

Civil and Criminal Law

CIVIC PARTICIPATION

Americans are very concerned about the issue of law and order. Each year millions of people are charged with crimes. Millions more go to court to try to resolve legal disputes. As citizens, we can help maintain law and order by obeying laws, respecting the rights of others, and being aware of current laws. Contact your local police department or town court to find

out about any new or altered laws, such as a change in the local speed limit. Do some background research on your local laws.

Working in Your Community

After you have obtained the information, prepare a pamphlet describing a number of local laws and the punishments or fines for breaking them. Distribute this pamphlet in your neighborhood. ■

Your Civics Journal

As you study this chapter, think about how juveniles and adults are treated differently by our justice system. Record your ideas in your civics journal. Try to provide specific examples of different treatment based on cases discussed in the media.





Civil Cases

FOCUS

TERMS TO KNOW

suit of equity, injunction, complaint

OBJECTIVES

- Identify four types of **lawsuits**.
- Explain the difference between lawsuits and **suits of equity**.
- Summarize the basic **court procedure in civil cases**.

As you have learned, a civil case, or civil suit, is a legal action one person or party brings against another. Civil cases usually involve disputes over rights, property, or agreements. For example, if an employer refuses to hire someone because the person is African American or female, that person could bring a civil suit against the employer for discrimination. Civil cases are classified as lawsuits or suits of equity.

Lawsuits

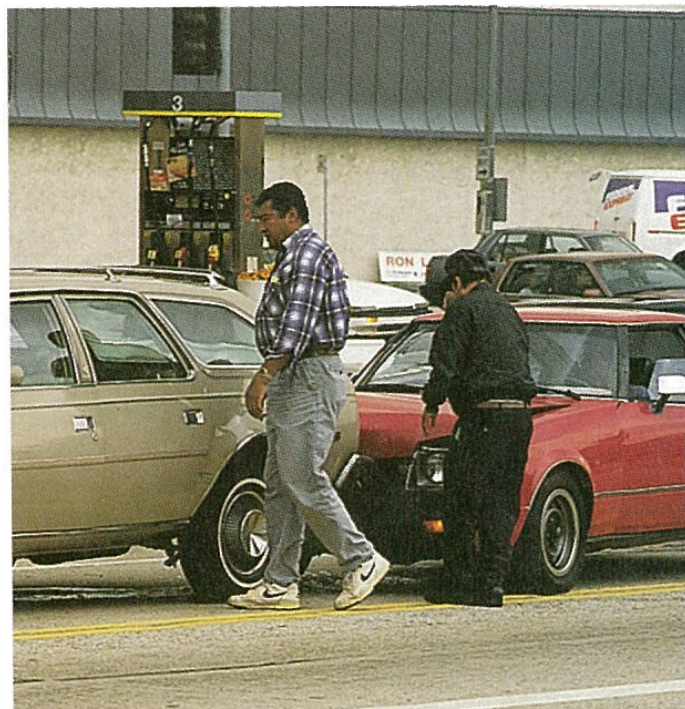
In a lawsuit a person or group brings legal action to collect damages for some harm that has been done. Lawsuits involving damages of a few thousand dollars or less are often handled in a small-claims court, and the people involved can act as their own attorneys. Lawsuits involving more money, however, often require lawyers and juries in larger civil courts.

Our judicial system allows many different kinds of lawsuits. They may involve property disputes, or breach of contract, or family matters, such as divorce. Many lawsuits deal with negligence, or personal injury. A negligence suit is filed when a person has been injured or killed or when property has been destroyed because someone else has been careless or negligent. Most cases involving auto accidents are negligence suits.

Suits of Equity

Suits of equity are a special kind of lawsuit. They seek fair treatment in a situation where there is no existing law to help decide the matter. Suits of equity are often brought to prevent a damaging action from taking place. For example, a

Injury Claims Someone who has been injured or suffered property damage in an auto accident may sue the person who caused the accident for carelessness. *What is the legal term used for this kind of suit?*





Civil Suits Lawsuits involving major sums of money often go to civil court where they are heard by a jury. *What is the first step in filing a lawsuit?*

group of citizens could file a suit of equity to try to prevent the state from building a highway through a local park.

While a jury may decide lawsuits, a judge usually decides suits of equity. In deciding a suit of equity case, a judge may issue an injunction. An **injunction** is a court order commanding a person or group to stop a certain action. In the case above, for example, the judge might issue an injunction to stop construction of the highway.

Court Procedure in Civil Cases

Each year an enormous number of civil suits are filed in American courts. Some courts are faced with so many civil cases that it can take several years for a

case to go to trial. Many civil suits, perhaps the majority, never make it to trial at all. They are usually settled out of court, when the parties involved agree on a settlement.

Let's look at how a lawsuit proceeds through the court system. Suppose John Maloney is riding in a city bus one day and suffers head injuries and a broken arm when the bus is in an accident. Mr. Maloney decides to file a lawsuit against the city to recover the costs of hospital and doctor bills, lost income from days missed at work, and other expenses. Mr. Maloney becomes the plaintiff, or person filing the lawsuit and making the complaint. The party he is suing, in this case the city, is the defendant.

