



#8977

STICKS AND STONES I & II

Grade Levels: 8-13+

60 minutes

VIDEO RESOURCES SOFTWARE 1999

DESCRIPTION

An immigrant businessman is assaulted by a member of an influential family and seeks justice. During the trial, the due process rights of both parties are protected by the constitution. After the drama, a short documentary notes that equal protection of the law and a fair trial are guaranteed and exercised as the judicial system works.

ACADEMIC STANDARDS



Subject Area: Civics

- ◆ Standard: Understands the sources, purposes, and functions of law, and the importance of the rule of law for the protection of individual rights and the common good
 - Benchmark: Knows alternative ideas about the purposes and functions of law (e.g., regulating relationships among people and between people and their government; providing order, predictability, security, and established procedures for the management of conflict; regulating social and economic relationships in civil society)
- ◆ Standard: Understands the central ideas of American constitutional government and how this form of government has shaped the character of American society
 - Benchmark: Knows the major ideas about republican government that influenced the development of the United States Constitution (e.g., the concept of representative government, the importance of civic virtue or concern for the common good)

INSTRUCTIONAL GOALS

PART I

1. To identify how the Constitution protects the rights of people accused of crimes.
2. To explain why the protection provided by procedural and substantive due process is important.
3. To learn what assistance is given to victims of crime.

PART II

1. To define the U.S. legal system as an adversarial legal system.
2. To identify the steps followed when someone is arrested and sent to trial.

BACKGROUND INFORMATION

“Sticks and Stones I and II” are two of 15 thirty-minute episodes found in the *On Common Ground* series. *On Common Ground* is a different and exciting way to learn about U.S. history and government. Each episode includes an action-filled story and a short documentary segment. The stories show the “common ground”—the common values that people in the United States share.

VOCABULARY

PART I

- | | |
|------------------------|--------------------------|
| 1. assault and battery | 5. ex post facto law |
| 2. bill of attainder | 6. harass |
| 3. convict | 7. Miranda rights |
| 4. cross-examines | 8. writ of habeas corpus |

PART II

- | | |
|---------------------------|-----------------------------|
| 1. adversary legal system | 8. plea bargain |
| 2. counsel | 9. prosecuting attorney |
| 3. cross-examine | 10. reasonable doubt |
| 4. defense attorney | 11. speedy and public trial |
| 5. inadmissible | 12. search warrant |
| 6. Miranda rights | 13. writ of assistance |
| 7. perjury | |



BEFORE SHOWING

PART ONE

1. Discuss the following:
 - a. How does the Constitution protect the rights of people suspected of, or charged with committing a crime?
 - b. Why were the Framers of the Constitution concerned about the rights of the accused?
 - c. Why is the protection provided by procedural due process important?
2. Review Article I, Section 9 of the Constitution.
 - a. Why was the federal government’s right to suspend the writ of habeas corpus limited?
 - b. Why was the government forbidden to issue bills of attainder or ex post facto laws?
 - c. How do these prohibitions in the Constitution protect individual rights?

3. Examine Articles 4 through 8 of the Bill of Rights.
 - a. Why were these guarantees incorporated in the Bill of Rights?
 - b. How do these individual guarantees limit the power of law enforcement?
 - c. Why were they incorporated into the basic law of the land?
 - d. Are they essential rights in a democratic society or do they hamper the ability of law enforcement to provide for the security of the majority of citizens?
4. Think about the series title, *On Common Ground*, and the video title, "Sticks and Stones." What feelings and ideas do the titles provoke? Share these with the class.
5. Discuss the vocabulary words used in the video.

PART TWO

1. Review the events that took place in "Sticks and Stones", Part I.
 - a. What evidence did the police have that Rick Jensen had committed the crime?
 - b. How was the evidence obtained?
2. Discuss the vocabulary words utilized in the video.



AFTER SHOWING

Discussion Items and Questions

PART ONE

1. Discuss the following:
 - a. What are some examples of due process in the U.S. courts?
 - b. Is it fair to protect the rights of someone accused of a crime? Why or why not?
2. Replay the "Turning Points" segment of the video.
 - a. What are the issues raised in the "Turning Points" regarding the issue of equal justice before the law?
 - b. To what extent have the due process rights of the Fifth and Fourteenth Amendments been interpreted differently over time?

