



CLASSROOM LAW PROJECT

TEACHING YOUTH PARTICIPATION IN DEMOCRACY

A Newsletter for Sponsors, Participants, and Friends of Classroom Law Project

Volume 22

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Legal Citizen of the Year Award Dinner Honored Marilyn R. Cover

PORTLAND, OR—This year, the Classroom Law Project Board of Directors turned the tables and surprised our own Executive Director, Marilyn R. Cover, with the prestigious Jonathan U. Newman Legal Citizen of the Year Award on Tuesday, April 29th at the historic Governor Hotel. The evening kicked off a year-long celebration of the 25th Anniversary of Classroom Law Project's ongoing mission to bring civic engagement to teachers and students. As CLP's first and only executive director, Marilyn has transformed the organization from a modest group of lawyers serving only Portland area schools into a non-profit that serves teachers across the state and impacts civic education on an international level, extending its reach as far as Croatia, where she has worked to expand democratic education. No other state boasts a non-profit organization that has spearheaded as many civic education programs for K-12 teachers as Classroom Law Project.

Those honoring Marilyn at the dinner, CLP's largest fundraiser of the year, were among Oregon's best and brightest, including: the

Honorable Thomas Balmer of the Oregon Supreme Court, Hon. Susan Graber of the 9th Circuit Court of Appeals, Hon. Jean Kerr Maurer, Presiding Judge of Multnomah County Courts, Professor James Huffman of the Lewis & Clark Law School and attorney Michael Simon who served as Master of Ceremonies. Rand Getlin, a former student of Classroom Law Project's Mock-Trial Program and now a University of Southern California law student, also gave a moving speech, telling how Marilyn's work has shaped the direction of his own life as a citizen and future lawyer. In addition, students from Portland's Grant High School championship We the People team (who recently placed 3rd in the nationals in Washington, D.C.!) dazzled the audience with their command of the Constitution during a rousing demonstration of a congressional hearing.

Gratitude goes out to everyone who attended this amazingly successful dinner and made it a night to remember for Marilyn Cover and her parents, who were able to fly in from Arizona to watch their daughter bask in the well-deserved limelight.

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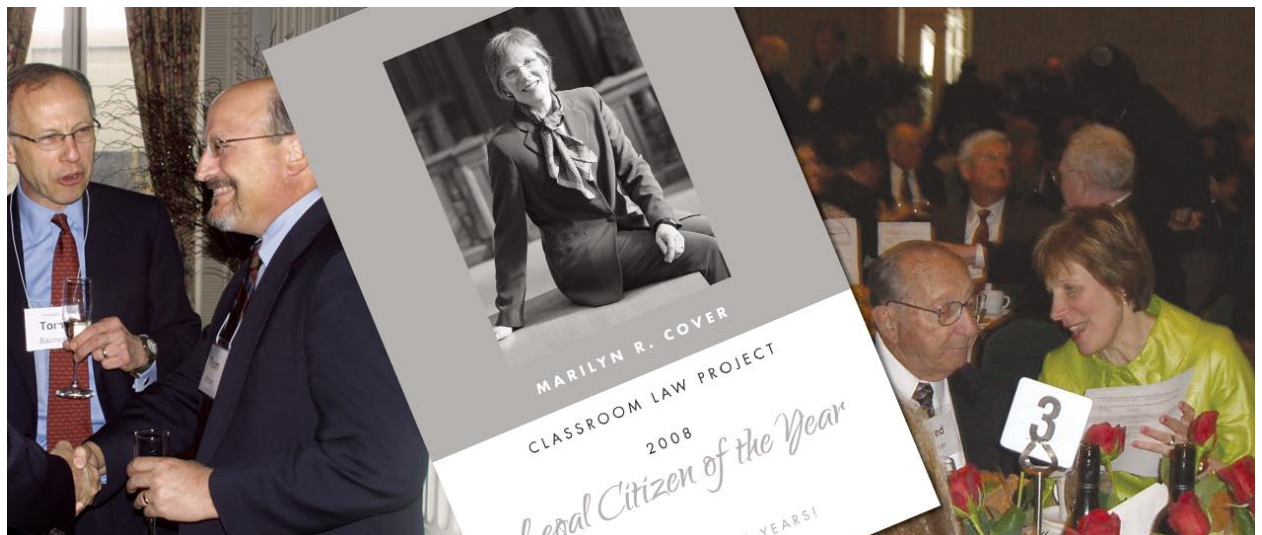
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We the People NEWS