Mr. Maloney hires an attorney who prepares and files a **complaint**, a formal notice that a lawsuit is being brought. It



Settlement Out of Court Most lawsuits never come to trial. *What document notifies someone that he or she is being sued?*

names the plaintiff and defendant and describes the nature of the complaint. The court then sends the defendant (the city) a summons, which announces that the defendant is being sued and sets a date and time for appearance in court.

After receiving the summons, the defendant's attorneys get a copy of the complaint and file a written answer with the court in which they deny or admit each of Mr. Maloney's claims. Next, the attorneys for each side exchange documents known as pleadings, which narrow down the issues and legal points raised by both sides in the case. For example, Mr. Maloney originally may have sued the bus manufacturer as well as the city. In the pleadings he may agree to drop that part of the suit because it is clear to both sides that the manufacturer was not at fault in the accident.

When the case finally goes to court, the attorneys for the plaintiff and defendant each present their side of the case. Then they await a verdict.

★ SECTION 1 REVIEW ★

UNDERSTANDING VOCABULARY

Define suit of equity, injunction, complaint.

REVIEWING OBJECTIVES

- 1 What are four types of lawsuits?
- 2 What is the difference between lawsuits and suits of equity?
- 3 What are the basic steps in the court procedure in civil cases?

Exploring

ISSUES

Fighting Crime

Although most people agree that crime is a serious problem in the United States, they do not agree on what should be done. The solutions offered fall into two distinct approaches to fighting crime: prevention and punishment.

Preventing Crime by Attacking Its Cause

Many Americans think the best way to fight crime is to identify and deal with its causes. They believe a number of factors—such as a lack of education and good employment, a low standard of living, an unstable home environment, and poor self-esteem—contribute to crime.

Advocates of the prevention approach believe crime can be reduced by helping people improve their lives. To this end, they endorse government-run or privately sponsored social programs as well as education and job training. They also view programs such as Big Brother and Big Sister and antidrug programs as ways to help individuals deal with social and emotional problems that may lead to crime.

Punishment as a Deterrent

Other Americans point out that millions of people face social, economic, and personal problems without resorting to crime. Instead, they believe that the best way to fight crime is through punishment.

Supporters of this approach argue that the criminal justice system is too easy on criminals and offers no real deterrent to crime. They believe that punishing crimes



Arresting a suspect

swiftly and severely is such a deterrent. They advocate expanding police forces, imposing harsher sentences, and making sure that convicts serve their full terms.

Finding a Solution

There does not appear to be an easy way to fight crime. Perhaps the solution will be found in a combination of approaches—prevention and punishment. While addressing the social problems that lead to crime, stricter punishment for those who break the law might also act as a deterrent.

DEVELOPING A POINT OF VIEW

- 1 What do you think is the strongest argument for fighting crime through prevention?
- 2 Defend the punishment approach against the claim that it ignores the causes of crime.
- 3 Which approach to crime fighting do you support? Explain your answer.



Criminal Cases

FOCUS

TERMS TO KNOW

penal code, larceny, vandalism, fraud, mandatory sentence

OBJECTIVES

- Identify two general **types of crime** and several specific kinds of crime in each category.
- Identify four functions of **penalties for crimes**.

When people break the law, they are committing a crime and are subject to a certain punishment. In the United States, each state determines what actions are considered crimes within the state. These crimes are defined in the state's criminal laws, called the **penal code**. The federal government also has a penal code that defines federal crimes such as income tax evasion, kidnapping, and drug smuggling.

Types of Crime

Crime is very costly to American society. Each year thousands of people are killed, millions are injured, and billions of dollars in goods and services are lost as a result of crime. In addition, it costs the federal and state government billions of dollars annually to combat crime. Crime also takes a toll in the fear and anxiety it arouses in people throughout the nation.

Crime can be divided into two general categories—crimes against people and crimes against property. Most crimes against people are violent crimes in which the victim is either injured or killed. These crimes include murder, manslaughter (the accidental killing of a person), rape, assault (physical injury or threat of injury), and kidnapping.

Crimes Against Property

Crimes against property are the most common type of crime. Burglary, robbery, and theft are all forms of **larceny**, the taking of property unlawfully. Other common crimes against property are **vandalism** (the deliberate destruction of property) and fraud. **Fraud** means taking property by dishonest means or misrepresentation. For example, convincing someone to invest in a nonexistent gold mine would be fraud.

Victimless Crimes

Certain crimes, such as unauthorized gambling or the use of illegal drugs, are considered victimless crimes or crimes against morality. Laws against victimless crimes are very difficult to enforce because there is no victim to bring a complaint. Some people argue that these activities should not be crimes because they do not hurt anyone except the person involved.

In fact victimless crimes often do harm others. People frequently steal to get money to purchase illegal drugs. Gamblers sometimes bet more than they can afford and borrow money from illegal money lenders called loan sharks. Moreover, victimless crimes are often under the control of criminal gangs that commit many violent crimes against society.

