

Bring the Courtroom to the Classroom: Develop Civic Awareness with Simulation Activities

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Several years ago, when I was teaching high school English in the Chicago area, I received a summons for jury duty. My first reaction was to groan in anticipation of sitting for days in a room with other people reluctant to be there, waiting to be called and ultimately being dismissed and sent home. As a teacher, I realized that missing several days of class would be very disruptive for my students and for me.

At the courthouse, I found that most of the people who had been called for jury duty shared my feelings. Most prospective jurors wished to avoid serving, to get back to their jobs, and to avoid getting involved. When we as potential jurors were interviewed, many people argued that they should not be selected, that they had been prior victims of crimes, that they were bigoted against the ethnic group of the defendant, or that they were indispensable at their work.

As I watched the judicial process unfold, I began to feel very strongly

that if I were interviewed for a jury position, I should try to cooperate. One thing that I learned in my orientation to jury trials is that the United States' system of trial by a jury of one's peers is based on the common law system that was developed in medieval England and that prevails today in most English-speaking countries. (In the United States, Louisiana adheres to civil law, which is based on Roman law that was later codified as the Code Napoléon of 1804.) Were we all to abnegate our responsibility to serve on juries we would have no judgment-by-peers court system.

I had been called to serve as a potential juror in a murder trial. The crime was of the sort that happens all too frequently in large cities: Members of rival gangs had an argument outside a bar, and a member of one gang had shot and killed a man who, it turned out, was a cousin of a member of the other gang. The defendant was being tried for murder, although the prosecution was not asking for the death sentence, which often deters citizens from jury duty.

In the process of jury selection, each person is interviewed by both teams of lawyers. The judge may excuse a person from serving if the per-

son might be prejudiced for or against the defendant, is related to or a friend of one of the lawyers, has been a victim of a violent crime, and so on. Even if the person is acceptable, either lawyer can veto the selection for many reasons. In my case, I survived the interviews and was selected for the twelve-member jury that would judge one of our fellow citizens on the basis of the evidence of the case.

I consider participating on that jury one of the most important services I have ever performed, one that heightened my appreciation for the judicial process and taught me a great deal about how our country works. When the judge found out I was a teacher, he said, "You'll have some pretty interesting things to talk about with your students after this." The judge turned out to be right.

After I returned to my classes, my students wanted to know about the trial. The case, as it turned out, was pretty clear-cut: the defendant had been in an argument and had then run off to a building several blocks away, obtained a gun, and returned to shoot his victim. His lawyer tried to argue for either self-defense or voluntary manslaughter, both of which were not really plausible because after the

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defendant had run away he chose to return and kill his antagonist instead of remaining at a safe distance.

As I thought about the case, I realized that if a few facts had been different, the case might have been more difficult to resolve. I decided to re-write the case for my students, rearranging the facts in order to make the case more problematic. My goals were to teach students how the jury system works, to engage them in a discussion of a highly problematic situation, and to have them write essays to justify their verdicts.

The following activity is based on the murder trial. I made a number of changes in the story to make it suitable for the classroom, changing some testimony to make the case more difficult to resolve. I created a few new characters and compressed several witnesses into one character to create different perspectives. The principal actors of the case had been natives of Mexico, Puerto Rico, and Iraq. To avoid perpetuating stereotypes of inner-city minorities, I Anglicized their names and reworked their language. Finally, I consolidated each witness's testimony into a single block rather than have testimony interspersed with lawyers' questions. Each witness's testimony appears as a single statement, and this better suits the limitations of the classroom. This form did not seem to affect my students' involvement in the activity.

The Murder Trial Activity

The following activity puts students in the position of being jury members judging a person accused of murder. It is based on a real murder trial that took place in a circuit court in Cook County, Illinois. The names of the individuals, gangs, and locations have been changed, and the testimony has been reconstructed to fit the purposes of this activity.

Students need to remember the following information:

- The legal terms that describe the three possible charges for taking

a life—*murder* (which carries a very heavy sentence), *voluntary manslaughter* (which carries a moderate sentence), *self-defense* (which absolves the killer of guilt and sets him or her free).

- A brief statement of certain facts concerning the incident.
- The testimony of several witnesses.

Reviewing the Case

Students, in small groups of six to eight, examine the extended definitions of the three types of killing, and then look at the facts and testimony from the case. They discuss the events of the case and try to determine what really happened. Was the testimony of the various witnesses consistent? Where did they differ? Which testimony was more credible? Why? Students should take notes as they discuss the case because they will write a composition after the deliberation.