High School District, State & National Competitions

We the People Days for Middle School Students

PORTLAND, OR – Classroom Law Project’s annual We the People and Project Citizen Days were held on May 21-22. In the Gus Solomon Courthouse, located in the heart of downtown Portland and on the National Registry of Historic Places, students testified in the grand, expansive courtrooms and seized every opportunity to show what they have learned thus far about our Constitution and Bill of Rights. As part of the Project Citizen program, students also presented portfolios that identified a local public policy issue, including recycling, homelessness, and teen pregnancy, and developed an action plan to approach it.

Though this was not a competition, we hoped to give students a venue to showcase their growing knowledge about government, civics, current events and what the Framers truly intended when they drafted our constitution those many years ago. Hats off to all participants who impressed everyone involved with their drive to become more informed citizens.



District-level competitions took place in early January to determine who would advance to the state finals in the High School *We the People: The Citizen & Constitution* Competition. Winning their districts were Lincoln High School—Congressional District 1; Pendleton High School—District 2; Grant High School—District 3; Junction City High School—District 4; and Lake Oswego High School—District 5. Joining them in a wild-card berth were the students of Sisters High School, who unfortunately could not make it to their district competition due to record snowfall in the mountains.

WASHINGTON, D.C. – Grant High School, which bested stiff competition, went on to represent Oregon at the *We the People* National Competition in Washington D.C. on Monday, May 6th, where teams battled it out before esteemed judges in the Dirksen Senate Office Building. Congratulations to the students of Grant High and their teacher, Geoffrey Henderson, for placing third among schools in the nation at this prestigious showcase of democratic learning in our nation’s capital! After an exhausting weekend, which whittled the finalist teams down from 51 to 10, Grant students then faced one last round and even more questions on Monday. Students offered an opening statement to support their position and then answered subsequent questions from the judges in a conversation that ranged from affirmative action to the rights of prisoners at Guantanamo Bay. Said Grant High School team member, Caleb Ozer, following the competition, “It was an incredible job; it was the best I’ve ever seen us do.” We are proud of them not only for shining against the competition of fifty other state teams but also for bringing prestige to the state of Oregon and our own We the People programs.

Mock Trial News



HIGH SCHOOL COMPETITION

This past March, we welcomed six new teams to the 22nd Annual High School Mock Trial Competition. Students came from all corners, near and far in Oregon, from Nyssa to Valley Catholic, from Veritas, South Eugene and North Eugene to Sandy High School. All 70 teams, both veterans and rookies alike, had a great time taking on this year's criminal case. The case, based upon current events, concerned a teenage defendant with a history of having been bullied, who was charged with placing a bomb at school.

After nine regional competitions, from Pendleton to Portland, the top 20 teams competed for the right to represent Oregon at the national competition. Meeting in the championship round were Lincoln High School for the defense and West Salem High School for the prosecution. The Honorable Anna Brown, U.S. District Court judge, presided over the

case in Portland's Hatfield Federal Courthouse. Joining Judge Brown on the judges' panel were Chief Justice Paul DeMuniz of the Oregon Supreme Court; Sandra Rowe, senior editor at The Oregonian; Rick Yugler, President of the Oregon State Bar; and the Honorable Djuro Sessa, a visiting judge from Croatia.

In a trial masterfully argued on both sides, West Salem narrowly defeated Lincoln. West Salem was then given a brand new case and just five weeks to prepare for the national competition trial held in Wilmington, Delaware May 8-10. Be sure to check the CLP's website (www.classroomlaw.org) for the results!

Teachers may register for next year's case in October; case materials are generally made available in early December. Feel free to contact Classroom Law Project for more information about this dynamic program.

We are especially pleased to announce the arrival of Classroom Law Project's 2008 Mock-Trial DVD! The disc contains the complete Final Round of the 2008 Oregon State Competition argued by students of West Salem and Lincoln High Schools. Teachers will find this DVD is an indispensable tool in sparking students' interest in the legal system and Mock-Trial program. To order a copy, please use the order form below or visit our website www.classroomlaw.org.



