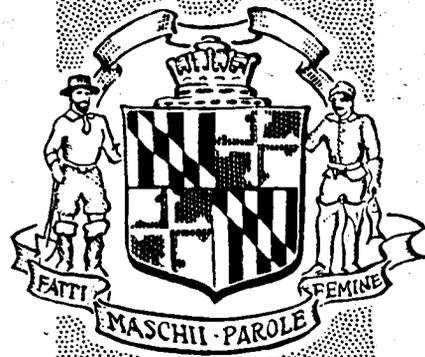


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A RESOURCE PROJECT IN SOCIAL STUDIES

# CITIZENSHIP AND THE LAW

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1327

MARYLAND STATE DEPARTMENT OF EDUCATION  
Baltimore, Maryland  
DR. JAMES A. SENSENBAUGH, SUPERINTENDENT

The development and production of these materials were made possible by a grant from the Office of Law Enforcement Assistance, United States Department of Justice

A RESOURCE PROJECT  
IN SOCIAL STUDIES

CITIZENSHIP AND THE LAW

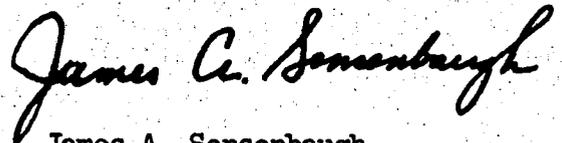
STATE DEPARTMENT OF EDUCATION  
BALTIMORE, MARYLAND  
Dr. James A. Sensenbaugh, Superintendent of Schools  
1966-67

## FOREWORD

Along with the population explosion in our state and around the nation in this era of national growth and development, we have experienced an alarming increase in the number of criminal acts committed by citizens of our communities. A very high percentage of these offenses are being committed by school-aged children eighteen years old and younger. At all levels of our society, there appears to be existing evidence of confusion and doubt as to how adequately some factions of our young people have learned to understand and respect law and law enforcement as they relate to responsible citizenship. Questions pertaining to the effectiveness of citizenship education given by the schools are being asked in communities across the land. There is little doubt but that many individual teachers and school systems within our state are presenting courses in citizenship and government with vision, creativity, and professional understanding. In numerous instances, demands to strengthen this area of instructional responsibility are being met in an extraordinarily effective manner. However, an opportunity is presented in the materials developed here to support efforts already undertaken, to stimulate thinking and interest, and to evaluate the necessity for future curriculum development in social studies along these lines.

This is an initial effort by your State Department of Education to be of assistance in a relatively small but nonetheless critical subject area which is of concern to all of us. It is not presented as a course of study and this should not be implied. Its purpose is to serve as a resource unit for teachers which can be incorporated into existing curriculum content to strengthen particular topic areas, and to make a wide variety of teaching aids available to classroom teachers that normally would be difficult to attain.

The production of these materials was made possible through a financial grant from the Office of Law Enforcement Assistance of the United States Department of Justice. We gratefully acknowledge the professional assistance and leadership in its development of Mr. Earl P. Schubert, our Project Director who compiled, wrote, and produced its content, and coordinated developmental procedures with the participating school districts. To Mr. Richard L. Braun, Executive Assistant in the Criminal Division of the Department of Justice, goes our sincere appreciation for his vision and cooperation in the early development of the project along with his assistance in its ultimate completion.



James A. Sensenbaugh  
Superintendent of Schools

## PREFACE

An attempt has been made here to design resource units in citizenship education that can normally be incorporated into the social science courses of study of the local school districts of Maryland. As a pilot project, they have been developed under the assumption that much related subject material in civics and government courses pertaining to citizenship is being taught in the existing curriculum content. Therefore, an emphasis has been placed on topic areas that most course guides may not have touched upon in depth, and which previously have prevented difficulty in acquiring adequate teaching aid materials for the classroom.

We are hopeful that the materials may point up to all participants the seemingly obvious need to take a long, hard look at our responsibility as educators to continue to make an increased effort to instill in our students a basic knowledge, understanding, and appreciation of the laws of our community and nation, and of the uncompromising necessity to obey them in a democratic society. The units also attempt to present a factual look at what the life of a law-breaker is really like and what it can lead to, thus hopefully counteracting the erroneous image of the glamorous criminal existence which our youth are exposed to at times through the entertainment media. At the same time, this topic is not approached negatively or through so-called fear psychology, but chiefly through realistic and positive reflections on the advantages of living the life of a responsible citizen.

Our most persistent problem in the organization of the subject matter content was the limitation of time specified to teach it. The topic "Citizenship and the Law" would make an appropriate and effective course of study in itself over a semester period at the secondary school level. Foresighted educators, and elements in bar associations, law schools, and on the bench have been pressing for such secondary school programs in the law for some time. The response on a national scale is quickening. The Maryland pilot project is one of the first designed to develop previously non-existent organized teaching materials specially prepared for this purpose. We are hopeful that this initial attempt to assist the classroom teacher in this particular subject area may be of significant value.



Earl P. Schubert  
Project Director

## ACKNOWLEDGEMENTS

In the development and production of the study units, appropriate materials were made available to us from numerous agencies, institutions, service clubs, and individuals. Cooperation from participants in related projects in other areas of the Nation was always enthusiastically forthcoming. In addition, technical assistance in the actual preparation and printing of this guide was always available. We wish to acknowledge and thank the following individuals and groups for this invaluable support:

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Committee on Education for Citizenship  
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The Bill of Rights Program  
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PILOT CURRICULUM PROJECT IN SOCIAL STUDIES

CITIZENSHIP AND THE LAW

SUBJECT AREAS: Civics/Government      SUGGESTED TIME: 15 days

SEQUENCE OF PREPARED STUDY UNITS

PRE-TESTING: Of participating students in the classroom. Prepared Tests. Time required - one classroom period.

UNIT NO. ONE: Law, Citizenship Responsibility, and the Problem of the Law-Breaker.  
(Suggested Time: 3-4 days)

UNIT NO. TWO: The Law-Breaker and Prison Confinement.  
(Suggested Time; 4-6 days)

UNIT NO. THREE: Youth and the Law.  
(Suggested Time: 3-4 days)

UNIT NO. FOUR: Law Enforcement Agencies -- Code of Ethics -- The Law Enforcement Officer.  
(Suggested Time: 2-3 days)

CONCLUSION: Review and Discussion -- To be developed at teacher's discretion.  
(Suggested Time: 1-2 days)

POST-TESTING: Evaluative Testing. Prepared Tests. To be administered at earliest convenience of teacher following the conclusion of the units. Time required: one classroom period.

ADDITIONAL RESOURCE UNIT: Legal Safeguards to Freedom - The Courts. (Appropriate for related topics in Civics/Government)

CITIZENSHIP AND THE LAW

UNIT NO. 1

(Suggested Time: 3-4 days)

TITLE: LAW, CITIZENSHIP RESPONSIBILITY, AND THE  
PROBLEM OF THE LAW-BREAKER

CONTENTS:

Topics for discussion.

Publication Excerpt- "Laws and Our Legal System" (From the book Teenagers and the Law by John Paul Hanna, Ginn & Co. publisher).

Included  
Herein

Textbook Reference - Introduction to Law Enforcement (by Germann, Day, and Gallati, Charles C. Thomas publisher), Chapters I-XI.

Sample Quick Quiz - "How well do you know the law?" (From the book Teenagers and the Law by John Paul Hanna, Ginn & Co. publisher).

Discussion Paper (Pamphlet) - "What does citizenship mean? (by Paul C. Dunham, copyright by the Lincoln Filene Center for Citizenship and Public Affairs, Tufts University).

A Report - "Education for Citizenship" (Issued by the Commissioners of Education of the Northeastern States).

Film - "The National Citizenship Test" (From McGraw-Hill Text-Films, New York, N. Y. 54 min. 16mm. B & W. Teacher's Guide included).

Distributed  
To Teacher

Annual Report - "Crime in the United States" (Issued by John Edgar Hoover, Director, Federal Bureau of Investigation, U. S. Dept. of Justice).

Pamphlets - "Crime, Its Prevalence and Measures of Prevention" (President's Message), "Crime and Law Enforcement in the United States" (President's Message).

Other Related Materials - to be selected.

Maryland State Department of Education  
Baltimore, Maryland

LAW, CITIZENSHIP RESPONSIBILITY, AND THE  
PROBLEM OF THE LAW-BREAKER

UNIT NO. 1

TOPICS FOR DISCUSSION

1. What is law?
  - a. Who makes laws?
  - b. What is the basis of the law of the United States?
  - c. What different types of laws do we need?
  - d. Why do we have laws?
  - e. Why do laws require that criminals be punished?
  - f. Who obey laws?
  - g. Who enforces our laws?
  - h. What is the key to effective law enforcement?
2. What is citizenship?
  - a. Let's look at some legal definitions.
  - b. What are some responsibilities and opportunities of citizenship?
  - c. What are the problems in active participation?
  - d. What are some implications for the future?
3. How does the law-breaker threaten our society?
  - a. What are crimes against the person?
  - b. What are crimes against property?
  - c. What is criminal law?
  - d. The serious problem of crime in our community and the nation.
  - e. What is done to those who break the law?