Defining the Charge

To help jurors decide how to judge a defendant, the Circuit Court System of Cook County, Illinois, provides descriptions of different charges for taking a life. In this court case, the students will classify the defendant's behavior as *murder*, *voluntary manslaughter*, or *self-defense*. In an actual court, the jurors are only provided with the description of each charge. For this activity, students receive additional information to help clarify the definition, an example of a situation that meets the criterion, a contrasting example that seems to meet the criterion but lacks some essential ingredient, and a warrant that explains why the example does or does not illustrate the criterion.

Murder

The charge for taking someone's life is murder if one of the following criteria is met.

1. A person intends either to kill or injure another person critically or

knows that the act he or she intends to commit could cause death.

Example: Joe fires a gun at Bob with the intention of killing him. *Warrant:* The act is murder because it is intentional with the knowledge it could cause death.

Contrasting Example: Joe believes his gun is not loaded. He playfully points it at Bob and pulls the trigger, killing him. *Warrant:* The act is unintentional and therefore not murder.

2. A person knows that the act he or she commits creates a strong probability of death or serious injury.

Example: Bob puts arsenic in Joe's coffee, knowing that the poison will probably kill him. *Warrant:* Because the act is intentional and Bob is aware of the consequences, it satisfies the criterion.

Contrasting Example: Bob puts sugar in Joe's coffee, not knowing that Joe has a lethal allergy to sugar. *Warrant:* Bob is unaware of the consequences of his act, and therefore, his action is not murder.

3. A person attempting a forcible felony such as kidnapping, hijacking, arson, armed robbery, or rape kills a person in the process.

Example: Joe, in robbing a bank with a loaded gun, shoots and kills a guard, who had shot first at Joe. *Warrant:* The act takes place during a felony and therefore is murder.

Contrasting Example: Joe observes Bob shoplifting clothing from Joe's store and begins to chase him. When Joe catches him, Bob pushes him down, causing Joe to strike his head on the ground and die from a severe concussion. *Warrant:* Although Bob has killed Joe while Bob was committing a crime, the crime is not a felony and so the act that caused the death is not murder.

Voluntary Manslaughter

Taking someone's life is voluntary manslaughter if one of the following criteria is met.

1. A person acts with sudden and intense passion after being seriously provoked by the person killed.

Example: Joe in his car is being followed and harassed by Bob who is using his car to bump and swerve into Joe's car. Bob, angry because Joe has married his ex-wife Sally, forces Joe's car off the road. They both get out of their cars and argue heatedly. Bob makes lewd and obscene remarks about Sally's extra-marital behavior and about Joe's mother's extra-marital behavior. Joe punches Bob, kill-

ing him. *Warrant:* The combination of the threatening actions with the car and the insults to his wife and mother have provoked Joe to a sudden and intense passion, so the act is voluntary manslaughter. *Contrasting Example:* Bob's car runs into Joe's car at an intersection. They get out of their cars and argue about whose fault it is. When Bob accuses Joe of running a stop sign, Joe strikes and kills Bob with a tire iron. *Warrant:* The initial situation was not serious enough to be called "seriously provoked," so this is not voluntary manslaughter.

2. A person acts with a sudden and intense passion after being seriously provoked and tries to kill the person provoking him or her but accidentally kills someone else.

Example: Joe breaks into Bob's house and begins to shatter Bob's collection of priceless Ming vases. Bob's mother tells him to stop, but he continues and then threatens her with bodily harm, calls her obscene names, and spits in her face. This enrages Bob, who pulls a gun and shoots at Joe. He misses and the bullet accidentally kills the butler. *Warrant:* Because the combination of destruction of precious property and the disrespect and threats to his mother had provoked Bob to a sudden and intense passion, the act is termed voluntary manslaughter.

Contrasting Example: Joe ridicules Bob's haircut. This enrages Bob who pulls a gun, shoots at Joe, and misses. The bullet accidentally kills an innocent bystander. *Warrant:* The insult is about a minor issue, and therefore, Bob has not been seriously provoked. This is not voluntary manslaughter.

3. A person incorrectly but honestly believes that if he or she does not kill the other person, his or her own life will be endangered.

Example: Joe shoots and kills Bob, who had been threatening him with a gun. Joe finds later that Bob's gun had not been loaded. *Warrant:* Because he honestly believes his life has been in danger, Joe has committed voluntary manslaughter.

