

Fairy Tails Can Show Due:  
It can happen for you,  
If you play your part.

State v Gold E. Locks



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# Fairy Tails Can Show Due: It can happen for you, If you play your part.

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In this lesson students will engage in, or view, a Reader's Theater focusing on the story of Goldilocks and the Three Bears. The story will be used as a springboard into a videotaped mock trial of Gold E. Locks developed by the American Board of Trial Advocates (ABOTA). Students will be challenged to identify and explain how Goldilocks benefits from due process provisions found in the US Bill of Rights.

**Rationale:** This lesson is designed to help students understand the meaning of due process and the constitutional provisions that guarantee it.

**Audience:** Grades 4-5.

## **Benchmark Addressed:**

- Civics 2 [Politics] - Students will understand the principle of due process means that the government must follow its own rules when taking actions against a citizen.
- Civics 3 [Citizenship] – Students will identify the fundamental rights of all American citizens as enumerated in the Bill of Rights.

**Content:** Due process protects American citizens by requiring government to pass and follow *fair* laws (substantive due process), and to treat people *fairly* (procedural due process). The term “embodies a system of rights based on moral principles so deeply embedded in the traditions and feelings of our people as to be deemed fundamental to a civilized society as conceived by our whole history. Due Process is that which comports with the deepest notions of what is fair and right and just.” (Solesbee v Balkcom, 1950, Frankfurter, J., dissenting).

While due process applies in civil as well as criminal cases, it applies centrally to criminal procedures and the Constitution specifically enumerates the fundamental rights of an accused such as the right to counsel and the right to a trial by jury. The inclusion of a separate due process clause in Amendments V and XIV broadens the requirement of fairness beyond the enumerated rights to include protections such as the presumption of innocence and the requirement placed on the prosecution to prove its case “beyond a reasonable doubt.” While the 5<sup>th</sup> Amendment offers protections from federal abuse, the 14<sup>th</sup> Amendment extends these protections to state governments.

Due process is part of the American political system because history has shown that governments have a great deal of power and resources and have used them in ways

that harm people and ignore individual rights. People need to be protected from those who have power. Due process is one constitutional mechanism for protecting individuals from the exercise of arbitrary government power.

Amendments V and VI contain fundamental protections guaranteed to individuals who are accused of a crime. The guarantees include protections against double jeopardy and self-incrimination as well as the rights to counsel, a speedy and public trial, to be informed of accusations, to be confronted with witnesses, to obtain friendly witnesses. The due process protections are triggered when a government attempts to deprive a person of life, liberty, or property.

### Essential Questions:

- What is due process and how does it protect individuals?
- How does the Bill of Rights attempt to honor the principle of due process?

**Vocabulary:** Constitution, amendment, due process, fundamental, offence, impartial compulsory, counsel, defense.

### Materials Needed

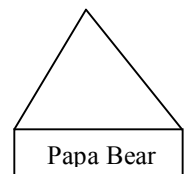
- Handout 1: *Script for Goldilocks Reader's Theater* (5 copies for the 5 "performers").
- Handout 2: *Amendments V & VI to the Constitution* (copies for entire class).
- Handout 3: *Due Process Protections* (1 transparency).
- Handout 4: *Gallery Walk Worksheet* (copies for entire class).
- Handout 5: *Rights that Help Insure Due Process*
- Class copies of assessments: page 17.
- American Board of Trial Advocate's (ABOTA) *Justice by the People* curriculum kit – videotaped mock trial of Gold E. Locks.

### Procedures

1. Prior to class, select 5 students to read roles in a Reader's Theater about the story of Goldilocks and the Three Bears. The roles include *Storyteller*, *Goldilocks*, *Mama Bear*, *Papa Bear*, and *Baby Bear*. You may want to give the script (**Handout 1**) to those playing roles a day or two before the performance to allow them time to read over their parts.