(EXCERPT FROM THE BOOK TEENAGERS AND THE LAW, by John Paul Hanna, Published by Ginn and Company.)

### LAWS AND OUR LEGAL SYSTEM

#### A. BASIC PHILOSOPHY AND BACKGROUND

What is law?

Every large group of people living together establishes rules to guide the actions of individuals toward one another. These rules of conduct are what we call law. Persons in authority make law. A law that forbids stealing, for example, is simply a rule to prevent one person from taking the property of another without permission or payment.

Laws are enforced by state and local governments which maintain a police force. Parents, teachers, school officials, and others in authority also help to enforce the law. The police arrest lawbreakers, and judges hear the charges and after a fair trial determine the penalty that violators of the law should receive.

Our laws come from our standards of moral conduct, our ideals of justice and fair play, and the customs of the society in which we live. Law is both old and new, because it draws upon the wisdom of the best minds, both past and present. It develops from the observations and experiences of thinking people.

Who makes laws?

Over the years lawmaking has been the responsibility of different persons. In a monarchy the king's word was the law. In an oligarchy a few persons made the laws. In a democracy the people choose their representatives to write the laws for them. Most of our laws are part of our heritage from our English and American ancestors. Since colonial days laws have been passed down from generation to generation. Each generation makes changes to adapt to the laws of new conditions.

What is the basis of the law of the United States?

The legal system of the United States traces its origins to the principles of Magna Carta, the common law, and such English documents as the Petition of Right (1628), the Bill of Rights (1689), and our Federal and state constitutions. Many of the protections from government interference in our lives and from tyranny come from these sources.

What different types of laws do we need?

We need (1) laws to regulate our affairs (traffic laws, for example), (2) laws to prevent violence against individuals (criminal laws), (3) laws to shield

the public against exploitation and petty tyranny (blackmail, lynching, slavery, and monopolies), and (4) laws to protect us against unfair or unreasonable operation of other laws. Examples of governmental acts prohibited by our Constitution are: (a) acts that take private property without just compensation; (b) acts that deny due process of law; (c) acts that result in unequal treatment of citizens; (d) ex post facto laws (those which punish a deed that was legal at the time it was committed); (5) bills of attainder (legislative acts that punish people without a court trial).

Why do we have laws?

Because man is imperfect, the world may never be free from crime, violence, and tyranny. We need laws to protect ourselves and others. We would not need so many laws if everyone observed the "Golden Rule" (treat others as you want them to treat you).

Laws provide the "rules of the game" in our dealings with other people. Can you imagine playing a game of football without rules or officials to enforce them? Law helps to preserve order in our society.

What is the one basic freedom?

Man should be free from unwarranted interference by others in his life, free to live as he chooses, without bothering others. The one fundamental right is the right to be left alone. Our law is based on the ideal that man should be free to create, to produce and to think - to develop his full mental and physical capacities in his own way.

What is the relationship between rights and responsibilities?

All of us possess certain natural rights to life, liberty, and the pursuit of happiness, which characterize us as human beings. And with every right goes a matching responsibility. The right to life includes freedom from bodily harm. But your right to swing your fist ends where another's nose begins.

The right to the pursuit of happiness allows you to purchase and own material goods, preserves your right of ownership, and permits free choice of occupation and conduct. Your matching responsibility is to pay your debts, respect what others own, and to avoid interference with the freedom of choice of others.

Can we have a "free" society?

There is no such thing as the legal right to do whatever you want. All freedom imposes certain limits on our conduct so that we do not harm others. Law represents an attempt to strike a balance between your freedom and the rights of others. You have a right to drive your car if you have a valid driver's license, but you do not have a right to drive recklessly. Without traffic laws no one would be able to drive safely. No society exists without laws. There are too many conflicting interests among competitive and ambitious people to permit the existence of a completely free society.

## B. LAW ENFORCEMENT AND SOCIETY

How do we judge whether a law is good?

We should judge our laws by the effects they have upon human beings. Our laws should allow maximum individual freedom to think, to produce, and to do creative work.

Because society (representing all of us) values human life, we regulate conduct that threatens us. We do not have the legal right, for example, to use certain narcotics because they ruin our health, destroy our self-control, and may cause us to harm other people.

We judge the merit of law by balancing risk against benefit. If we are considering enacting a law to prohibit certain conduct, we ask first, How serious a risk or threat to society does that type of conduct present? Second, we ask, How great are the potential benefits to society from that type of conduct? If the benefits outweigh the risks, then the conduct should not be prohibited. If the risks are greater than the benefits, prohibition would be good.

Many people are killed on the highways each year. We could prevent these deaths by (a) prohibiting the use of cars or (b) requiring more rigorous tests for drivers or (c) requiring certain safety devices on all cars. Which of these would you prefer? Why?

Can laws be bad?

Laws which overly restrict human freedom and prevent human progress are generally considered bad. Bad men can pass bad laws - and do. Some laws become outdated by time and events. In certain areas a whole system of law can become a means of oppressing a minority. At times it is necessary to change laws, or even to change existing forms of government when either becomes the master rather than the servant of man.

Why do laws require that criminals be punished?

Penalties are designed to discourage illegal acts. If a pitcher hits a batter with the ball the umpire penalizes the pitcher by sending the batter to first base.

If Bully punches Timid in the nose and is not punished by law, friends of Timid may retaliate. Then Bully, to get even, may call in his gang. The resulting rumble would prevent others from exercising their right to live in peace. By punishing Bully, we prevent the increasing violence described above. We also aim to prevent a harmful act from being repeated. Our purpose is to force Bully to restrain himself. The punishment also serves as an example to others with similar harmful intentions.

Should we treat all people who violate laws exactly alike?

The law recognizes differences in individuals who commit crimes and tries to adjust punishment accordingly. Such factors as age, previous record, moti-

vation, and mental health enter in. Some lawbreakers need to be sent to hospitals rather than prisons. To rehabilitate (reform) offenders is an important part of law enforcement.

#### Why obey laws?

The law deserves your respect because it is the best protection you have against the uncontrolled actions of others. Laws mean freedom for you - freedom from interference, deprivation, harassment, and injustice. The whole machinery of justice, including judges, jurors, guards, parole officers, attorneys, and policemen is designed to protect you. Interference with law enforcement hurts everyone.

Can you imagine what would happen if everyone decided to obey only those laws that appeared reasonable to him? Might would take the place of right - and the law of the jungle would prevail. In law enforcement the needs of the majority must prevail. In law enforcement the needs of the majority must prevail over the whims of individuals. Peace and order are essential to progress.

#### Who enforces our laws?

In a civic sense we all do - because our chosen representatives make the laws, interpret the laws, and administer them. But experience has shown that special law-enforcement officials are necessary. For example, can you imagine what a football game would be like without officials? Would each team be fair and impartial in penalizing itself for clipping, offsides, or illegal procedures in the backfield? We all know that rules (laws) do not enforce themselves. We need police to catch violators; prosecutors to charge offenders; judges and juries to determine guilt or innocence and impose penalties; guards to control convicted criminals; and parole officers and specially trained people to rehabilitate and supervise ex-convicts. Our safety lies in the fact that under our form of government these officials are our public servants, not masters.

#### What is the key to effective law enforcement?

Law enforcement depends upon law observance. The chief responsibility for law and order rests upon your shoulders. Your desire to obey the law is the key to law enforcement. Experience has shown that the great majority of people obey the law as a matter of habit. This is especially so where family life is stable, employment high, where laws are just, enforcement is fair, and punishment of offenders is swift and certain.

QUIZ: HOW WELL DO YOU KNOW THE LAW?

(From Teenagers and the Law, by John Paul  
Hanna, Published by Ginn and Company)

(Write Yes or No in answer to each question)

1. Can the fact of your arrest as a teenager later prevent you from holding public office? \_\_\_\_\_
2. Can you wear your hair as you please in school? \_\_\_\_\_
3. Is hitchhiking a crime? \_\_\_\_\_
4. Do you have a legal right to an allowance for helping at home? \_\_\_\_\_
5. Is it a crime to write on restroom walls? \_\_\_\_\_
6. Is the victim of a murder called the corpus delicti? \_\_\_\_\_
7. Can a girl sue a boy for false remarks about her character? \_\_\_\_\_
8. Is it a crime to plan a robbery, if you never carry it out? \_\_\_\_\_
9. Is it legal to "go limp" when arrested? \_\_\_\_\_
10. Can you legally punch someone for making remarks about your girl? \_\_\_\_\_
11. Can you be arrested for refusing to help a policeman? \_\_\_\_\_
12. Are your parents responsible for any damage you cause? \_\_\_\_\_
13. Is "crashing a party" legal, if you do not create a disturbance? \_\_\_\_\_
14. Can the buyer of your used motorbike sue you for lying about its mileage? \_\_\_\_\_
15. Is it a crime to detain a date in your car against her will? \_\_\_\_\_
16. Have you committed a crime if you merely threaten to slap someone? \_\_\_\_\_
17. If you stand on your own property and throw stones across the property of another, are you trespassing? \_\_\_\_\_

18. Can you alone arrest a person committing a crime? \_\_\_\_\_
19. Is consent of a fifteen-year-old girl a defense against rape? \_\_\_\_\_
20. Is it a crime to "borrow" a bike, if you return it before the owner is even aware that it is missing? \_\_\_\_\_
21. Do the earnings of a teenager living with his parents belong to his parents? \_\_\_\_\_
22. Does a teacher have the legal right to "lay a hand" on a pupil? \_\_\_\_\_
23. Are finders of valuables obliged to try to locate the owner? \_\_\_\_\_
24. Can a lawyer refuse to put a defendant on the witness stand? \_\_\_\_\_
25. Is hazing of fellow students legal? \_\_\_\_\_
26. Is civil disobedience different from violating criminal laws? \_\_\_\_\_
27. Is there a constitutional right to be a conscientious objector? \_\_\_\_\_
28. Can a person who burns his draft card be fined and imprisoned? \_\_\_\_\_

"HOW WELL DO YOU KNOW THE LAW?"

