

**CURRICULA HANDBOOK for
CIVICS PROGRAMS in
ALAMEDA COUNTY
SCHOOLS**

**ALAMEDA COUNTY BAR ASSOCIATION &
ALAMEDA COUNTY SUPERIOR COURT BENCH**

August 2020

TABLE OF CONTENTS

TOPIC	PAGE #
Committee Members	1
Introduction	2
Additional Civics Resources	3
The Do's & Don'ts of Class Civics Presentations	4
Becoming an Attorney; Becoming a Judge	5 – 8
The Three Branches of U.S. Government & the Fourth Estate	9 - 10
The Bill of Rights	11 – 12
The Right to Protest & Civil Disobedience	13 – 15
Voting in the United States	16 - 21
The 100th Anniversary of the 19th Amendment	22 – 24
The Electoral College	25 – 28
Mock Trials	29 - 30
Links to Mock Trial Scripts	30



**The Members of the
Joint Alameda County Bar Association &
Alameda County Superior Court Judicial Officers Committee
for
Civics Education Projects in Alameda County Schools are:**

Cheryl Poncini – Alameda County Deputy District Attorney
Hon. Stephen Pulido – Judge of the Superior Court
Joy Ricardo – Alameda County Deputy County Counsel
Pamela Ross – All for the Family Legal Clinic, Inc.
Stephanie Sato – Law Offices of Stephanie K. Sato
Hon. Chas. Smiley – Judge of the Superior Court

ACBA Staff:

Hadassah Hayashi – Deputy Director

INTRODUCTION

The Alameda County Bar Association (ACBA) and Alameda County Superior Court judicial officers are working together to present programs to students throughout Alameda County to learn more about Civics otherwise known as the rights and duties of living in a democratic society. Teams consisting of a judicial officer and an attorney member of the ACBA will be assigned to give a presentation at a school. The audience may be 4th/5th, 8th or 11th/12th graders. The teacher will have selected the topic(s) to be presented from those in this Curricula Handbook, with a maximum of two topics per session; the teacher will notify ACBA. ACBA will notify the assigned team members. The team members will contact the teacher to discuss the details of the presentation.

During the Social Distancing requirements due to COVID-19, ACBA and each teacher will arrange for the presentations to be done via an internet platform such as Zoom. Once health officials advise that social distancing requirements are no longer needed and students have returned to their classrooms, the judicial officer/attorney teams will give their presentations in the classroom.

This Curricula Handbook is designed to assist the teams in presenting information to the assigned class. Keep in mind the class time limits depending on the grade level. You may not get through all of the information, particularly if the students have questions. Nevertheless, please review the material for your presentation so that the information you provide is accurate and is consistent with information provided by other teams to their assigned classes on the same topic. Especially for topics which are information wealthy, you will need to decide in advance on which areas to focus.

Thank you for your interest and participation in this program for our community!

August 2020
First Edition

ADDITIONAL CIVICS RESOURCES

In addition to this handbook, additional civics resources are online, including:

California courts: <https://www.courts.ca.gov/4483.htm>

Federal courts:

<https://www.federaljudgesassoc.org/section/subsection.php?structureid=27>

iCivics (from Justice Sandra Day O'Connor) has tons of resources on all major civics topics and a new remote learning toolkit: <https://www.icivics.org/toolkit>

See also iCivics, from Justice Sandra Day O'Connor

(<https://www.icivics.org/controversial-topics>).

This website has many resources on all civics issues including race, the census, voting, campaign financing, how bills get passed, etc. Most importantly, iCivics has a few short videos to help instructors teach "difficult" or sensitive civics issues. iCivics also recently introduced a remote learning toolkit for educators and families.

THE DO's & DON'Ts of CLASS CIVICS PRESENTATIONS

- ❖ **Be prepared.**
- ❖ **Be aware that virtual classrooms are keeping to the same time limits as brick-and-mortar classrooms. End your presentation on time.**
- ❖ **Present with a positive attitude.**
- ❖ **Do NOT be political. Regardless of your personal views on any topic, keep your presentation politically neutral.**
- ❖ **Use age-appropriate language for the class to whom you are presenting.**
- ❖ **Be mindful of the fact that you will be the human face representing the justice system as a whole.**
- ❖ **Validate all views and appreciate all student questions. Acknowledge the aims of the court system and its challenges.**
- ❖ **And, of course, dress professionally for all presentations whether done virtually or in person. Judicial officers may wish to wear their robes.**

BECOMING AN ATTORNEY;
BECOMING A JUDGE
Joy Ricardo

Part I: How To Become a Lawyer

Objective: to teach the basics on how one becomes a lawyer or judge in a manner that is developmentally appropriate, using visual, oral discussion and/or written aides to facilitate the discussion

Introductory discussion (10min): Facilitate a discussion amongst the students to determine what they know about lawyers/ judges.

- Do they know what lawyers and judges do?
 - Representation of individuals, corporations or businesses in legal matters
- Do they know a lawyer or a judge?
- What are qualities they think make up a good lawyer?
 - Attention to detail
 - Good writer
 - Good listener
 - Great at defending a position or making an argument about an issue
 - Invite other ideas (create word cloud as students are sharing thoughts)
- Why do we need lawyers and judges?
- Are any of the students interested in becoming lawyers or judges and if so have they thought about what type of lawyer they want to be

Review Educational Path for Lawyers/ Judges (can be done via discussion/video/powerpoint-depending on grade level

- Bachelor's degree- 4 year institution
- Take LSAT Law school admission test --What is this and why is it important? GPA and LSAT score are really important factors in the admissions process
- research law school online and check to see if they are an accredited school per ABA (Go over difference between accredited school and unaccredited)
- Apply to law school and apply for financial assistance if needed to help provide support for school
 - How long is law school?--3 years if Full time/ 4 years if part-time
- While in school apply for summer internships at a law firm, non-profit, judicial clerk assisting judges with doing research. This will help you figure out what type of law you are interested in
- Upon graduation you will receive a juris doctorate degree.