### Day 1

2. Tell students that they are going to be treated to a performance by the Almost Ready for Prime Time theater troupe. The performance is based on a story with which most of them are quite familiar but there will be a twist.
3. Conduct the Reader's Theater (Handout 1). Use string to create identity plates (see pp. 11-12) that can hang around the necks of the performers so that the audience knows which character (e.g. Storyteller, Goldilocks etc.) is speaking during the performance.
4. Conduct the Reader's Theater. Allow the performers to read from the script.
5. After the Reader's Theater, ask students...



- a. with which crime(s) is Goldilocks charged?
  - b. why is Goldilocks charged with each crime?
  - c. do you think that the police had reasonable grounds to arrest Goldilocks?
  - d. how should Goldilocks be punished?
6. Have students work in small groups to come up with what they think would be a “good” punishment for Goldilocks. Have students share their proposed punishments and explain why they think their punishments are “good.”
  7. Ask the students if they think that the procedures leading up to their punishments of Goldilock’s were fair. Follow-up with...
    - a. Have you ever been accused unjustly of doing something wrong? [You may or may not want to invite examples]
    - b. Have you ever been punished unfairly for something that you did not do? [Again, you may or may not want to invite examples]
    - c. Did you *presume* Goldilocks was guilty? Was this fair?
    - d. Could Goldilocks have been treated more fairly? What if Goldilocks had a legitimate excuse for her behavior? Did she have time to explain herself?
    - e. What if you had been Goldilocks? Would you have felt that you were treated fairly?
    - f. How might Goldilocks have been treated more fairly?

## Day 2

8. Write the term “due process” on the board. Explain that due process refers to the requirement that government act fairly and in accordance with fair laws. The key concept is *fairness*. The due process requirement involves two aspects of fairness. First, the *laws* that government passes must be fair. Second, the manner in which government *treats* people must be fair.
9. Tell students that, in the United States, we have developed lawful procedures designed to make sure that our government does not treat those who have been accused of crimes unfairly. In fact, we believe so strongly that people must be protected from unjust actions that we have written fundamental protections into the laws of our land i.e. the United States Constitution [you may have to explain what the Constitution is].
10. Place students in small groups. Give each group chart paper and markers and invite them to create a web (start with the term *due process* in the center circle) that illustrates some laws that afford due process to those who are accused of a crime and that government must follow so that accused individuals are protected and treated fairly. Have the groups display and explain their webs.
11. Tell the students that they are now going to look at some of the protections afforded to American citizens under our Constitution. Distribute copies of **Handout 2: Amendments V and VI**. You may want to take time to explain what an amendment is. Ask the students to work in their groups to generate a list of fundamental rights that are found in Amendments V and VI. Tell students that they might struggle with some of the language but that they should do the best they can to interpret the meaning of the texts. Assure them that you will help clarify the meaning of the Amendments when they finish. Linda Monk’s *The Words We Live By* and Russell Freedman’s *In Defense of Liberty: The Story of*

- America's Bill of Rights* are excellent sources of background information on both Amendments (see bibliography).
12. Go around the room asking each group to identify and explain one right that they came up with until the groups exhaust their lists.
  13. Display a copy of **Handout 3: Fundamental Rights of An Accused**. Go down the list one at a time and explain each of the listed rights found in Amendments V and VI. Check for understanding and clarify. Ask students to offer examples to demonstrate their understanding (e.g. an example of double jeopardy).
  14. Distribute pieces of blank paper (crayons or colored pencils optional) to the students. Ask students to work with a partner, select one of the rights listed on the transparency, and draw (come up with a sketch or cartoon) that offers an artistic interpretation of the right which they selected. Tell them to identify the right (e.g. *right to an attorney*) on the **BACK** of the drawing. Collect their drawings without having the students explain them. After class, place a number on the front of each drawing and post them around the room. Select some of the better drawings to invite accurate predictions as well a range of rights. You can tell students that you selected the drawings randomly.