(TEACHER ANSWER SHEET)

- |         |  |         |                          |
|---------|--|---------|--------------------------|
| 1. Yes  | (P. 100)                                       | 15. Yes | (P. 56)                  |
| 2. No   | (P. 86)  | 16. Yes | (P. 57)                  |
| 3. Yes  | (P. 92) - In most states.                      | 17. Yes | (P. 28)                  |
| 4. No   | (P. 103)                                       | 18. Yes | (P. 38)                  |
| 5. Yes  | (P. 87)  | 19. No  | (P. 35)                  |
| 6. No   | (P. 49) - It means the<br>elements of a crime. | 20. Yes | (P. 95)                  |
| 7. Yes  | (P. 40)  | 21. Yes | (P. 110)                 |
| 8. No   | (P. 50)  | 22. Yes | (P. 39) - In most states |
| 9. No   | (P. 74)  | 23. Yes | (P. 26)                  |
| 10. No  | (P. 31)  | 24. Yes | (P. 53)                  |
| 11. No  | (P. 112)                                       | 25. No  | (P. 88)                  |
| 12. Yes | (P. 69)  | 26. No  | (P. 116)                 |
| 13. No  | (P. 29)  | 27. Yes | (P. 128)                 |
| 14. No  | (P. 89)  | 28. Yes | (P. 130)                 |

CITIZENSHIP AND THE LAW

UNIT NO. 2

(Suggested Time: 4-6 days)

TITLE: THE LAW-BREAKER AND PRISON CONFINEMENT

CONTENTS:

Included  
Herein

Topics for discussion (2).  
Discussion Paper - "Criminal Confinement"  
(by William P. Clancey, Criminal Division,  
Dept. of Justice).  
Textbook Reference - Introduction to Law  
Enforcement (by Germann, Day, and Gallati,  
Charles C. Thomas publisher), Chapter IV.

Distributed  
To Teacher

Film - "I Traded My Freedom" (38 min. 16mm.  
Color. Md. State Dept. of Education).  
Film - "The Scar Beneath" (32 min. 16mm.  
B & W. U.S. Public Health Service).  
Filmstrip - "Types of Correctional Institutions  
in Maryland" (15 min. Color. Md. State  
Dept. of Education).  
Pamphlets (From U.S. Dept. of Justice) -  
"Federal Prison Systems"  
"Bureau of Prisons Report '65"  
"Federal Prison Industries"  
"Federal Bureau of Prisons Statistical  
Tables".

Available  
To Teacher

Fieldtrip - To correctional institution or  
classroom visitation by professional  
correctional officer.

Maryland State Department of Education  
Baltimore, Maryland

THE CRIMINAL

UNIT NO. 2

TOPICS FOR DISCUSSION

(Film - "I Traded My Freedom." Md. State Department of Education Sound. Color.  
16 mm. 40 Minutes)

1. Are criminals represented in every economic class, educational level, religious denomination, and business vocation?
  - a. How does a person become a criminal?
  - b. Why does a person become a criminal?
  - c. Is there such a person as a "successful" criminal?
  - d. Describe what you think is the kind of life that a criminal lives in the community when he has not been caught and imprisoned.
  - e. What do you think of the statement "All you have to do is make sure you are not caught"?
  - f. How do criminals impair and endanger the life of the law-abiding citizen?
  - g. Why is it important to you that you do not become even a "petty" thief?
  - h. If there is some crime in your community, do you believe it is in your and your community's best interest that it be eliminated, and criminals put in jail? Why?
2. How would you describe the life that is lived by a convict in a penitentiary?
3. Why is it important to you that in your own best interest in every way you do not become a criminal and a convict? From purely a selfish reason, how strongly do you feel about this?

CRIMINAL CONFINEMENT

UNIT NO. 2

TOPICS FOR DISCUSSION

1. What is done with a person who has been convicted of a crime?
  - a. Fundamental consideration
  - b. The three basic reasons for confining a law-breaker
    - (1) To punish
    - (2) To rehabilitate
    - (3) To deter others
  
2. What are the types of criminal institutions that exist in America today?
  - a. Jurisdictionally operated
    - (1) Local
    - (2) State
    - (3) Federal
  - b. The "minor" offender and confinement
  - c. The "major" offender and confinement
  - d. The juvenile offender

## CRIMINAL CONFINEMENT

By: William P. Clancey

### A. PHILOSOPHICAL BACKGROUND - REASONS FOR CONFINEMENT

The problem of what to do with a person who has been convicted of a crime has perplexed society for thousands of years. The fundamental consideration is the protection of society against further criminal acts by the convict. How this is most effectively accomplished is a profound question. One solution, which is relatively modern, is to lock him up in an institution. This accomplishes one purpose, at least for the time during which he is locked up; society is protected from him. But locking him up is no guarantee as to what he will do when he is turned free, as most criminals eventually are. There are generally three overlapping reasons, apart from the protection obtained by physical custody, why criminals are locked up.

The first is simply to punish them for their crime by depriving them of their personal liberty to come, go, and do as they please. Their lives are completely planned, controlled and regimented by prison authorities, and they are under constant and continual surveillance. The rationale of punishment or vengeance is rooted in antiquity and exemplified by the ancient Biblical doctrine of an eye for an eye and a tooth for a tooth. By his crime, the criminal has incurred a debt to society, and the debt is repaid, and the scales of justice balanced, only when society gets even with the criminal by retaliation. Early prevalent forms of retaliation were often summary and brutal; they included exile, execution, or physical punishment. This theory may have balanced some hypothetical scales of justice, but except for exile or execution, it didn't always stop the criminal from repeating his acts. Even if his left hand had been amputated for stealing, he would frequently risk his right hand in a new offense.

The second theory, that of deterrence, is closely allied to the first. In short, if a criminal is publicly disgraced and punished, not only will he be persuaded not to repeat his offense, but so will those who witness the public example. Prisons are not country clubs and not intended to be. The difficulty with this theory is the same as the punishment theory; it does not always work. The criminal may well say to himself: "Next time I won't make that mistake again; I'll be more careful." And how effective it may be as a deterrent to others is illustrated by that point in English history when some 212 different offenses were penalized by the death penalty, including pocket picking. Unfortunately, at the public hanging of pickpockets, other pickpockets enjoyed the most lucrative opportunities for playing their trade, while saying to themselves: "That could never happen to me," a sentiment, no doubt, which at some previous time had probably been on the lips of their more unfortunate colleague upon the gallows. Locking a criminal up as punishment, and as an example to others is to some extent effective; how effective is difficult to ascertain because there are seldom reliable methods to determine who has been deterred and why. But the fact remains that although partially effective, it is not enough to give society the best protection.

The third reason for confining criminals in institutions is relatively modern, having evolved from a more humane and intelligent society. It is the theory of rehabilitation. The underlying premise is that the life of a criminal is so miserable, hazardous, uncertain and filled with fear that a reasonably normal person would not choose it. Therefore, something must be wrong with the criminal, and confining him affords the opportunity to study him and correct what is wrong with him so that he can eventually find personal fulfillment and happiness in a law abiding life.

There are difficulties with this theory also; they derive from the profound question of why a person becomes a criminal. The causes are many and complex; frequently social and economic conditions such as bad housing, poverty, lack of education and lack of employment opportunity contribute to the life of crime. But they are not the sole cause, because many others who live under such handicaps lead law abiding lives, and many who have had all the advantages become criminals. But through a rehabilitation program many criminals can be significantly helped, by means of psychiatric help, personal counselling, education and job training. The task is to give him, while in confinement, the ability and skills with which to cope more effectively with his environment.

These then, are the three major reasons for locking criminals up in institutions: to punish them, to deter others, and to attempt to change their way of life. Institutions are known by a variety of technical names, such as lock-ups, detention facilities, jails, work camps, prison camps, prison farms, houses of correction, reformatories, correctional facilities, prisons, or penitentiaries.

#### B. TYPES OF INSTITUTIONS, LOCAL, STATE, FEDERAL

What types of institutions are there, who operates them, and how does an individual get sent to one? First, everyone lives simultaneously in a number of different governmental units, or jurisdictions. Each of these jurisdictions passes laws that are considered to be in the best interest of the community. Thus a resident of Silver Spring is subject to the laws of that city, as well as the laws of Montgomery County, the state of Maryland, and the United States, all at the same time.