Tear off form

2008 Mock-Trial DVD Order Form

Please fill out the following information:

Name _____ School/Organization _____

Address _____

Phone Number _____ E-mail _____

Quantity of DVDs (\$10 each) _____ Total \$ _____

Payment Method (Please Check One):

Check (Please Make Payable to: Classroom Law Project) **Credit Card** (We accept Visa, MasterCard & Discover)

Card # _____ Exp. Date _____

Billing Address _____

Name on card _____

Please mail order form and payment to:
Classroom Law Project, 620 SW Main Street, Suite 102, Portland, OR 97205

Be an Informed Voter:

YOUTH SUMMIT

2008

When headlines around the country scream, "All Time High Voter Turnout!" we assume that's good news. But is it? In this epic presidential election year, our nation needs as many well-informed voters as possible to turn out at the polls. And that is just what this year's Youth Summit aims to accomplish: provide students with the skills to become better-educated voters and, thus, better citizens as well.

Students will grapple with the questions inherent in electing a president as they prepare for Classroom Law Project's Annual Youth Summit. Held on Election Day, Tuesday, November 4th, at Portland State University, this event will bring together approximately 150 middle and high school students from across the state. At the Summit, students will hear from politicians, civic leaders and activists who will discuss what it takes to be an informed voter in this election year. At the end of the day, students will cast their own ballots for president.

TO PARTICIPATE: Teachers agree to attend two workshops, one September evening before, and another in November after the Summit. They also agree to use the Youth Summit curriculum in their classrooms and bring students to the Summit itself.



JUST AROUND THE CORNER!

From July 7-11, 2008, Classroom Law Project will host its popular Summer Institute at Kah-Nee-Ta Resort on the picturesque Warm Springs Reservation in Central Oregon. You may register now for one of the few remaining slots. Here are five great reasons to attend this year:

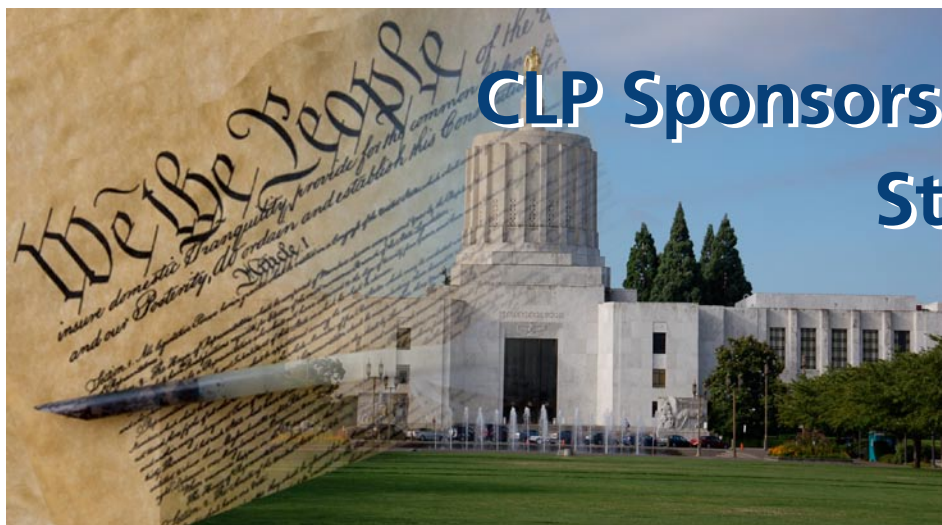
- 1 The Center for Civic Education is releasing its much-anticipated new edition of the high school *We the People: The Citizen & Constitution* text this summer. Major revisions are included—not just a nice new cover—and the Institute will focus on the new high school text.
- 2 To be sure we're on the same page, one of the primary authors of the new edition, Susan Leeson, a former Oregon Supreme Court justice and an always-popular institute presenter, will be with us all week, helping to unpack all the nuances of the new text.
- 3 There are two tracks for high school government teachers: one for veteran *We the People* teachers, and another for those just starting out. So, whatever your background, if you teach high school government, this institute is ideal for you.
- 4 Your \$100 registration fee includes room (shared double occupancy), meals, as well as a classroom set of textbooks. Attendance at the Summer Institute is valued at over \$1000!
- 5 Kah-Nee-Ta Resort is nestled on the land of the Wasco and Palute Native-American Tribes, with the Cascade Mountains and cliffs of the Deschutes River in the distance. How gorgeous does that sound?