Penal Codes

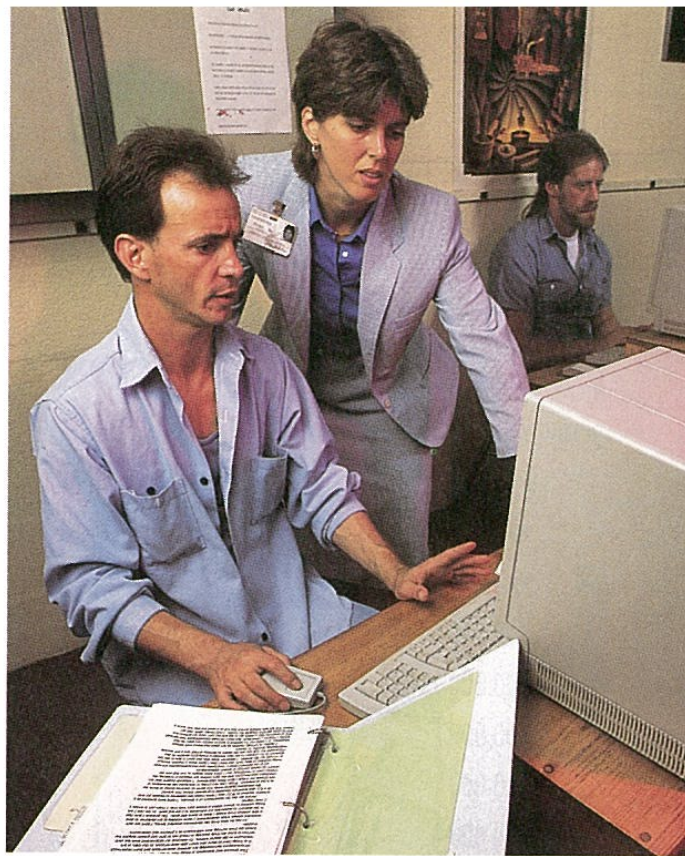
The penal code in most states establishes different degrees of seriousness to many of these crimes. For example, a first-degree murder is one in which a person plans and carries out a killing deliberately or hires someone else to do it. A second-degree murder is one in which there is an intent to kill, but it is not planned beforehand. Instead, it is carried out on the spur of the moment, often in a fit of anger. Manslaughter occurs when one person kills another by accident, or without meaning to.

The reason for establishing different classifications, or degrees of seriousness, for certain crimes is to set appropriate penalties. In general, the more serious the crime, the harsher the punishment. The courts tend to treat crimes against people more seriously than crimes against property because of the great harm these crimes can do to the victims and to society as a whole.

Penalties for Crimes

People convicted of crimes are usually punished by fines and/or imprisonment, depending on the nature and severity of the crime. For many minor crimes and misdemeanors, punishment may be only a small fine or a few days or weeks in jail. Long-term imprisonment is the most common kind of punishment for felonies or serious crimes.

Criminal penalties serve several functions. First, they provide punishment in which a criminal pays for an offense against a victim and against society. Criminal penalties also help protect society by keeping dangerous criminals "off the streets." Lawbreakers who are in prison cannot continue to commit



Rehabilitation Prisoners may receive job training so that they can return to society after release from prison. *What two other functions does punishment serve?*

crimes against others. Another function of criminal penalties is to keep others from committing the same crime. They serve as a warning or an example; others tempted to commit the same crime can see what their punishment would be if they were caught. Finally, criminal penalties can play a role in preparing lawbreakers to reenter society. Through counseling, education, and vocational training, some prisons help inmates learn skills that will help them lead productive lives after prison.

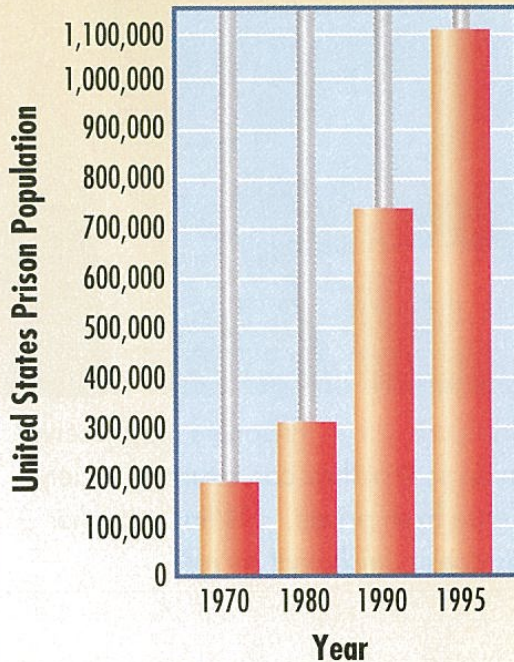
Determining the sentence, or punishment, of a person convicted of a crime is one of the most complicated and difficult aspects of the criminal justice system. Because the circumstances in each case are different, judges may hand down very different sentences for similar crimes.

In the past, most states used a system of indeterminate sentences and parole in

GRAPH STUDY

Prisoners in Federal and State Institutions

The prison population has increased dramatically since 1970. In which period was the increase greatest?



Source: Bureau of Justice Statistics, U.S. Dept. of Justice.

penalizing criminals. An indeterminate sentence is one in which a judge gives a minimum and maximum sentence, and a prisoner may be released for good behavior after completing the minimum sentence. However, the rising crime rate has prompted more and more states to switch to determinate sentencing, which involves sentences for a specific period of time and no time off for good behavior.

A prisoner may also be eligible for parole, or early release, after serving a certain part of the sentence. A parole board reviews each request for parole and decides whether or not to grant it. If parole is granted, the person is set free but must report to a parole officer periodically until the maximum sentence has expired.