What Happens after Law school?

Take the Bar Exam--Each State is different in terms of how it conducts the exam its requirements for achieving a passing score

- You may have to take the bar exam more than one time--no shame to that. It is a difficult exam covering many legal subject areas like: Property, Criminal law, rules of evidence, contracts, among others
- Once you pass the bar, some states also require you to take a moral character exam. Talk about the purpose of the Multistate Exam
- Apply for jobs!

Questions that generate further discussion with the students

A. What types of law do lawyers practice?

- Criminal (Simplified explanation of the types of crimes)
- Civil (personal injury,
- Corporate (representing companies in legal actions, breach of contract)
- Family (divorce, custody)
- Juvenile (representing children in foster care and in the juvenile justice system)

B. How do you develop expertise in an area of law?

- internships during law school leading up to employment opportunities post graduation
- developing an interest in the area and pursuing more opportunities
- developing mentorship with established attorneys in the field of interest

Cool video resources for High school students that may help to facilitate the discussion:

Steps to Becoming a Lawyer

<https://youtu.be/cD0wzX7-xh0?t=3>

Different kinds of lawyers: <https://youtu.be/m-lnLIOMvEs>

Part II: How to Become a Judge

A. 6 steps to becoming a judge

- 1) Undergraduate school (4 year college program)
- 2) law degree and earn a JD degree (law school approved by ABA) 3 year program
- 3) Pass Bar exam in their state-admission and testing requirements vary - passing the bar gives you a license to practice law
- 4) Work as an attorney
- 5) Obtain a judgeship
- 6) Complete state training programs

Questions to spark discussion (will vary based on grade, but these are a few suggestions:

Do you think lawyers have to have an expertise in a particular area of law in order to become a judge?

-How long do you have to be a lawyer before becoming a judge?

What do you think is the best thing about becoming a judge?
How do Judges help people? Society? Why are they needed?

Activity: What Makes a Good Judge? (adapted from ABA Civics program curriculum : https://www.americanbar.org/groups/public_education/resources/lesson-plans/middle-school/judicial-independence/qualities-of-judges/)

Establish a focus for the activity by asking the students to describe what they think of when they hear the word “judge”; Allow for several responses. Explain that today you will be discussing with them how individuals are selected to become judges.

-Using the thought bubbles that the students create to have them draft a definition of what it means to me a good judge?

Have kids right down qualities a judge would need if elected. If appointed? Why are these qualities important?

For Middle and High Schoolers: An additional

- What is the role of a judge?

(Consider showing a brief video to illustrate the points. You may have to explain some of the legal language. This video on the “role of Judge and Jury” is likely most appropriate for HS level and possibly 8th grade:

<https://youtu.be/TUvG2CzXfc0>

- For 5th graders may be helpful to have students engage in an exercise to draw connection between the role of the judge and relate it to something familiar to them like who decides what happens if there is an argument/ dispute at school (ie Principal, VP or teacher should hear both sides of the the conflict, maybe hear from witnesses who observed the conflict, and make a decision on what should happen

- What are the ways you can become a judge?

- Discussion of the types of judges: Trial court, district court, Appellate , Supreme Court
 - State trial court judges are either voted in by the public during an election or appointed by the governor
 - Federal judges, including supreme court judges are appointed by the President and it is a lifetime appointment in most cases
 - Types of cases judges hear depending on if they are state or federal judges

Activity for Middle and High Schoolers: Ask the students to evaluate the costs and benefits of having elected and appointed judges. Can they identity strengths or weakness of either system? (adapted from materials in ABA link included above)

Pathways to the Bench video for all grade levels:

Judge Julie Robinson: https://youtu.be/p7_YkOhjknI

-suitable for all grade levels (length of video 4minutes, 18 seconds)

Check out 4min, 54 sec video or similar instructions from Study.com
https://study.com/become_a_judge.html

Activities to engage students and gauge their understanding (applicable to all grade levels)

- 1) Have students identify an issue that two volunteers can debate and one of the students can be the trier of fact. The attorney/judge team can provide feedback on the performance. (This could be as short as 15 minute exercise or longer depending on the amount of time afforded with the students.)
- 2) Have students submit questions on index cards and submit them in the event that some kids are intimidated about asking questions. This can be more of an ice breaker activity during the introductory period.
- 3) Short game show activity patterned after Jeopardy: Attorney judges would come up with questions/hints about famous attorneys/ judges that the youth may be familiar with and the students will guess who the individuals are (Barack Obama, Abraham Lincoln, Kamala Harris, Ruth Bader Ginsburg, Hillary Clinton, Thurgood Marshall, etc.
- 4) Develop short written quiz to see how much information the students retained based on information shared during presentation; Consider a prize to a student that answered the most correctly.

THE THREE BRANCHES OF U.S. GOVERNMENT

&

THE FOURTH ESTATE

Cheryl Poncini

I. This is a subject for all grade levels.

II. Why are there Three Branches of Government in the United States?

The U.S. government is based on the concept of "Separation of Powers" in which governmental authority is spread out over the three branches of government. The purpose of Separation of Powers is to prevent any one branch from having more power than the other branches. A concentration of that authority would undermine the concept of a democracy which is a system of government of the People, by the People and for the People. Having the three branches of government provides a "Checks & Balances" that no one branch is more powerful than the others.