Each of these jurisdictions decides what behavior shall be criminal, and what shall happen to the person who is convicted of having broken the law. This frequently takes the form of confinement in some kind of an institution operated by that jurisdiction. The number and size of institutions operated by a particular jurisdiction depend in large part upon the population of that jurisdiction. Thus a town will probably have at most a small lock-up, or short term detention facility, until the prisoner can be transferred to either a city or county jail. A city may have such detention facilities in each of its police stations. But these facilities are not used for confinement after a conviction, rather they are used for very short term detention. Most cities have jails, as do counties, where short term sentences, generally less than a year, are served. City and county laws usually cover relatively minor offenses, frequently supplementing the state criminal laws. Crimes are usually classified as either misdemeanors, which are considered minor offenses, such

as shop lifting, jay walking, disorderly conduct, or felonies, which are the more serious crimes such as murder, burglary, robbery, arson, auto theft, rape, embezzlement, and narcotic drug traffic. A person convicted of a minor offense, be it a violation of city, county or state law, will serve the sentence in either the city or county jail. And this is generally straight punishment and deterrence; there simply is not enough time to do rehabilitative work in short term sentences.

Conviction of a felony, a major crime, is generally a violation of state or federal law, and usually lands the person in a state or federal penitentiary for a period of time longer than one year. Each of the 50 states has its own prison system, as does the Federal Government. And each state has a variety of long term prison institutions; it does not make sense to mix a young, novice criminal with a long time criminal who is hardened. The prison would then be a school of crime. So the type of institution to which the criminal is sent will depend in part upon his age, sex, nature of offense, and the degree to which he is thought to be correctable.

The Federal prison system can be used to illustrate. It operates 31 separate institutions in 24 states, with facilities for both men and women, who have been convicted of felonies and misdemeanors. Women are confined in a prison at Alderson, West Virginia.

Probably the most famous federal prison was the one at Alcatraz Island in San Francisco Bay. This was used for the most hardened criminals and gangsters, serving long time sentences, and for whom there was no real hope of rehabilitation. It was a maximum security institution, where the objective was to insure that the criminals in it could not get out. It was strictly a physical custody operation.

For long term serious criminals there are two other federal maximum security prisons, one at Leavenworth, Kansas, the other at Atlanta, Georgia. For felons who required only medium security, there are penitentiaries at Lewisburg, Pennsylvania, McNeil Island, Washington, and Terre Haute, Indiana.

There are nine regional correctional institutions throughout the country where criminals from various geographical areas are confined for shorter terms. These are more akin to county jails. And there are seven prison camps, where the security is rather minimal.

For young men in their early 20's the Federal Government operates reformatories at Chillicothe, Ohio, El Reno, Oklahoma, and Lompoc, California. And for men between 18 and 22 at time of conviction there are two youth centers, at Ashland, Kentucky, and Englewood, Colorado. Most of these young people got there for transporting stolen automobiles across state lines.

Two other types of Federal institutions should be mentioned; for those who are physically ill or mentally disturbed, the Federal Government operates a medical center at Springfield, Missouri, a hospital with bars.

And for those people who have been so unfortunate as to have been caught in narcotic drug addiction, the United States Public Health Service maintains two hospitals for treatment, one at Lexington, Kentucky, and the other at Ft. Worth, Texas.

Finally, a word about juvenile delinquency. Nearly every state has a juvenile delinquency act, as does the Federal Government. It applies to young people, boys and girls, who generally have not arrived at their 18th birthday at the time they got into trouble. From the time of their arrest, they may be detained in a juvenile hall until their hearing in a Juvenile Court. There it is determined whether in fact they have violated a state or federal law; if so, and if the punishment is other than death or life imprisonment, they are treated as juvenile delinquents, and not criminals with a conviction. Instead of being convicted of a crime, they are technically classified as a juvenile delinquent; instead of being punished, they may be confined in a juvenile institution for treatment for a period of time determined by law (usually, the maximum is a certain age). The advantage is that when they complete their time, the proceedings are sealed, and not available for use against them later as a criminal record. But whatever it is called, it still means, frequently, being locked up in an institution.

CITIZENSHIP AND THE LAW

UNIT NO. 3

(Suggested Time: 3-4 days)

TITLE: YOUTH AND THE LAW

CONTENTS:

Topics for discussion.

Discussion Paper - "The Crimes of Auto Theft, Burglary, and Narcotics" (by Barnet D. Skolnik, Criminal Division, U.S. Dept. of Justice).

Included  
Herein

Textbook References - Introduction to Law Enforcement (by Germann, Day, and Gallati, Charles C. Thomas publisher), Chapter XV. Teenagers and the Law (by John Paul Hanna, Ginn & Co. publisher), Chapters 4, 5, 6, 9, 10, 11, 12, 14, 15.

Film - "Headed for Trouble" (40 min. 16mm. B & W. Prince George's County Police Dept.). Additional films to be selected.

Tapes - Case histories for discussion and analysis.

Distributed  
To Teacher

Pamphlets - "Laws for Youths" (Exchange Club, Long Beach, Cal.), "A Guide for Parents and Youth" (Rotary Club of Berkeley, Cal.), "You and the Law" (Kiwanis International), "Hooked" (National Institute of Health).

Available  
To Teacher

A PROFESSIONAL PANEL IN THE CLASSROOM AS RESOURCE PERSONNEL TO THE TEACHING OF THE UNIT (1-2 days). IT WILL CONSIST OF A PUPIL PERSONNEL (SOCIAL) WORKER, JUVENILE AID OFFICER, LAWYER, AND JUVENILE COURT REPRESENTATIVE.

Maryland State Department of Education  
Baltimore, Maryland

YOUTH AND THE LAW

UNIT NO. 3

TOPICS FOR DISCUSSION

1. What is the basic philosophy of the juvenile laws?
  - a. Protection of children abused or neglected.
  - b. Prevention of delinquency.
  - c. Rehabilitation.
2. What is the function of the Juvenile Court? The Probation Department?
3. Discuss laws pertaining to the following:
  - a. Crimes committed against the person.
  - b. Crimes committed against property.
  - c. Youth employment.
  - d. School attendance.
  - e. Driving of vehicles.
  - f. Family responsibility of parents.
  - g. The legal rights of children.
4. Discuss the problem of juvenile crime.
  - a. "Petty" and "Serious."
  - b. Consequences of detection and sentence.
5. Discuss the causes, consequences, and preventive measures related to the following serious crimes:
  - a. Auto theft.
  - b. Burglary.
  - c. Narcotics.

## THE CRIMES OF AUTO THEFT, BURGLARY, AND NARCOTICS

By: Barnet D. Skolnik

### AUTO THEFT

More than 50% of all auto thefts are committed by youngsters under the age of 18. Many of these youngsters do not realize - and the rest apparently do not care - that auto theft is a serious crime. The F.B.I. includes auto theft in its Crime Index, which is a detailed statistical study of seven serious crimes (including murder, rape, burglary, and grand larceny). In some jurisdictions a distinction is made between "auto theft" which includes as an element the intention permanently to deprive the owner of the use of the automobile, and "unauthorized use of a motor vehicle" which covers the normal joyride so frequently engaged in by the young, where the intention is to return the car to its owner after using it (often by abandoning it where it will be found and returned by the police). In such jurisdictions auto theft is usually a felony and unauthorized use of a motor vehicle is usually a misdemeanor. The joyrider in such a state may fool himself into thinking he will not be in too much trouble even if he gets caught.

But in the majority of jurisdictions, where any taking of an automobile, even a very temporary one, constitutes the felony of auto theft - and even in the jurisdictions where a joyride is only a misdemeanor - the consequences are almost always serious indeed. Regardless of whether the state in which a youngster lives considers his crime to be a felony or a misdemeanor, a youngster caught for using someone else's car without permission, even for a short time, has hurt himself far more than he is usually aware. For the fact is that, if an adult under state law (which in most states means either over 17 or over 18 years old) he will now have a permanent and public criminal record. This will handicap him - perhaps very seriously - for the rest of his life. Many areas of employment will be permanently closed to him, and almost all others will be substantially more difficult to enter. Almost all good jobs require disclosure during application for employment of any arrest record (not to mention conviction record), which the applicant may have. It is undeniably true that a great number of employers are unwilling, or at best very reluctant, to hire anyone who has even been arrested.

If the youngster caught for joyriding is still a juvenile in the eyes of his state he will be sent to Juvenile Court (regardless of whether or not his act is considered a felony or a misdemeanor in that state). Although a juvenile record is confidential and not open to the public, a youngster who appears in Juvenile Court has started down a path of attitudes, acquaintances, and activities which, like a snowball rolling downhill, become harder and harder to control. (The rest of the Unit on Crime and the Criminal, including the convict movie, will deal with this crucial point.)

## BURGLARY

In the F.B.I. Crime Index, burglary constitutes about 40% of the crimes committed, and over half of the persons charged with burglary are referred to Juvenile Court, which indicates that with this crime as with auto theft a very large percentage of the perpetrators are youngsters.

Burglary is generally defined simply as the unauthorized entry onto private property with the intention of committing any felony (usually theft). As with auto theft, youngsters are very often unaware of just how serious this crime can be to them and to their futures. It is always a felony and therefore punishable (if the defendant is an adult) by confinement in the state penitentiary. But even more important, especially to the young, is the fact that (as was explained above) the first brush with the law often does irreparable harm to the future career of a youngster, regardless of the specific punishment, if any, meted out by the court for this particular offense. Youngsters often make the tragic mistake of assuming that since they "got off easy" with a suspended sentence or probation, they have in no way suffered from their criminal escapades. It usually doesn't take long for them to realize how wrong they are.