Contrasting Example: Bob owns a store that Joe enters, looking very suspicious and seeming to have a gun in his coat pocket. Bob, thinking that Joe might rob and kill him, pulls out a gun and kills Joe. *Warrant:* Because the threat is not certain, this is not voluntary manslaughter.

Self-defense

Taking someone's life is done in self-defense if one of the following criteria is met.

1. A person reasonably believes that he or she is in imminent danger of death or great bodily harm and has exhausted every reasonable means to escape the danger other than by using deadly force.

Example: Sally who is threatened by a rapist in a deserted part of a city first screams for help and then tries unsuccessfully to defend herself with physical resistance. She finally shoots the rapist when she has no other means of defending herself. *Warrant:* Because she has tried several means of escape and is still greatly threatened, this act is one of self-defense. *Contrasting Example:* Joe asks Sally for the time when she is walking in a dangerous part of town. She walks faster and he follows. When he puts his hand on her shoulder, she turns and shoots him fatally. *Warrant:* Because she has only tried one means of escape, this act is not considered one of self-defense.

2. If two people are involved in physical confrontation and one person withdraws from physical contact with the other person and indicates clearly to the other person that he or she wishes to withdraw and stop the use of force, but the other person refuses and continues to use force, any action by the person wishing to withdraw is an act of self-defense.

Example: During a heated argument and knife fight, Joe offers to stop fighting, but Bob refuses and again attacks. Joe then stabs Bob to death. *Warrant:* Because Joe has done everything possible to end the conflict, his act of stabbing is one of self-defense.

Contrasting Example: During a heated argument and knife fight, Joe backs off to catch his breath. Bob then attacks and Joe stabs him to death. *Warrant:* Joe did not pause to end the conflict but only to rest, so Joe's act is not done in self-defense.

The Case

In the following case, students should classify the defendant's behavior as murder, voluntary manslaughter, or self-defense.

Facts of the Case

On Saturday, July 16, at 10:30 PM, John Tyler, aged 28, was shot with a handgun fired by Jeff "Ace" Johnson. Tyler died ten minutes later from the bullet wound. The shooting fol-

lowed an argument and fist fight on the sidewalk in front of Hank's Tavern at the corner of 17th Street and Broad Street. The people involved in the argument and fist fight were Tyler's cousin, Jerry Knight, aged 22, who was a member of the Jukers street gang, and Jeff "Ace" Johnson, aged 20, a member of the Cobras street gang. The deceased was not a member of any street gang. At the trial eleven months after the incident, the accused is being defended by a successful private attorney, Baxter Newsome. The prosecutors are two attorneys for the state, James Lincoln and Hannah Grimes.

Testimony

The testimony of various witnesses called to the stand during the murder trial reflects the opinions and viewpoints of people involved in the case. Often the testimony of one is in conflict with one another. The jury, and here the students, must decide which witnesses are the most believable. Students must remember that in a real court case, testimony does not come in neat paragraphs as it is presented here, but rather as responses to lawyers' questions. Lawyers' questioning can be tedious and repetitive. They ask the same questions over and over again, trying to get many different witnesses to tell the same story for the jury to believe. To avoid the repetition of the actual interrogation process, each defendant's testimony here is condensed to a single account that includes information about their jobs and their criminal records that would have come from the lawyers' questions.

David Rodriguez, 42, detective, Gang Crimes Division, City Police

Every gang has its own hand signal, colors, and insignia. When gang members greet each other, they give their gang hand signal. When they want to insult the members of another gang, they use the word "killer" after a rival gang's name. In this case, if a Juker said "Cobra Killer" to a Cobra, it would be a great insult, one that a Cobra could not back down from. If a

Cobra did not accept the challenge of someone who had said this to him and his fellow gang members found out about it, they would beat him to a pulp. This way, the gangs ensure loyalty, because they will beat one of their own if they feel he does not protect the gang's reputation. Gang members often fear retaliation from their own gang much more than they fear the other gangs. Gang members have a very special loyalty to one another, and if they don't stand up for the reputation of the gang, they commit an act of great betrayal.

Another way to insult a member of a rival gang is to make his gang's hand signal and point it towards the ground. This is known as "throwing down" the gang's sign and is an insult that a gang member must respond to or else be out-cast by his own gang.

