

LAW WISE



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Greetings from the Kansas Supreme Court and the Kansas Bar Association (KBA). Welcome to this edition of *Law Wise* and the fifth edition of the 2011-2012 school year.

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Thank you Sarah Shipman!

Sarah Shipman has served as *Law Wise* editor for the past three years. During her time as editor, Sarah has been dedicated to providing quality materials for Kansas educators. We congratulate and thank Sarah for her years of service. We welcome Kathryn Gardner as our *Law Wise* editor. Kathryn is an attorney who previously served as the editor for *Law Wise*, and has just finished her term as Chair of the Kansas Bar Association’s Committee on Law-Related Education. Sarah Muehler, an educator from Wichita, will be assisting her. ■

Constitution Day

Constitution Day is celebrated around September 17 each year. It was established in 2004 to commemorate the formation and signing on September 17, 1787, of the United States Constitution. The federal law establishing Constitution Day states in part:

State and local observances – The civil and educational authorities of States, counties, cities, and towns are urged to make plans for the proper observance of Constitution Day and Citizenship Day and for the complete instruction of citizens in their responsibilities and opportunities as citizens of the United States and of the State of locality in which they reside.

36 U.S.C. 106.

Many teachers find that they prefer to have guest speakers or other law-related education events early in the school year, rather than in May when Law Day is celebrated. If you are among them, just call your local bar association and ask for a guest speaker to come to your class. Many topics are available, as well as mock trials. We can help your class learn about the Constitution! Help celebrate U.S. Constitution Day 2011, the 224th anniversary of our nation’s founding document.

Maybe your class would enjoy this approach?

CONSTITUTION RAP

Authority, Responsibility, Privacy, Justice—
These are the words that mean so much to us.
The Constitution is made up of these four words.
It’s the law, the rules, for us to follow.

(Con’t. on Page 2)

CALENDAR OF EVENTS

September 17, 2011	Constitution Day
January 29, 2012	Kansas Day
Date pending	Regional Mock Trial Competition
Date pending	State Mock Trial
May 3-6, 2012	National Mock Trial Competition (Albuquerque, N.M.)
June 14, 2012	Flag Day



Constitution Day

(Con't. from Page 1)

It's the highest law in our land.
It was written in 1787, by more than just one hand.
The Framers were a group of men who wrote it—
John Adams, Ben Franklin, and George Washington, too,
And that's to name just a few.
But nothing is perfect and
Changes were needed.
The Bill of Rights were these ten changes.
They're the first ten amendments of the Constitution.
The Constitution gives us rights,
Things that all people have,
Just because they are alive.
Government is divided into three main parts—
The Congress, the president, and the courts.
They all have very important jobs.
The Congress makes the laws,
And the people elect the members of Congress.
The president enforces the laws.

The courts decide what the law means.
The Constitution says how the government works.
It creates the president, the Congress,
And the Supreme Court, too.
Just remember the Constitution keeps us safe,
Free, and it is fair for all.
So don't forget those four very important words:
Authority, Responsibility, Privacy, Justice—
These are the words that mean so much to us.
Sing this song, and sing it proud.
The Constitution is our freedom,
The way we live in this land, so
Don't be shy, sing it loud.
You are an American! ■

From Center for Civic Education, <http://new.civiced.org/resources/curriculum/constitution-day-and-citizenship-day>.
Downloadable lessons for Grades K-12 on Constitution Day.

The Legacy of John Adams: From Boston to Guantanamo

"The Legacy of John Adams: From Boston to Guantanamo" provides us with an opportunity to consider John Adams, explore the historical and contemporary role of lawyers in defending the rights of the accused, and renew our understanding of and appreciation for the fundamental principle of the rule of law. In a question-and-answer format below you will find some key facts and historical examples regarding the Boston Massacre, John Adams, and his legacy. Feel free to use these as talking points for speeches, presentations, or quizzes related to Constitution Day.

WHO WAS JOHN ADAMS?

Resistance leader and patriot, advocate and diplomat, and constitutional theorist and political activist, John Adams became our nation's first lawyer-president in 1797. He developed one of the largest legal practices in colonial Massachusetts. Born in 1735, Adams died at age 90 on July 4, 1826, the 50th anniversary of the Declaration of Independence. Thomas Jefferson, Adams's fellow revolutionary, friend, and later political opponent, died on the same day.

