of law and the right of people to be involved in decisions that affect them.

Suggested Discussion questions

Discussion topics:

1. When weighing possible economic growth and new jobs against individual property ownership, how does a government best serve the people? Whose interests should take precedence? Why?

2. In a capitalist economy how do we determine fair market value? Is there a set value that will be seen as fair by all sides? Why or why not?

3. Which group or groups of people are more likely to find their homes taken under eminent domain? Why? Is this "fair and equal treatment"?

4. Under eminent domain governments can claim "blighted areas" for redevelopment and improvement. What is a blighted area? Who determines blight?

5. The reporter asks Mrs. Robbins if she is fearful of fighting the city. Do you think that in reality, the fear of fighting big companies or the government affects people's decisions to fight for their rights? How does this affect the working of our legal system? What can/should be done to address this?

6. Given a limited amount of land for cities to grow, is there a way for cities or localities to adjust to new growth, promote new growth, address the deterioration of older areas and otherwise adjust to changing times without utilizing eminent domain?

7. A story in the *LA Weekly* about gentrification, which has similar effects as eminent domain, says gentrification "simultaneously delivers pleasure and pain, miraculous benefits and terrible consequences." How is this statement also true for eminent domain? How does it both positive and negative outcomes? Given this, how do we view eminent domain and how should we practice it?

   "Welcome to Gentrification City" David Zahniser http://www.laweekly.com/news/features/welcome-to-gentrification-city/14285 accessed 4/23/08

Extended Research and Assessment Ideas

Research examples of your local government, or governments in your region using eminent domain. Were these actions contested in court? Why or why not? How have they been resolved? If the land was taken under eminent domain, what has been built there? How has it improved conditions in the locality?

If Mrs. Robbins hadn't known her rights under eminent domain, she may have just accepted the city's price for her house and been forced to move. Have students research other rights citizens have under the 4th or 5th Amendments and make an ad or public service announcement about knowing your rights. Suggested ideas: No double jeopardy, except for being tried in a criminal court and then in a civil court like the OJ Simpson trial, Zone of privacy/no forced self-incrimination, Illegal search and seizure and the difference between homes and cars/things that can move.

Since there are both advantages and disadvantages of eminent domain and governments will continue to utilize it, have students in small groups develop a set of guidelines for responsible or best-practice use of eminent domain. Students may need to research examples, cases and perspectives on the use of eminent domain.

Role play

1. Brainstorm with students a list of possible stakeholders, different people or groups who might have some vested interest in the outcome of this case (Other citizens of the town, the people in Mrs. Robbins' neighborhood whose homes were not taken, the library, the library patrons, city planners, others in less-well-off areas of Arbor, etc.)

    a. Assign students small groups so there is one group for each of the stakeholders and one group to be the prosecutor and one group to be the defendant.
    b. Have the small groups determine the point of view of their stakeholder group—why do they feel the use of eminent domain should/shouldn't be allowed in this case, and try to express their argument for their position based on how it is in the best interest for all or fair to all people
    c. The prosecution and defense groups should formulate questions for the stakeholders based on their objective in the case.
    d. Role play a calling of witnesses in class. Call each stakeholder group to the stand, allow the prosecution to question each witness and then the defense can question the witnesses.
    e. Reevaluate: The attorney for the prosecution said they "will accept a fair and just verdict." Do you think this verdict was fair and just for all parties involved? Why or why not?

New Developments in Eminent Domain

In 2005 in *Kelo v. New London*, the Supreme Court ruled that eminent domain may be used by government to give land to private, non-profit planning commissions for the use of businesses, in this case homes were taken under eminent domain to allow pharmaceutical company Pfizer to expand its facility.

1. How are these changes to eminent domain beneficial? To whom? How is this new ruling problematic? For whom?

The court decision read:

> In 2000, the city of New London approved a development plan that, in the words of the Supreme Court of Connecticut, was .projected to create in excess of 1,000 jobs, to increase tax and other revenues, and to revitalize an economically distressed city, including its downtown and waterfront areas.. 268 Conn. 1, 5, 843 A. 2d 500, 507 (2004). In assembling the land needed for this project, the city.s development agent has purchased property from willing sellers and proposes to use the power of eminent domain to acquire the remainder of the property from unwilling owners in exchange for just compensation. The question presented is whether the city.s proposed disposition of this property qualifies as a .public use. within the meaning of the Takings Clause of the Fifth Amendment to the Constitution.[1]

In her dissenting opinion, Justice Sandra Day O'Connor wrote

> "Today the Court abandons this long-held, basic limitation on government power. Under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner, so long as it might be upgraded.*i.e.*, given to an owner who will use it in a way that the legislature deems more beneficial to the public.in the process.

http://www.law.cornell.edu/supct/html/04-108.ZS.html Cornell University Law School accessed 4/28/08

Do you agree or disagree with her position? Why or why not?