Every gang has its own neighborhood called its turf, with very specific boundaries that it enforces. Each gang knows the boundaries of other gangs' turf. A gang owns its turf, and controls all criminal activities within it, and members from other gangs who trespass anywhere within its boundaries are subject to harassment and whatever physical abuse, including murder, the gang can inflict upon them. This is part of the unwritten code followed by all of the city's street gangs: Each can protect its turf as vigorously as they think is necessary to retain their control over it.

Gang members rarely carry guns. Usually, their girlfriends carry the guns for them because the girls are less likely to be stopped by police for searches and questioning. The girls usually are part of an auxiliary gang and often have names based on the boys' gangs. The West Side Kings, for instance, are complemented by a girls' gang called the West Side Queens. The girls are usually in the vicinity of the boys, and when one of the boys needs a gun, he simply tells a girl to give him one.

Chau Vuong, 37, detective, Violent Crimes Division, City Police

The Jukers and Cobras occupy turfs that are adjacent to one another. The borderline between the two is Harrison Street; the Jukers are to the east, and the Cobras are to the west. The Cobras are a much bigger gang, with about forty members, plus about twenty Cobra Queens. The Jukers only have about fifteen members, plus about five or six girls that hang around with them. The Cobras have a much bigger turf and are involved in far more criminal activity.

Both Hank's Tavern and Frank's Hot Dog Stand are located on the Jukers' turf, at the corner of 17th and

Broad. This is just a short block away from Harrison Street, so it's very close to the Cobras' turf. Gangs usually stay on their own turf, but the Cobras, because they're so big, will often travel in packs into the turf of neighboring gangs. This is usually where we have trouble, around the borderlines that separate gang turfs. This isn't the first time that these gangs have fought around this intersection.

Jerry Knight (cousin of the deceased), 22, unemployed, a member of the Jukers. Criminal record: Assault and battery, (six months probation) and petty theft (30 days in county jail)

That night a bunch of us were playing softball, and after we were done we went over to the bar to have some sandwiches and beers. We brought our gloves and bats into the bar with us because, you know, if we left them in the car they might get stolen.

We started playing pool and having a good time. We were drinking beer, but none of us was drunk. Well, after a while I went to stand in the doorway because it was getting kind of stuffy in the bar with all that smoke and all, plus it was a hot night you see, and I saw those Cobras walking on the street in front the bar. So I yelled at them to get off our turf and go home. They yelled some stuff back at us and me and Ace started to mix it up pretty good.

By this time a bunch of my boys were out in the street watching and making sure that none of the other Cobras joined in to help Ace. Well, then I'm not sure what happened, because you see, I was still fighting. But I think my cousin John tried to break up the fight, because he doesn't like any trouble, see, he's not in the gang. He pushed us apart, and the next thing I know Ace has a gun and shoots John in the stomach. The Cobras all ran, and we called an ambulance for John, but it was too late. He was dead.

Michael "Speedy" Clark, 21, part-time attendant at Broadway Car Wash, Cobra. Criminal record: Reckless driving (\$150 fine), possession of cocaine (sentence: 3 months probation), armed robbery (sentence: 2 years, state penitentiary), possession of marijuana and amphetamines (sentence: 6 months probation)

Testimony #1 (sworn statement after having been picked up by the police on the night of the killing): We were over at my place playing cards tonight. Me, Ace, Rosie, Bopper, and Slick. We stayed there all night, just having a little fun together.

Testimony #2 (sworn statement two weeks after the killing, when questioned

by Detective Rodriguez at police headquarters): That night we were playing poker at my place, and then we went out for some hot dogs at about 10:00. We didn't want any trouble, because some of us got to report to our parole officers. We just wanted some dogs. So we went to Frank's, where the dogs are pretty good. Lots of times the Jukers hassle us if we go there, but we thought we'd be OK if we hurried. When we were leaving, a Juker started cussing us and telling us to leave, so we left. Like I said, we didn't want any trouble.