III. What are the Three Branches of Government?

The Three Branches of Government are:

A. The Legislative Branch which includes

- Congress (Senate and House of Representatives) on the federal level
- State Legislature on the state level

B. The Executive Branch which includes:

- The President of the United States and about 5,000,000 federal employees;
- the Governor of a State and state employees;
- the County Board of Supervisors for a County and county employees;
- the Mayor of a City and city employees

C. The Judicial Branch which includes federal and state courts

IV. What are the Duties of the Three Branches of Government?

A. The Legislative Branch is responsible for passing/amending laws.

B. The Executive Branch – The Executive Branch is responsible for enforcing the laws

C. The Judicial Branch is responsible for interpreting the meaning of the laws.

V. Other Teaching Aides: Consider incorporating videos (see PBS, YouTube) and/or interactive challenging games that test the students' knowledge of the subject matter. If you use any videos, be sure to view them well in advance of your presentation to make sure they are age- and subject matter-appropriate.

VI. What is the Fourth Estate?

One of the first people to use the term “Fourth Estate” was Thomas Carlyle who called the press the “Fourth Estate of the Realm.”

The Fourth Estate refers to the press or news media. While the press is not a branch of democratic government, it wields considerable power in influencing public opinion by what and how it chooses to report. In a democracy it is important that the press be independent. If it is controlled by the government, it becomes the voice, not the conscience, of the government.

What type of organization is considered to be the press or news media? CBS, PBS, NBC, CNN, FOX? What about news shows on the internet? What about small newspapers?

The media can have a significant impact on businesses, political candidates, how people view what is going on in the world.

Example: The investigation of Watergate by Reporters Bob Woodward and Carl Bernstein (*Washington Post*) that resulted in the resignation of President Richard Nixon. Woodward was once described as “a force for keeping the government honest.”

VII. Possible Interactive Activities

Have the students think of ways the media impacts our lives today. What would life in America be like if the press were not independent? What are other examples in which the media played a major role in our history? Are the three branches of federal government independent of each other? Do they/should they work together collaboratively?

Consider using interactive games to test students’ knowledge of the subject matter.

THE BILL OF RIGHTS

Hon. Stephen Pulido

1. **Bill of Rights-Document A showing exact language of each of first Ten Amendments.**
2. **First Ten Amendments to the US Constitution make up the Bill of Rights.**
3. **Created: September 25, 1789
Ratified: December 15, 1791**
4. **James Mason wrote the Ten Amendments with the influence of Thomas Jefferson.**
5. **A “bill of rights”, sometimes called a “declaration of rights” or a “charter of rights” is a list of the most important rights of the citizens of a country. The purpose is to protect those rights against infringement from public officials and private citizens.**
6. **The Bill of Rights in the United States Constitution lists specific prohibitions on government power in response to call from several states for greater constitutional protections for individual liberties.**
7. **The House of Representative approved 17 amendments. The United States Senate approved 12 amendments which were sent to the States for approval in August of 1789. 10 amendments were ratified, which became the Bill of Rights in the US Constitution.**
8. **Summary of Ten Amendments:**
 - a. **First Amendment-provides several rights protections to express ideas through speech and the press, to assemble, to gather with others with a group to protest or for other reasons, and to ask the government to fix problems. Also protects right to religious beliefs and practices. Prevents government from creating a favored religion.**
 - b. **Second Amendment- provides the right to bear are arms.**
 - c. **Third Amendment- prevents government from forcing homeowners to allow soldiers to use their homes. Before the Revolutionary War, laws gave British soldiers the right to take over private homes.**

- d. **Fourth Amendment**-bars the government from unreasonable searches and seizures of an individual or their private property.
- e. **Fifth Amendment**- provides several protections for people accused of crimes:
 - i. Serious criminal charges must be started by a grand jury.
 - ii. Person cannot be tried twice for the same crime (double jeopardy).
 - iii. Person cannot have property taken away without just compensation.
 - iv. People have right against self-incrimination.
 - v. People cannot be imprisoned without due process of law (fair procedures and trials).
- f. **Sixth Amendment**- provides additional protections to people accused of crimes such as:
 - i. Right to speedy and public trial.
 - ii. Trial by an impartial jury in criminal cases.
 - iii. Right to be informed of criminal charges.
 - iv. Witnesses must face the accused.
 - v. Accused is allowed his or her own witnesses and to be represented by a lawyer.
- g. **Seventh Amendment**- extends the right to a jury trial in Federal Civil Cases.
- h. **Eighth Amendment**- bars excessive bail and fines and cruel and unusual punishment.
- i. **Ninth Amendment**- states that listing specific rights in Constitution does not mean that people do not have other rights that have not been spelled out.
- j. **Tenth Amendment**- says that the Federal Government only has those powers delegated in the Constitution. If it isn't listed, it belongs to the States and to the People.

9. Age Appropriate Examples

- a. 5th Grade
- b. 7th/8th Grade
- c. 11th/12th Grade

THE RIGHT TO PROTEST & CIVIL DISOBEDIENCE

Hon. Chas. Smiley

Conversation questions:

- Is it always okay to follow the law?
- Is it ever okay to break the law?
- What is civil disobedience
- Can Civil Disobedience Be a Form of Proper Civic Engagement? How do you feel about people who break the law while engaging in civil disobedience?
 - o Protests in Alameda County after George Floyd incident? Against police? Against city government?
 - o Protests for juvenile- close juvenile jails?
 - o Civil rights movement
 - Brown v. Board of Education (addressing inequality through the courts) and sit' ins, marches, and boycotts
 - Japanese internment camps in 1942
 - Civil Rights Act of 1964
 - o Workers' rights, child labor laws, women's rights protests
 - o The Right to Vote
 - Women's suffrage (note: The year 2020 is 100th anniversary of the 19th Amendment which granted women the right to vote)
 - Voting Rights act of 1965
 - o The Civil War
 - o The American revolution
- What should government (prosecutors and courts) do when people committing civil disobedience are actually charged with crimes? What if their crimes cause damage to property like graffiti and vandalism? What if people are attacked and injured at a demonstration?
- Can it be a crime NOT to break a law? (e.g. war crime trials at Nuremberg, Germany, after World War II, which affirmed the principle that individuals may, under certain circumstances, be held accountable for failure to break the laws of their country.)