### Day 3

15. Gallery Walk. Distribute copies of **Handout 4: Gallery Walk Worksheet**. Assign small groups of students to each drawing that is posted around the room so that there are relatively equal numbers of students standing under each drawing. Tell them that their task is to try to figure out which right each drawing represents. They are to write the numbers of each drawing in the left hand column on their handout. For example, if drawing #1 represents the *right to counsel*, students should write #1 in the right hand column next to *right to counsel*. Tell students to rotate clockwise around the room (when you tell them to) until they have analyzed every drawing. Give them approximately 60-90 seconds at each drawing.
16. Ask each pair who has their drawing posted to stand under their drawing and explain what right their drawing represents and how that drawing illustrates it. Have the rest of the class compare the pairs' explanations to the guesses that they made on their Handout 4. Be sure to clear up any misconceptions that arise during the pairs' explanations.
17. Revisit Key Concept: Project a transparency copy of **Handout 5: Guarantees of Due Process** on the screen. Review the definition of due process and the rights that an accused individual has under that protection. Ask students to give examples of each right or protection as you present them. Encourage transfer by asking students to think of other situations in which due process protections might be triggered (e.g. being accused of violating a school rule).

### Day 4

18. Mock Trial of Gold E. Locks: Show the ABOTA Video – have students identify any due process protections that have surfaced when the video reaches “Stop” points.

19. Jury Simulation: Place students in groups of approximately 12 and have them deliberate a verdict in the Mock Trial of Gold E. Locks (jurors in the video do not render a verdict).

NOTE: The *Justice by the People* curriculum kit offers a curriculum guide with engaging lessons designed to help students understand the history and value of the right to trial by jury. It also teaches students how a trial by jury is conducted. You may want to give special consideration to the following lessons:

- ◆ *Lesson 2* offers a very creative strategies that can be used to teach students about different types of trials (e.g. by ordeal, oath, combat, and jury) and invites them to consider the advantages and disadvantages of each.
- ◆ *Lesson 3* involves students in a simulation of the jury selection process (voir dire) enabling students to understand how jurors are selected and why they are selected in the manner that they are.
- ◆ *Lesson 5* offers more detailed and extended ideas on how to engage the students in a simulate jury in the case of Gold E. Locks.

### **Debrief**

Revisit the essential questions for this lesson with the students:

- What is due process and how does it protect individuals?
- How does the Bill of Rights attempt to honor the principle of due process?

### **Extension**

Show Part I of the videotape included in the *Justice By the People* Interactive Curriculum kit. This segment of the videotape explains and illustrates the history of trial by jury.

## **References**

Freedman, Russell. (2003) *In Defense of Liberty: The Story of America's Bill of Rights*. Holiday House. New York.

Hall, Kermit L. (ed.). 2002. *Oxford Companion to American Law*. Oxford University Press. New York.

-*Justice By the People: An Interactive Curriculum*. (1998). Foundation of the American Board of Trial Advocates. Dallas, TX.

Monk, Linda. (2003). *The Words We Live By: Your Annotated Guide to the Constitution*. A Stonesong Press Book, Hyperion. New York.

# Handout 1

## Reader's Theater

# Gold E. Locks and the Three Bears



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## **The Characters**

Storyteller      Father Bear      Mother Bear      Baby Bear      Gold E. Locks

## **The Story**

### Storyteller

Once upon a time there were three bears. They lived in a house in the woods. One morning Mother Bear got up and went downstairs to the kitchen. She made a big pot of porridge.

### Mama Bear

“Wake up, Father Bear. Wake up, Baby Bear. It’s time for breakfast.”

### Storyteller

Mother Bear put the porridge into three bowls. There was a big bowl for Father Bear, a middle sized bowl for Mother Bear, and a small bowl for Baby Bear.

### Papa Bear

“My porridge smells good, but it is too hot.”

### Mother Bear

“My porridge smells good, but it is too hot.”

### Baby Bear

“And my porridge smells good, but it is too hot. I can’t eat it.”

### Papa Bear

“Let’s all go for a walk in the woods until the porridge cools off.”

### Storyteller

So they shut the door and went for a walk in the woods. Just then Gold E. Locks came by and saw the house of the three bears.

### Gold E. Locks

“I wonder who lives in this house. I’ll go inside and have a look.”

### Storyteller

So Gold E. Locks pushed open the door and went inside. She looked at the kitchen table and she saw the three bowls of porridge.



