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# To the Teacher

*You and the Law* was written by teachers, for teachers, and at the request of teachers. Educators attending regional social studies conventions asked the publisher for discovery materials that dealt with the way the law affects today's teenagers. Nothing was available to help junior and senior high students learn about the law as it applies to them. *You and the Law* was written in answer to this need.

*You and the Law* may be used successfully in a number of situations. It might well become a part of a general social studies class. Government classes can make excellent use of it for a portion of the program. *You and the Law* lends itself to the mini-course concept. Guidance counselors will find it highly useful for individual students or small groups.

*You and the Law* can also be used in class-size groups. Discussion questions are provided, as are a number of activities designed to help the student better understand the law and our legal process. The second part of the book includes discovery materials dealing with specific legal difficulties common to teenagers. These pages may be used in any order. When class-size groups deal with this material, it is expected that all questions will be answered. If *You and the Law* is used with individuals, however, some questions might go unanswered. The same holds true for the activities in Part I. Not all activities need be done nor all questions answered in order for students to profit from *You and the Law*.

By the same token, don't feel limited to the activities and questions posed by the authors.

Students will have questions of their own that need answers. Teachers may want to devise their own projects in some areas.

A preview quiz and final quiz have been added to this updated edition of *You and the Law*.

The preview quiz asks students to identify twenty legal terms used in the text. No student is expected to be able to identify correctly more than a few of these terms before having studied the text. This quiz is intended to alert students to the fact that they have much to learn. It is suggested that students keep their corrected copies to refer to now and again as they progress through the text.

The final quiz appears at the end of the text to provide an overview of what students have learned about the law. Fifteen short cases are provided in this quiz. Following each case is a question with five possible answers. Instruct students to read each case, consider what they know about the law, and then select *all* correct answers from among the five given.

*You and the Law* provides both teacher and student with a broad background from which to approach a study of the law as it affects today's youth. It will serve as a starting point for independent research and class discussion. Feel free to adapt the material in any manner that will make the law more meaningful to your students.

*E. Richard Churchill*

*Linda R. Churchill*

# Teaching Suggestions

Throughout *You and the Law*, students are given the opportunity to explore ways in which various laws apply to them as individuals. Many times students are asked to respond from personal experience or to make a value judgment. Other times they are asked to give definite legal facts or opinions or to mention local and state laws.

Because laws differ from place to place and even from one year to the next, it is not practical to provide an answer section that states definite answers to legal questions. There are, however, some teaching strategies that may prove helpful in regard to this problem.

Local ordinances are often available in soft-bound form from the city clerk at nominal cost or may even be available without charge to school classes. The same is true of traffic codes. By all means obtain one or more copies of your community's local ordinances and make them available to your classes.

The annotated statutes of your state are quite another situation. In the authors' home state, these books run to about two dozen large volumes. In some states, this set of volumes is much larger. Public and university libraries usually own a set of the state's annotated statutes. Students should be made aware of the location of such sets and encouraged to refer to them as a part of their responsibilities while using *You and the Law*.

An alternate possibility is simply to use the library's copier and reproduce selected pages from these statutes. State statutes are not covered by copyright so there is no impropriety

in copying selected pages for classroom use. At five or ten cents per page, the cost is not overwhelming. Laminating such copies or mounting them on a sturdy backing will add greatly to their life and use.

Although attorneys, like the rest of us, are busy people and have only their time to sell, it may be possible for your students to arrange to talk with local attorneys concerning various legal questions. Local law students and public defenders are often available to meet with committees or classes from time to time. Not to be forgotten are judges and clerks in local and district courts.

Points to keep in mind regarding these human resources include the following:

1. Students should have definite questions in mind.
2. Definite time schedules should be set and met.
3. Attorneys, clerks, and others should be made aware that the meetings are voluntary on their part and that their time is viewed as a contribution to the local school students. This is assumed to be the case any time a school class is involved, but clarification in advance is far better than a misunderstanding that results in having a group of students billed for legal consultation.

Classes may engage in a variety of projects that help to gather information concerning local and state laws and their application. Among these projects are:

1. Attending court sessions as individuals or small groups.
2. Meeting with or corresponding with the district attorney's office, with public defenders, with various "storefront" legal aid societies, and so on.
3. Reading and summarizing specific areas of the law as contained in the annotated statutes of the state.
4. Reading and excerpting articles from any of a number of family legal encyclopedias and other such books available at local libraries.
5. Making available copies of such books and legal texts or casebooks to students in the classroom as part of their reference collection.