What is civil disobedience? (concise explanation below from *Encyclopedia Britannica*)

Civil disobedience, also called passive resistance, the refusal to obey the demands or commands of a government or occupying power, without resorting to violence or active measures of opposition; its usual purpose is to force concessions from the government or occupying power. Civil disobedience has been a major tactic and philosophy of nationalist movements in Africa and India, in the American civil rights movement, and of labor, anti-war, and other social movements in many countries.

Civil disobedience is a symbolic or ritualistic violation of the law rather than a rejection of the system as a whole. The civil disobedient, finding legitimate avenues of change blocked or nonexistent, feels obligated by a higher, extralegal principle to break some specific law. It is because acts associated with civil disobedience are considered crimes, however, and known by actor and public alike to be punishable, that such acts serve as a protest. By submitting to punishment, the civil disobedient hopes to set a moral example that will provoke the majority or the government into effecting meaningful political, social, or economic change. Under the imperative of setting a moral example, leaders of civil disobedience insist that the illegal actions be nonviolent.

A variety of criticisms have been directed against the philosophy and practice of civil disobedience. The radical critique of the philosophy of civil disobedience condemns its acceptance of the existing political structure; conservative schools of thought, on the other hand, see the logical extension of civil disobedience as anarchy and the right of individuals to break any law they choose, at any time. Activists themselves are divided in interpreting civil disobedience either as a total philosophy of social change or as merely a tactic to be employed when the movement lacks other means. On a pragmatic level, the efficacy of civil disobedience hinges on the adherence of the opposition to a certain morality to which an appeal can ultimately be made.

The philosophical roots of civil disobedience lie deep in Western thought: Cicero, Thomas Aquinas, John Locke, Thomas Jefferson, and Henry David Thoreau all sought to justify conduct by virtue of its harmony with some antecedent superhuman moral law. The modern concept of civil disobedience was most clearly formulated by Mahatma Gandhi. Drawing from Eastern and Western thought, Gandhi developed the philosophy of satyagraha, which emphasizes nonviolent resistance to evil. First in the Transvaal of South Africa in 1906 and later in India, via such actions as the

Salt March (1930), Gandhi sought to obtain equal rights and freedom through satyagraha campaigns.

The principle of civil disobedience has achieved some standing in international law through the war crime trials at Nuremberg, Germany, after World War II, which affirmed the principle that individuals may, under certain circumstances, be held accountable for failure to break the laws of their country.

VOTING IN THE UNITED STATES

Stephanie Sato

History

1776: only white men age 21 and older who own land can vote. US Constitution gave each state discretion to determine other voter qualifications.

1868: 14th Amendment to the Constitution grants full citizenship rights including voting rights to all men born or naturalized in the US.

1870: 15th Amendment eliminates racial barriers to voting and says "the rights of citizens of the US to vote shall not be denied or abridged by the US or by any State on account of race, color, or previous condition of servitude." But many states tried to prevent racial minorities from voting- passing legislation that stated in order to vote you had to pass a literacy test, or you had to pay poll taxes (pay a tax in advance to vote and bring your receipt with you and if you didn't have it, you couldn't vote), or you could only vote if your grandfather had voted (which excluded many African Americans whose grandfathers had been slaves or otherwise ineligible), or they simply intimidated others from voting.

1920: 19th Amendment gives women the right to vote.

1950s: Civil Rights Movement put pressure on the federal government to help protect voting rights of minorities.

1964: Congress passed the Civil Rights Act- all men and women age 21 and older, regardless of race, religion, or education, have the right to vote. Some voting rights were protected but there was still a lot of voting discrimination.

1965: Voting Rights Act of 1965

In Selma, Alabama, the County Sheriff's police force violently resisted African American efforts to register to vote. Martin Luther King, Jr., John Lewis (who recently passed away) and other civil rights leaders led demonstrations in Selma which led to violent clashes with the police. Protest marches were organized from Selma to the state capital of Montgomery, and Alabama state troopers attacked peaceful participants with nightsticks, tear gas, and whips. Some protesters were severely beaten and bloodied and the incident was shown on national TV, capturing the attention of many across the nation. For the third march, President Lyndon B. Johnson had the Alabama National Guard escort the march. As many as 25,000 people participated in the march, and there was national and international coverage.

President LBJ pressed legislators to pass the Voting Rights Act of 1965. It banned the use of literacy tests, and allowed for registration and voting rights to now be federally enforced. But state and local enforcement of the law was weak, especially in the South. It still vastly improved voter turnout- in Mississippi, voter turnout among African Americans increased from 6% in 1964 to 59% in 1969.

1971: 26th Amendment lowers the voting age to 18. People decided that if you're old enough to serve in the military- like serve in Vietnam- you're old enough to vote. There's been amendments since then; reauthorizing special provisions, expanding coverage, adding more provisions.

Registering to Vote

Who can register:

To register you need to be 1) a US Citizen; 2) resident of CA; 3) 18 years or older on Election Day; 4) not currently in state or federal prison or on parole for the conviction of a felony; 5) not currently found mentally incompetent to vote by a court.

To preregister to vote in CA, you must be: 1) 16 or 17 years old; and meet all of the other eligibility requirements to vote. This way you will automatically be registered to vote on your 18th birthday.