Testimony #3 (in the courtroom): Me and the boys were hungry, so we decided to go get some hot dogs. We went to Frank's because we like the food there. I didn't want to go because I just got out of jail and didn't want any trouble and those Jukers were always beating on us when we crossed their turf, but the boys said it's OK, we'll just get our dogs and go. We got our dogs and were heading back, when this Juker, him over there (pointing to Jerry Knight) comes out and starts calling on us. He was yelling "Cobra Killer" and throwing down our sign and cussing us to get off their turf. Well, Ace, he didn't like that and started cussing him back. Then they started mixing. Then some other Jukers came out of the bar. They were carrying pool sticks and baseball bats. The one that got wasted had a pool stick and he came between Ace and him (pointing to Knight) and pushed them apart. Ace, he didn't waste any time. He got the gun from Rosie, because the Jukers all had bats and looked like they were going to kill us. Rosie was standing right behind him, so it only took a second. The guy with the stick looked pretty mad, like he was gonna come after us with the stick, so Ace he shot him and we all ran.

Ace, man, he never shot anybody before. I've seen him handle a piece (gun), but that was just fooling around, you know, shooting bottles and a few rats. But he never shot any people before. We don't do that kind of stuff. Us Cobras, you know, we just like to have fun, you know, we don't like to hurt anybody. If they weren't coming at us with those bats, Ace wouldn't have shot anybody.

William "Beano" Rose, 19, part-time suit bagger at O'Rourke Cleaners, Juker. Criminal record: Petty theft (sentence: 90 days, juvenile detention center), auto theft (sentence: 8 months, county jail), Drunk and disorderly conduct (sentence: 10 days, city jail)

We were cooling off at the bar after a softball game. It was really hot, see,

and after the game we were hungry and wanted a few beers. So we went over to Hank's because it's like our hangout, and had some sandwiches and drank a few beers. We weren't drunk, see, we just had a few beers to cool off because it was so hot. While we were there, some of us played some pool because that's what we like to do, see, we like to have a few beers and play some pool and just have a little fun. Most of us there were in the Jukers, but John (Tyler, the deceased), he wasn't in the gang. See, he's married and has got some kids, so he didn't want to be in a gang because he didn't want to get in trouble. He had this job, and he just wanted to work and make some money so he could take care of his family. But him and Jerry was cousins and were pretty tight, so he'd play softball with us sometimes and go out to the bar with us afterwards to have a few beers and cool off.

Well, that night we were inside the bar playing pool and Jerry went out to get some fresh air, because the air conditioner in the bar didn't work too good and it gets pretty smoky in there with everybody smoking cigarettes and all. So Jerry went to stand outside and get some air when he saw these Cobras on our turf, so he starts to cuss them and tell them to go home. They start cussing him back, so a few of us went outside to help Jerry just in case there was any trouble. I had been showing everybody in the bar my swing with the baseball bat, because you see I'd hit a couple of homers that night and everybody wanted to see my swing, and so I still had the bat in my hand when I went outside. John was playing pool, and when he heard Jerry arguing with the Cobras he ran outside because, you see, him and Jerry were pretty tight and he wanted to help him if there was any trouble. He went out so fast that he forgot to put his pool stick down. I know he must have forgot, because John he never wanted any trouble. But then, he didn't want his cousin to get hurt either.

So when they started fighting he went to break them up. He still had the stick in his hands. He pushed them apart. He was so strong that he could push them apart while holding the pool stick in one hand. Then Ace, he reached around and got a gun from the girl and shot John in the stomach. We were afraid to go after them because he might shoot us, too. Then they ran and we called an ambulance. But John was dead before they got there.

Hank Evans, 46, Owner and bartender at Hank's Tavern

The guys in the Jukers are regular customers of mine. Some of them come in almost every night, and on weekends, a lot of them stop in for a few beers. Some people in the neighborhood say that they're in a gang and are bad, but they never caused me any trouble. One time, they even stopped a guy who tried to hold me up. Right when he pulled his gun, a Juker threw a pool ball from one of the pool tables and cracked him in the head. The rest of the Jukers in the bar then jumped him and slapped him around a little, and threw him out in the street. They gave him a break, too, because they told me not to call the cops about it.

Anyhow, the night John got shot, a bunch of the Jukers were in having some beer, playing pool, and hanging out after their softball game. I remember I had to yell at Beano to quit swinging his bat in the bar, because he might kill someone. At about 10:30—I remember this, because it was right after they did the sports on the news—Jerry stepped out into the doorway, and the next thing I know he's in a fight with one of those Cobras. That's not such a big deal, because these boys like to get rowdy on the weekends, and lots of times they end up arguing and fighting even with each other, and anyhow they hate those Cobras. Well anyhow, just about everybody in the bar runs out onto the sidewalk. I had to stay inside to protect the cash register, plus there were some other customers in the bar who didn't care about the fight. The next thing I know I hear a shot, and everybody starts yelling to call an ambulance. I did, but John was dead when it got there.