The Institute For Justice posted the following summary on its website

Kelo v. New London
Lawsuit Challenging Eminent Domain Abuse in New London, Connecticut

Susette Kelo dreamed of owning a home that looked out over the water. She purchased and lovingly restored her little pink house where the Thames River meets the Long Island Sound in 1997, and has enjoyed the great view from its windows ever since. The Dery family, down the street from Susette, has lived in Fort Trumbull since 1895; Matt Dery and his family live next door to his mother and father, whose parents purchased their house when William McKinley was president. The richness and vibrancy of this neighborhood reflects the American ideal of community and the dream of homeownership.

Tragically, the City of New London is turning that dream into a nightmare.

In 1998, pharmaceutical giant Pfizer built a plant next to Fort Trumbull and the City determined that someone else could make better use of the land than the Fort Trumbull residents. The City handed over its power of eminent domain—the ability to take private property for public use—to the New London Development Corporation (NLDC), a private body, to take the entire neighborhood for private development. As the Fort Trumbull neighbors found out, when private entities wield government's awesome power of eminent domain and can justify taking property with the nebulous claim of "economic development," all homeowners are in trouble.

The U.S. Supreme Court may have ruled but the fight is not over yet.

"The specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory.
—Justice Sandra Day O'Connor

Institute for Justice, http://www.ij.org/private_property/connecticut/ Accessed 4/23/08

Do you think agree or disagree with this interpretation of the case? Has the New London decision threatened the rights of individuals at the expense of business? Are all homeowners in trouble? Or do you think the Supreme Court is upholding justice in maintaining eminent domain for the protection of a community as a whole? Why do you think this?

ADVOCATE DECISION-MAKING WORKSHEET

Name _____ Block/Period _____ Score _____/20 Points
Issue _____

Instructions for decision-makers:
complete Section I before the debate
complete Section II during the debate
complete Sections III, IV, and V after the debate for homework

Section I: You should ask yourself: "What do I need to know in order to make a decision on the issue?"

1. _____
2. _____
3. _____
4. _____
5. _____

Section II: List the arguments for each side:

Arguments For	Arguments Against

Section III: Some questions to consider when making your decision.

1. Is the argument relevant (worthwhile, important)?

2. Is the argument supportable by evidence?

3. Was sufficient / enough evidence presented to support the arguments?

4. Were any arguments presented by one side that were unchallenged by evidence presented by the other advocates (debaters)?

5. Was contrary (contradicting or opposite) evidence presented?

6. Were any sources used biased (overly favoring one side)?

Section IV: After evaluating the arguments presented by the advocates, make your decision and list your reasons for making the decision.

Your Decision _____

Reason #1
Reason #2
Reason #3
Reason #4
Reason #5

Section V: Value Criteria Used: Based on the reasons listed in Section IV, what values underlie your decision?

Value #1
Value #2
Value #3
Value #4

*adapted from the Southern Center for International Studies – South Asia course material

Eminent Domain Pro Arguments

1. Eminent domain is only used in the most necessary circumstances. The term itself is biased since it is actually compulsory purchase; the government is required to buy the land, it can't just take it.

2. The government is required to pay a fair market price for the property / building and the owner has the right to take the government to court if he/she deems the price to be not fair.

3. Ownership is not absolute. Owners are bound by a set of rules whether from their covenant community, local, or state government. Owners don't actually purchase land, but rather purchase a set of rights over that land. The alternative would be an unworkable collection of millions of sovereign countries within one country, each with no check on its power.

4. Homeowners can't refuse entrance to police officers with valid warrants or firefighters, so they can't refuse a reasonable government offer that benefits the community.

5. Eminent domain solves the unreasonable holdout problem. The last few owners can ask outrageous prices which make the project unprofitable and prevent the overall community from making a positive change. A few individuals would be allowed to bring about market failure. After a fair market price is offered and rejected, then and only then would eminent domain be used.

6. It doesn't matter if the seized land is to be used for a public or a private project since a positive change is a positive change regardless of who does it. To those who seek smaller government, private eminent domain decreases the size of government.

7. The government has two constantly conflicting purposes - to protect the rights of the individual and to protect the rights of the community. As such, private eminent domain would not be allowed to abuse its power since all citizens have the right to appeal to the judicial branch. Officials who are not attentive to stopping such abuse would not be reelected.

8. Public input is requested multiple times before any eminent domain situation progresses. The vast majority of public meetings are not attended by the citizens who then complain when the government moves forward having heard little objection to the plan.

9. Projects that create more tax revenue for a community are valid since the needs of the majority sometimes overrule the desires of the one.

10. Large projects in congested areas (new road in a city) can't be done without eminent domain due to the "holdout" problem.

11. Redevelopment projects can be required by law to include affordable housing thus cleaning up a neighborhood while still allowing individuals to remain in a better situation.

Eminent Domain Con Arguments

1. The rising tide of restrictions on homeowners is unconstitutional as they are having restrictions placed on their homes without compensation (must be up to code, can't be more than a certain distance between smoke detectors, etc.). Eminent domain requires just compensation, but it is the driving force causing the exponential growth of restrictions on homeowners.