How/where:

In California: 1) in person (such as county elections office, polling place, or vote center); 2) online; 3) by mail (get a paper voter registration application at any DMV, and many post offices, public libraries, govt offices; or request one from your county elections office; or you can call a toll free Sec of State number to request a voter registration application by mail).

What do you need:

Driver's license or CA ID card number, or the last four digits on your social security card. If you don't have any of those things, you can leave the space blank and your county elections official will assign a number to you that will be used to identify you as a voter.

Deadlines:

For Congressional & Presidential Primary- register by 2/17/2020; election is 3/3/2020

For General- register by 10/19/2020; election is 11/3/2020

If you missed the deadlines, you can still register via "same day voter registration" aka "conditional voter registration" where you register to vote within 14 days of an election- even the day of. You fill out the voter registration and your ballot, and your ballot will be counted once they verify the voter registration. You can go to an early voting location to complete the Same Day Voter Registration Process; or you can register on Election Day at your local polling station.

Re-registering:

Once you register to vote, you don't need to do it again unless you 1) change your name OR 2) change your political party preference. If you move, you can update your CA residence address by re-registering online or by submitting a paper voter registration application. You can also send a signed letter to your current county elections official, informing them of your move and providing them with your DOB and current address. If you already updated your residence address at the DMV or the USPS, your registration will automatically be updated with your new address.

Different Ways to Vote

In person: go to the address of the polling place on the back page of the Voter Information Guide mailed to you. If you don't have the booklet, you can find out where your polling place is by contacting your county elections office or calling the Sec of State's free number. If you go to a polling place and your name is not on the list, you can still cast a "provisional ballot" where your vote is counted after it's been confirmed you're registered to vote and did not vote anywhere else in that election.

OR

By mail: request a vote by mail ballot (aka absentee ballot) by sending in an application no later than 7 days before Election Day (you can find this online). Drop it off by 8PM at a polling place or put in the mail, post marked on or before Election Day and make sure

it's been received no later than 17 days after Election Day. If you're voting for the first time- and if you didn't give your driver's license # or CA ID # or the last 4 digits of your social security number when you registered to vote- be sure to send a copy of some personal ID in the envelope with your ballot.

Miscellaneous:

You have the right to vote if you are still in line when the polls close.

If you don't have time to vote because of working hours (in California, polls are open from 7AM-8PM), you have the right to take time off from work, and you'll be paid up to a max of 2 hours.

Issues with Voting by Mail, Coronavirus, and Allegations of Voter Fraud

Voting by mail started during the Civil War, to give soldiers the ability to vote when away from home on the battlefields. Every year, more people vote by mail, and by 2018, nearly 1 in 4 votes was cast by mail.

All states allow vote by mail under certain conditions, but the states vary in under what conditions. Some states allow all registered voters to receive a mail ballot (aka absentee ballot) if they request one, and some states (like Texas) require an excuse/reason, such as being away on Election Day, or they're elderly or disabled etc. Some states require just a voter's signature; others require witnesses, notarization, ID. Some states check the signature on the envelope against a signature on file; some states don't check.

There are some questions re: whether voting by mail is safe. Some people worry there could be fraud- people stealing ballots in the mail and filling them out and sending them in. There have been some cases, but it's very rare.

Voting by mail has become a bigger issue this year, because of the coronavirus. State and local officials are considering how to allow more people to vote by mail, to lower the risk of spreading the virus. There are lawsuits across the county about how to handle voting. Mail impacts different communities- voting by mail can be difficult for some voters more than others. Native Americans living on reservations might not have a mailing address; or there could be laws re: whether or not you can have someone drop off your ballot for you, or how many ballots you can drop off for other people. College students who registered while at school may have gone back home or moved. Lower income voters tend to move more, so their address may not be the same, and with more people unemployed due to the virus, more people may be forced to move.

In addition, there are concerns that the US Postal Service may not be able to handle delivering all the ballot in time- if people vote at the last minute or there's such an increased number of ballots sent by mail the USPS can't handle it. If ballots aren't delivered on time, they may not be counted.

Ballots from younger voters, people of color and first time voters are most likely to be thrown out. Why? It's not entirely clear, but perhaps new voters don't know how to vote by mail or don't know how much postage is required or how far in advance to mail it in order to have it arrive on time. People of color may get lower-quality services from election officials and at polling places. There could be gaps in voter education programs or inconsistencies in reviewing standards.

In California, more votes are cast on vote by mail ballots than in person. Starting in 1/1/2019, all return envelopes have prepaid postage. And this year because of Covid-

19, all voters automatically receive a ballot in the mail this year whether they requested one or not. They can still vote in person, but can vote by mail if they wish.

Who Votes

In 2016, only about 58% of those who were eligible to vote, did vote.

Since 1980, more women than men vote in presidential elections.

Why doesn't everyone who can vote, actually vote? Some possible explanations:

- age: Young people may have political apathy and don't have strong political opinions, may feel a lack of representation or visibility in the political process as most candidates are over 35 years old.

- larger cities have more budgets, resources, infrastructure dedicated to elections versus a rural area.

- people with more education (college degree) tend to vote more, research the information.

- some people don't like either the Republican or Democratic candidate and know a third party candidate is unlikely to win so don't bother voting.

- some people lack the transportation- live far from a polling site. Or they go to work, school and live in different cities and don't have time to vote. Although there are laws that guarantee time off for voting, they aren't always being enforced.

- wealthier people tend to vote at higher rates- perhaps those with low income are struggling to get basic needs of food, water, safety etc and voting isn't high on the priority list. May have less energy or time to dedicate to voting.

- some people think it won't make a difference.

- young people, Hispanic and Asian Americans seem to vote less.