## NARCOTICS

The message here is a simple one. In addition to the strong possibility of becoming involved with the law for having committed a criminal offense connected with the use or sale of narcotics, the youngster who becomes involved in any way with any narcotic or dangerous drug (LSD for example is certainly dangerous, though technically not addictive) is gambling dangerously with his future, even if he is never caught by the police. Becoming involved in any way with narcotic or dangerous drugs is very likely to involve a young person with addicts and people likely to lead to nothing but trouble. For example, the cost of supporting a "habit" quickly becomes so high as to require the addict to turn to crime as a daily way of life in order to acquire the needed money. Of course, if the young person himself becomes addicted to narcotic drugs, he is in big trouble.

CITIZENSHIP AND THE LAW

UNIT NO. 4

(Suggested Time: 2 days)

TITLE: LAW ENFORCEMENT AGENCIES -- CODE OF ETHICS -- THE LAW ENFORCEMENT OFFICER

CONTENTS:

Included  
Herein

Topics for discussion.

Code of Ethics - for law enforcement personnel  
(by the International Associations of Chiefs  
of Police, Inc.).

Discussion Paper - "Law Enforcement Agencies--  
Local, State, Federal" (by William P. Clancey,  
Criminal Division, U.S. Dept. of Justice).

Textbook Reference - Introduction to Law  
Enforcement (by Germann, Day, and Gallati,  
Charles C. Thomas publisher), Chapters XII-XV.

Distributed  
To Teacher

Film - "Every Hour, Every Day" (28 min. 16mm.  
Color. International Assn. of Police Chiefs).

Additional films to be selected.

Pamphlets and other materials to be selected.

Available  
To Teacher

Law Enforcement Officer(s) from the community  
available in the classroom for free and open  
discussion, and for questions from the students.

Maryland State Department of Education  
Baltimore, Maryland

LAW ENFORCEMENT AGENCIES - CODE OF  
ETHICS - THE LAW ENFORCEMENT OFFICER

UNIT NO. 4

TOPICS FOR DISCUSSION

1. Who is responsible for the enforcement of laws?
  - a. Small communities
  - b. County
  - c. City
  - d. State
  - e. Federal

(1) Give several examples of Federal law enforcement agencies.
2. What does your policeman represent to you?
3. Name ten services that the policeman renders other than arresting law-breakers.
4. Would you like to be a policeman or policewoman? Why?
5. Describe what your community would be like without policemen there.
6. What would you suggest to improve the services and effectiveness of the police department?

LAW ENFORCEMENT CODE OF ETHICS\*

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

\* International Associations of Chiefs of Police, Inc.

LAW ENFORCEMENT AGENCIES -- LOCAL, STATE, FEDERAL  
By: William P. Clancey

Responsibility for Law Enforcement:

The responsibility for most crime prevention and control is entrusted to public law enforcement agencies. In the United States there are some 40,000 separate police agencies. They operate principally on five levels, the unincorporated town, village or borough, the city, the county, the state, and the Federal. Law enforcement agencies vary in size, from the single town marshal or constable in the small unincorporated village or town, to the New York City Police Department which employs some 25,000 police officers. There is also a great variation in services performed, training, equipment, and competence; these factors depend largely upon the amount of public funds allotted for law enforcement work.

Local Law Enforcement:

In a small area, policing is done largely by a constable, or marshal. These officers are generally untrained, poorly paid, and have very little equipment for crime control and prevention. Frequently they are elected to their jobs. Often they work only part time, and function more as a town watchman or traffic control officer for a local school. If a complicated crime problem exists, it is usually the county agency, the sheriff's office, which is brought in to assist.

County Law Enforcement:

In early England, a county geographical unit was called a shire. And the head law enforcement agent of the crown was the reeve. From shire-reeve comes the modern word Sheriff, who is the chief law enforcement officer in the county. He is assisted by numerous deputies. The office of sheriff is usually elective, although the deputies may be under a civil service system. The Sheriff's Office is in charge of crime prevention and control in the unincorporated areas of the county. He may assist unincorporated communities which have no police force to speak of, and he may assist in incorporated areas when requested. Some communities, incorporated or not, may contract with the Sheriff's Office for full time law enforcement. The Sheriff is also responsible for the county jail, and transporting prisoners.

City Law Enforcement:

The Chief of Police of a city is usually appointed by a high public official, such as a mayor; in some cities, he is a civil servant, and must take the requisite examinations to be eligible for the appointment. City police departments serve the geographical limits of the city; they do not function outside their jurisdiction, although they will frequently cooperate with other law enforcement agencies. It would not be uncommon for city, county, state and federal agents to work together on one case.

How good a particular city police department is depends essentially upon what the city is willing to spend for professional law enforcement. This is true of any law enforcement agency serving any particular jurisdiction. In a good department, recruits are selected by civil service requirements, being required to pass rigid physical and mental examinations (in Berkeley, California, recruits are interviewed individually by a psychiatrist); a minimum of high school education is required, and college graduates are sought also. In a major city, a young police officer can expect to start at around \$7500 a year, and be paid during his training, which may last anywhere from 3 - 6 months before he is started on duty. The training is excellent, done by professionals; there is supervision and discipline, generous pension plans, and up-to-date equipment with which to work.

A good city police department provides a broad variety of services. The department is broken down into separate details, so that officers can be skilled in various types of crime control and prevention. Examples of such details would be assignments to traffic, vice, juvenile, narcotics, fraud burglary, homicide, auto theft, crowd control, robbery, pawnshop, gambling, and liquor. These departments also use plainclothes officers, and undercover agents. They may be responsible for licensing, such as bicycles, taxicabs, and businesses. They may also be responsible for providing civil defense procedures, ambulance and emergency services and regulation of animals.

A good city police department will also have an up-to-date crime laboratory for the analysis, identification, and comparison of physical evidence. This includes photography, ballistics, fingerprinting, metallurgy, questioned documents, chemical tests for intoxication and narcotic addiction, polygraph work, and application of modern techniques of microscopy, spectroscopy, serology and chemistry to minute evidence such as fibres, hairs, blood, poison, textiles, stains, dust, dirt and debris.

#### State Law Enforcement:

State police agencies are of two types; one is usually called the state police, which have general police powers, and the other type, a state highway patrol, whose duties are largely limited to protection of the motorist on the public highways. The state agency usually operates a bureau of vehicle and criminal identification, a central clearinghouse of information whereby an officer can radio in for identification of a person or a vehicle. They usually operate a crime laboratory, as do the better city police departments.

In addition, there are state agents who work for various divisions, departments, and bureaus of the state government. As a protection to the public, many businesses, professions, and occupations are examined, licensed, inspected and regulated by the state. This includes doctors, lawyers, barbers, accountants, architects, engineers, contractors, cosmetologists, dentists, detectives, nurses, optometrists, osteopaths, pharmacists, shorthand reporters, teachers, veterinarians, social workers, psychologists, and undertakers. Rules

and regulations control these occupations. Investigative agents are assigned to insure that the rules and regulations are carried out. Agents work in the alcoholic beverage control program, fish and game protection, public health, such as laws relating to licensing of hospitals, adulteration of food and drugs, pollution of public water, smog control, and public sanitation. Other areas of state law enforcement are, for example, racing, agriculture, finance, commerce, employment, insurance, investment, mental hygiene, civil service, industrial relations, and marketing departments. These agents are usually employed by the department, division or bureau concerned, and their activities are limited to law enforcement in their particular areas.

#### Federal Law Enforcement:

Most law enforcement agencies of the Federal Government exercise wide territorial authority, although their specific functions are limited. They vary from strong enforcement duties to relatively minor inspections and investigations. Some deal with security matters, others with criminal matters, some with military affairs, and others with regulatory matters of a quasi-criminal-civil nature. The agents so employed are under the control of a particular department, agency, commission or board of the Federal Government.

In the Executive Office of the President, the Central Intelligence Agency is under the direction of the National Security Council. In the Treasury Department, there are several law enforcement agencies: (1) The Bureau of Customs which is concerned with the assessment and collection of import duties, and handles smuggling cases; (2) The Internal Revenue Service which superintends the assessment and collection of federal taxes, and also enforces federal laws pertaining to alcoholic beverages, tobacco and firearms; (3) The Bureau of Narcotics handles marijuana and narcotic laws of the Federal Government; (4) The Secret Service provides bodyguards for the President and his family, but also enforces federal laws relating to coins, obligations, counterfeiting, federal checks, and (5) The Coast Guard.

In the Defense Department, there are agents in each of the armed forces, such as the Criminal Investigation Detachment of the Army, and the Office of Naval Intelligence for the Navy and Marine Corps. The Air Force has an Office of Special Investigations. These do investigative work largely, further, and each branch has its own police force, such as the Air Police, Military Police and Shore Patrol.

