



LAW WISE

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Greetings from the Kansas Bar Association (KBA).

Welcome to this edition of *Law Wise* and the sixth edition of the 2013-2014 school year.

IN THIS ISSUE

| | |
|---|---|
| Welcome..... | 1 |
| Hot Topic in Kansas Voting..... | 1 |
| Lesson Plan: The Critical Voter..... | 2 |
| 2014 State Mock Trial Champion Announced..... | 4 |
| Did You Hear? | 4 |
| Terrific Technology for Teachers..... | 4 |
| Query..... | 5 |
| KBA Law Related Education Clearinghouse Reminder: Please Return Items..... | 5 |
| iCivics: Voting Rights..... | 5 |

WELCOME

What's new in Kansas voting laws? This month, *Law Wise* features the topic of this year's Law Day celebration: American Democracy and the Rule of Law: Why Every Vote Matters. See www.lawday.org for great ideas, more lesson plans, and ways to celebrate Law Day.

This year's Law Day, May 1, occurs on the eve of the 50th anniversaries of two landmark pieces of legislation – the Civil Rights Act of 1964 and the Voting Rights Act of 1965. In 1958, President Dwight D. Eisenhower established Law Day as a day of national dedication to the principles of government under law. Three years later, Congress, by joint resolution, designated May 1 as the official date for celebrating Law Day.

Constitution Day, celebrated annually in September, and Law Day, celebrated annually in May, are great times to invite attorneys in to your classrooms to speak, to conduct mock trials, or to answer questions about various legal topics.

Read on to see what's happening in Kansas with the new photographic identification requirement for voters and check out our great lesson plan about political ads on television.

HOT TOPIC IN KANSAS VOTING

What's the Status of Kansas's New Law Requiring Voters to Show Photographic Identification?

The Kansas Secretary of State's office regulates who can vote in Kansas. The Kansas Secretary of State, Kris Kobach, has championed proof-of-citizenship laws to keep non-citizens from voting, particularly those in the United States illegally. But critics say voter fraud is rare, such restrictions are unnecessary, and such laws suppress the vote and threaten to keep thousands of citizens from casting ballots.

The Kansas Legislature passed the Secure and Fair Elections (SAFE) Act in 2011, intended to ensure that all voters are qualified to vote and to make it more difficult to cast an illegal vote. Read about its details in the November 2012 issue of *Law Wise*. In general, it has three major requirements: (1) that persons registering to vote in Kansas for the first time after January 1, 2013, provide valid proof of United States citizenship; (2) that each voter show photographic identification at each election, with certain specific exceptions; and, (3) that voters who use advance ballots by mail submit either their driver's license numbers or copies of photographic identification documents.

(continued on next page)

CALENDAR OF EVENTS

May 1, 2014

Law Day



The U.S. Supreme Court ruled last summer that states could not require voters to show a passport, birth certificate or other proof of citizenship when registering the federal registration form. *Arizona v. Inter Tribal Council of Arizona, Inc.*, 133 S.Ct. 2247 (2013). The case held that the National Voter Registration Act (NVRA) pre-empted Arizona's proof-of-citizenship requirement. Thus voters who use the federal form to register must only sign a statement attesting they are citizens. But the Court added that states may request that the Election Assistance Committee include such a requirement among the federal form's state-specific instructions.

Kansas, Arizona, and Georgia did so, petitioning the EAC to change the federal form in these states to require proof of citizenship. But the EAC refused to do so, finding the new requirements would prevent otherwise eligible citizens from voting.

Kobach then sued the U.S. Election Commission, alleging that it had no authority to deny a state's request to include its proof-of-citizenship requirement in the state-specific instructions on the federal mail voter registration form. See *Kris W. Kobach, et al. v. The United States Election Assistance*

Commission, et al., No. 5:13-cv-4095 (Aug. 21, 2013). On March 19, 2014, a Kansas federal judge agreed, and ordered the EAC to add the language requested by Arizona and Kansas to the state-specific instructions on the federal mail voter registration form, effective immediately. That decision has recently been appealed to the Tenth Circuit, whose decision will be binding on all the Kansas federal courts.