Some people criticize indeterminate sentences and parole. They feel that many sentences turn out to be much shorter than originally intended. Some states have tried to deal with this issue by establishing mandatory sentences. With a **mandatory sentence**, a judge must impose whatever sentence the law directs. Mandatory sentences, however, present another problem. They sometimes force judges to impose much harsher sentences than the circumstances of the crime justify.

At the federal level, the courts are trying a third method to find a fairer system of sentencing criminals. Starting in 1987, the federal government abolished parole. Instead, it established a range of sentences that judges may apply to each of 43 "offense levels," or categories of crimes. Under this system, similar crimes receive similar punishments, although judges have some leeway in considering the individual circumstances in each case. If the new system proves to be workable and more just, individual states may model their sentencing procedures on the federal system.

★ SECTION 2 REVIEW ★

UNDERSTANDING VOCABULARY

Define penal code, larceny, vandalism, fraud, mandatory sentence.

REVIEWING OBJECTIVES

- 1 What are two general types of crime, and what are several specific kinds of crime in each category?
- 2 What are four functions of penalties for crimes?



Court Proceedings in Criminal Cases

FOCUS

TERMS TO KNOW

summons, arraignment, prosecution, testimony, cross-examination, acquittal, hung jury

OBJECTIVES

- Describe the procedure when **arresting a suspect** of a crime.
- Explain the **hearing, indictment, and arraignment** phases of a criminal case.
- Define **plea bargaining** and explain its importance.
- Outline the basic procedure of **the trial**.
- Explain what happens during **the verdict and sentencing** parts of a criminal case.

The justice system treats misdemeanor cases and felony cases quite differently. Misdemeanor cases are usually handled in a minor court, such as traffic court or municipal court. Most felony cases are tried in county courts. The police do not usually arrest misdemeanor suspects. Instead, they issue a ticket, requiring payment of a fine, or a **summons**, directing someone

to appear in court for a hearing on the charge. For felony cases, the procedure is much more formal and involved.

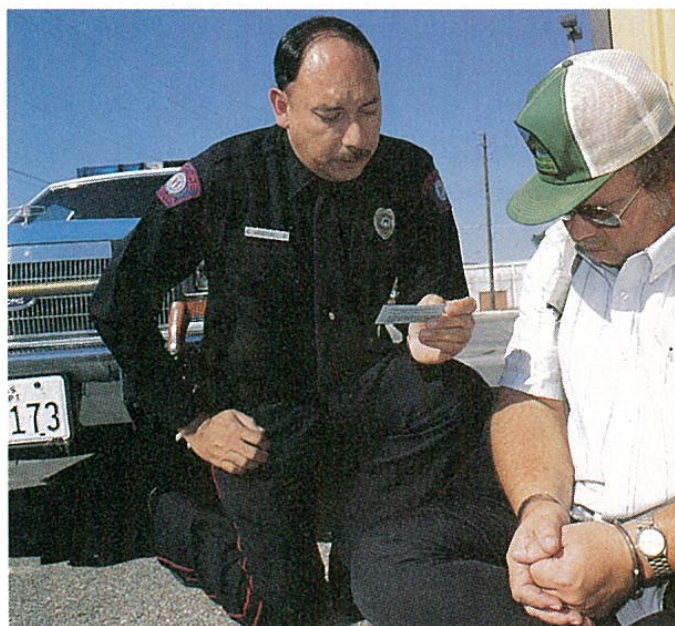
Arresting a Suspect

Suppose an undercover police officer observes Hannah Jones exchanging packets of white powder for money on a downtown street. The officer immediately arrests her, searches her, and finds a large amount of cash and 30 small packets of what seems to be cocaine. The officer also informs Ms. Jones of her rights as soon as she is arrested.

Whenever the police arrest anyone, they are required to read the suspect his or her rights. These include the right to remain silent and the right to have an attorney present when being questioned by police. (For a detailed discussion of the “Miranda rights,” see page 389.)

After her arrest, Ms. Jones is taken to the local police station, where she is booked, or charged with a crime. As part

Miranda Rights Police officers are required to read a suspect his or her rights. *What rights are included?*



of the booking procedure, Ms. Jones is photographed and fingerprinted. During this time she is also allowed to call an attorney, or lawyer. If she cannot afford a lawyer, the state will provide one.

Hearing, Indictment, and Arraignment

A few hours later, Ms. Jones and her attorney appear before a municipal judge for a preliminary hearing. The judge hears the charges against the suspect and sets bail. For minor offenses, the judge has the option of releasing suspects on their own recognizance. This means they are released without having to pay bail. Instead, they promise to appear in court when they are called.

After the preliminary hearing, the judge sends Ms. Jones's case to a grand jury, which hears the evidence against the suspect. The grand jury decides whether to indict the suspect—to issue a formal charge—or to dismiss the case if it feels there is not enough evidence for a trial.

The Supreme Court has not required the states to use grand juries. In many cases the prosecutor will present a formal accusation, and the judge will decide whether to indict the suspect.

After it is decided to charge a person with a crime, an arraignment is held. An **arraignment** is a hearing where the suspect pleads guilty or innocent to the charges. The judge at the arraignment will then set a court date for the trial.

Plea Bargaining

Sometimes after reviewing the charges and evidence against a suspect, a lawyer may urge the defendant to accept a plea bargain. A plea bargain is an

agreement in which the accused person agrees to plead guilty, but to a lesser charge. Plea bargaining helps avoid a lengthy and expensive trial. It also ensures that a person will be punished for committing a crime.