Gold E. Locks

“That porridge looks good. I’ll just taste some. ”

Storyteller

Gold E. Locks picked up a spoon and she tasted the big bowl of porridge.

Gold E. Locks

“I don’t like this porridge. It is too salty. ”

Storyteller

Then she tasted the middle sized bowl of porridge.

Gold E. Locks

“I don’t like this porridge. It is too sweet. ”

Storyteller

Then she tasted the small bowl of porridge.

Gold E. Locks

“This porridge is just right. Yum! Yum! ”

Storyteller

And Gold E. Locks ate it all up.

Gold E. Locks

“Oh, dear! I am tired. I must sit down just for a bit. ”

Storyteller

Gold E. Locks looked around the room and saw three chairs. She saw a big chair for Father Bear. She saw a middle sized chair for Mother Bear. And she saw a small chair for Baby Bear.

Gold E. Locks

“I think I will sit down over there.”

Storyteller

Gold E. Locks tried the big chair first.

Gold E. Locks

“This is too hard!”

Storyteller

Then she tried the medium sized chair.

Gold E. Locks

“This is too soft.”

Storyteller

Then she tried the littlest chair.

Gold E. Locks

“This seems just right.”

Storyteller

Gold E. Locks bounced up and down on the chair to see how comfortable it was. Suddenly, the chair broke into pieces.

By this time Gold E. Locks was really tired. She went upstairs to see if there was a place where she could lie down. She found three beds and went right over to the biggest bed.

Gold E. Locks

“This is too high in the head!”

Storyteller

Next she tried the medium sized bed.

Gold E. Locks

“This is too high in the feet!”

Storyteller

Finally, she laid down on the littlest bed.

Gold E. Locks

“Ahhhhh! This is just right!”

Storyteller

Just then the three bears returned from their walk and headed to the kitchen for their porridge.

Papa Bear

“Someone’s been eating my porridge!!!”

Mama Bear

“Someone’s been eating my porridge!!!”

Baby Bear

“Some little rascal’s eaten all of my porridge!!! There ain’t nuttin’ left! Nadda, zilch, zero!”

Storyteller

Papa Bear ran immediately into the living room.

Papa Bear

“Someone’s been sitting in my chair!”

Mama Bear

“Hey...Someone’s been sitting in my chair, too!”

Baby Bear

“Yo dudes...first my porridge, now my chair! It’s trashed!”

Storyteller

The three bears were almost afraid to go up to the bedrooms. But they did.

Papa Bear

“My sheets are a mess! Someone’s been in my bed.”

Mama Bear

“Mine too!”

Baby Bear

“There she is!” [Everyone - point to Gold E. Locks] “Let’s get her!”  
[Everyone grab Gold E. Locks]

Storyteller

Papa Bear called the local police who then arrested Gold E. Locks and charged her with the crime of trespassing. Gold E. is awaiting trial.

Storyteller

Gold E. Locks

Papa Bear

Mama Bear

Baby Bear

## **Handout 2**

### **Amendments V & VI to the Constitution**

#### **Amendment V**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

#### **Amendment VI**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

## **Handout (Transparency) 3**

### **Due Process Protections: The Fundamental Rights of an Accused**

#### **Double jeopardy**

The government cannot try a person a second time for committing the same crime after he or she has been found not guilty.

#### **Self-incrimination**

The government cannot force a person to testify against himself or herself.

#### **Due Process**

The government must pass fair laws and treat people fairly.

#### **Speedy trial**

The government cannot keep a person in jail for unreasonable amounts of time as he or she awaits trial.

#### **Public trial**

The government must allow people to see ho

#### **Informed of accusations**

The government must tell people what they are charged with.

#### **Confront witnesses**

The government must allow a person who has been charged with a crime to ask questions of witnesses who might testify against him or her.

#### **Obtain friendly witnesses**

The government must help a person who has been accused of a crime to get witnesses who might help show that he or she is not guilty.

#### **Obtain counsel**

The government must allow a person who has been accused of a crime to have a lawyer to help argue his or her case.