Two federal lawsuits are pending in Kansas challenging the constitutionality of the SAFE Act. In one, the ACLU sued the Kansas Secretary of State, alleging the SAFE Act divides eligible voters into separate and unequal classes in violation of the Kansas Constitution's equal protection guarantees. *Belenky & Jones & Equality Kansas v. Kobach*, (ACLU case), No. 13-4150 (Dec. 2013). In another, voters who had been given provisional ballots because they did not present the required identification when voting sued the Kansas Secretary of State, alleging denial of their constitutional right to vote. See *Spry and Hanmer v. Kris W. Kobach*, No. 13-4129 (Nov. 2013). No decision on the merits has yet been filed in either case. ■

LESSON PLAN THE CRITICAL VOTER

Lesson plan adapted from <http://bit.ly/1g75yOL>
www.lawday.org

Grade(s): 6–8

PURPOSE

Students will learn about the different strategies used in political campaign ads by examining historic presidential election television ads and discussing how the creators of the ads used words, music, and images to convey a specific message to voters.

OBJECTIVES

Students will:

- Learn about the different strategies used in political campaign ads to influence voters.
- Identify and discuss the techniques used in positive and negative political campaign ads.
- Analyze the use of images, sounds, and words in a series of political ads.

Duration: 30 minutes

MATERIALS

- Internet access and projector to show political campaign ads from several websites, including: www.livingroomcandidate.org
- PowerPoint on Analyzing Political Campaign Ads available at www.lawday.org
- Copies of Analyzing Political Campaign Ads: Student Handout available at www.lawday.org

INTRODUCTION

Opening questions for students:

Does anyone remember seeing a political ad on television during the last election? Is there anything specific you remember about the ad or ads that you saw? Political campaign ads have been featured on television during presidential elections since 1952. Political ads are intended to create positive or

negative feelings about a particular candidate among voters. Campaign ads are created to persuade or cause voters to feel a certain way about a candidate. The purpose of a positive political ad is to create support for the featured candidate by emphasizing the candidate's good qualities and accomplishments. In contrast, negative ads use alarming statistics, visuals, and sounds to make the candidate's opponent seem unqualified or unethical. Statistics are often included that may or may not be true and sound bites or previous voting records may have been taken out of context. Often, little information is given about the featured candidate. The main purpose of a negative ad is to create fear in voters about what could happen if the opponent is elected.

PROCEDURES

Part 1: Learning about persuasive political ad techniques

Techniques used in Political Television Ads

Generalities – This technique always shows the subject of the message in a positive light, but provides little or no information. Generalities use simple words and clever slogans that appeal to peoples' emotions. These general statements are easy to remember but do not offer hard facts about the candidate.

Fear – Fear is a persuasive technique often used in advertising. These types of ads draw on voters' fears by telling them that the future of the country's safety, prosperity, or economy will be doomed unless they vote for the featured candidate.

Slogan – Many political candidates establish a memorable phrase that is used throughout their political campaign, or a in a series of political ads. Viewers remember the slogan and

associate its message with the candidate. Some past presidential campaign slogans: A time for greatness 1960; Yes, We Can; For People, for a Change; Hope and Change.

Emotional Appeal – An emotional appeal is another persuasive technique used in advertising. This technique is intended to make viewers feel certain emotions, such as happiness, nostalgia, or excitement. If viewers feel good about the ad, they may transfer that feeling to the candidate.

Video Production Techniques

Music – Music can be used to create a mood. The mood might be celebratory, patriotic, dark, or angry, depending on the message that the candidate wants to create.

Sound Effects – Sound effects are also used to create a mood and emphasize certain points within an ad. For example, sound effects, such as a loud “boom” or a repeated pounding, might be featured in a negative ad to help create a threatening mood.