The majority of criminal cases never go to trial but are handled through plea

DID YOU KNOW?

Community Cops

Years ago, police officers used to be part of the community. They knew everyone on the beats they walked. They could take the time to solve problems and catch criminals. Then police were put in squad cars, trained to be more objective, and required to answer many more calls each day.

Now police departments across the country are retraining law enforcement personnel to again become part of their communities. Police officers are being told to try to solve individual crimes rather than just take down information for a report and leave.

One officer might work with a storekeeper on ways to reduce shoplifting. Others may try to find rehabilitation programs for drug abusers who want to kick the habit. This kind of police work takes more time, but it builds bridges between the police and the community. It may also reduce crime much more successfully than other methods.

Community policing

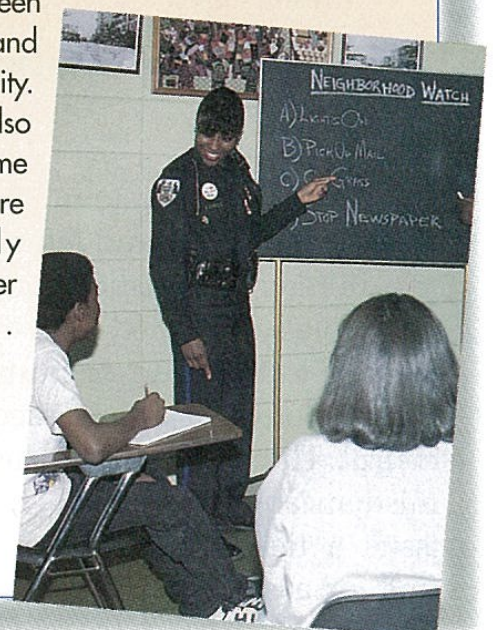
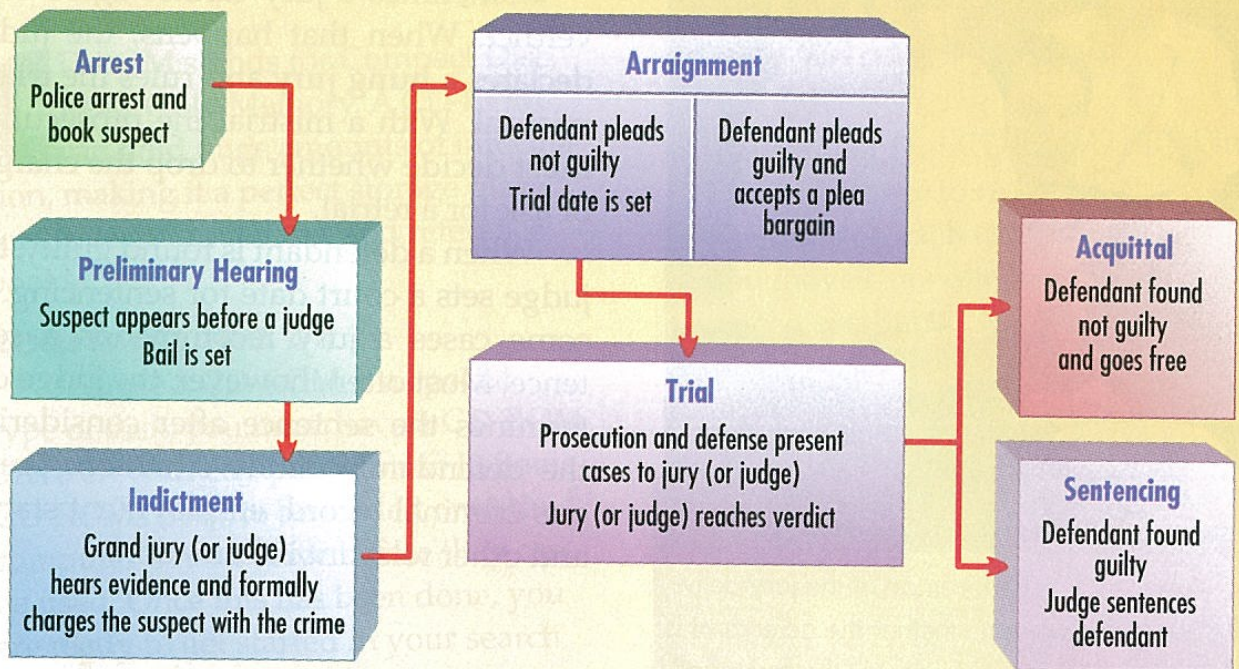




CHART STUDY

Procedure in a Criminal Case If a person pleads guilty to a crime in an arraignment, the case does not go to trial. *What are the two possible verdicts in a trial?*



bargaining. While plea bargaining saves the government a great deal of time and money, many people object to it. They criticize it because it often results in light sentences for serious crimes. Without plea bargaining, however, the criminal justice system would be even more backed up, and people accused of crimes would have very long waits before their cases came to trial.

The Trial

In preparing for her trial, Ms. Jones's lawyers interview witnesses, research the state's drug laws, and gather as much information about the case as possible. When the trial begins, the first step is selecting the jurors.