2. Eminent domain should not be allowed at the market rate. If the majority insists on taking someone's property then the government should require that the developers must pay 125% above the market rate, plus cover all reasonable moving costs and temporary lodging for the affected citizen(s).

3. Describing areas as "blighted" and thus open to eminent domain is prejudicial and debatable as to what is "blighted."

4. The *Kelo* decision allowing eminent domain to be used for private and public ventures (as opposed to just public / government ventures) opens the door to abuse of the average citizen by corrupt politicians and wealthy developers. In effect, the government can take your land so a private citizen may develop it.

5. A citizen may take the government or a wealthy developer to court, but seldom has the money for a protracted court case. The government and the developer have substantially more money and thus have an unfair financial advantage. The individual cannot rationally choose to go bankrupt just to protect her / his property rights.

6. The fundamental problem is how is a "fair" price arrived at and how much say does the average citizen have in the process.

7. The elderly, low-income urban residents, and minorities are overwhelmingly represented in these "blighted" areas. Rather than helping these groups, the government is taking away the one of the few items they do own – their home. Once removed from an area where will they move? A more expensive area?

8. Since the *Kelo* decision in 2005 the number of local governments using eminent domain has increased significantly. The balance in the system of "checks and balances" has been upset in favor of the government – the very group that is supposed to protect the minority against the majority.

9. Individuals who renovate their homes or keep them in good condition should not be punished for the actions of the rest of their subdivision.

10. One of the founding principles of this nation is the individual's right to own property. Nothing should force you to sell your property against your will.

Example Lesson Plan: Eminent Domain

Objectives:

1. To identify the major issues and events in the case
2. To brainstorm possible stakeholders and analyze their perspectives
3. To evaluate the policy of eminent domain

Activities:

1. Give students a copy of the graphic novel and a "What's the Issue?" sheet. Have students read the novel and complete the sheet. Discuss student answers.

2. Tell students that we did not see many witnesses come forth in the case. Ask: Who might be witnesses? Brainstorm with students a list of possible stakeholders—different people or groups who might have some vested interest in the outcome of this case and list them on the board. (Suggested answers: Other citizens in town, town business leaders, others in the neighborhood whose homes weren't being taken, city planners, the library, library patrons, others in less-well-off parts of the town)

3. Divide your students into as many small groups as you have stakeholders on the board (or a manageable number) with two additional groups/pairs to be prosecution and defense attorneys. Assign each small group to be one of the stakeholders identified on the board, prosecution or defense.

4. Have the small groups determine the point of view of their stakeholder—why do they feel the city should or shouldn't be allowed to take these homes. They should try to express their argument based on how it is in the interest of the greater good/fair to all people. The prosecution and defense groups should formulate questions to ask the various stakeholders in order to make their case.

5. Roleplay a calling of witnesses in class extending Mrs. Robbins' case. Call each stakeholder group to the witness stand and have the prosecution question them and the defense cross-examine. Based on their role-play have students now be the jury (or have another class observe the proceedings and act as jury) and pass down a verdict about whether or not the city should be able to take these homes.

6. Have students write a response to either:
    a. When weighing possible economic growth and new jobs against individual property ownership, how does a government best serve the people? Whose interests should take precedence? Why?
    b. A story in the LA Weekly about gentrification, which has similar consequences as eminent domain actions, says gentrification "simultaneously delivers pleasure and pain, miraculous benefits and terrible consequences." How is this statement true for eminent domain? How does eminent domain do both these things? How then should we view eminent domain?

Example Lesson Plan: Eminent Domain

Objectives:

1. To identify the major issues and events in the case
2. To evaluate the policy of eminent domain
3. To develop guidelines for responsible use of eminent domain

Activities:

1. Give students a copy of the graphic novel and a "What's the Issue?" sheet. Have students read the novel and complete the sheet. Discuss student answers.

2. Have a class discussion about the issue using some of the discussion questions as springboards for the discussion.

3. Have students research examples of eminent domain in their own city or region. Were these actions contested in court? What happened in each case/circumstance? If the land was taken by the government, what was done with the land? What benefits has it provided for the community?

4. Explain to students that since there are both advantages and disadvantages to eminent domain, governments will continue to utilize it to promote economic growth. Given this, students are to develop a set of guidelines for responsible or best-practice use of eminent domain that governments should follow in order to serve and protect the interests of the whole community. You may need to research examples, cases and perspectives of the use of eminent domain.

5. OR: Give students the "New Developments in Eminent Domain" sheet. Have students read and complete the sheet. Discuss their answers and have them write a response to the following: The Supreme Court was divided 5-4 in this case. Within a year of this case 62 towns in New Jersey alone had used eminent domain to take land and convert it to commercial use. These businesses then had the possibility of attracting further growth and investment to these areas. Based on this information, do you agree or disagree with the court's decision in *Kelo v. New London* and why? Or are the economic gains provided by eminent domain more beneficial to the community as a whole?