- Go through the Analyzing Political Ads PowerPoint with students to review the various techniques used in political ads, available at www.lawday.org.

Part 2: Analyzing Political Ads

- Distribute copies of the Analyzing Political Campaign Ads: Student Handout. Have students use the chart to organize their thoughts on the persuasive and video production techniques used in the first four ads.
- Show students the following political campaign ads featured below. You may want to play each video more than once. You may also want to play the videos first without sound to see if students’ impressions change once they hear the sound also with the images. Note for teacher/lawyer in the classroom. You may choose to show more current campaign videos which are available in chronological order by year at www.livingroomcandidate.org.

Questions for students after they view each video. Depending on the responses from students, you may not need to ask all of these questions after each video. Choose the ones that seem most appropriate to the class discussion.

1. What is your first impression of the ad? What images did you see?
2. What feeling(s) do you get from these images? Why?
3. Can you tell which political candidate this ad is for? Can you tell from the ad who the candidate’s opponent is? Can you tell who paid for the ad?
4. Is this a positive or negative ad? How can you tell?
5. Can you tell which election year this political ad was made in? What issues were going on in the country during that time? Does the ad mention any of these issues?
6. What key words are used in the ad? Why do you think these words were used?
7. What theme or message is trying to be conveyed in the ad?
8. What is the tone of the ad? (Is it hopeful, energetic, angry?) What about the ad gives you that impression?
9. Are production techniques used with music or sound effects to help convey the message?
10. What persuasive techniques are used in this ad? (fear, slogan, emotional appeal, and/or generalities)
11. What impression does the ad give you about the candidate?

Campaign Videos

Kennedy vs. Nixon, 1960

- Jingle (Kennedy, 1960)
www.livingroomcandidate.org/commercials/1960
(the second video in the Democrat row)

Nixon vs. Humphrey vs. Wallace, 1968

- Failure (Nixon, 1968)
<http://www.livingroomcandidate.org/commercials/1968>
(the third video in the Republican row)

Reagan vs. Mondale, 1984

- Prouder, Stronger, Better (Reagan, 1984) It’s morning again in America
(the second video in the Republican row)
- Roller Coaster (Mondale, 1984)
(the second video in the Democrat Row)
www.livingroomcandidate.org/commercials/1984

Concluding Question

After viewing these videos, did you find the negative or positive ads to be more persuasive? Why?

Part 3: Comparing two ads

Inform students that in they will be viewing two final ads from candidates running against each other in an election.

Clinton vs. Bush, 1992

- Bush ad “Federal Taxes” (Bush, 1992)
(sixth Republican video)
- Clinton response to ad “Scary” (Clinton, 1992)
(seventh Democrat video)
www.livingroomcandidate.org/commercials/1992

QUESTIONS FOR STUDENTS

After showing “Federal Taxes” (Bush, 1992)

- What type of ad was this?
- What types of persuasive techniques were used?
- What types of people were featured in the ad? Why do you think these people were chosen to put in the ad?
- Did you notice anything new in this ad that wasn’t in the some of the others you have seen today?
(information hotline number at the end)
- What impact does this have on the message of the ad?
- Does the ad seem more believable to you because of the information hotline?

After showing “Scary” (Clinton, 1992)

- What are your reactions to this ad?
- How was it different from some of the ads you have seen today?
(It was a direct reaction to the opponent’s negative ad)
- How do you feel about the first ad now that you have viewed this one?
- Note to teacher/lawyer in the classroom. You may have to show both videos again.
- There were quotes used in both ads. Which ad was more persuasive in its use of quotes? Why?
- In these ads, two different candidates were stating persuasive information about the other. What if the information in the ads was false? Are there laws to protect citizens from false advertising? ■

2014 STATE MOCK TRIAL CHAMPION ANNOUNCED

On March 1, 2014, the Young Lawyers Section hosted two regional tournaments for High School Mock Trial teams. A total of 27 teams competed from 19 different schools. Of those teams, 19 were eligible to advance to State as part of the varsity division. After all rounds of competition, these teams advanced to the state tournament.