After the jury has been selected, the attorneys for each side make an opening

statement in which they outline the case they will present. In criminal trials the state's side of the proceedings is called the **prosecution**, and the lawyer for the state is called the prosecutor. The accused person's, or defendant's, side is the defense, and his or her lawyer is the defense attorney.

After the opening statements, the prosecution presents its case first, followed by the defense. Each side calls witnesses, who take an oath to tell the truth about what they know. The statements a witness makes under oath are called **testimony**.

After a witness testifies for one side, the other side is allowed to cross-examine, or question, the witness. The questions asked in **cross-examination** are often designed to cast doubt on the truth or reliability of the witness's testimony. Finally, each side makes a closing



Juveniles and the Court System

FOCUS

TERMS TO KNOW

juvenile, juvenile delinquent, offender

OBJECTIVES

- Identify two factors that contribute to **juvenile delinquency**.
- Explain the primary role of **juvenile courts**.
- Describe the basic procedure in **dealing with juvenile offenders**.
- Identify several options judges have for **punishing juvenile offenders**.

Children and teenagers commit many crimes each year. Some of these crimes are misdemeanors such as shoplifting or driving without a license. Others, however, are serious crimes and felonies such as burglary, rape, and murder. Moreover, the number of serious crimes children and teenagers commit has increased dramatically.

Each state establishes a certain age when people are considered adults for the purposes of applying criminal laws. In some states the age is 16, in others 18. Anyone under that age limit is considered a **juvenile**, a person not yet legally an adult. Our justice system treats juveniles who commit crimes somewhat differently than it treats adults.

Juvenile Delinquency

A child or teenager who commits a serious crime or repeatedly breaks the law is often called a **juvenile delinquent**. Some researchers who have studied the problem of juvenile crime have explored ways of preventing juvenile delinquency and of preventing juvenile **offenders**, or lawbreakers, from becoming adult criminals. Their studies have shown that children who are abused or neglected or who suffer emotional or mental problems are more likely than others to get into trouble with the law. They have also shown that children who grow up in poverty, in overcrowded slums where drug and alcohol abuse are widespread, are more likely to become delinquents.

Although these factors may contribute to juvenile delinquency, they do not explain why some children commit crimes. Many children who grow up in poverty or are abused do not become criminals. Moreover, children from all backgrounds and levels of society can and do become juvenile delinquents.

Gangs Crimes committed by members of gangs are a growing problem. *At what age are people no longer considered juveniles?*



American Profiles

Marion Wright Edelman

Although children cannot vote or pay taxes, they have a powerful voice speaking for them—Marion Wright Edelman. She is the founder and president of the Children’s Defense Fund, a group that works to get federal funding for children.

Edelman grew up in South Carolina, attended Yale Law School, and became the first African American woman to practice law in Mississippi. In the 1960s she worked with the

NAACP Legal Defense Fund.

In 1973 she started the Children’s Defense Fund (CDF). The CDF uses statistics to show how malnutrition, poverty, and poor education affect the nation’s children. Through its reports, the CDF has helped convince Congress to increase funding for children’s programs, even in years when other social programs were cut.



PROFILE REVIEW

- 1 How does the CDF seek to influence Congress to provide money for children’s programs?
- 2 If Congress reduced or eliminated funds for these programs, how might that affect the nation’s children?

Juvenile Courts

When juveniles are charged with committing crimes, their cases are handled in separate courts called juvenile courts. The primary goal of juvenile courts is to try to rehabilitate juvenile offenders and correct their behavior rather than to punish them.

The juvenile court system was set up in the late 1800s as a result of reforms in

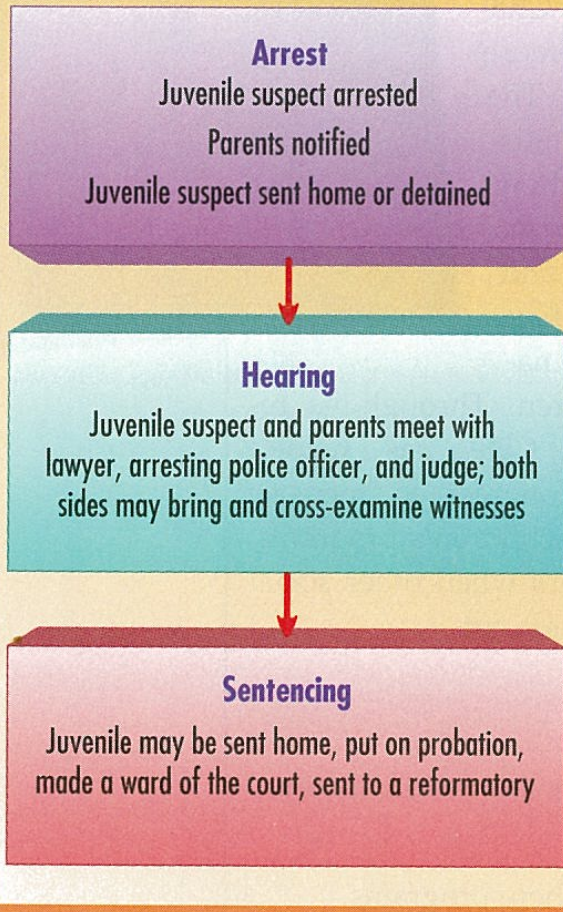
the judicial system. Before that time, juvenile offenders over age 14 were treated like adults. They received the same sentences for crimes and were sent to the same prisons as adult criminals.