Why it's Important to Vote

It is important to exercise your rights. Voting is one of the key freedoms of American life. Many people in countries around the world don't have the same freedom to vote, and people in our own country weren't able to vote in the past. People struggled for the right to vote and lost their lives.

People think "my one vote won't make a difference." But it does. There have been many races that have been decided by a single vote or ended in a tie for State House of Representatives seats, a State Senate seats, U.S. House of Representatives seats, etc. Some examples of close races: in 2018, the Alaska House of Representatives seat was decided by one vote. The same thing happened in the Kentucky House of Representatives in 2018- one vote.

An example of a close presidential race:

In 2000, Al Gore lost to George W. Bush. In Florida, it was so close there was an automatic recount and in the end, Bush won Florida by 537 votes (or 0.009% of the votes cast in Florida). Had 600 more pro-Gore voters went to the polls in Florida, we may have had a different president. Florida was the tipping point state for Bush's victory.

Your vote may not directly elect the president, but if your vote joins enough others in your voting district or county, your vote undoubtedly matters when it comes to

electoral results. Most states have a “winner take all” system where the popular vote winner gets the state’s electoral votes.

There are also local and state elections. While presidential or other national elections usually get a significant voter turnout, local elections are typically decided by a much smaller group of voters, so your vote makes an even bigger difference.

Things You Can Do

- Register to vote.
- Encourage others to vote.
- Be informed- read up on political issues, talk to people, go to forums, and figure out where you stand.
- Volunteer- work on people's campaigns, volunteer at campaign headquarters, help get people you support elected.

Teaching Ideas:

Intros of the two speakers; intro of the topic of voting; then tell them what we'll be doing today and encourage everyone to pay attention since we'll be testing them with a game afterwards and there's prizes (maybe)

2 speakers role play- one is a registered voter, encouraging the other to register.

Play brief video "History of Voting" by Rock the Vote (3 mins 35 seconds)

Pick an issue (with help from their teacher in advance) about something they really care about- like what homework assignment they should skip or what should be on cafeteria menus. Pick two ideas for students to choose from; perhaps have a prize for which idea gets the most votes. Let students express their positive and negative opinions on each choice prior to voting, so students understand the importance of being informed prior to voting. When all the votes have been cast, count the ballots, tally the votes and reveal the results to the students. When online, the students can submit their votes via private message in chat box to one of the presenters. A twist: first tell the students that whoever would like to vote, please vote (or only have approximately 58% of them vote, like in the 2016 election); then have the students vote again, but all students must vote. Compare the results.

Games: Fill in the blanks for the 4/5th graders and possibly 8th graders or trivia, or who wants to be a millionaire for the older students. (see below)

Discussion Topics (see below)

Open to other ideas!

FILL IN THE BLANKS (4th/5th grade; possibly 8th grade)

VOTE DEBATE REGISTER BALLOT
CANDIDATE ABSENTEE 18 NOVEMBER

I have to be _____ years old on Election Day to vote.

I can _____ to vote in person, online, or by mail.

I will learn about the candidates and their positions during their _____.

The best _____ will get my vote.

I will cast my _____ at a polling station.

I can vote in person or I can mail in an _____ ballot.

I will _____ for my choice of candidates on Election Day.

Election Day is the Tuesday after the first Monday of _____.

TRIVIA (questions can also be used for Who Wants to be a Millionaire game)

Election Day is the Tuesday after the first Monday of _____.

How old do you have to be on Election Day to vote?

What are different ways to register to vote?

In 1776, the only people who could vote were?

What are some ways states tried to prevent some people from voting?

Which Amendment gave women the right to vote?

Which Amendment changed the voting age from 21 to 18?

To register to vote in CA, you need to be _____

In California, what hours are the polls open to vote?

In California, are you allowed paid time off to vote?

In California, do more people vote by mail or in person?

In 2016, about what % of those who were eligible to vote, did vote in the Presidential Election?

Bush won Florida by how many votes in the 2000 Presidential Election?

DISCUSSION TOPICS

Why is it important to vote?

How would you decide who to vote for?

How do people who run for public office try to get people to vote for them?

If you were running for class president, how would you get voters to vote for you?

THE 100TH ANNIVERSARY OF THE 19TH AMENDMENT

Hon. Stephen Pulido

1. 19th Amendment

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

2. Constitutional Amendment Process

- a. Article V of the United States Constitution provides that an amendment may be proposed either by:
 - i. Congress with a two-thirds majority vote in both the House of Representatives and the Senate.
 - ii. A constitutional convention called by two-thirds of the State Legislatures.
- b. Proposed amendment becomes part of the constitution as soon as its ratified by three- fourths of the States.
 - i. In 1920 three-fourths of the States was 36 of the then 48 States.
 - a. Hawaii and Alaska were not yet States in 1920.
 - b. 38 States would be needed to ratify today (38 of 50 States).
 - ii. 33 amendments to the United States Constitution have been approved by Congress and sent to the States. 27 have been ratified and are now part of our Constitution.

3. 19th Amendment's Path To Ratification

- i. First drafted in 1878 by Susan B. Anthony and Elizabeth Cady Stanton 30 years after the Seneca Falls Convention, where the idea of women's suffrage gained prominence in the United States.
- ii. The Seneca Falls Convention was held on July 19th and 20th of 1848. It was the first Women's Rights Convention and its members fought for social, civil and religious rights for women.
- iii. Definition of "suffrage": The right to vote in political elections.

