

Lesson 4: Your Rights in a Trial

Context

"A responsible press has always been regarded as the handmaiden of efficient judicial administration, especially in the criminal field...The press does not simply publish information about trials but guards against the miscarriage of justice by subjecting the police, prosecutors and judicial processes to extensive public scrutiny and criticism.." Tom C. Clark, Supreme Court Justice

The Bill of Rights sets up many safeguards for citizens in the legal system. Amendments V, VI and VIII protect the individual accused of a crime. A capital crime requires an indictment from a grand jury made up of citizens; criminal prosecutions require a trial by a jury. The right to a speedy trial guarantees that the government cannot lock someone up for years awaiting a trial — a practice in some countries without this constitutional protection. The Sixth Amendment prevents the government from misusing its power by allowing citizens to have legal counsel. It was much later that this right was extended so that citizens unable to pay for an attorney were provided with an attorney paid for with public money. The Bill of Rights recognizes that the government has unlimited resources and power to bring against a single citizen. That citizen must be protected from any undue government persecution or prosecution.

The freedom of the press guaranteed by the First Amendment also works to safeguard citizens' interests in legal proceedings. The public interest is protected when newspapers disclose any improper methods used by the police in arrests and investigations. There is occasional conflict between Amendments I and VI, however. Some defense attorneys argue that pre-trial publicity about a case may prevent a defendant from receiving a fair trial. That argument has not been supported in most cases. When the courts have a serious concern about pre-trial publicity, a change of venue may be ordered so that the trial takes place in a location away from its original site, somewhere where prospective jurors have not read about the case.

- Purpose**
1. Identify key elements and people in a trial.
 2. Retell information about a criminal trial in a newspaper.
 3. Examine the relationship between the press and the legal system.

Learning Activity

1. Ask students if they have ever seen a portrayal of a trial on television or in a movie. Have them identify the people they would see at a trial. Ask students to tell what they know about what happens in a trial. Write their responses on a chalkboard.
2. Distribute newspapers to students. For younger students, you may want to use one newspaper for every two students.
3. Have students complete the *Your Rights in a Trial/Legal System* worksheet. Students working with Level I or II worksheets may work best in pairs. Students using Level III worksheets may work individually or in pairs.
4. After students have completed their work, ask them to discuss the activities.

Follow-up Activities

1. Explain to students that newspapers tell their readers about trials. Newspapers provide a lot of information if the trial is a local one or involves a prominent person in the community. Discuss the newspaper's role: The newspaper watches to see that all the officials in a trial are doing their jobs properly and the accused citizen is being treated fairly.
2. Have students consider how a defendant might be treated in a country without the protections listed in the Bill of Rights. How might the government act differently?
3. Have students discuss the following questions in pairs or small groups. As a class, discuss the responses.
 - How could a citizen be protected if there were no press to report on trial procedures?
 - What guarantees would you put in place to ensure a fair trial?



Your Rights in a Trial

Before You Read

You need to know: The Bill of Rights protects people who have been accused of committing crimes. People who are accused of a crime have a right to a fair trial. They have a right to have a lawyer help them. They have the right to see the people who are accusing them of the crime. And if they are found guilty, the Bill of Rights assures them of fair punishment.

Using the newspaper: Your newspaper prints information about people who are accused of crimes. Look through your newspaper to see if you can find an article about a trial, a lawyer or a witness (A witness is someone who can give information at the trial).

While You Read

With a partner read one of the newspaper articles that you found about a trial, lawyers or witnesses. Ask your teacher for help if you need to. What did you learn? Write what you learned below.

What is the trial about? _____

Who are the people in the trial? _____

What else did you learn? _____

After You Read

When someone in your class is accused of doing something wrong, what happens? Talk with your partner about what happens. Write about that below.

After you have finished writing, share what you have written by reading it to a friend.





Your Rights in a Trial

Before You Read

Amendments V and VI of the Bill of Rights protect a person who is accused of a crime. The person has the right to a trial by a jury. The person has a right to a speedy and public trial. The person is entitled to see the people who are accusing him or her of a crime. If he or she is convicted of the crime, the person is entitled to a fair punishment under Amendment VIII.

The newspaper prints stories about local, state and national trials. Locate a story about a trial.

While You Read

Read your newspaper article with a partner. See if you can find the following information about a criminal trial. Write your answers below.

The **crime** — what the person is accused of doing.

The name of the **defendant** — the person accused of the crime.

The name of the **defense attorney** — the attorney who speaks for the defendant.

The name of the **prosecutor** — the attorney who presents the evidence against the defendant.

Where will the trial take place?

When will the trial take place?

After You Read

You have rules in your classroom and in your school. What happens if a student breaks one of these rules? How does this differ from an instance when someone breaks a law? Discuss these questions with a partner. Write your ideas below.

Share your writing with other students in your class.



Your Rights in a Trial

Before You Read

Amendments V and VI of the Bill of Rights provide protection for any citizen accused of a crime. The accused person has the right to a trial by jury; it must be a speedy and public trial; the individual is not required to testify; the individual has the right to have legal representation. And Amendment VIII ensures the punishment must not be "cruel or unusual" should the person be convicted.

The newspaper reports on trials at all levels of government — local, state and federal. Locate information about a pending trial or an ongoing trial in your newspaper.

While You Read

Read all the information you can find in the newspaper about a criminal trial. Identify the key elements and people in the trial and explain the trial's importance below.

Level of trial: local, state or federal? _____

Name of the accused: _____

Alleged crime: _____

Name of defense attorney: _____

Name and title of prosecuting attorney: _____

What impact will the outcome of this trial have on the community or the country?

Why is the trial important to readers of your newspaper?

After you read

One responsibility of our judicial system is to see that defendants are properly treated and fairly tried. The press' role helps to ensure that prosecutors and judges act responsibly and fulfill their duty to the public.

Consider the news coverage of the trial you've just read about. How has the press fulfilled its role in this trial? Discuss the idea with several classmates. Write your reactions below.