John, he was a real sweet guy. He had himself a good job and a nice family. He was really strong, too, the best arm wrestler at the tavern, but he didn't like to fight or get in trouble. He'd usually have a few beers after a game, stay till maybe 10 or 11 o'clock, and then go home to his wife and kids, while the other guys would stay till I closed, or go off and stay out all night. I sure hated to see a nice guy like that killed by those gang-bangers.

Jeff "Ace" Johnson, 21, Unemployed, Cobra. Criminal record: Illegal possession of handgun (sentence: 30 days, juvenile detention center), possession of narcotics (sentence: 6 months, juvenile detention center), carrying a concealed weapon (sentence: 90 days, suspended sentence), armed robbery (sentence: 1 year, state penitentiary), assault and battery (sentence: 8 months probation)

It was Saturday night, see, and it was

really hot. We'd had a few beers and some wine up at Speedy's, and got hungry. We decided to go to Frank's. We got there and ate our food, and then started walking home. We didn't want any trouble, see, because some of the boys are on probation and didn't want to go back to jail. They aren't bad, you know, they'd just gotten into a little trouble.

But anyway, we were just minding our own business walking home, when this Juker (pointing to Jerry Knight) comes out of the bar and asks us what we're doing on his turf. We say we just come for some dogs and were going home. He starts cussing us and throwing down our sign like this (makes his gang hand signal and points it down). That's really bad, see, because he's saying our gang's no good. Then he starts saying "Cobra Killer" and that's bad too, like he wants to kill our gang. We just wanted to leave, but he was saying all that stuff and we got in a fight. All these others Jukers are around then and they got bats and sticks like they're really gonna stomp us. I was fighting him (points to Knight), but there were all these guys with bats and I thought they were gonna waste us. See, it's their turf and we were really outnumbered. Well, this one guy steps in to help him (points to Knight) and he's got a stick. I thought that I was dead now if I didn't do something fast. I broke away and Rosie gave me the gun. I shot at the guy with the stick. I didn't mean to kill him, just to scare him and maybe slow him down and keep the rest of the Jukers from hitting us with those bats. I mean, I was really scared I was going to die. That's why I shot him. Then we ran home so they wouldn't beat on us.

I never shot anybody before. I'd handled a piece, sure, but I just shot at bottles and a few cats. Shooting at people, man, that's bad. I never did that before. I only shot that guy because I was so scared they were going to kill me.

Donna James, 31, X-Ray technician at Good Shepherd Hospital

I'd just gotten off work—my hospital is just around the corner from the bar where all this happened—and was waiting for the bus at the stop at the intersection of 17th and Broad. I'd been there for a few minutes when these four guys and their girlfriend came out of the hot dog stand, acting like they owned the place, throwing their wrappers on the ground and talking loud and tough. I wait at that bus stop every night after work, and I see punks like that in there all the time. The food is almost as slimy as they are—I've eaten

there a few times when I was starved after work.

Anyhow, they came out, as I said, acting real tough, and made some lewd remarks at me that they thought were very funny. Of course I ignored them, the way I always do—you can't let these bums think that you actually are listening to any of their talk. So they just laughed and cussed me and kept going. But then this other guy (points to Jerry Knight) came out of the bar and started to curse them in incredibly foul language. I mean, I've lived in the city for a long time now, and I'm used to hearing street talk, but this was ridiculous. And they were making gestures at each other and cussing away—I just stood there hoping that the bus would get there so I could just leave.

The next thing you know one of the guys from the hot dog stand was fighting the guy from the bar, and right away the whole bar emptied out into the street. One of the men from the bar—he looked a little older than the rest, and had a pool stick in his hand—yelled something and tried to push them apart. Well, by this time people were crowded all around, and I couldn't see everything quite so clearly. Everyone was screaming things like "Hit him! Kill him!" but I couldn't tell who was shouting what. You see, the crowd had formed a kind of circle around the guys who were fighting, and I really couldn't tell who was on whose side. The man with the pool stick finally got them pushed apart, and he was holding that stick in his hand and looking very angry. I suppose he must have been 5 or 10 feet from the other guy (points to Jeff "Ace" Johnson)—I really couldn't say for sure. The next thing I knew that guy there (points to Johnson again) had a gun in his hand—I think he got it from that girl over there (points to Rosalyn "Rosie" Clay), but by now everything was happening so fast, and there were so many people shouting and moving about that I can't say for sure. He shot the man with the stick, and then everybody started screaming and running around more than ever. I think the group with the killer must have run away, but I was worried about the man who'd been shot and didn't notice. I stayed until the ambulance came, but there wasn't much I could do for him; I mean, he had a bullet wound, and all I do at the hospital is work with x-rays. He was dead before the ambulance arrived.