WHO COINED THE FAMOUS PHRASE "A GOVERNMENT OF LAWS, NOT MEN"?

Writing the Novanglus essays in 1775, Adams first referred to "a government of laws, not of men." The phrase expressed his firmly held belief in the rule of law as the foundation for republican government and the basis for political liberty. It was

subsequently incorporated into the 1780 Constitution of the Commonwealth of Massachusetts, written principally by Adams and a model for the subsequent U.S. Constitution of 1787.



The phrase was also famously quoted in the landmark 1803 U.S. Supreme Court case *Marbury v. Madison*, which established judicial review, the federal courts' power to void executive and legislative acts as unconstitutional.

WHAT WAS THE BOSTON MASSACRE?

On the evening of March 5, 1770, British soldiers fired into a crowd of protesters who had gathered near the Customs House on King Street in Boston. The soldiers were under the command of Captain Thomas Preston. Five colonists died, including Crispus Attucks, a man of Native American and African descent. The term *massacre* quickly became associated with the event, which others characterized

as a *riot*—depending on their point of view as to what happened and why. Some argued the soldiers were provoked with hurled insults, snowballs, oyster shells, and other objects. Others claimed the soldiers violently overreacted. Captain Preston and eight of his men were arrested and indicted for murder.

WHAT WAS THE HISTORICAL CONTEXT?

American colonies were under British rule. Massachusetts colonists had actively resisted what they considered unfair taxes imposed by the British Parliament with the 1767 passage of the Townshend Acts. Protests ranged from the halls of the Massachusetts House of Representatives to the shipyards of Boston Harbor to city streets. Beginning in 1768, British troops began

arriving in Boston to enforce order. By 1770, they numbered 4,000. Boston then had just 20,000 residents. The Boston Massacre took place five years before the American Revolutionary War began.

WHAT HAPPENED AT THE TRIALS?

Although a prominent leader in the American colonial resistance to British parliamentary authority, Adams agreed to take on the cases, as he felt Captain Preston and the British soldiers deserved effective defense. Preston's trial began in October 1770. After he was ably defended by Adams who cast doubt as to whether Preston gave orders to shoot, the jury acquitted the British captain. The trial of the eight soldiers began in December. Adams argued that the soldiers had fired in self-defense and that the protesters were an unruly mob. The jury acquitted six of the soldiers and found the other two, who had been proven to have fired their weapons, guilty of manslaughter. Their punishment was to have their thumbs branded.

WHAT DID JOHN ADAMS THINK ABOUT HIS ROLE IN DEFENDING THE ACCUSED AT THE BOSTON MASSACRE TRIALS?

Writing in his diary three years after the event, Adams remarked: "The Part I took in Defence of Cptn. Preston and the Soldiers, procured me Anxiety, and Obloquy enough. It was, however, one of the most gallant, generous, manly and disinterested Actions of my whole Life, and one of the best Pieces of Service I ever rendered my Country. Judgment of Death against

those Soldiers would have been as foul a Stain upon this Country as the Executions of the Quakers or Witches, anciently. As the Evidence was, the Verdict of the Jury was exactly right."

WHY IS JOHN ADAMS'S ROLE IN THE BOSTON MASSACRE TRIAL SIGNIFICANT TODAY?

His role in the 1770 Boston Massacre trials has come to be seen as a lawyerly exemplar of adherence to the rule of law and defense of the rights of the accused, even in cases when advocates may represent unpopular clients and become involved in matters that generate public controversy. For a contemporary illustration, in March 2010, 19 prominent lawyers signed an open letter supporting the role of lawyers in defending Guantanamo detainees by declaring, "The American tradition of zealous representation of unpopular clients is at least as old as John Adams' representation of the British soldiers charged in the Boston Massacre." ■

Excerpt from the Law Day Planning Guide – <http://www.lawday.org>.

Find other famous cases in which lawyers have engaged in principled representation of unpopular clients information at: http://www.americanbar.org/content/dam/aba/migrated/2011/build/public_education/lawday_2011_web.authcheckdam.pdf. Find more concrete lesson plans by checking out the sites listed below in our "Terrific Technology for Teachers" section.