The guiding principle of juvenile courts is to do whatever is in the best interest of the children. The courts handle two kinds of cases: neglect and delinquency. Cases of neglect involve children who are neglected or abused by their

CHART STUDY

Court Procedure in Juvenile Cases

Juvenile cases go through three stages: arrest, hearing, and sentencing. Which of these stages is like a trial?



parents. A juvenile court has the power to place these children with other families in foster homes, where they will be protected and cared for.

Delinquency cases involve children who commit crimes. Juvenile courts also handle offenses that are considered illegal for juveniles but not for adults. These offenses include such things as running away from home, playing hooky from school, and violating local curfew ordinances.

Dealing With Juvenile Offenders

When a child is arrested, the police notify his or her parents. Depending on the crime, the child may be sent home or kept in a juvenile detention center until it is time to appear in court.

Juvenile Court System

At the court appearance, the juvenile and his or her parents meet with their lawyer, the judge, the police officer who made the arrest, and the probation officer who investigated the case. This meeting, or hearing, is similar to a trial, but it is less formal. Only the parties involved are allowed to attend the hearing. As in a trial, both sides are allowed to call and cross-examine witnesses. There is no jury, however. Juveniles do not have the right to a jury trial. In most cases, a judge decides whether the juvenile is delinquent (guilty) or nondelinquent.

The juvenile court system provides several special protections for juveniles. First, the identity of juveniles is kept secret. Juveniles' criminal records are also kept from the public, and in some cases they may be erased when the offender becomes an adult. In addition, when juveniles are arrested, they are not fingerprinted or photographed.

Supreme Court Rules

In 1967 the Supreme Court established certain rules for juvenile cases.

- The parents or guardians of the juveniles must be notified of their arrest as soon as possible.
- Juveniles and their parents must be notified in writing of all the charges against them.
- Juveniles have the right to remain silent and have an attorney.



Sentencing If a juvenile is found guilty of committing a crime, the judge determines the punishment. *What does it mean to become a ward of the court?*

- Juveniles have the right to confront witnesses against them.

These rights were established by the Supreme Court in *In re Gault* (*in re* means in the matter of). In this case 15-year-old Gerald Gault of Phoenix, Arizona, was charged with making indecent telephone calls to a neighbor. His parents were not informed of his arrest. When his case came up for a hearing, Gerald Gault did not have an attorney, and the neighbor was not questioned. The judge sent Gault to a reformatory until age 21—a period of 6 years. If he had been an adult, the most he could have received was a \$50 fine and a few months in jail. In overturning the decision, the Supreme Court ensured that juveniles would enjoy most of the legal rights of adults.

Punishing Juvenile Offenders

Juvenile court judges can sentence juvenile offenders in different ways. They may simply send young children or first

offenders home with a stern lecture. Offenders with a previous history of delinquency may be placed in a special training school or in a reformatory.

Juveniles who have been neglected or have a poor home life may become wards of the court. The court becomes their guardian and can supervise their lives until adulthood. Judges may place juveniles with serious mental or emotional problems in a hospital or institution. Judges may also put juveniles on probation, which means that they can live at home and go to school as long as they obey the court's rules.

One criticism of the juvenile court system is that juveniles who commit major crimes sometimes receive very light sentences and are soon released. In many states juvenile court judges may now refer serious cases to the criminal courts, or prosecutors may ask the state courts to order a suspect to be tried as an adult.

★ SECTION 4 REVIEW ★

UNDERSTANDING VOCABULARY

Define juvenile, juvenile delinquent, offender.

REVIEWING OBJECTIVES

- 1 What are two factors that contribute to juvenile delinquency?
- 2 What is the primary role of juvenile courts?
- 3 What procedure do the police and the court system follow in dealing with juvenile offenders?
- 4 What options do judges have for punishing juvenile offenders?

Identifying Key Terms

Choose the vocabulary term that best completes each of the sentences below. Write your answers on a separate sheet of paper.

complaint prosecution plea bargain
acquittal injunction arraignment

1. The injured woman's lawyer filed a(n) _____ against the city bus company.
2. After hours of deliberation, the jury felt the evidence was not convincing and voted for _____.
3. The _____ asked the jury to find the defendant guilty on all counts.
4. The defense attorney recommended that his client accept a(n) _____ in exchange for a lighter sentence.
5. At the _____ the defendant pleaded not guilty to the charge.
6. The judge issued a(n) _____ to stop construction of a new highway.

Reviewing the Main Ideas

SECTION 1

1. Identify and describe two types of lawsuits.
2. What is the purpose of a suit of equity?

SECTION 2

3. In what ways are victimless crimes harmful to others?
4. Describe the parole system.

SECTION 3

5. What are the main steps people accused of a crime go through in the legal process before a trial?

6. What is the main purpose of plea bargaining?

SECTION 4

7. Identify four rules the Supreme Court established for juvenile cases.
8. What special protections do the juvenile courts provide for juveniles?

Critical Thinking

SECTION 1

1. **Evaluating Information** Do you think that civil cases should be tried before a jury? Why or why not?

SECTION 2

2. **Determining a Point of View** Do you think that imposing longer prison sentences on people convicted of violent crimes would prevent others from committing similar crimes? Why or why not?

