



## 6<sup>th</sup> Grade

# CONSTITUTION DAY – SEPTEMBER 17

## Classroom Activity

### **Purpose**

The goal of this activity is to introduce 6th grade students to the 6th Amendment of the U. S. Constitution (guarantee of an impartial jury for criminal defendants). The materials illustrate how the American juror selection process differs from the jury selection process used in ancient times during the Roman Republic. The topic is intended to complement the 6<sup>th</sup> grade social studies focus on world history.

### **Format**

- 10-15 minute interactive (Socratic style) lecture about the Sixth Amendment
- Review case of *Michiana v Robin Birdsong*
- Students do the exercise
- Students report the results of American vs Roman jury selection

### **Materials Needed:**

- Power Point (on thumb drive or email to your teacher ahead of time)
- Juror Worksheets (30 per class)
- Envelope with Juror Names Pre-Cut Out and placed inside

### Interactive Lecture (10-15 minutes)

- Introduce yourself and spend a couple of minutes telling the students what kind of law you practice.
- Make your lecture interactive by asking the students if they know some of the following information:
  - Constitution Day is observed on September 17<sup>th</sup> each year to remind us about the important protections and rights of all Americans granted by the United States Constitution.
  - In Colonial America, ordinary citizens believed their rights were frequently violated under English rule. In 1787, after the Revolutionary War, America's founders drafted a Constitution for governing the United States of America. American citizens wanted protections for individual rights included in the Constitution.
  - The founders based the U. S. Constitution on longstanding principles and traditions that can be traced back to the Roman Republic.
  - Twelve Amendments to the Constitution were proposed stating individual rights of ordinary American citizens that could not be taken away by the government. Only 10 of the proposed Amendments were approved by all of the States. Those 10 Amendments are known to day as the Bill of Rights.
  - The Sixth Amendment to the Constitution guarantees Americans the right to a fair trial.
  - The Sixth Amendment states:

*In all criminal prosecutions, the accused person shall have the right to a speedy and public trial, by an impartial jury of the State where the crime has been committed, the right to know the crime he or she is accused of, the right to confront witnesses against him or her, the right to compel witnesses in his or her favor, and the right to assistance of defense counsel.*

## IN THE UNITED STATES TODAY....

- Any citizen can accuse another person of a crime and ask to have the crime investigated and prosecuted by the State. If the State determines that a crime has been committed, the State on behalf of the people represents the victim.
- Criminal defendants are guaranteed the right to an attorney, and, in some cases, an attorney may be appointed by the court to represent a criminal defendant.
- Men and women serve as jurors and must:
  - be American citizens
  - speak English
  - live in the county where the trial is held
  - be 18 or older
  - have no prior felony convictions.
- Jury service is a two step process. Jurors are selected randomly to form a jury pool.
  - Each member is called individually for questioning to determine if he or she is biased for or against the accused.
  - This process is called *voire dire* (to speak the truth).
  - Both sides of a case can remove a juror for no reason until both sides have agreed upon twelve jurors for a criminal trial.
  - The intent of *voire dire* is to select an unbiased and impartial jury.
- Trials include opening statements, examination and cross examination of witnesses, other evidence such as documents, and closing arguments.
- The jury of 12 hears the testimony and considers the evidence presented in the trial case. The judge gives the jury instructions about what each side must prove to the jury, and then the jury considers the evidence in private to reach a verdict.
- All members of the jury must agree on guilt or innocence or the defendant goes free.
- Jury verdicts can be appealed.

## **IN ROMAN TIMES....**

- In 450 BC, ordinary citizens of the Roman Republic claimed their liberties were not protected by the government because unwritten laws were applied to them by judges who were members of the upper classes of society.
- To answer the complaints, the government sorted existing laws and customs into categories and wrote them down on Twelve Tables.
- The Twelve Tables contained the rights of Roman citizens before their government and they were placed on public display in the Roman Forum for all to see.
- Around 80 BC the Romans established jury courts to hear the trials of Roman citizens who were accused of a crime.
- Jury courts had a judge and 40-60 jurors. Only men from the upper classes of society could serve as jurors, and jurors were chosen by lot.
- Both parties could ask to replace a juror, but no formal procedure was in place to determine if an individual juror was biased about the case or the accused person
- Only male Roman citizens could accuse another of a crime and ask to prosecute him or her before a jury court.
- Accusers could conduct their own prosecution.
- Accused persons could either represent themselves or be represented by someone who had public speaking experience but who was not an expert in the law.
- Lawyers existed, but they offered advice outside the court trial and they could not be paid.
- The jury of 40-60 people heard the testimony, considered the evidence, and decided the accused person's guilt or innocence by majority vote.
- Only a majority vote was required. If the jurors were evenly split, the defendant went free.
- Persons found guilty of the crime could not appeal the jury verdict.