- iv. On September 30, 1918, President Woodrow Wilson gave a speech before Congress in support of guaranteeing women the right to vote. On that date, the House of Representatives had already approved the 19th Constitutional Amendment giving women suffrage. The Senate had yet to vote on the measure. Suffragists and their supporters agreed that President Wilson had a debt to pay to the country's women who at the time were asked to support their sons and husbands fighting overseas in the First World War and who were contributing to the war effort on the home front. In his September 30, 1918 speech Wilson acknowledged this debt saying:

We have made partners of the women in war... Shall we admit them only to a partnership of sacrifice and toll and not to a partnership of privilege and right.

Wilson's stirring words that day failed to obtain the necessary votes to pass the 19th Amendment. It died in the Senate.

- v. After decades of work by tens of thousands across the country who worked for change, on June 4, 1919, Congress by Joint Resolution approved the women's suffrage amendment and sent it to the States for ratification.
 - a. Vote in House Of Representatives in favor: 304 to 89.
 - b. Vote in the Senate in favor: 56 to 25.
- vi. On August 18, 1919, the State of Tennessee became the final State needed (number 36) to ratify the 19th Amendment to the United States Constitution which gave women the right to vote.
 - a. Some of the first states to ratify the 19th Amendment were Illinois, Michigan and Wisconsin.
 - b. Interestingly, the State of South Carolina initially rejected the 19th Amendment on 1/22/1901 and subsequently ratified the Amendment on 7/1/1901. Mississippi didn't ratify the Amendment until 3/22/1945.
 - c. President Wilson signed the 19th Amendment into law on 8/26/1920.

4. Impact of the 19th Amendment On Our Society

- a.** In 1920 the ratification of the 19th Amendment enfranchised 26 million women to vote just in time to for the 1920 Presidential Election. Only 36% of eligible women turned out to vote for this election compared to a 68% turnout for men.

- b.** By 1960 women were turning out to vote in greater numbers than men, a trend of higher voting that continued through the 2018 election.

- c.** Has helped millions of women to move closer to equality in all aspects of American life.

- d.** Has allowed women to advocate for:
 - i.** Economic opportunities.
 - ii.** Job opportunities.
 - iii.** Fairer wages.
 - iv.** Birth Control and Reproductive Rights.
 - v.** Educational rights and opportunities for all.
 - vi.** Participate in all levels of our democracy, including running for elective office and becoming members of Congress and other offices throughout our country.
 - vii.** Becoming an influential voting block at many times on our history.

Visual Aides:

1. Map of when States ratified the 19th Amendment.

2. Resolution of Congress Passing The 19th Amendment.

ELECTORAL COLLEGE

Stephanie Sato

What is it and How Does it Work?

The person who becomes President is not necessarily the candidate who has the most votes. The US has a two-step process for electing our presidents.

Step 1: Voters cast ballots on Election Day. In nearly every state (except Maine or Nebraska), the candidate who gets the most votes wins the "electoral votes" for that state, and gets that number of voters (or "electors") in the "Electoral College."

Step 2: In December, the "electors" from each of the 50 states gather and vote for president. The person who receives the majority of votes from the Electoral College becomes President.

Each state has a certain number of "votes." There are a total of 538 electoral votes, and the number of votes each state receives is proportional to its size- the bigger the state's population, the more "votes" it gets. Each state gets 2 votes for its two US Senators, and then one more additional vote for each member it has in the House of Representatives. For California, we get 55 votes (we have 2 senators and 53 members of the House of Representatives)- which is the most of any state. So we have 55 of the 538 electoral votes. Whoever wins 270 votes or more (half of the 538 plus one) wins.

How CA selects its electors: Each party's nominee files a list of the names and contact information for his electors. Each party has its own method for selecting electors, and it's set forth in the Elections Code.

Why was the Electoral College Created?

The Electoral College was established in 1788 by Article II in the US Constitution. The drafters of the Constitution had a difficult time agreeing on how the president should be elected. Some delegates thought Congress shouldn't have anything to do with picking the president- there should be a separation of powers between the Executive and Legislative branches. Others were against letting the people elect the president by a straight popular vote- they thought many voters wouldn't be well informed. A lot of people couldn't read or write or didn't have much education.

So they compromised and agreed to choose electoral intermediaries. The intermediaries would not be picked by Congress or elected by the people. States would each appoint independent "electors" who would cast the actual ballots for the presidency.

They had a difficult time deciding how many electors to assign to each state- and more specifically, would slaves be included in counting a state's population? In the South in 1787, about 40% of people living in the Southern States were black slaves, who couldn't vote. So a law that stated a president would be elected by popular vote of only free white people- wouldn't be accepted in the South, as they would have fewer votes. Or a law that stated the number of electors was based

on free white people only, also wouldn't be accepted in the South, as they would have fewer votes.

They came to the "3/5's compromise" in which black slave would be counted as 3/5 of a person for the purpose of allocating representatives and electors and calculating federal taxes. The compromise ensured that the Southern states would ratify the Constitution. It also gave Virginia, home to more than 200,000 slaves, a quarter (12) of the total electoral votes required to win the presidency (46). That's why for 32 of the United States' first 36 years, the President was a slave-holding Virginian (except for John Adams from Massachusetts).

The Three-Fifths Compromise is found in Article 1, Section 2, Clause 3 of the United States Constitution, which reads: "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons." This was repealed by the 14th Amendment in 1868.

How has it Impacted Presidential Elections?

Five times a candidate has won the popular vote and lost the election. Andrew Jackson in 1824 (to John Quincy Adams); Samuel Tilden in 1876 (to Rutherford B. Hayes); Grover Cleveland in 1888 (to Benjamin Harrison); Al Gore in 2000 (to George W. Bush); Hillary Clinton in 2016 (to Donald Trump).

In 2000, Al Gore lost to George W. Bush. In Florida, it was so close there was an automatic recount and, in the end, Bush won Florida by 537 votes (or 0.009% of the votes cast in Florida). Had 600 more pro-Gore voters gone to the polls in Florida, we may have had a different president. Florida was the tipping point state for Bush's victory.