SECTION 3

3. **Analyzing Information** How does the idea of "guilty beyond a reasonable doubt" protect the rights of defendants?

SECTION 4

4. **Determining Cause and Effect** What are some factors that contribute to juvenile delinquency? What do you think could be done to help prevent juveniles from committing crimes?

Reinforcing Citizenship Skills

Describe a decision that a young person might face today, such as the choice to go to college or to get a job after high school. List the six steps of the decision-making process. Write the

questions and information you would consider at each step and what your answers might be. Write what you think would be a wise decision. Share your results with the class.

Cooperative Learning

In groups of four, prepare arguments, pro or con, for debating the following statement: The Miranda rule should be suspended so criminals can be prosecuted more easily. Support your arguments with your own opinions, information from the chapter, and other research. Debate this issue with the rest of the class.

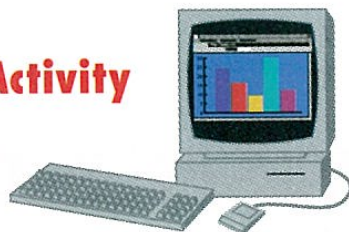
Focusing on Your Community

Find out what types of civil cases are filed most frequently in your community. What percentage of these cases is won by the plaintiff? What types of crime are committed most often? What percentage of these cases results in a guilty verdict? What types of crime do juveniles commit most frequently? What types of punishment do juveniles usually receive from the court? Prepare a short written report.

Technology Activity

Using the Internet

Search the Internet to find information on juvenile law in your state. You may use the name of your state or any of the following as key words to focus your search: **juvenile law, juvenile court, law, state law**. Use the information you



find to create a flow chart showing the process that juveniles accused of crimes must follow in your state.

Analyzing Visuals

The criminal justice system has three parts—police work, judicial and legal proceedings, and corrections (prisons, jails, probation, and parole). Study the graph below on federal, state, and local government expenditures. Then answer the following questions.

1. Which level of government spent the most money on police work?
2. Which level spent the largest portion of its budget on corrections?
3. Why do you think the federal government spent less on all areas of the criminal justice system than did state and local governments?



CLOSEUP

THE RIGHT TO COUNSEL

The Sixth Amendment to the Constitution states that a person accused of a crime shall “have the assistance of counsel for his defense.” This amendment was adopted in 1791, but it was not applied to state courts until 1963.

The Betts Case

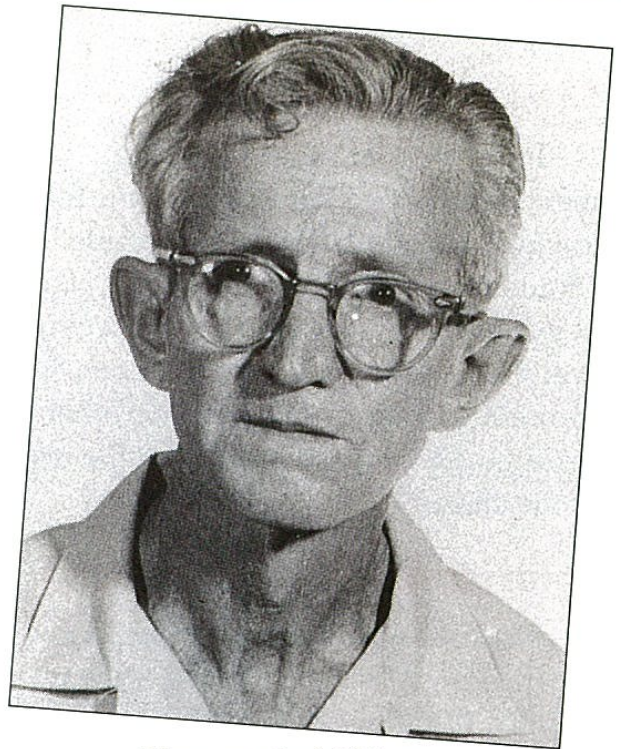
In 1942 the Supreme Court considered the issue in *Betts v. Brady*. Smith Betts had been accused of robbing a store in Maryland. Unable to afford an attorney, he was convicted and sentenced to eight years in prison. In an appeal to the Supreme Court, Betts argued that his Sixth Amendment right to counsel and Fourteenth Amendment right to due process had been violated.

The Court ruled against Betts. It stated that the Sixth Amendment applied only to the federal courts and to death penalty cases in the state courts.

The Gideon Case

The Supreme Court considered the issue again in 1963. Clarence Earl Gideon, an unemployed drifter, had been arrested and charged with breaking into a Florida pool hall and stealing some food and coins. The Florida courts refused to provide Gideon with an attorney, and he was convicted and sent to prison.

While in prison, Gideon studied law books and came to believe that his rights had been violated. The Supreme Court



Clarence Earl Gideon

agreed to hear the case and assigned a lawyer to represent Gideon.

In 1963 the Court ruled in Gideon’s favor, overturning the *Betts* decision. Justice Hugo Black wrote the opinion, declaring, “any person . . . who is too poor to hire a lawyer, cannot be provided a fair trial unless counsel is provided.”

CLOSEUP REVIEW

- 1 What reason did the Supreme Court give for ruling against Betts?
- 2 Why did Betts and Gideon argue that failing to provide them with attorneys violated due process?