Example Lesson Plan: Eminent Domain

Objectives:

1. To identify the major issues and events in the case
2. To identify other rights protected by the Bill of Rights
3. To create a public service announcement educating others on their rights as US citizens.

Activities:

1. Give students a copy of the graphic novel and a "What's the Issue?" sheet. Have students read the novel and complete the sheet. Discuss student answers.

2. Explain to students that if Mrs. Robbins' hadn't had known her rights under eminent domain she may have just accepted the money the city offered and moved. Not knowing your constitutional rights can be harmful. There are many such rights that people are ill- or misinformed about. Give students copies of the 4th and 5th Amendments. Have students generate a list of citizen's rights that are outlined and protected under these amendments (suggested rights: No double jeopardy, zone of privacy/no self-incrimination, illegal search and seizure)

3. Break students into small groups and assign each group a right. Have students research these rights, citizen responsibilities in maintaining these rights and circumstances under which these rights may be lost.

4. Have students create a public service announcement educating their peers on their basic rights under the constitution and how to protect these rights and to use the court system to help them.

Example Lesson Plan: Eminent Domain

Objectives:

1. To identify the major issues and events in the case
2. To develop and evaluate arguments for and against eminent domain
3. To debate the issue of eminent domain

Activities:

1. Give students a copy of the graphic novel and a "What's the Issue?" sheet. Have students read the novel and complete the sheet. Discuss student answers.

2. Give students a "Advocate Decision-Making Worksheet." Have students complete the sheet and come to a position on the issue of eminent domain.

3. Have students separate themselves by their position, or divide them equally on the issue and prepare the presentation of their arguments.

4. Debate the issue of eminent domain.

5. For an assessment, students could write a final opinion on the issue based on the information and perspectives they gained from the debate.

How a Court Works Teacher Materials

Suggested Uses:

1. Teachers may assign students to read the graphic novel and respond to the questions on the "Your Day in Court" sheet.

2. Teachers may check for student understanding of court terminology using the crosswords or matching exercise.

3. Teachers may do a more indepth activity having students compare the two cases in the graphic novel using the "Understanding Differences in the Courtroom" sheet.

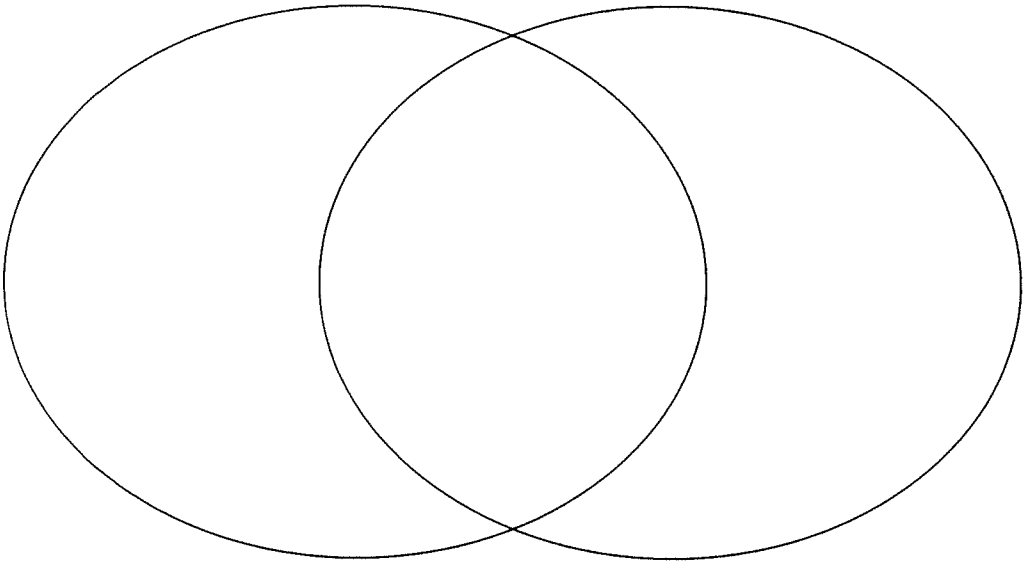
4. Teachers may arrange time and facilities to have students engage in the extension activity.

Understanding Differences in the Courtroom

1. What is a civil case?
2. What is a criminal case?
3. Fill in the venn diagram with similarities and differences between criminal and civil cases.