Students' Assignment

After studying the case, students should try to determine what really

happened. Then, they must make a decision about how to classify the killing. Of the three types of charges (*murder, voluntary manslaughter, and self-defense*), they must decide which charge applies to this case and justify their choice.

Before the groups begin to evaluate the evidence, they should select a jury foreman. The foreman acts as the group's leader and should have a strong, confident personality. The foreman makes sure that all jury members voice their opinions, without any members being too dominant. He or she takes charge of all voting, and insures that ballots are secret. The foreman makes certain that the jurors argue reasonably and that the defendant is evaluated according to the law and not according to the juror's feelings and prejudices. The foreman sees that the jurors are attentive to all of the evidence and testimony in the case, and not just those segments that are convenient to their perspectives.

In a trial of this type, the verdict must be unanimous. The jury's decision will determine to a large extent how the rest of the defendant's life will proceed: He may go completely free, or he may spend the rest of his life in jail. (The state is not asking for the death penalty in this case.) The jury's job is to classify the action. The judge will then determine the sentence. The trial, however, will not end until the jury has reached a unanimous decision. The groups must remember that in order to judge someone guilty, he or she must be determined guilty beyond a reasonable doubt. A jury should not judge someone guilty of a crime unless the evidence against him or her is overwhelming.

When the jury has reached a decision, each member of the group is responsible for writing an essay explaining his or her judgment about the defendant and classification of this incident. Using examples, students should explain how their decision meets each of the criteria in the type of killing they decided on. Then,

students should explain why they have not classified the action as either of the other two types. Because their decision determines the fate of another human being, students should strive to develop thoughtful, clear, and well-documented essays. Students should be aware of the need for thoroughness and responsibility, the hallmarks of good legal work.

Adapting the Activity

At the time I developed this activity, I was teaching in a high school that bordered the west side of Chicago. Because a number of my students were familiar with gangs, the activity fascinated them and brought a part of their world into the classroom. My own experience on the jury was characterized by continual amazement as I learned of gang codes and practices. The defending lawyer maintained throughout the case that the jury ought to judge the defendant by gang standards rather than by society's standards because those were the "real" laws that governed his life. My students, too, were riveted by the accounts from the gang subculture that existed so close to them and whose values seemed so antithetical to mainstream American society's.

When I described this activity to teachers from rural Oklahoma, they felt that their students would not find the case nearly as intriguing as my more urban students had. I was heartened, however, to find that they considered the concept of using court cases as the basis of teaching argumentation to be valuable. Together we generated a number of possible scenarios from local court cases that could serve as vehicles for similar types of activities.

Teachers who are looking for cases to adapt should consider several issues. The most important issue would be how the case tied in with the curriculum being taught? When I used the case I have described, it was in conjunction with a literary theme we were about to examine, the theme of justice in *Native Son*, and in the

context of composition instruction on extended definition. Teachers should use court cases that relate to and illuminate curricular issues. A second consideration would involve the students' interest in the particular case. A case with some local connection would seem to be a logical choice. The case would also need to be problematic or amenable to rewriting in order to make it ambiguous. The case, while controversial, should not suggest a political agenda on the teacher's part.

The activity I have outlined produced some of the most spirited dis-

cussions I have ever heard in a classroom and some of the clearest and most detailed writing. The jury discussions enabled the students to consider the case from a variety of angles, all of which they need to account for in their essays. Usually in a jury of eight students, some students will argue strongly for at least two of the possible verdicts. Students who are attentive during those discussions have a great deal of information from which to draw as they formulate reasons for their decision.

Beyond the quality of the discussions and the writing, the activity

helps students develop an understanding of our judicial system, which is one of the most important features of our democracy. I always stress to my students how extraordinary I found my own experience and how important it is for them to participate when called to jury duty. I will never know how successful I am in promoting greater involvement in civic affairs by my students, but I do know that their participation in this activity heightened their awareness of civil procedures and sparked, at least temporarily, greater interest in service to their community.

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