Throughout your use of *You and the Law*, encourage class discussion. Also encourage students to discuss questions outside of class with family, friends, and others interested in the law. Many interesting ideas and facts will emerge from such discussions.

As your students study local and state laws and how they apply to individuals, be sure they understand that laws change, as do societies. Court decisions and legislation bring almost daily changes to the law. Informed citizens do their best to remain abreast of changes in those laws that affect them and their families.

# To the Student

One of the major goals of public education is to give the student information that will help in his or her daily living both as a youth and as an adult. In today's complicated world an understanding of the function and place of the law is perhaps as important as any other subject of study.

*You and the Law* is not intended for lawyers. It is intended for students who must live daily with the laws of our nation. These laws affect our lives from dawn until dark. Often they work to our advantage. At times they seem to hinder us in what we wish to do and accomplish. Always the law is there.

The law is not something you can learn about and then forget. It is constantly changing in response to societal changes. New laws appear daily. Old laws are changed, taken out of the law books, and sometimes just forgotten. Yet the idea behind the law remains the same. The law is an attempt to provide us with a guide for living. Within this guide we have certain freedoms and an equal or even greater number of responsibilities. It is only when we understand both our freedoms and responsibilities that we can begin to understand the law and let it help us in our living.

*You and the Law* was not written by lawyers. It was written by teachers who are also spouses and parents, and who were also once a part of the youth culture. The authors have a considerable understanding of the basis of our law but don't pretend to be legal experts. *You and the Law* is not a legal guide. You can't take it to court with you and read it to the judge.

*You and the Law* is intended to give you some background concerning the law and how it relates to us today. It begins by giving you some basic ideas about the different kinds of laws we have and our rights under these laws. Some of the failings of the law are mentioned. The law is

not perfect. No matter how hard people try, there are always things about the law that do not live up to our needs and wishes.

As you read this basic information, there will be some questions to discuss and some projects to do, both within and outside the classroom. These are all intended to help you understand the law by asking as well as answering questions.

The second portion of this book (Parts II and III) contains a series of articles that help you practice the application of law to daily living. Each article deals with some area of the law that is of interest and importance to youths. This part of the book asks for more than just discussion of ideas. In this section, space is provided so you may write your ideas and understandings. Sometimes the information you need for this written work comes from the first part of this book. At other times, some of the answers will come from the glossary at the end of the book. At times you will have to ask some questions and perhaps do some searching outside school to come up with answers that satisfy you. When you have completed this part of the book, you should know a lot more than you do now about some of the laws that affect you.

The third section of the book is just for reference. It is a glossary of legal terms. Only a few of the thousands of legal terms are defined here. If you need more definitions, your public library probably has some sort of legal dictionary. If the glossary uses a word you don't understand, look that word up in a regular dictionary. Each time you look up a word in the glossary, try to remember the word and its meaning. You will be pleased and surprised to discover how many of these words you meet in the daily newspaper and on television.

The material in the three sections of *You and the Law* is just enough to give you the beginning of an understanding of our laws. The authors haven't even attempted to explain the laws of your state or city. Laws vary so much from place to place that even attorneys often hire local attorneys to help them in trying cases away from home. However, the basic ideas behind the law are the same all over our nation. Once you have an understanding of these basic ideas, you are likely to be able to live within the law—unless you set out to do otherwise.

Nearly all libraries have materials on legal matters. Most county seats have a legal library in the county courthouse. These sources of information are available to you, even though it may be necessary for your teacher to make arrangements for you to use some of these materials.

Other sources of information are your local law enforcement officials. City police, county sheriffs, and state patrol officers can give you lots of information concerning various rights and responsibilities and general legal matters. If you ask for help and make appointments, most law enforcement agencies will go out of their way to help you understand the laws and how they are enforced. The better informed the citizens are, the easier it is to enforce and administer the laws of the city, state, or nation.

Another excellent source of information is the local legal profession. Lawyers are busy people. Their time is valuable. However, in

every town there are lawyers who are willing to come to the classroom and speak on topics you suggest. If your teacher and class plan in advance, you probably can have several attorneys speak to your class while you are studying this book. A good understanding of the law helps lawyers help you.

A fourth source of information on the law is the daily newspaper. In fact, this source is likely to be the most interesting. There are daily police and court reports in many newspapers. Start reading these and bring them to class for a legal bulletin board. Some of the things you read may surprise, puzzle, anger, or even frighten you. From these brief readings alone you may discover things about the law that are entirely new ideas for you.