In the Justice Department, there are also several law enforcement agencies. Principal is the Federal Bureau of Investigation which is responsible for investigation of violations of all federal laws except those which have been assigned to other agencies, such as counterfeiting, customs, etc. It also has responsibility for the laws of sabotage, espionage and treason. There is the Immigration and Naturalization Service administering laws pertaining to the admission, exclusion and deportation of aliens. This Service operates the Border Patrol to insure that people do not unlawfully enter the country. Also in the Justice Department are the United States Marshals. There are approximately 92, and many such offices have Deputy Marshals. They maintain order in federal courts, assist the judges, and handle prisoners.

In the Post Office Department, the Bureau of the Chief Postal Inspector investigates alleged violations of postal laws.

The Interior Department has agents who supervise laws pertaining to fish and wildlife and the national parks.

The Department of Agriculture administers laws related to animal quarantine, meat inspections, and control of insects. The Commodity Exchange Authority conducts investigations to prevent price manipulation in agricultural commodities, and to prevent false and misleading crop and market information.

The Department of Labor conducts investigations into violations of federal labor laws, such as the minimum wage law, child labor, Mexican labor, workmen's compensation, etc.

The Department of Health, Education, and Welfare enforces laws in the area of public health, education and social security. The Food and Drug Administration has enforcement agents who work in the area of purity of food and drugs, and truthful and informative labeling of the commodities.

Other independent agencies of the Federal Government which have law enforcement functions within their area are the Atomic Energy Commission, the Civil Aeronautics Board, the Federal Aviation Agency, Federal Communications Commission, Federal Trade Commission, General Services Administration, Interstate Commerce Commission, Subversive Activities Control Board, Civil Service Commission, Tennessee Valley Authority and Veterans Administration.

Characteristic of Federal Law Enforcement, therefore, is the specialization of law enforcement agencies whereas in the state, county and city, police units are responsible for the enforcement of all laws, other than Federal.

CITIZENSHIP AND THE LAW

UNIT NO. \_\_\_\_\_

TITLE: LEGAL SAFEGUARDS TO FREEDOM - THE COURTS

Maryland State Department of Education  
Baltimore, Maryland

CITIZENSHIP AND THE LAW

UNIT NO. \_\_\_\_

(ADDITIONAL UNIT FOR USE AS REFERENCE)

TITLE: LEGAL SAFEGUARDS TO FREEDOM - - THE COURTS

CONTENTS:

Included Herein	<u>Topics for discussion.</u> <u>Discussion Paper-</u> "Legal safeguards to freedom--- the courts" (By William P. Clancey, U. S. Department Of Justice)
	<u>Textbook References-</u> <u>Introduction to Law Enforcement</u> (By Germann, Day and Gallati, Charles C. Thomas Publisher) Chapters XVI - XVIII; and <u>Teenagers and</u> <u>the Law</u> (By John Paul Hanna, Ginn & Co. Publisher) Chapter 13.
Available to teacher	<u>Film-</u> "Gideon's Trumpet" ( 55 min. B & W. 16mm CBS News Commentary) <u>Professional Lawyer in classroom for discussion</u> exchange, questions and answers. Other materials to be selected.

LEGAL SAFEGUARDS TO FREEDOM - - THE COURTS

TOPICS FOR DISCUSSION

1. Discuss the purposes and functions of a court of law.
2. Why is the function of a court essential to a stable society?
3. What are the two major categories of law? What is the major difference between them?
4. When a person is accused of a crime, name and discuss as many "rights" that you know of that the person has under our constitution?
5. What are the basic similarities between state and federal courts?
6. Name and discuss the level of courts from the one in your local community to the United States Supreme Court. What are their functions?
7. Who decides when a jury will be used in a court case?
8. Who selects the jury? Who serves on it? What is its function?
9. What is meant by "prosecuting" the accused? Who does it? Who "defends" the accused?
10. What court in a state is called "the court of last resort"? Why?
11. What court at the federal level is called the "court of last resort"?

(INSTRUCTIONAL PAPER)

LEGAL SAFEGUARDS TO FREEDOM - THE COURTS

(By William P. Clancey)

A. THE CONCEPT OF LAW

Frequently, someone is overheard saying: "I have the right to do whatever I please." Actually, they have no such right. They are asserting that they have the capacity to do something. This is power, inherent in all men in varying degrees. To the extent that a person has the capacity to do something and is willing to accept any possible consequences, it can be said that he is free to exercise power absolutely. As a practical matter, it does not occur often. Even in the jungle one is free to exercise power absolutely only until he encounters a man with a bigger stick, a predatory animal that cannot be subdued, or uncontrollable forces of nature. Then, restrictions in the form of impediments or consequences curb the exercise of absolute power.

In a civilized society, the absolute exercise of power is also restricted by impediments and consequences; however, they are deliberate and systematic. This is what law does. It sets out rules and regulations about what a person can and cannot do, and what will happen to them if they violate the rules. Everyone knows what the rules are, everyone must abide by them, or suffer consequences. The result is that rules and regulations actually create rights for each person, which others have a duty not to infringe upon. And as a consequence, each person can plan his life more securely. So by relinquishing a measure of only theoretical absolute power, each person gains far more in the sense of enforceable rights.

Law does something else; knowing that there will be differences of opinion between men, it provides a systematic and methodical method of resolving those differences. This is what a court does; to decide who is right, who is wrong, and what the consequences will be; and this process is carried out by agreed-upon rules. Both these functions of the law, regulating conduct and deciding disputes, are essential to a stable society.

Traffic laws illustrate the working of law in society; there are a myriad of rules and regulations pertaining to the operation of motor vehicles. There are restrictions as to who may drive a car, under what circumstances, in which places at certain times, and in what manner. There are also restrictions for pedestrians. The purpose is in the best interest of each citizen, that they may move from one point to another as quickly and safely as possible. Under an agreed system, each person relinquishes the freedom to drive exactly as he pleases in return for the other person relinquishing the same. But he receives more than he gave up; imagine the chaos were all traffic laws abolished at once. It would be a traffic jungle, and no one would be safe in it. The rules and regulations create rights and duties; they are enforceable in the court. Each person has a right to be reasonably secure in his person and in his property. This is a duty which everyone else owes him. And in turn, he owes the same duty to everyone

else. But disagreements occur as to whether one person has infringed upon another's rights, and if so, what should be done about it. This the court decides. In short, the law not only creates the right, but provides the remedy when it is shown to have been violated.

The purpose of the remedy is to restore the injured person to his previous state, to compensate for the infringement of rights. In many cases this can be done through a payment of money, or damages. But there are obviously situations where money payments will not restore the loss. A father is accidentally killed by the carelessness of another person. Nothing can restore him to his family; money can only assist them to some extent. Or the remedy may be in the form of ordering someone to stop doing a particular thing, or to require him to do something.

The law is generally divided into two major categories, civil and criminal. By far the largest portion of cases are civil. A civil dispute is essentially one in which individual people disagree as to whether someone's rights have been infringed, or disputes of a similar nature between people and groups of people, or governmental units. These are examples of civil cases; disputes between landlord and tenant, buyer and seller, participants in an auto crash, tax liability, patent infringement, domestic relations, collision of ships. So civil law is divided into a wide variety of types of cases; civil law is as highly specialized as medicine is. Lawyers specialize in maritime law, business law, tax law, corporation law, personal injury litigation, real estate, aviation, communications, transportation, labor and wills. Every arena in which men act involves legal problems and lawyers may specialize in those areas. The essence of the civil law is to establish in court a right, that it has been infringed, and that the court should make an order against the offending party to restore the injured party, by some means of compensation or some act, to his state before the injury.

A crime is an act, forbidden by law, which infringes upon the person, or the property of another. Usually the physical safety of the person and his property is jeopardized. But because the public safety of the citizen is so essential to a stable society, it is a more serious matter which threatens society as a whole.

A major difference between criminal and civil law is that in criminal law the injured person does not sue the alleged criminal for money damages to restore the injury done to himself, his property or his family. Civil law is compensatory in nature, criminal law is punitive, with the forfeiture of personal liberty at stake. So in a crime, the wrongdoing is considered as an act against the state itself, not just the injured person. There are several reasons for this. First, many crimes are directly injurious to the state as such, for example, bribery, which leads to corruption of public officials, treason which threatens national security, assaulting or murdering governmental officers in the performance of their duties. Second, criminal conduct threatens the stability of society in that when citizens are fearful of having their lives and property violently assaulted, and being unable to protect themselves, the normal affairs of society are seriously jeopardized. Further, if each person were left to take his own revenge, people suspected but actually innocent of criminal behavior might be killed or maimed; even if they were guilty, the punishment inflicted by a measure of revenge determined by the injured person might well be far beyond the seriousness of the offense. One would not wish to be shot and killed by a

merchant who only suspected one of shoplifting. And there would be no telling how far the blood feuds would go. No one would be safe. So the state, in the interest of public safety, takes over. First, it must determine whether a crime in fact has been committed; then it must show beyond reasonable doubt that the accused has done it, and it must do both of these things by the orderly application of a set of rules designed to insure that innocent people are not unfairly stamped into prison. No matter how serious or horrible the crime, the procedural safeguards must be followed. Whenever one citizen's rights to the due process of law, and equal protection of the law are violated, then to that extent the similar rights of every other citizen are also jeopardized. In short, if it can happen to one person it can happen to another. By following the constitutional safeguards, there is no doubt that some guilty persons will go free; but it is considered better for some guilty to remain unpunished than for the innocent to be unjustly punished. Newspapers still carry accounts of innocent people being sent to prison; it can happen, and it does. Fortunately, it is not frequent.

