

LAW DAY IN THE HIGH SCHOOLS 2007
LESSON PLAN FOR VISITING ATTORNEYS AND JUDGES
LIBERTY UNDER THE LAW: EMPOWERING YOUTH,
ASSURING DEMOCRACY

DESCRIPTION: In this lesson students role-play different community groups and develop arguments for or against a proposed teen curfew ordinance. The groups will then present their positions in a mock City Council hearing.

CIVIC STANDARD THREE 9-12a: Students will understand that citizens are individually responsible for keeping themselves informed about public policy issues on the local, state, and federal levels; participating in the civic process; and upholding the laws of the land

MATERIALS NEEDED: A classroom set of the attached Student Handouts 1, 2 and 3 (approximately 40 copies). One copy of the Selection Sheet cut into strips.

TOTAL TIME: 45 minutes

LESSON STEPS AND PROCEDURE:

1. **Introductions and Passing Out of Lesson Materials** [5 minutes]
 - a. After a brief introduction, explain to the students that they will be given a proposed teen curfew law and will participate in a mock city council session as one of five community groups to present arguments
 - b. While distributing **Student Handout 1: Proposed Curfew** to students, ask the following questions:
 - i. Do your parents or guardians impose a curfew on you? Should they, why or why not?
 - ii. Should the government impose a teen curfew, why or why not?
 - iii. If your city/town adopted a curfew ordinance, who might oppose it and who might support it?

2. Small Group Work

[15 minutes]

- a. Divide the class into 5 groups
- b. Have one student from each group pick a folded slip from the “Group Selection” sheet, representing each of the following community groups and their presentation order
 - i. Police Officers
 - ii. Families Against Violence
 - iii. Students for Rights of Youth
 - iv. Local Merchants Association
 - v. Directors of Local Recreation Centers
- c. The respective groups should decide whether they are for or against the proposed curfew law.
- d. Pass out **Student Handouts 2 and 3** and instruct the groups to read and discuss the “Pro’s and Cons” and to choose three (3) that would best reflect their position and to write them on the “Arguments” sheet
- e. Inform the groups that they will have **ONLY** 3 minutes to present

3. Conduct the Mock City Council Hearing

[15 minutes]

- a. The teacher and attorney will act as councilmen
 - i. Once all arguments are closed and presentations have been made, the City Council should discuss the arguments and reach a decision whether to adopt the curfew

4. Present Decision

[5 minutes]

- a. Announce the City Council’s decision and rationale to the class
 - i. Some factors to consider in making your decision:
 1. Does the curfew ordinance meet strict scrutiny?
 - a. Can you determine whether there is a compelling state/local interest to implement the curfew?
 - i. Have juvenile crime statistics been presented to establish a need to protect youth and the public
 - b. Is the curfew provision is too broad, are there exemptions which could be added to narrowly tailor the curfew to address local needs

2. Would more time and data help to make a decision
3. Is there another way the Council believes it could address community concerns?

5. Debriefing and Closing

[5 minutes]

- a. Use this time to discuss which arguments were the most persuasive
- b. Also give feedback as to the presenters (eye contact, tone, speaking voice, and overall demeanor)
- c. Use the following “Talking points” to discuss the constitutional issues raised by curfew ordinances. These factors are always considered to determine whether a proposed or adopted curfew law is Constitutional and will be legally enforce
 - i. Most Constitutional arguments against juvenile curfews are raised under the following amendments:
 1. 1st: Guarantees the right to freedom of speech, religion, and peaceful assembly
 2. 4th: Protects individuals against unreasonable searches and seizures, which has Also been interpreted to include protection against unreasonable stopping and detainment of individuals to question about crimes
 3. 5th: Guarantees individuals due process under the law
 4. 9th: Has been interpreted to include a right to privacy, including the right to family autonomy
 5. 14th: Protects persons against the deprivation of their liberty without due process of law and includes the right to travel, which is embodied in the privileges and immunities clause
 - ii. Strict Scrutiny: Does the Law Pass “ Constitutional Muster”
 1. To pass constitutional muster, laws that infringe upon fundamental constitutional rights must pass. The freedom to move and the freedom to be still are fundamental freedoms, enjoyed by adults and children.
 - a. Two-pronged test:
 - i. Show there is a compelling state interest for having the law, and
 - ii. The law is narrowly tailored, the means of the law meets its goals and objectives and there are

no other less restrictive alternative means to reach the same goal without being as restrictive

- iii. Unconstitutionally vague and overbroad
 - 1. The words used in ordinances and legislation should be exact enough to ensure everyone knows what it applies to, if not the law will be void for being either:
 - a. Unconstitutionally vague: A statute will be void for vagueness if it is too general and its "...standards result in erratic and arbitrary application based on individual impressions and personal predilections."
 - b. Unconstitutionally overbroad: A statute that broadly restricts fundamental liberties when less restrictive means are available may be void on the grounds of overbreadth

Community Groups

Cut these squares apart, fold them, and have each group leader pick one. The group choices also include the predetermined order in which each group will present to the City Council.

Police Officers (4)

Directors of Local Recreation Centers (5)

Families Against Violence (2)

Students for Rights of Youth (3)

Local Merchants Association (1)

Student Handout 1: Proposed Curfew

It will be illegal for persons under the age of 18 to be out of their homes from 11pm to 6am, Sunday through Thursday nights.

...On Friday and Saturday nights, the curfew shall be extended until midnight.

...Violators will be fined \$100.00

...Young people chaperoned by adults, attending a planned community activity or traveling to or from work are exempt and will not be fined or penalized

Student Handout 2: Pros and Cons

- The goal of most curfew laws is twofold: 1) prevent juvenile crime and 2) protect youth from victimization.
- By keeping youth under the age of 18 off the street, curfews are expected to reduce the incidence of crime among the group most likely to offend, according to the Federal Bureau of Investigation's (FBI's) 1994 Uniform Crime Report (UCR).
- Juvenile perpetrators of crime often commit them against other youth
- Curfews provide parents with a legitimate, legal basis for restricting the activities of their children. It is easier for parents to place boundaries on their children's activities when other youth in the neighborhood are similarly restricted by a specific time to return home
- Curfew enforcement is often ineffective and funnels large numbers of non-delinquent youth into a criminal justice system that is already clogged with alleged offenders.
- Little or no recent statistics indicate that curfews have an effect on juvenile crime and on the entire criminal justice system.
- A curfew may seem to reduce or suppress crime levels during curfew hours; what if youth misconduct shifts to and increased during times when the curfew ordinance is not in effect?
- The restrictive nature of the curfews place limitations on youth's First Amendment rights to free speech, freedom of religion and association, and peaceful assembly.
- Curfews give law enforcement excessive power to detain children without probable cause and subject them to police questioning in violation of the Fourth Amendment, which protects individuals against unreasonable searches and seizures
- The Fifth Amendment guarantees individuals to due process under the law
- Curfew laws violate the Ninth Amendment, which has been interpreted to include a right to privacy, including the right to family autonomy and choosing how a child is raised
- Curfew violates the equal protection clause of the 14th Amendment, which also protects persons against the deprivation of their liberty without due process of law and includes the right to travel
- The curfew law will result in disparate enforcement amongst different youth
- A law cannot be unconstitutionally vague or overbroad, meaning you need to be able to understand what the law says and cannot cover too many things

Student Handout 3: Plan Your Arguments

After reading Pros and Cons, discuss amongst yourselves and determine what three arguments would be the strongest for your group. Make sure to use statistics and information you found

	Argument	Supporting statements, data, or resources
#1		
#2		
#3		