Visit our website, www.classroomlaw.org, or contact us for more information.

Law Day News: 28TH ANNUAL LAW DAY A SUCCESS

Portland, OR – Classroom Law Project’s conference, “The Rule of Law: Empowering Youth, Assuring Democracy,” held on May 1st at Portland State University, was a rousing success, bringing together 550 high school students and legal experts to celebrate National Law Day. Since 1981, over 15,000 Oregon and SW Washington high school students have attended the Law Day Conference, choosing from a wide array of workshops that explore our legal system. This year, students chose from provocative and topical workshops such as “Cops and You: Do You Have an Attitude?” presented by Officer Charles Lovell and Deputy District Attorney Brandon Thompson; Global Warming and What You Can Do, presented by Allison LaPlante and Nat Parker; and “Gangs and the Law,” presented by Tonya Dickens and Ron Macias, to name just a few.

Classroom Law Project sponsors this conference each year in order to provide students with invaluable information to help them make well-reasoned and educated choices in their lives as citizens. Workshops are designed to be relevant to youth, often based upon actual topics being argued in courts today as well as real-world situations students may someday face. As participants left the conference and filed out of Smith Memorial Union this year, their smiles were contagious. Hats off to all of the students, who asked honest and pointed questions throughout the workshops and to our presenters, who so graciously donated their time and expertise to ensure that the next generation of citizens becomes even more informed, committed to learning how to be an aware, more involved populace.



CLP Sponsors First-Ever Statewide Civics Conference

On December 7, 2007, Classroom Law Project presented “From Classroom to Citizen: A Conference on Oregon Government” at the State Capitol in Salem. In its inaugural year, 115 teachers and administrators from all over the state, including both rural and urban schools, came together to receive resources, formal training and classroom coaching to enhance student learning in Oregon Civics and Government Standards. Governor Ted Kulongoski and State Superintendent of Education Susan Castillo participated in the opening address on this momentous day, and a number of other state legislators presented sessions that included, “From Tigard T-shirts to Bong Hits for Jesus: Schools & the 1st Amendment,” “Senior Projects & Leadership

Classes: Project Citizen—A Curriculum That Lives up to Its Name,” as well as many others.

Since teachers have so few resources on Oregon government, we feel this conference, held in the state capitol each year with key state leaders from all three branches of Oregon government, will continue to serve as a necessary tool for educators looking to bring a firsthand perspective to their classes. Classroom Law Project is also advocating for the first Friday of every December to be proclaimed, “Oregon Civics Day,” in an effort to ensure that access to professional development in civics education is a top priority in our state.

LESSON 26:

How Does American Federalism Work?

*The following lesson is an excerpt from the NEW high school **We the People: The Citizen and the Constitution** text, hot-off-the-presses from the Center for Civic Education and co-authored by The Honorable Susan Leeson, retired Oregon Supreme Court Justice and 2008 CLP Summer Institute guest lecturer.*

LESSON PURPOSE

The American constitutional system is made up of two levels of government: national and state. The system is called federalism. The powers of and the boundaries between the national and state governments never have been clear. Sometimes the national and state governments seem to work in harmony. Sometimes they seem locked in a struggle for power. This lesson examines how American federalism involves divided sovereignty and an ongoing effort to balance power between the national and state governments.

WHAT IS THE CONSTITUTIONAL STATUS OF STATE GOVERNMENTS?

The Constitution suggests, but does not plainly identify, many governing powers left to the states. Article I, Section 9, lists eight powers that the states do not have. For example, no state can place taxes or duties on articles exported from that state, and states cannot grant titles of nobility. The list of what states cannot do implies that the states can do what is not prohibited. Article I describes the powers of Congress as those “herein granted,” again suggesting that governing powers not granted to Congress remain with the states. Moreover, the Tenth Amendment, added to the Constitution in 1791, states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

The reserved powers referred to in the Tenth Amendment often are called police powers, a term that refers to the inherent power of a government to enact legislation protecting the health, safety, welfare, and morals of those within its jurisdiction. Examples of police powers are laws creating and operating public schools, making and executing criminal and civil laws, and making and enforcing land use regulations, or “zoning.”