Criminal Case

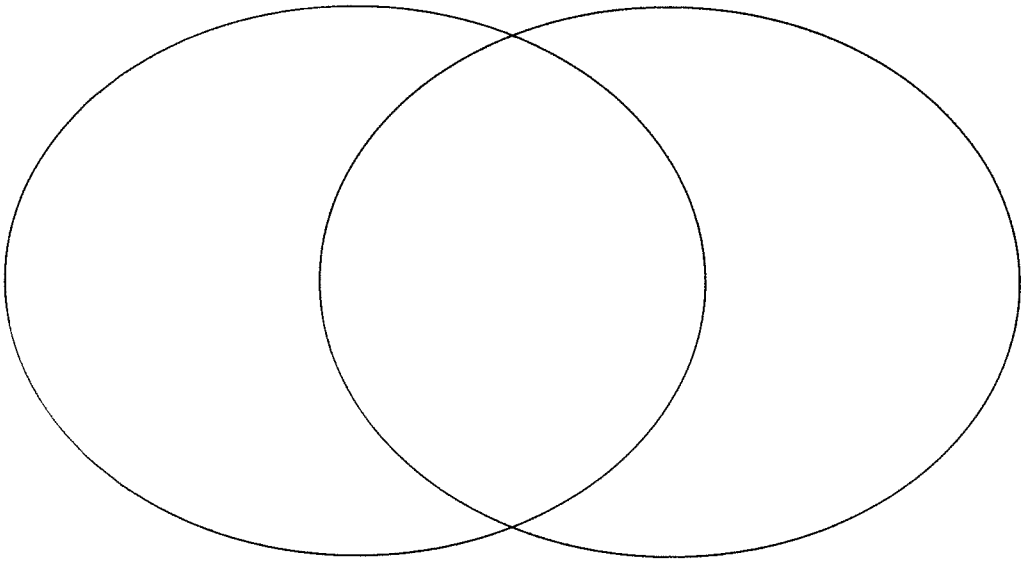
Civil Case



4. What is a plaintiff?
5. What is a defendant?
6. Compare and contrast the two

Defendant

Plaintiff



Courtroom Vocabulary

1.____ Appeal
2.____ Arraignment
3.____Brief
4.____Complaint
5.____Cross-examination
6.____Defendant
7.____Direct-examination
8.____ Discovery
9.____Grand Jury
10.____Impanel a jury
11.____Indictment
12.____Jurisdiction
13.____Litigants
14.____Litigation
15.____Misdemeanor
16.____Mistrial
17.____Motion
18.____Objection
19.____Overruled
20.____Plaintiff
21.____Plea bargain
22.____Sentencing
23.____Subpoena
24.____Sue
25.____Sustained
26.____Verdict

A. The judge, following an objection, decides the questions may continue.

B. To start legal action against someone in a court

C. The party who initiates a lawsuit against the defendant, demanding a legal remedy, such as damages.

D. How a lawyer asks the judge to make a decision

E. A lesser crime punishable by a fine and/or limited jail time.

F. Common term for a legal action by one person or entity against another person or entity to be decided in a civil trial.

G. A trial that becomes invalid, is essentially canceled, because of a mistake in procedure

H. A request for a higher court to review a decision made by a lower court.

I. The delivering of the punishment to be given to a person who has been convicted of a crime.

J. The opposing side finds fault with the question being asked the witness.

K. The formal decision or finding of a judge or jury

L. When the accused is brought before the court to hear the charges against him or her. They plead guilty or not guilty at this time.

M. An agreement between the defendant and the prosecution for the defendant to plead guilty or no contest in return for a reduced sentence

N. The act of selecting a jury from a list of potential jurors

O. Written statement of facts for a court

P. An order of the court for a witness to appear to testify and/or provide documents.

Q. The judge, following an objection, agrees that the line of questioning should not continue.

R. Efforts of either side to obtain information before the trial through depositions, written statements and collection of documents.

S. Any person involved in a lawsuit except the lawyers and witnesses.

T. The first questioning in a trial of a witness by the lawyer who called that witness.

U. A jury selected by judges which decides if there is enough evidence in a case to warrant a trial or hears evidence of public wrong-doing by public officials

V. An accusation of a crime, made against a person by a grand jury upon the request of a prosecutor.

W. The authority given by law to a court to try cases and rule on legal matters in a particular geographic area.

X. The questioning of a witness by the lawyer or the opposing side.

Y. Any lawsuit or other turning to the courts to solve a legal matter.

Z. The party sued in a civil lawsuit or the party charged with a crime in a criminal prosecution

Courtroom Vocabulary - Key

1.__H__ Appeal
2.__L__ Arraignment
3.__O__Brief
4.__B__Complaint
5.__X_Cross-examination
6.__Z__Defendant
7.__T__Direct-examRination
8.___R_ Discovery
9.___U_Grand Jury
10.__N__Impanel a jury
11.__V__Indictment
12.__W__Jurisdiction
13.__S__Litigants
14.__Y__Litigation
15.__E__Misdemeanor
16.__G__Mistrial
17.__D__Motion
18.__J__Objection
19.__A__Overruled
20.__C__Plaintiff
21.__M__Plea bargain
22.__I__Sentencing
23.__P__Subpoena
24.__F__Sue
25.__Q__Sustained
26.__K__Verdict

A. The judge, following an objection, decides the questions may continue.

B. To start legal action against someone in a court

C. The party who initiates a lawsuit against the defendant, demanding a legal remedy, such as damages.

D. How a lawyer asks the judge to make a decision

E. A lesser crime punishable by a fine and/or limited jail time.

F. Common term for a legal action by one person or entity against another person or entity to be decided in a civil trial.