So the government, either federal or state, depending upon which laws have been violated, must prove first that a crime has been committed, and second that the accused has done it. It must prove this beyond a reasonable doubt to an impartial jury of 12 people. If it is unable to do so for any reason, then the accused may not be found guilty and punished. People often wonder why lawyers can defend persons whom they are certain are guilty of crime. Their object is not necessarily to get the guilty man off; rather, it is to insure that the prosecuting attorney follows all the rules and meets the burden of proof that the rules require.

#### B. THE RIGHTS OF THE ACCUSED

The rights of an accused in a criminal proceeding emanate chiefly from the Bill of Rights to the Federal Constitution. Essentially, the first eight amendments to the Federal Constitution protected American citizens from certain actions by the Federal Government. The 14th amendment, which mentions due process of law, protects the American citizen from abuses of the state government. Constitutional law, as enunciated by the United States Supreme Court, has steadily and progressively placed more of the protection of the first eight amendments under the due process clause of the 14th amendment. This means that whereas once the first eight amendments protected the citizen from unreasonable conduct by the Federal Government, now it is increasingly affording him similar protection against state governments. Among the rights afforded the citizen are:

1. The right to a fair trial, that is, due process of law.
2. The right to equal protection of the law, that is, the right to be treated the same as anyone else.
3. The right to be free from unreasonable searches and seizures, and the right not to have evidence obtained from the same used against him in court.
4. The right to be protected from double jeopardy.

5. The right to be indicted by a grand jury for a serious crime.
6. The right to a speedy and public trial by an impartial jury.
7. The right to be informed of the charges against one.
8. The right to confront witnesses against one.
9. The right to have the assistance of a lawyer, even when one cannot afford a lawyer. One is appointed upon request.
10. The right to have witnesses called in one's behalf.
11. The right to remain silent, or not to incriminate oneself.
12. The right to be free from excessive bail.
13. The right not to have cruel and unusual punishment inflicted against one, if found guilty.

All these protections are available to the citizen against the Federal Government. Many of them are also available as a protection against state processes, under the 14th amendment. But it should be well noted that all these protections are not available in juvenile court proceedings because those proceedings are not considered as criminal in nature. This is an area of considerable controversy and question today; what are the rights of a juvenile in a juvenile court? On the one hand, it does not seem desirable to give the juvenile a record, and put him through the rigors of a regular criminal proceeding. On the other hand, even though the state means well, and is purportedly acting in his best interest, the state can be wrong, and if anyone is entitled to protection in the form of fair play in adjudication and disposition, the young person is the one. Who can honestly say, if he ends up in a reform school behind bars, that he is not being punished, but this is all for his good, and that evidence which could not be admitted in a court of law is permissible for use to put him in a reformatory?

#### C. THE SYSTEMS OF COURTS OF LAW

Each state, as well as the Federal Government, has its own systems of courts of law. Both systems, state and federal, possess basic similarities. First, they are organized laterally and vertically, that is, at the bottom are a number of rather minor courts which handle rather small disputes. In the states, they are frequently called Justice of the Peace courts. They handle both civil and criminal matters, both of a petty nature. An accused in a Justice of the Peace court may decide to let the judge (who is frequently not a trained lawyer) decide the case and impose a minimal punishment. Or if he wants a jury trial, he must go to a higher court. The same is true of the Federal system; an accused may let the United States Commissioner (who is usually a trained lawyer) decide the case, or if he wishes a jury trial, he must go to the

United States District Court. Frequently, when a person has been arrested for a crime, he is brought before a Justice of the Peace, if a state matter, or a United States Commissioner, if a federal matter, to be informed as to the charge against him, to be informed of his rights, and to apply to be released on bail.

The second level of court is a Municipal Court, often called a Police Magistrate's Court. In these courts, the lowest court where a jury trial can be obtained, the state is represented by the county district attorney or one of his assistants, and the accused by a lawyer if he wishes. The judge is a trained lawyer. The jurisdiction of these courts is usually limited to misdemeanor offenses, that is, crimes which are punishable in the city or county jail for a period not over one year. Here an accused may also elect to have the judge hear his case rather than a jury. The Federal system does not have an equivalent to the municipal court.

Another function of the municipal court, or the United States Commissioner, is to hold a preliminary hearing in a type of criminal case which it is not authorized to try - a felony. That is a crime for which, on conviction, a person may be sentenced to a term in the state prison of more than one year.

In the preliminary hearing, which is not a trial in the standard sense, the Government must justify before a magistrate why it is holding the accused. It must demonstrate by competent evidence that a reasonable man would have probable cause to believe that a crime has been committed and that the accused did it. It need not prove, in a preliminary hearing, beyond reasonable doubt, and no jury is used. The judge or commissioner decides. The state usually puts on enough evidence to justify its holding the accused; it does not put on all its evidence. The accused usually tries to ferret out as much as he can about the state's evidence that will be used against him in a trial. If the judge determines that there is probable cause to believe that a crime has been committed, and that the accused did it, then he may bind over the accused to the grand jury, or, if the accused relinquishes the right to be indicted, certify the accused to the third level of court, the superior court, for trial of the case. When the grand jury either meets frequently, or is in continuous session, the preliminary hearing may be set for a time after the case is presented to the grand jury. Then, regardless of how the grand jury acts, there is no need for a preliminary hearing. Grand jury indictment may be waived when the grand jury meets infrequently; the accused then permits the District Attorney to file the charge, rather than wait in jail a long time before the Grand Jury hears his case. If the judge decides there is no probable cause, then the accused is freed.

The grand jury is a body of from 12-24 citizens, selected at random from the community, who meet on a regular basis to consider evidence offered by the district attorney. They may listen to witnesses, and then vote as to whether there is probable cause to believe that a crime has been committed and that the accused has done it. The accused rarely appears before a grand jury. If the grand jury decides that charges should be brought against the accused, then their action is called returning a "true bill," that is, the accused is indicted by the grand jury for the felony. If they decide that charges should not be pressed, then they return a "no bill," which means no indictment, and the accused is freed.

If an indictment is returned, then it is filed with the Superior Court, and the accused is brought in to court to be informed of the charges brought against him, and again to be apprised of his rights. This process is called an arraignment. He is given the opportunity to enter a plea of not guilty, in which case the matter is set for trial, or guilty, in which case, the matter is usually referred to a probation officer for an investigation of the accused and his background to determine what would be an appropriate sentence. Then a few weeks later, the probation officer reports to the judge who imposes the sentence for the offense. The same procedure of the probation officer is followed if the accused goes to trial and is found guilty.

The superior court is reserved for felony cases, those which may result, upon conviction, in a sentence of a year or more in the state prison. In this court, the accused may choose between a jury of 12 people, selected at random from the community, to hear the case and decide upon his guilt or innocence, or he may elect to have the judge hear the case without a jury. To acquit all 12 jurors must agree; to convict, all 12 must agree, each beyond reasonable doubt. On some occasions, the jury is not able to agree. If they cannot agree, then a hung jury results, and the judge must discharge them, declaring a mistrial, and the case starts all over again with a new jury.

The equivalent Federal court to the state superior court is the U. S. District Court. Both Federal district court and state superior courts exercise another function, apart from the actual trial of felony cases: they act as an appellate, or review court where the accused has been convicted in the municipal court, or before the United States Commissioner. They do not try the case all over again, with witnesses and evidence; rather, they go over the printed record of the case, and determine, according to the law, whether the judge who tried the case made errors of such a substantial nature as to prejudice the accused. A type of such an error would be to let into evidence something that was seized by officers in an illegal search, or a confession that was obtained through illegal means.

It is up to the accused, through his lawyer, to convince the appellate court, that errors in the trial denied him justice. If he is successful, then his conviction is reversed, and the case is sent back to the trial court to be tried all over again. If the superior court, or federal district court, sitting in review decides that the judge did not commit any prejudicial error, then it affirms the conviction.

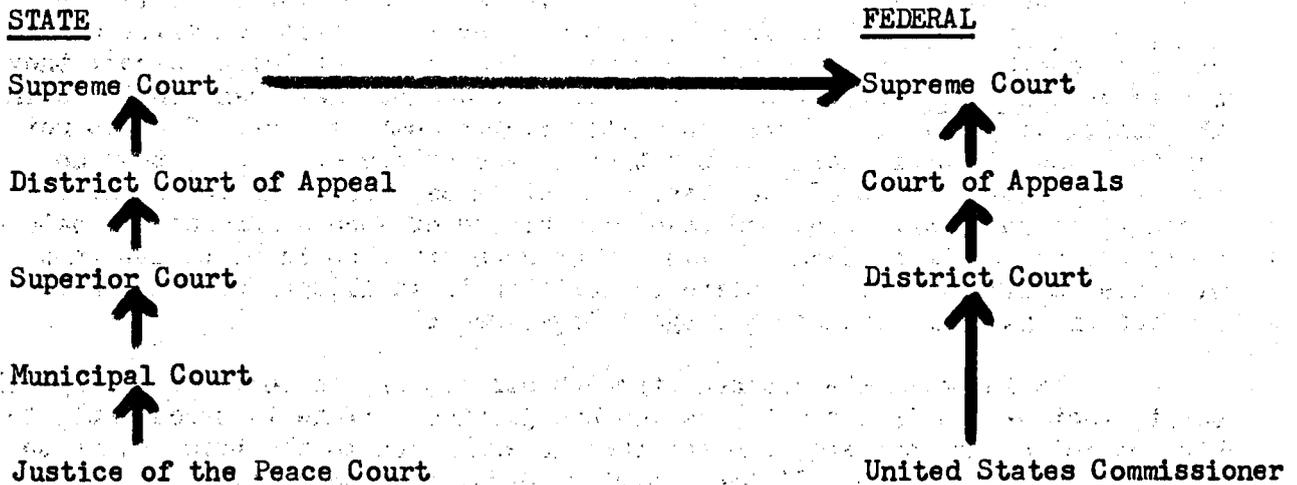
The fourth level of court, in the state systems, usually the District Court of Appeals, and in the federal system, the Circuit Court of Appeals, is strictly an appellate court; it does not try cases. It reviews cases in the superior court in the same manner that the superior court reviews cases in the municipal court.