Online Survey "150 (or so) Prominent Kansans"

The Kansas Bar Association Law-Related Education Committee has moved forward with a Kansas Sesquicentennial project in the form of a teaching online survey. Hon. G. Joseph Pierron has put together a compilation of about 150 eminent Kansans, along with short biographies, spanning the history of Kansas from its beginning as a state to the present day. The list is divided into six categories: (1) Public Leaders; (2) Writers and Journalists; (3) Artists, Composers and Performers; (4) Science, Education and Aviation; (5) Business and Commerce; and (6) Military and Sports. The survey began January 21, 2011, and will run through the Sesquicentennial year-long celebration. The KBA will reveal the results prior to Kansas Day 2012. Interesting Kansas reference books, such as Dave Webb's "399 Kansas Characters," and Virgil Dean's "John Brown to Bob Dole. Movers and Shakers in Kansas History," formed the core of the information background.

In addition to providing the biographical information, the project gives Kansans a chance to name their own "Top 15" Kansans. KBA staff have constructed a survey tool to allow students, teachers and others to consider what makes a person "eminent" and who should receive that title.

There is still time for you and your students to vote on the "Top 15" Kansans! Please take the survey on the link below. It just takes a few minutes, and you'll learn a lot.

Student Survey:

<http://www.surveymonkey.com/s/150kansans-students>

Educator Survey:

<http://www.surveymonkey.com/s/150kansans-educators>

Public Survey:

<http://www.surveymonkey.com/s/150kansans-public>

KBA members interested in reviewing the materials and perhaps submitting their own Top 15 can do so under public.

Here are a few summarized biographies of some of the eminent Kansans on the list.

Artist **John Steuart Curry** was born on a farm in Dunavant, Kan., November 14, 1897. He was the eldest of five children. Curry's early life consisted of caring for the animals on the farm, attending the nearby high school and excelling in athletics. Curry was encouraged to paint animals around the farm and, at the age of 12, he had his first art lesson. He attended Geneva Col-



lege in Beaver Falls, Penn., then worked as an illustrator for several magazines, including Boys' Life, St. Nicholas, County Gentleman, and The Saturday Evening Post. Curry's most famous works are the murals he designed for the Kansas State Capitol, in Topeka, Kan. Come see them soon!

Writer **William Allen White** (February 10, 1868 – January 29, 1944) was a renowned American newspaper editor, politician, author, and leader of the Progressive movement. Between 1896 and his death, White became the iconic spokes-

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Online Survey “150 (or so) Prominent Kansans”

(Con't. from Page 3)



man for middle America. Born in Emporia, Kan., White loved animals and reading books. He attended the College of Emporia and University of Kansas, and later was Editor of the Emporia Gazette. In 1896, he attracted national attention with a scathing attack on William Jennings Bryan, the Democrats, and the Populists titled, “What’s the Matter With Kansas?” With his warm sense of humor, an articulate editorial pen, and a common-sense approach to life, he soon became known throughout the country, and in 1923 he won a Pulitzer Prize. White taught his family the importance of journalism and the Emporia Gazette has been run by his family for many years.

Politician **Charles Curtis** was born in 1860 in Topeka, Kansas Territory, before Kansas became a state in January 1861. His mother was one-fourth French, one-fourth Kaw, one-fourth Osage, and one-fourth Pottawatomie. His father was an American of English, Scots and Welsh ancestry. From his mother, Curtis first learned French and Kansa. As a boy living with his mother and her family on the Kaw reservation, he started racing horses. Curtis was a highly successful jockey in prairie horse races. He later became a United States Representative, a longtime United States Senator from Kansas, and the 31st Vice President of the United States (1929-1933). He was the first person with significant acknowledged Native American ancestry to reach either of the two highest offices in the United States government’s executive branch.