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H. A request for a higher court to review a decision made by a lower court.

I. The delivering of the punishment to be given to a person who has been convicted of a crime.

J. The opposing side finds fault with the question being asked the witness.

K. The formal decision or finding of a judge or jury

L. When the accused is brought before the court to hear the charges against him or her. They plead guilty or not guilty at this time.

M. An agreement between the defendant and the prosecution for the defendant to plead guilty or no contest in return for a reduced sentence

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T. The first questioning in a trial of a witness by the lawyer who called that witness.

U. A jury selected by judges which decides if there is enough evidence in a case to warrant a trial or hears evidence of public wrong-doing by public officials

V. An accusation of a crime, made against a person by a grand jury upon the request of a prosecutor.

W. The authority given by law to a court to try cases and rule on legal matters in a particular geographic area.

X. The questioning of a witness by the lawyer or the opposing side.

Y. Any lawsuit or other turning to the courts to solve a legal matter.

Z. The party sued in a civil lawsuit or the party charged with a crime in a criminal prosecution

Your Day In Court

1. Before you read the graphic novel, describe your images of a court or courtroom. Based on what you know, have seen on TV or may have experienced: what is the purpose of courts? What is the atmosphere in a courtroom? What is it like to be involved in a court case? What are judges like? Lawyers? Juries?

Read the graphic novel.

2. What is the purpose and goal of the court system?

3. How do the lawyers act? The judge? Why?

4. How were the courtrooms, cases and experiences depicted in the graphic novel similar to your image of courts?

   Different?

5. Why do these similarities and differences exist?

6. How is the popular image of courts misleading?

How is that problematic for the effective working of the court system? (Think about the average person being called in for jury duty, how might inaccurate expectations affect their decisions/actions; think about a person contemplating going to court to fight for their rights, how might an inaccurate view affect their decisions?)

7. Why do TV shows and movies depict courtrooms the way they do?

8. Thinking about the true goal and nature of courts, how do courts provide an important service to you and other American citizens?

9. Why is the proper functioning of courts, and thus accurate images of how courts operate, important to American society?

How the Courts Work Extension/Assessment

Break students up into small groups. Assign each of the groups to be jury, witness, or litigant. Give each group the appropriate instructions:

Jury: Based on what you have learned, write a "Brief Guide for Jurors." Include information about what and who they can expect to see in a courtroom, what each person's purpose is, what they should know about courts, how they work and the purpose of the court system, so that they are best prepared for their role as jurors and help to administer justice.

Witness: Based on what you have learned, write a "Brief Guide for Witnesses." Include information about what and who they can expect to see in a courtroom, what each person's purpose is, what they should know about courts, how they work and the purpose of the court system, so that they are best prepared for their role as witnesses and help to administer justice.

Litigants: Based on what you have learned, write a "Brief Guide for Litigants." Include information about what and who they can expect to see in a courtroom, what each person's purpose is, what they should know about courts, how they work and the purpose of the court system, so that they are best prepared for their role as either defense or plaintiffs and help to administer justice.

Example Lesson Plan: The Workings of a Court

Objectives:

1. To identify the key terminology of courts
2. To compare and contrast popular images of courtrooms with actual court practice
3. To evaluate popular images of courts and assess the effect of them

Activities:

1. Either give students the "Your Day in Court" sheet and have them answer question 1 OR provide the following prompt and have students write a response on paper. Prompt: Based on what you know, have seen on TV or may have experienced: what is the purpose of courts? What is the atmosphere in a courtroom? What is it like to be involved in a court case? What are judges like? Lawyers? Juries?

2. Have students share their responses. List ideas and images on the board. Ask: Where do most of these images come from? Have any of you ever been in a court room while court was in session?

3. Give students a copy of the graphic novel and have them read it. When they finish, first have them complete either the crossword puzzle or matching activity to check for comprehension of court terms.

4. Check answers on the crossword or matching. Then have students answer the "Your Day in Court" sheet. If you used the sheet with the prompt then they can just complete the rest, or if you did the prompt separately you can give them the shortened version.

5. Discuss student responses.

6. Have students complete the extension activity and create a "Guide for Jurors/Witnesses/Litigants". If you feel your students need additional background information first you could have them complete the "Understanding Differences in the Courtroom" Sheet first or go to the library or computer resources for additional research.

Alignment with the National Standards for Civics and Government, Center for Civic Education

I. What are Civic Life, Politics, and Government?

A. What is civic life? What is politics? What is government? Why are government and politics necessary? What purposes should government serve?