There are also the newspaper features and stories. It is just about impossible to pick up a newspaper of any size that does not contain at least one article dealing with some area of the law. Some of these stories are amusing. Others are sad. Some will probably fill you with a feeling of injustice and cause you to wonder whether the law has failed. Collect these stories, bring them to class, and discuss them.



## Preview Quiz



**Directions:** As you read about the law and how it applies to you, you will encounter many legal terms. Some you already know and understand. Others will be new to you. At times you may discover there is more to the definition of a legal term than you now realize.

In this short quiz twenty legal terms have been defined. Read each definition and then, in the space provided, write the legal term defined. Don't worry if you are certain about only a few answers. At this point you aren't supposed to be able to give correct terms for most of the definitions in this quiz.

Answer as many questions as you can. Then check your answers. You may wish to keep this quiz handy as you learn about the law and how it applies to you. Look back at this quiz occasionally to see how many terms you can now identify. It is one way to tell how your understanding of the law is growing as you study.

1. \_\_\_\_\_ Anyone who knows about a crime or who conceals evidence of a crime.
2. \_\_\_\_\_ The illegal theft or stealing of another person's property.
3. \_\_\_\_\_ Publishing written or drawn material meant to harm someone's reputation.
4. \_\_\_\_\_ A legal order requiring an individual to appear in court.
5. \_\_\_\_\_ Anyone who testifies before a court.
6. \_\_\_\_\_ False writing or changing something written with intent to defraud.
7. \_\_\_\_\_ A group of citizens selected to hear evidence in court.
8. \_\_\_\_\_ An attempt or threat to physically harm a person.
9. \_\_\_\_\_ Breaking into someone's home with the intent to commit a crime.
10. \_\_\_\_\_ Saying false things about a person in public that may hurt his or her reputation.
11. \_\_\_\_\_ When someone accused of a crime is brought to court to hear the charges and to plead guilty or not guilty.
12. \_\_\_\_\_ A jury's decision.
13. \_\_\_\_\_ A less serious crime than a felony.
14. \_\_\_\_\_ Taking another's personal property or money by use of violence or threat of violence.
15. \_\_\_\_\_ A written law for a town or city.
16. \_\_\_\_\_ Failure to use reasonable care.
17. \_\_\_\_\_ A dishonest act intended to deprive another person of his or her rights or property.



18. \_\_\_\_\_ Stealing personal property that the owner has entrusted someone to care for.
19. \_\_\_\_\_ When two or more people agree to commit an illegal act.
20. \_\_\_\_\_ Deliberately burning or having a house or building burned.

## *Part I*

# What the Law Means

### *Introduction*

Part I of *You and the Law* contains sections that give some of the reasons we have laws and how the law works. Each of these sections poses some questions to discuss or to research. These questions are intended to help you begin to think about the law.

The material given in this part of *You and the Law* provides you with some background information about the law. Most public libraries and many school libraries have books that tell much more about the law and how it works. When you want to know more than *You and the Law* explains, check out a book from the library and read the parts explaining the portion of the law that interests you.

Don't be upset if your class cannot agree on what is correct or incorrect in some of the discussion questions. That is why we have courts in our nation. Lawyers often do not agree on what the law says or how it should be applied. Even judges do not agree at times. This is one of the reasons why we have courts of appeal. When lawyers and judges don't agree, a higher court can help to decide the issue.

As you read and discuss, you and your classmates will probably decide that the law is not perfect. There may be times when you will decide the law is completely wrong. This may be true, at least from your point of view. Keep in mind, however, that the law tries hard to protect the rights of all of us. When such a difficult task is undertaken, some mistakes are bound to be made. When a mistake has been made, it is your duty and ours to try to change the law, not to break it. It is only when we try to improve the law that it can help preserve our rights and freedom.

# 1. The Law—Rules for Living in a Society

Our lives are filled with rules. Sometimes it seems we are about to be buried in rules. Yet without these rules, we would find living difficult, if not impossible. As our way of life becomes more complicated and society becomes more complex, we are faced with more and more laws to guide our lives.

People of old lived by what we might call “natural laws.” They had to find enough food or they starved. They had to find a way to keep warm or they froze. If a conflict arose between two or more individuals, the stronger or perhaps the more clever person won. The loser most likely died. The individual either found a way to survive or died.

When people began to gather together into tribes or clans, and later into villages, their lives became more complicated. Living closely and in groups, they soon found that more rules were needed in order for people to get along with one another. These early rules or laws generally applied to one tribe or one city. They most often had to do with protection of property and grew out of the need for orderly living. One or more elders of the group remembered the group’s rules and told others of them. These same elders decided how to punish anyone who broke the laws.