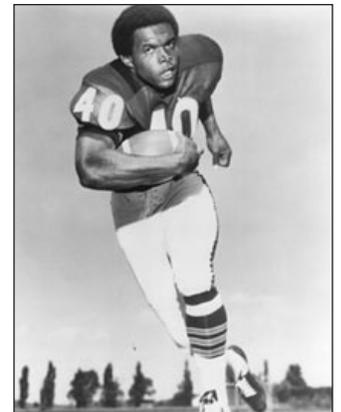


Abolitionist **Clarina Irene Howard Nichols** (January 25, 1810 – January 11, 1885) was a journalist, lobbyist and public speaker involved in all three of the major reform movements of



the mid-19th century: temperance, abolition, and the women’s movement. When the Kansas-Nebraska Act of 1854 threatened to establish slavery outside of the South, Clarina Nichols uprooted her family to become a pioneer and activist in Kansas. Her efforts helped catapult her adopted state into the forefront of women’s rights, gaining the respect and support of such women as Susan B. Anthony and Elizabeth Cady Stanton. During the course of her life, Clarina Nichols served as teacher, lecturer, editor, writer, farmer, lay doctor and lawyer, government clerk, matron in a home for destitute black children and widows, and conductor on the Underground Railroad.

Athlete **Gale Sayers** was born in Wichita, Kan. He was a two-time All-American football player at the University of Kansas. Sayers is considered by many to have been the greatest open field runner in college football history. He is the youngest inductee in the Pro Football Hall of Fame. His autobiography, “I Am Third,” details his rise from a ghetto, his spiritual development, and his friendship with teammate Brian Piccolo, a white man. The title comes from his philosophy: “The Lord is first; my family and friends are second; and I am third.” This book became the subject of the movie “Brian’s Song,” which was made in the midst of racial riots, escalating racial tensions in the wake of Martin Luther King’s assassination, and charges of discrimination across the nation. Sayers showed that friendships can cross racial lines and that racial harmony begins with individuals. ■



Take a Field Trip!

Looking for a field trip idea? Interested in an interactive learning experience? Want to give your students a chance to meet with a federal judge? Need materials to help you teach about the courts?

Contact the U.S. District Court for the District of Kansas for help! We offer tours of our three courthouses and fun, timely, and interactive EDUCATIONAL programs designed for students of all ages.

Check out the program offerings at www.uscourts.gov/outreach/index.html and contact Neely Fedde, the Court’s Public Outreach Specialist, at neely_fedde@ksd.uscourts.gov or (913) 551-6692 for more information or to schedule a session in our Kansas City, Wichita, or Topeka courthouses or at your school.

High School Team Competed in National Mock Trial Tournament

The State Tournament of the Kansas Bar Association Young Lawyers Section (YLS) High School Mock Trial Competition took place on April 1. The tournament was held at the Johnson County Courthouse in Olathe. Six schools from across the state participated in the competition, including:

The Independent School, Wichita
 Sunrise Christian Academy, Wichita
 Shawnee Mission East, Kansas City Metro
 Shawnee Mission Northwest, Kansas City Metro

Congratulations to The Independent High School of Wichita, which won the competition and attended the National Competition on May 5-7 in Phoenix. Sunrise Christian Academy was the runner-up, and Shawnee Mission East High School was the second runner-up.

The KBA YLS pays the registration fees for the National Competition and provides an additional scholarship to the state champion to be used for travel and lodging for the team, coaches, and sponsors.

We hope your school will compete this year! If you would like information about the mock trial program, please contact the Kansas Bar Association at (785) 234-5696. ■



COURT EDUCATION VIDEO AVAILABLE

The Kansas Supreme Court has released a new educational video along with talking points on four court-related topics. The video, called *Justice in Kansas*, and the talking points may be accessed below.

Justice in Kansas Video: Published by the Kansas Supreme Court, produced in January 2009 and hosted by then-Chief Justice Robert E. Davis, the video provides information regarding the structure and function of the Kansas Judicial Branch. Copies of the video are available upon request to teachers or anyone interested in law-related education. Contact Ron Keefover, Education and Information Officer of the Office of Judicial Administration, Topeka, (785) 296-4872 to order. Video is approximately seven (7) minutes in length. Window Media Player 9.0 or above is required. [Free Download for WMP.](#)

Talking Points:

- Interesting facts regarding the Kansas Judicial System
- Types of courts
- Case statistics
- Jury service in Kansas
- About Kansas courts

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The Kansas Bar Association Law-Related Education Clearinghouse Inventory catalog is available. To request a new copy, please call Kelsey Schrempp, KBA Public Services Manager, at (785) 234-5696 or email her at kschrempp@ksbar.org.