1. **Defining civic life, politics, and government.**

- identify institutions with authority to direct or control the behavior of members of a society, e.g., a school board, city council, state legislature, courts, Congress

2. **Necessity and purposes of government.**

- evaluate competing ideas about the purposes government should serve, e.g.,

  1. protecting individual rights
  2. promoting the common good
  3. providing economic security
  4. molding the character of citizens
  5. furthering the interests of a particular class or group

B. What are the essential characteristics of limited and unlimited government?

2. The Rule of Law

- explain how the rule of law can be used to restrict the actions of private citizens and government officials alike in order to protect the rights of individuals and to promote the common good

II. What are the Foundations of the American Political System?

D. What values and principles are basic to American constitutional democracy?

2. **Conflicts among values and principles in American political and social life.**

- describe conflicts among fundamental values and principles and give historical and contemporary examples of these conflicts, such as
  - conflicts between liberty and equality, e.g., liberty to exclude others from private clubs and the right of individuals to be treated equally
  - conflicts between individual rights and the common good, e.g., liberty to smoke in public places and protection of the health of other persons
- explain why people may agree on values or principles in the abstract but disagree when they are applied to specific issues

III. How does the Government Established by the Constitution Embody the Purposes, Values, and Principles of American Democracy?

A. How are power and responsibility distributed, shared and limited in the government established by the United States Constitution?

i. explain how legislative, executive, and judicial powers are distributed and shared among the three branches of the national government

1. legislative power--although primary legislative power lies with Congress, it is shared with the other branches, e.g., the Supreme Court can interpret laws
2. judicial power--although primary judicial power is with the federal judiciary, it is shared with other branches, e.g., Congress can "overturn" a Supreme Court interpretation of a law by amending it

E. What is the place of law in the American constitutional system?

1. **The place of law in American society.** Students should be able to explain the importance of law in the American constitutional system.

- explain the importance of the rule of law in
  - establishing limits on both those who govern and the governed
  - protecting individual rights
  - promoting the common good
- describe historical and contemporary examples of the rule of law, e.g., *Marbury v. Madison*, *Brown v. Board of Education*, *U.S. v. Nixon*
- identify principal varieties of law, e.g., constitutional, criminal, civil
- explain how the principal varieties of law protect individual rights and promote the common good

2. **Criteria for evaluating rules and laws.** Students should be able to explain and apply criteria useful in evaluating rules and laws.

- identify the strengths and weaknesses of a rule or law by determining if it is
  - well designed to achieve its purposes
  - fair, i.e., not biased against or for any individual or group
  - designed to protect individual rights and to promote the common good
- draft rules for their schools or communities that meet the criteria for a good or well-constructed rule or law

3. **Judicial protection of the rights of individuals.** Students should be able to evaluate, take, and defend positions on current issues regarding judicial protection of individual rights.

- explain the importance to individuals and to society of major due process protections
  - fair notice

- impartial tribunal
- right to counsel
- trial by jury
- right against self-incrimination
- protection against double jeopardy
- right of appeal

F. How does the American political system provide for choice and opportunities for participation?

1. **The public agenda.** Students should be able to explain what is meant by the public agenda and how it is set.

To achieve this standard, students should be able to

- explain that the public agenda consists of those matters that occupy public attention at any particular time, e.g., crime, health care, education, child care, environmental protection, drug abuse
- describe how the public agenda is shaped by political leaders, interest groups, the media, state and federal courts, individual citizens
- explain how individuals can help to shape the public agenda, e.g., by joining interest groups or political parties, by making presentations at public meetings, by writing letters to government officials and to newspapers

5. **Forming and carrying out public policy.** Students should be able to explain how public policy is formed and carried out at local, state, and national levels and what roles individuals can play in the process.

To achieve this standard, students should be able to

- define public policy and identify examples at local, state, and national levels
- describe how public policies are formed and implemented
- explain how citizens can monitor and influence the formation and implementation of public policies
- explain why conflicts about values, principles, and interests may make agreement difficult or impossible on certain issues of public policy, e.g., affirmative action, gun control, environmental protection, capital punishment, equal rights

V. What are the Roles of the Citizen in American Democracy?

B. What are the rights of citizens?

1. **Personal rights.** Students should be able to evaluate, take, and defend positions on issues involving personal rights.

To achieve this standard, students should be able to

- identify personal rights, e.g., freedom of conscience, freedom to marry whom one chooses, to have children, to associate with whomever one pleases, to live where one chooses, to travel freely, to emigrate
- explain the importance to the individual and to society of such personal rights as
  - freedom of expression and association
  - freedom of movement and residence
  - privacy
- identify and evaluate contemporary issues that involve personal rights

3. **Economic rights.** Students should be able to evaluate, take, and defend positions on issues involving economic rights.

- identify important economic rights, e.g., the right to own property, choose one's work, change employment, join a labor union, establish a business
- identify statements of economic rights in the United States Constitution, e.g., requirement of just compensation, contracts, copyright, patents
- explain the importance to the individual and to society of such economic rights as the right to
  1. acquire, use, transfer, and dispose of property
  2. copyright and patent
- identify and evaluate contemporary issues regarding economic rights, e.g., employment, welfare, social security, minimum wage, health care, equal pay for equal work, freedom of contract

4. **Scope and limits of rights.** Students should be able to evaluate, take, and defend positions on issues regarding the proper scope and limits of rights.