## Definitions

- Jury Selection “**by lot**”:  
random, haphazard, accidental, without plan or design
- Jury Selection by “**voire dire**”:  
French “to speak the truth,” questioning a person to determine suitability and qualifications as a juror, identify bias for or against the accused
- “**Impartial**”:  
Unbiased, disinterested, objective, neutral, fair

## **STATE OF MICHIANA v ROBIN BIRDSONG**

Robin Birdsong is a famous rock star who gives a concert every summer in Tuneville, Michiana. The concert is held in Cherry Hill Park and hundreds of Tuneville residents turn out each year for the event.

Robin donates the money earned from the concert ticket sales to HELP OUR PETS, (HOP) a local charity that finds homes for unwanted and stray animals.

Robin spent two weeks in Tuneville last July preparing for the concert. Recently, Robin has been charged by the State of Michiana with breaking into HOP's offices while he was in town and stealing a large sum of money.

Robin denies the charges and entered a plea of not guilty with the court. The case is set for trial and jury selection takes place today.

Robin is protected by the Sixth Amendment to the United States Constitution which guarantees that:

*In all criminal prosecutions, the accused person shall have the right to a speedy and public trial, by an impartial jury of the State where the crime has been committed.*

Keeping in mind that Robin is entitled to an impartial jury, review the list of potential jurors in the Jury Pool. Use your best judgment based on the information given about each potential juror to decide whether or not that person would be fair and impartial in hearing Robin's case. The twelve jurors you choose will decide whether Robin is guilty or not guilty of the crime.

## JURY POOL

“X” out all Jurors who would not be impartial and Circle all Jurors who would be impartial. If you have time, write “why” certain jurors would not be impartial.

1. Apple Keys: Robin’s high school guitar teacher who attends every concert
2. Jay Blues: Only listens to opera and has never heard of Robin Birdsong
3. Melody Smith: Volunteers weekly at HOP and rescued 4 dogs and a parrot
4. Billy Tenor: A local radio announcer who jogs past HOP office every day
5. Susie Soprano: Software engineer and President of Robin’s Fan Club
6. Chris Clef: Wants a job in Robin’s band and plays keyboard
7. Pat Tromboni: Delivers pizzas and was robbed two years ago
8. Henry Highnote: Was laid off at HOP and is now unemployed
9. Terry Tonedead: His neighbor works with Robin’s cousin’s sister in law
10. Harmony Bell: Teaches 6<sup>th</sup> grade and volunteers at the Red Cross
11. Freddie Alto: Grew up in the same town as Robin’s grandmother
12. Gertie Grammy: Sells popcorn and hot dogs at concerts in Cherry Hill Park
13. Flash Flutey: Internet crime reporter in Tuneville, covered HOP robbery
14. Sally Turnip: Owns a flower shop and promotes edible gardening
15. Tony Treble: A security guard at the Tuneville Outlet Mall

16. Mimi Timestep: Local tap dancer in Cherry Hill Park performances
17. Bobbie Rhyme: Writes poetry and watches Animal Planet weekly
18. Clara Nette: Librarian in Tuneville who loves Italian art and history
19. Curly Popp: Walked his dog past HOP on the night of the robbery
20. Tom Riddle: Local magician accused of identity theft three years ago
21. Viola Sweet: Has a farm in Tuneville and raises goats and chickens
22. Calvin Cowherd: Director of Tuneville Community Veterinary Hospital
23. Barb Belltone: Rescues abandoned puppies and kittens for HOP
24. Stan Shunpike: Drove the night bus past HOP about the time of the robbery
25. Conrad Birdie: Robin's favorite uncle and biggest concert sponsor
26. Elphie Green: Lives next door to HOP's director and dislikes his kids
27. Jo Rocker: Was caught stealing video games from the mall last winter
28. Stewart Drum: Has a bicycle grocery delivery business and a pet snake
29. Lucy Lucky: Gets free concert tickets from Robin's band member
30. Ted Stomper: Plays hockey for the Tuneville Tumblers



PICK YOUR JURORS BY LOT

DID ROBIN GET A FAIR TRIAL WITH THE JURORS CHOSEN BY LOT?

Apple Keys

Freddie Alto

Viola Sweet

Jay Blues

Gertie Grammy

Calvin Cowherd

Melody Smith

Flash Flutey

Barb Belltone

Billy Tenor

Sally Turnip

Stan Shunpike

Susie Soprano

Tony Treble

Conrad Birdie

Chris Clef

Mimi Timestep

Elphie Green

Pat Tromboni

Bobbie Rhyme

Jo Rocker

Henry Highnote

Clara Nette

Stewart Drum

Terry Tonedead

Curly Popp

Lucy Lucky

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Tom Riddle

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