In 2016, Hillary Clinton won the popular vote, but Donald Trump defeated her by securing a close Electoral College win. Although the election did not come down to a handful of votes in one state, Trump's votes in the Electoral College decided a tight race. Clinton had won the national popular vote by nearly three million votes, but the concentration of Trump voters in key districts in "swing" states like Wisconsin, Pennsylvania, and Michigan helped seal enough electoral votes to win the presidency.

Is it Needed Today?

It's unlikely to change. The party in power typically benefits from the existence of the Electoral College, and the minority party has little chance of changing the system because a constitutional amendment requires 2/3 majority in Congress plus ratification by 3/4 of the states.

One benefit of the electoral system is there's no chance of a run-off election or a recount. John F. Kennedy had 118,474 more votes than Nixon. If there was no

Electoral College and it was just about the popular vote, many of the precincts would have had their results challenged, recounted etc.

Another benefit is that presidential candidates need electoral votes from multiple areas throughout the country and don't just focus on large cities with a dense population, ignoring rural areas and smaller towns.

On the flip side, presidential candidates usually pay most attention to the states that could go either way (swing states) and focus on the ones with the most electoral votes. In recent years, California and Massachusetts are almost always Democrat, and Texas and South Carolina are almost always Republican. Some swings include Ohio, Florida, Pennsylvania, and North Carolina.

Teaching Ideas:

Intros of the two speakers; intro of the topic of electoral college; then tell them what we'll be doing today and encourage everyone to pay attention since we'll be testing them with a game afterwards and there's prizes (maybe).

Show the 9 minute video- <https://www.pbslearningmedia.org/resource/is-the-electoral-college-killing-democracy-video/above-the-noise/> (one of the presenters does a "screen share" over zoom and plays the video)

Show the electoral decoder and point out certain things, such as 1) how many electoral votes each states get, and how they vary through the years depending on the census; 2) which states are traditionally red and blue; 3) which states are swing states, show how swing states voted and changed to red or blue in different elections; 4) point out the 5 times the candidate with the popular vote lost <https://www.pbslearningmedia.org/resource/pbs-electoral-decoder/pbs-electoral-decoder/> (one of the presenters does a "screen share" over zoom)

Games: Trivia, or Who Wants To Be a Millionaire with questions on this topic, with students split into teams, to let the students participate and recall what they hopefully just learned (presenter does a "screen share" and we can make the teams larger or smaller depending on the time)

Any questions and wrap up
Be open to other ideas!

TRIVIA (Questions can also be used for Who Wants to be a Millionaire game)

- How many electoral votes are there?
- What determines how many electoral votes a state gets?
- Slaves were counted as how much of 1 vote?

- How many times did a presidential candidate win the popular vote but lose the election?
- Which of the following presidential candidates won the popular vote but lost the election?
- California has how many electoral votes?
- Name two states that usually vote for a Democratic presidential candidate.
- Name two states that usually vote for a Republican presidential candidate.
- Name 2 swing states.
- For 32 of the United States' first 36 years, the President was from what State?

Mock Trials

Compiled by Hon. Chas. Smiley

Thank you for participating in the ACBA/Bench student outreach civics program. These materials will provide a general framework and idea to assist your civics presentation if you wish to use a mock trial as the vehicle to explain the core work of the courts.

Goals:

- Introduce students to the court system and its role in society
- Introduce students to the roles played by the judge, attorneys, jurors (and foreperson), and courtroom staff (including courtroom clerks, court reporters, interpreters, bailiffs and sheriffs).
- Teach concepts of the Rule of Law, the purpose of fact-finding, and the benefit of a formal forum where disputes can be resolved.
- Discuss career pathways, the importance of higher education.
- Cultivate a relationship with the class for future ACBA/Bench civics presentations in the future!

Group Concepts to Explore

- Why do we have trials?
- Why do we have juries?
- Two ways all citizens participate in government? [voting and jury service]

Mock Trials – The Teams will use one of the following Mock Trials. The list below includes a short description of the trial, the grade level/s most appropriate for that mock trial and the link to locate the mock trial script. If you are presenting a mock trial, it is important for you to forward a copy of the script to the teacher in advance of the presentation so that the teacher can prepare the class is appropriate for the mock trial.

For links to Mock Trial Scripts, see Page 30.

Mock Trial Scripts

Title: ***People v. Cruella Deville***

Description: Did Cruella Deville steal 16 Dalmatian puppies? (criminal theft jury trial)

Link: <https://www.courts.ca.gov/documents/mocktrial-a.pdf>

Grade level: Elementary School

Title: ***People v. Woody***

Description: The characters from Toy Story are asked whether Woody pushed Buzz Lightyear out of a window to prevent him from entering a room. Kidnap prosecution.

Link: <https://www.courts.ca.gov/documents/mocktrial-b.pdf>

Grade level: Elementary School

Title: ***Salem Witch Trials***

Description: Two short scripted trials that demonstrate the difference made by having a right to counsel

Link: https://www.courts.ca.gov/documents/SalemWitchMockTrial_2scripts.pdf

Grade level: 4th to 8th grades (Some difficult vocabulary and old English pronunciation used.)

Title: ***People v. Casey***

Description: Murder or self-defense? This trial uses facts from a real case in California history.

Link:

https://www.courts.ca.gov/documents/Mock_Trial_Peo_v_Casey_San_Francisco.pdf?1513036800040

Grade level: Middle School

Title: ***Cullen v. Principal Skinner***

Description: Can the school-operated social media site censure plaintiff's posting?

Link: <https://www.uscourts.gov/sites/default/files/social-media-student-rights-script.pdf>

Grade level: High school