### **Rights Not Listed But Guaranteed**

#### **Presumption of Innocence**

The government must presume that a person who has been accused of a crime is innocent until they are found guilty.

#### **Burden of Proof**

The government, not the accused, must “prove” its case i.e. that a person is guilty. A person who has been accused of a crime does not have to prove that they are not guilty.

## Handout (Transparency) 4

### Gallery Walk Worksheet

Name(s) \_\_\_\_\_

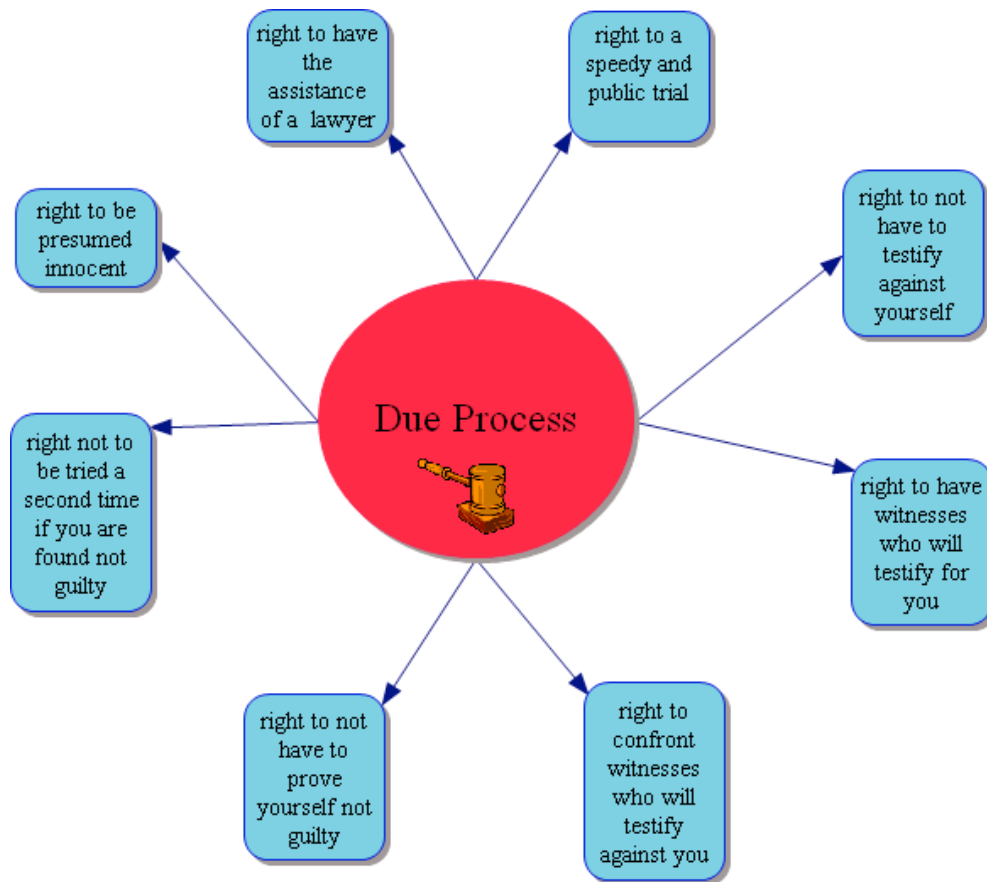
#### Due Process Protections The Fundamental Rights of An Accused

<b>Rights</b>	<b>Which drawings illustrate each right? Place the drawings' numbers below.</b>
Double jeopardy	
Self-incrimination	
Due process	
Speedy and public trial	
Informed of accusations	
Be confronted with witnesses	
Right to obtain friendly witnesses	
Right to counsel	
Presumption of Innocence	



## Handout 5

# Rights that Help Insure Due Process





1. Selected Response - Which of the following is government expected to do under the principle of due process?

- a. act justly
- b. act fairly
- c. act openly
- d. act honestly.



2. Extended Response - How might the person on the left side of this picture be protected by due process? Why should he be protected?

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