LAW-RELATED EDUCATION CLEARING HOUSE ... WHERE?

This is no longer a mystery! The Kansas Bar Association's Law-Related Clearinghouse is located in the Teachers College Resource Center, room #224 of Visser Hall, here on the campus of Emporia State University. Packed on the shelves are a wide variety of civics resources for Kansas educators. A brief scan of the collection shows that there are booklets, books, games and kits, mock trial simulations, videos, DVDs, and more.

So why is this collection so unknown? For me *that* is a huge mystery! Any time that I can find valuable materials in my content area, ready to use with students, I consider that a resource that I will call upon again and again. I think that this collection may have been overlooked in the search for effective materials for students because of the variety of other resources offered here at the Teachers College Resource Center. I have excellent reason to believe that this non-use will change! The Kansas Bar Association, steered by their Public Services Manager, Kelsey Schrempp, has put their valuable dollars to work for educators! New, timely audio-visual materials have been ordered and will soon invigorate this collection. Now, all you will need to do is be first in line to check out these brilliant new additions to the collection. The new additions will be available in mid December and some are listed in the above Clearinghouse Resources.

The hours at the Center are 9 a.m. to 6 p.m. Monday through Thursday, and 9 a.m. through 5 p.m. on Friday. For more information, call (620) 341-5292 or email me at jromeise@emporia.edu.

Janice Romeiser
Director Teachers College Resource Center/Instructional Materials Center
Emporia State University

Resources at the Law-Related Education Inventory



1. **Brown v. Board of Education.** DVD. MS/HS. Free copy with teaching materials. Email kschrempp@ksbar.org for your free set.
2. **On Your Own.** HS booklet. Free handout booklet explains legal issues young Kansans should be aware of as they prepare to leave school and enter the workforce. Email kschrempp@ksbar.org.
3. **The Supreme Court.** DVD. MS/HS. This four DVD collection is the definitive U.S. Supreme Court collection.
4. **Kansans You Should Know.** DVD. MS/HS. A KTWU DVD production on prominent Kansans. Email kschrempp@ksbar.org.

The Law-Related Education Inventory has many resources to help teach about law-related topics. The Kansas Bar Association and the lawyers in your community sponsor the Law-Related Education Inventory. To order a catalog, call Meg Wickham at the Kansas Bar Association, (785) 234-5696. The clearinghouse will mail free copies of law-related posters, games, mock trials, booklets, lesson plans, and other aids. It is open Monday through Thursday, 8 a.m. to 7 p.m., and Friday, 8 a.m. to 5 p.m. The director of the Teachers College Resource Center, which houses the Law-Related Education Inventory, Janice Romeiser, can be reached at jromeise@emporia.edu.

TERRIFIC TECHNOLOGY FOR TEACHERS



Check out these great websites ...

Downloadable lessons for Grades K–12 on Constitution Day. Each lesson includes teacher instructions.

<http://new.civiced.org/resources/curriculum/constitution-day-and-citizenship-day>

Copies of the U.S. Constitution

<http://new.civiced.org/resources/publications/resource-materials/464-constitution-of-the-united-states-of-america>

Copies of the Bill of Rights (first 10 Amendments to the Constitution) and all 27 amendments

<http://new.civiced.org/resources/publications/resource-materials/465-amendments-to-the-constitution-of-the-united-states-of-america>

Copies of foundational documents, information, and teacher resources

<http://www.constitutionfacts.com/?page=quiz.cfm>

Kansas Historical Society lessons, information, and more

<http://www.kshs.org/p/kansas-day-at-the-museum-2011/15677>

Kansas Day Teacher Resources

<http://www.usd267.k12.ks.us/TL%20Student%20Pages/Kansas%20Day%20Teacher%20Links.html>

Kansas Foundation for Agriculture in the Classroom

<http://www.usd267.k12.ks.us/TL%20Student%20Pages/Kansas%20Day%20Teacher%20Links.html>

Kansas Education Resource Center

http://www.kerc-ks.org/show_topic.aspx?uc=hot_topics/constitution_day.ascx

Kansas Clearinghouse Sesquicentennial activities and information

<http://ks150.kansas.gov/Pages/default.aspx>

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