As the population grew and people became farmers, and then merchants and other specialists, the need for laws became greater. Laws were made to cover trade and commerce. Two distinct kinds of laws came into use. *Civil laws* applied to the way people got along in areas of business, property ownership, and daily living. *Criminal laws* covered acts of violence, theft, and other crimes against people. Under civil law, a person who did wrong had to make good that wrong. Under criminal law, the wrongdoer was punished.

Naturally, the increasing number of laws made it difficult for any one person to remem-

ber all these rules. In order to solve this problem, a Babylonian ruler, Hammurabi, about 1800 B.C. decided to codify the laws. The Code of Hammurabi became a written set of laws. They were cut into stone so that all who could read would know the law. Those who could not read could have the law read to them. Not only did this make it possible for all to know the law, but it also made certain that the law did not change because of someone’s bad memory. Hammurabi’s ideas concerning written laws and set punishments are the same ideas law writers use today.

The laws of Hammurabi were the kind we know as *edicts*. Edicts are made by the strongest person or the ruler. Once they are made, they become the law. Laws of this type date back to our earliest civilization and have continued for thousands of years. Even today, many laws come in the form of edicts. When Indian Prime Minister Indira Gandhi decided her political opponents were pushing her too hard in 1975, she made an edict. Her edict allowed the police and army to arrest and imprison anyone who did not agree with her. In today’s society, most of us don’t like edicts, but they still occur in government and in other areas of our daily living.

From the time of Hammurabi on, the idea of sets of written standard laws has been accepted. Each nation developed its own set of laws. When a stronger nation conquered a weaker one, the laws of the victor became the laws of the loser. When religion became dominant, the Church often added its own set of laws to be followed.

Gradually people began to suspect that edicts were not always the best kind of laws.



Why should laws favor the ruler and the ruler's friends? Shouldn't the people have a voice in making laws?

In England in 1215, a document signed by King John gave some of the people a voice in making laws. This document was the Magna Carta. It was written to take some power away from the king and give certain powers to the nobility of England. Even though it did not give any rights to the poor, the Magna Carta was the beginning of laws granting human liberty. Among its ideas was that justice could not be bought and sold. The Magna Carta also demanded a fair and legal trial for people accused of crimes. Also included was the idea that taxes could not be collected by force, but only by legal means.

Soon, judges began making laws themselves in an interesting way. When a judge decided a case according to his understanding of the written laws, that judge's decision was often followed by other judges. We call such original decisions *precedents*. Much of our modern law is decided because of precedent. This sort of law became known as *common law* in England. English common law has had much to do with the laws by which we live today.

In the years following the signing of the Magna Carta, the rich and powerful people began to have more to say about the laws. Even the common people began to have a voice in lawmaking. The rights of the people became more important in laws that were passed.

By the time the United States declared its freedom and was ready to write a constitution, many people were concerned with the rights of

the individual. This is why the Bill of Rights was added to the U.S. Constitution.

Today our legal system follows definite patterns. We have libraries of laws that were made to help us live together in a reasonable and just manner. Our civil laws and civil courts are set up to guide people in their relationships with one another. The civil law settles disputes between individuals and provides ways to right legal wrongs. Criminal laws and courts handle wrongdoings against society. Even though the crime may have harmed only one person, it is still considered a crime against all of society. For this reason, each person hires his or her own lawyer in a civil suit. In a criminal case, the person accused of a crime gets his or her lawyer, and the government hires the prosecutor to represent the people.

Even though they are based on logical ideas, our laws are often quite complicated. No book can explain the law entirely as it affects you. That is the job of a lawyer. This book can, however, help you to understand some of your obligations and responsibilities under the law. In thinking about the law, keep the following legal facts in mind.

The U.S. Constitution is the highest law of our land. Laws passed by the U.S. Congress can become part of the Constitution if they are passed as constitutional amendments. Next come state constitutions and laws. No state, though, can pass a law that goes against the U.S. Constitution, or laws of the United States. At the next level are county and local constitutions and laws. Again, these rules cannot go against either state or federal rules.

## EXERCISES

- So that the facts we have just discussed become clearer, here are a few things committees of students might look up and report to the class.

1. What were some of the laws Hammurabi made? How did his punishments compare with those of today?
2. How did the Magna Carta happen to be signed? How well did it work?
3. Our Bill of Rights is made up of the first ten amendments to the Constitution of the United States. Read these amendments and rephrase them so that everyone in the class can understand them. Discuss the Bill of Rights as a group and decide how important it is to each of us today.