- explain what is meant by the "scope and limits" of a right, e.g., the scope of one's right to free speech in the United States is extensive and protects almost all forms of political expression. The right to free speech, however, can be limited if and when that speech seriously harms or endangers others
- explain the argument that all rights have limits
- explain criteria commonly used in determining what limits should be placed on specific rights, e.g.,
  i. clear and present danger rule
  ii. compelling government interest test
  iii. national security

iv. libel or slander

v. public safety

vi. equal opportunity

- identify and evaluate positions on a contemporary conflict between rights, e.g., right to a fair trial and right to a free press, right to privacy and right to freedom of expression
- identify and evaluate positions on a contemporary conflict between rights and other social values and interests, e.g., the right of the public to know what their government is doing versus the need for national security, the right to property versus the protection of the environment

C. What are the responsibilities of citizens?

1. **Personal responsibilities.** Students should be able to evaluate, take, and defend positions on the importance of personal responsibilities to the individual and to society.

To achieve this standard, students should be able to

- evaluate the importance of commonly held personal responsibilities, such as
  - accepting responsibility for the consequences of one's actions
  - adhering to moral principles
  - considering the rights and interests of others
  - behaving in a civil manner
- identify and evaluate contemporary issues that involve personal responsibilities, e.g., failure to provide adequate support or care for one's children, cheating on examinations, lack of concern for the less fortunate

2. **Civic responsibilities.** Students should be able to evaluate, take, and defend positions on the importance of civic responsibilities to the individual and society.

To achieve this standard, students should be able to

- evaluate the importance of commonly held civic responsibilities, such as
  - obeying the law
  - respecting the rights of others
  - being informed and attentive to public issues
  - monitoring political leaders and governmental agencies and taking appropriate action if their adherence to constitutional principles is lacking
  - participating in civic groups
  - performing public service
  - serving as a juror
  - serving in the armed forces
- explain the meaning of civic responsibilities as distinguished from personal responsibilities

- evaluate when their responsibilities as Americans require that their personal rights and interests be subordinated to the public good
- evaluate the importance for the individual and society of fulfilling civic responsibilities
- identify and evaluate contemporary issues that involve civic responsibilities, e.g., low voter participation, avoidance of jury duty, failure to be informed about public issues

E. How can citizens take part in civic life?

1. **Participation in civic and political life and the attainment of individual and public goals.** Students should be able to explain the relationship between participating in civic and political life and the attainment of individual and public goals.

- identify examples of their own individual goals and explain how their participation in civic and political life can help to attain them, e.g., living in a safe and orderly neighborhood, obtaining a good education, living in a healthy environment
- identify examples of public goals and explain how participation in civic and political life can help to attain them, e.g., increasing the safety of the community, improving local transportation facilities, providing opportunities for education and recreation

3. **Forms of political participation.** Students should be able to describe the means by which Americans can monitor and influence politics and government.

To achieve this standard, students should be able to

- explain how Americans can use the following means to monitor and influence politics and government at local, state, and national levels
  - voting
  - becoming informed about public issues
  - discussing public issues
  - communicating with public officials
  - joining political parties, interest groups, and other organizations that attempt to influence public policy and elections
  - attending meetings of governing bodies

Alignment with National Council for the Social Studies' Curriculum Standards for Social Studies

Strand II: Time, Continuity and Change

Human beings seek to understand their historical roots and to locate themselves in time. Such understanding involves knowing what things were like in the past and how things change and develop. How has the world changed and how might it change in the future? How do our personal stories reflect varying points of view and inform contemporary ideas and actions?

Strand V: Individuals, Groups, and Institutions

Institutions such as schools, churches, families, government agencies, and the courts all play an integral role in our lives. These and other institutions exert enormous influence over us, yet institutions are no more than organizational embodiments to further the core social values of those who comprise them. Thus, it is important that students know how institutions are formed, what controls and influences them, how they control and influence individuals and culture, and how institutions can be maintained or changed. How am I influenced by institutions? How do institutions change? What is my role in institutional change?

Strand VI: Power, Authority and Governance

Understanding the historical development of structures of power, authority, and governance and their evolving functions in contemporary U.S. society, as well as in other parts of the world, is essential for developing civic competence. How can we keep government responsive to its citizens' needs and interests? How can individual rights be protected within the context of majority rule? Through study of the dynamic relationships among individual rights and responsibilities, the needs of social groups, and concepts of a just society, learners become more effective problem-solvers and decision-makers when addressing the persistent issues and social problems encountered in public life.

Strand X: Civic Ideals and Practices

An understanding of civic ideals and practices of citizenship is critical to full participation in society and is a central purpose of the social studies. All people have a stake in examining civic ideals and practices across time and in diverse societies as well as at home, and in determining how to close the gap between present practices and the ideals upon which our democratic republic is based. Learners confront such questions as: What is civic participation and how can I be involved? How has the meaning of citizenship evolved? What is the balance between rights and responsibilities? What is the role of the citizen in the community and the nation, and as a member of the world community? How can I make a positive difference?