PART TWO

1. Discuss the following:
 - a. What strategy did attorney Lawrence Hamilton use in Rick Jensen's defense?
 - b. How effective were his arguments?
 - c. On what grounds did he urge the judge to suppress the admission of Jensen's ring as evidence?
 - d. What tactics did Marty Siegel use in prosecuting the case against Rick Jensen?
 - e. Why did Siegel believe the admission of the ring as evidence was crucial to his case?
 - f. What arguments did he use in attempting to convince the judge to permit the ring as evidence?
 - g. To what extent does the adversarial legal system insure rights of the accused?
2. Discuss the steps the prosecuting and defense attorneys followed in Rick Jensen's trial.

- a. What witnesses were called?
- b. What did attorneys attempt to prove by calling these witnesses?
- c. What arguments did the defense attorney present in his attempt to suppress evidence?
- d. On what grounds did the judge rule that the admission of the ring into evidence was illegal?

Applications and Activities

PART ONE

1. Construct a chart listing the rights of individuals guaranteed in the U.S. Constitution. Using the chart, develop a questionnaire. Poll a sampling of people in the local community to determine their views on these rights. Discuss the results of the poll.
2. Lead a class debate based on the following question: Do you think the law treats rich and poor people differently?
3. Research *Miranda v. Arizona* (1966). Have students report on the background of the case, the facts of the case and the post-Miranda decisions of the Court that have impacted the decision. Discuss the following:
 - a. In this dramatization, was Rick Jensen properly Mirandized when he was arrested?
 - b. What rights did Jensen have during interrogation by police?
4. In the story, Mr. Hadim is upset about his friend, Mr. Tarkowitz, and the beating he has suffered. He feels Mr. Tarkowitz was targeted because he is an immigrant. He does not understand why criminals are protected by due process procedures. Write a poem, tell a story, or draw a picture to help victims of crime understand why the due process procedures are important.



PART TWO

1. Create a chart showing the specific steps taken by the U.S. criminal justice system before deciding whether or not a person is guilty.
2. Replay the segment of the video in which the opening statements are given by the prosecuting and defense attorneys. Ask students to evaluate the remarks of each attorney and propose their own opening statement either as the prosecution or defense attorney. What purpose do the opening statements serve?
3. Invite an attorney to speak to the class on the adversarial legal system used in the U.S.
4. Based on the information provided in the video, conduct a mock trial of Rick Jensen, the accused. Assign students to act as prosecuting and defense attorneys and the roles of central characters in the drama. The remainder of the class forms the jury pool. The teacher should either assume the role of judge or invite an attorney in to act as the judge.

5. Design a one-page fact sheet for new immigrants on the U.S. legal system. Make sure it is easy to read and understand. Include this information:
 - a. Rights of the accused in an arrest
 - b. Local help or resources for a person accused of a crime
 - c. Rights of the defendant in a trial

RELATED RESOURCES

Captioned Media Program

- The Bill of Rights Today: The 4th Amendment #3010
- Jury and Juror: Function and Responsibility #6684
- Rules of the Game #8975



World Wide Web



The following Web sites complement the contents of this guide; they were selected by professionals who have experience in teaching deaf and hard of hearing students. Every effort was made to select accurate, educationally relevant, and "kid-safe" sites. However, teachers should preview them before use. The U.S. Department of Education, the National Association of the Deaf, and the Captioned Media Program do not endorse the sites and are not responsible for their content.

- **THE NATIONAL IMMIGRATION FORUM**

<http://www.immigrationforum.org/>

Embraces and upholds America's tradition as a nation of immigrants. Includes immigration facts, race and ethnic relations, current immigration issues and more.

- **THE CONSTITUTION OF THE UNITED STATES**

<http://majoritywhip.house.gov/constitution/default.asp>

Government site dedicated to teach high school students about the constitution. Includes the text of the Constitution, Amendments, a quiz and more.

- **BEN'S GUIDE TO U.S. GOVERNMENT: GRADES 9-12**

<http://bensguide.gpo.gov/9-12/index.html>

Government site includes topics such as historical documents, how laws are made, national versus state government, branches of government and more.