The fifth and last level of court is the State Supreme Court and in the federal system, the United States Supreme Court. Again, the state supreme court does not try cases; it reviews the work of the district court of appeals.

The United States Supreme Court does largely the same thing for the federal courts of appeal, although it is authorized to act as a trial court in certain matters, such as litigation between two states.

For the most part, the state supreme court is the court of last resort. If this court affirms the conviction, then the defendant must begin to serve his sentence. The exception might be where there is a question of the meaning of a Federal law; in this case the United States Supreme Court is the last word on the meaning of Federal law, and the defendant might be able to appeal his case directly to the United States Supreme Court from the state supreme court. Or, if not a case of the meaning of Federal law, the accused may assert that a Federal right has been denied him, and he may appeal to the United States Supreme Court. This court may or may not decide to hear and decide his claim. At any rate, this is the ultimate resort.

So a person convicted in superior court, may lose the appeal in the district court of appeal, lose again in the state supreme court, and win in the United States Supreme Court. He has three extra chances after conviction. The state, on the other hand, does not have the right to appeal if the accused is found innocent by a judge or jury. In limited cases it can only appeal certain rulings of law made by the judge.



RESOURCE UNIT: Citizenship and the Law

PARTICIPATING SCHOOLS (1966-67)

BALTIMORE CITY

Canton Junior High School  
Principal: Miss Virginia Young  
Baltimore, Md. 21224

Herring Run Junior High School  
Principal: Dr. Virginia Roeder  
Baltimore, Md. 20206

Southern Senior High School  
Principal: Mr. Oscar Helm  
Baltimore, Md. 21230

Lemmel Junior High School  
Principal: Dr. Warren Culbertson  
Baltimore, Md. 21216

BALTIMORE COUNTY

Stemmers Run Junior High School  
Principal: Mr. A. Lee Martin  
Baltimore, Md. 21221

Woodlawn Senior High School  
Principal: Mr. D. Bixler Wheeler  
Baltimore, Md. 21207

Sparrows Point Jr.-Sr. High School  
Principal: Mr. Howard Ritter  
Sparrows Point, Md. 21219

Franklin Junior High School  
Principal: Mr. Hammond Cantwell  
Reistertown, Md. 21136

Franklin Senior High School  
Principal: Mr. James P. Hackman  
Reistertown, Md. 21136

MONTGOMERY COUNTY

Belt Junior High School  
Principal: Mr. Irving M. Sheltzer  
Silver Spring, Md. 20906

Kensington Junior High School  
Principal: Mr. Stanley E. Gaub  
Kensington, Md. 20795

Takoma Park Junior High School  
Principal: Mr. Charles F. Noble  
Silver Spring, Md. 20910

Sherwood Jr.-Sr. High School  
Principal: Dr. Mitchell Owens  
Sandy Spring, Md. 20860

Prince George's County

Fairmont Heights High School  
Principal: Mr. G. James Gholson  
Prince George's County  
Nye and Reed Streets

Kent Junior High School  
Principal: Mr. James L. Painter  
Prince George's County  
Palmer Park, Md.

Rollingcrest Junior High School  
Principal: Miss Alliene M. Campbell  
6100 Sargent Road  
W. Hyattsville, Md.

Greenbelt Junior High School  
Principal: Mr. Francis E. Furgang  
Greenbelt, Md.

Beltsville Junior High School  
Principal: Mr. Lloyd K. Hoover  
Beltsville, Md.

WASHINGTON COUNTY (EDUCATIONAL T.V.)

Mr. Claude Sasse  
Instructor  
Board of Education  
Hagerstown, Maryland

EDUCATIONAL T.V.

Washington County Educational Television  
is a service to the community which provides  
educational programs to the residents of  
Washington County.

The program is designed to provide  
educational programs to the residents of  
Washington County.

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RESOURCE UNIT: Citizenship and the Law

PARTICIPATING TEACHERS (1966-67)

BALTIMORE CITY

Canton Junior High School  
Mrs. Julia Persky  
Mr. William Schultheis

Herring Run Junior High School  
Mr. James Keim

Lemmel Junior High School  
Mrs. Zola Boone

Southern Senior High School  
Mr. David Dadds

BALTIMORE COUNTY

Stemmers Run Junior High School  
Mr. Leo Stakem

Woodlawn Senior High School  
Mr. Holmes Clay

Sparrows Point Junior High School  
Mr. Robert Keller

Sparrows Point Senior High School  
Mr. Herman Mares

Franklin Junior High School  
Mr. Reed Hoddinott

Franklin Senior High School  
Miss Susan Kane

MONTGOMERY COUNTY

Belt Junior High School  
Mrs. Laura Frye  
Miss Jean Haines  
Miss Romaine Morosy

Kensington Junior High School  
Mrs. Elizabeth Roman  
Mrs. Roberta French  
Mr. Mentor German  
Mrs. Margaret Tift

Sherwood Jr.-Sr. High School  
Mrs. Margaret Phillips

Takoma Park Junior High School  
Mrs. Esther Rotkin

PRINCE GEORGE'S COUNTY

Fairmont Heights High School  
Miss Myrtle Fentress  
Mr. Lawrence Lyles  
Mrs. Bernice Crisp  
Mr. Walter Battle  
Mrs. Mary Eubanks

Kent Junior High School  
Mr. Frank Barnes  
Mr. Sam Bossert  
Mr. Chris Hickley

Rollingcrest Junior High School  
Mr. Michael Codirezzi  
Mrs. Irene Cashell

Greenbelt Junior High School  
Mr. Steven Bittner  
Mr. Peter Whittaker  
Mr. Arthus Maas  
Mr. Charles Collins

Beltsville Junior High School

Mr. Edward Wallace

Mr. Edward Folk

Mr. Edward Weber

WASHINGTON COUNTY (EDUCATIONAL T.V.)

Mr. Claude Sasse

Instructor

TEXTBOOK REFERENCES

1. Introduction to Law Enforcement (4th Printing)

Written by:

A. C. Germann (Long Beach State College)  
Frank D. Day (Michigan State University)  
Robert Gallati (N.Y. Police Department)

Published by:

Charles C. Thomas (Springfield, Ill.)

2. Teenagers and the Law (New - January, 1967)

Written by:

John Paul Hanna (Attorney, Palo Alto, Cal.)

Published by:

Ginn and Company (Boston, Mass.)

FILMS

(Preliminary List)

16mm

1. "I Traded My Freedom" (Maryland State Dept. of Education - 38 min. - Color)  
The true story of four inmates of a state penitentiary, told by the inmates themselves in a positive, effective and informative manner. Discussion questions are factually and clearly answered in this film. Reflections on how and why an individual should avoid a life of crime are underscored.
2. "The Scar Beneath" (U.S. Public Health Service - 32 min. - B & W)  
Demonstrates how a prison inmate can be rehabilitated through the combined efforts of a rehabilitation counselor, caseworker, and prison officials. Dramatically portrayed.
3. "Headed for Trouble" (Prince George's County Police Dept. - 40 min. - B & W)  
The story of the assistance that is available to teenagers and their parents through juvenile aid officers and juvenile court workers. Dramatically portrayed.
4. "The National Citizenship Test" (With Teacher's Guide) (McGraw-Hill Text-Films-54 min. - B & W)  
Presented in four segments, (1) questions dealing with the federal government, (2) dramatizations of events which test an individual's knowledge of his rights under the law, (3) our fundamental freedoms, and (4) individual responsibility and individual rights. It teaches as it tests awareness of governmental structures - legal rights - Constitutional rights - legal and moral obligations as a U.S. citizen.

5. "Every Hour -- Every Day" (International Assn. of Chiefs of Police, Inc. - 28 min. - Color) A film narrated by Danny Thomas, that dramatically depicts the wide variety of assignments and responsibilities of the law enforcement officer. Describes the policeman's contribution to the democratic society.
6. "Gideon's Trumpet" (CBS News Documentary - 50 min. - B & W)  
The dramatic true story of how a pauper in the Florida prison hand-scribbled a letter to the Supreme Court of the U.S., and how this letter changed the law of a nation.

ADDITIONAL FILMS TO BE SELECTED