- Blue Valley Northwest
- Shawnee Mission East
- Washburn Rural
- Sunrise Christian Academy
- The Independent School
- Northeast Magnet High School

On March 28-29 in Topeka, these six teams competed in the State Championship. This year's winning team is The Independent School of Wichita. They now qualify to compete on the national level on May 8-10 in

Madison, Wisc. Learn more about the national competition at www.nationalmocktrial.org. In December information about the 2014-15 competition will be posted at www.ksbar.org/mocktrial.



Front row (L to R): Spencer McIntire, Jessica Kieu, Codey Davis, Jason Karlin, and Rob Steere. Back row: John Steere, Luke Banta, and Rachel Swank.

DID YOU HEAR?

The College Board recently announced that it will be re-designing the SAT exam in 2016. Among the changes, the exam will now include civics-based reading and writing passages.

The new SAT exam will require students to analyze documents from social science sources and support their answers

with evidence. As the College Board explains, "Each exam will include a passage drawn from the Founding Documents of America or the Great Global Conversation they inspire." *Law Wise* is glad the College Board has shown this commitment to civics! ■

TERRIFIC TECHNOLOGY FOR TEACHERS

The Kansas Secretary of State's Office

The Kansas Secretary of State's office contains general information about voting in Kansas, as well as the SAFE Act. www.voteks.org

Women's Suffrage – Kansapedia (Kansas Historical Society)

Kansapedia is a resource of the Kansas Historical Society. This site contains information about womens' suffrage in Kansas.

www.kshs.org/kansapedia/womens-suffrage/14524

Amendments to the Constitution:

Voting – TeacherVision.com

This site collects the Constitutional Amendments relating to voting rights, and states them verbatim.

www.teachervision.gen.com/constitutional-history/resource/4362.html

Signing the Voting Rights Act, 1965

Lyndon B. Johnson's Address to Congress on Signing the Voting Rights Act, 1965. This includes a transcript of President Johnson's address before a joint session of Congress, given on March 15, 1965, one week after deadly racial violence erupted in Selma, Ala. In it he uses the phrase "we shall overcome," borrowed from the civil rights movement. <http://goo.gl/n7EtZS>

U.S. Voting Rights – Infoplease.com

This site provides a timeline of the progression of voting rights, and includes relevant U.S. Supreme Court decisions. www.infoplease.com/timelines/voting.html

QUERY

Here are some questions to ask your students about voting rights:

- What does voting equality mean to you?
- What can students do to make a difference in elections?
- Throughout its history the United States has expanded voting rights to different groups of people. What value judgments are we making in whom we allow to vote and whom we don't?
- What are some of the greatest voting challenges that you think America is facing today?

Selected Quotes from www.lawday.org

“Democracy cannot succeed unless those who express their choice are prepared to choose wisely. The real safeguard of democracy, therefore, is education.”

~ *Franklin D. Roosevelt*

“It has been said that democracy is the worst form of government except all those other forms that have been tried from time to time.”

~ *Winston Churchill*

“[T]he vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.”

~ *Lyndon B. Johnson*

“Half of the American people never read a newspaper. Half never voted for President. One hopes it is the same half.”

~ *Gore Vidal*

KBA LAW RELATED EDUCATION CLEARINGHOUSE

REMINDER

If you checked out materials at the ESU KBA Law Related Education Clearinghouse, please return them before the end of the school year. If you need assistance in getting those items returned, please contact Janice Romeiser at jromiese@emporia.edu.



iCivics VOTING RIGHTS

Included in the Politics and Public Policy curriculum unit in iCivics is a lesson plan titled “Voting Rights”. This lesson plan explores the evolution of voting rights in the United States through an interactive PowerPoint presentation highlighting landmark changes. Following the presentation and class discussion, students apply the new knowledge of voting legislation to individual scenarios through a class activity. Discover additional lesson plans and resources at www.icivics.org. ■

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