Although the states retain considerable governing powers, the Constitution, the laws made under it, and treaties made under the authority of the United States are the “supreme Law of the Land.” Since the beginning there has been tension between the Constitution’s supremacy clause and the powers of the states. Some constitutional scholars believe that ambiguities about which level of government has the

power over matters of domestic politics are part of the genius of the American constitutional system. These ambiguities mean that both levels of government always must strive to win the confidence and support of the American people.

HOW DOES AMERICAN FEDERALISM WORK IN PRACTICE?

Since the adoption of the Constitution, Americans have debated whether the national government, state governments, or both have governing authority over certain matters. Grant-in-aid programs demonstrate the kinds of issues that are common in America’s system of shared governmental authority.

- **Grant-in-aid programs** In the mid-1800s the national government began giving money grants to states to help them with programs ranging from transportation to welfare. States had to submit plans for the use of the money and often had to match the monies with funds raised through state taxes. For many years grant-in-aid programs permitted the states and the national government to work in relative harmony (known as “cooperative federalism”). The states performed their traditional functions with financial help from the national government.

The Great Depression of the 1930s and 1940s changed federalism profoundly, as people looked to the national government to solve problems such as unemployment and to help in areas such as job services and old-age assistance. Previously people had looked to private charitable organizations or to their state governments. The Social Security Act of 1935, for example, established a number of grant-in-aid programs—but with strings attached. In return for money from the national government, the states had to comply with congressional policies and rules adopted by the national bureaucracy.

Grants-in-aid have grown over the years and so have the conditions attached to them. They have become a device for the national government to influence state policymaking by giving or withholding money. For example, the national government lacks constitutional authority to set state speed limits. However, if a state wants grants for highway construction, then the Federal Highway Administration requires it to comply with a “national” speed limit.

HOW ARE THE STATES “LABORATORIES OF DEMOCRACY”?

Supreme Court Justice Louis D. Brandeis observed that one of the principal values of American federalism is that a “single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.” There are many examples of governance experiments in states and localities. Some innovations catch on in other states or in the nation as a whole. For instance, many states, starting with Wyoming, began permitting women to vote at least in local and state elections well before 1900. Those experiments set the stage for adoption of the Nineteenth Amendment in 1920, which guaranteed women the right to vote in all elections. The following are other examples of states as “laboratories of democracy”:

- **Environmental protection** Since 1997 some 165 countries have ratified or accepted the Kyoto Accords, an international treaty aimed at reducing the level of carbon dioxide and five other greenhouse gases in the air. President Bill Clinton signed the treaty, but the U.S. Senate did not ratify it. When President George W. Bush took office, he withdrew the United States from the Kyoto Accords. In 2006 seven northeastern states entered into the Regional Greenhouse Gas Initiative aimed at achieving most of the emission standards set by the Kyoto Accords. The coalition of states also hoped to put pressure on the national government to commit the United States to the Kyoto Accords. Also in 2006 California became the first state to impose a cap on the emission of carbon dioxide and other gases. The Global Warming Solutions Act aims to cut California’s emissions by twenty-five percent by 2020. Many of the nation’s cities, from Seattle to New York, also are adopting measures aimed at reducing air pollution and global warming.
- **Health care** By the mid-1990s soaring health-care costs and increasingly large numbers of people without health insurance had become a major issue of public concern. Congress had not adopted legislation to address the problem. However, by 2006 several states had adopted programs seeking to offer nearly universal access to health insurance for all their residents, regardless of ability to pay. Several other states were considering programs at that time. A former Oregon governor, John Kitzhaber, initiated the Archimedes Movement in 2006, which aimed at mobilizing people at the grassroots level to find a solution to the health-care problem that eventually would be accepted nationwide.

WHAT DO YOU THINK?

- 1 Read the supremacy clause in Article VI, Section 2, and the Tenth Amendment to the Constitution. How do these two provisions help to explain why the national and state governments seem to be locked in a perpetual struggle for power?
- 2 How would you explain American federalism to a non-American?
- 3 What are the advantages and disadvantages of a constitution being a concise document stating fundamental principles, such as the U.S. Constitution, compared to a document that spells out in greater detail the powers and limits of government, such as many state constitutions?
- 4 Has your state served as a “laboratory of democracy”? If so, how? Is it considering innovations that might serve as models for other states or the national government?

CRITICAL THINKING EXERCISE

Preparing a “Biography” of Your State’s Constitution

- 1 Describe the historical circumstances under which your state’s constitution was written, who wrote it, and how it was ratified.
- 2 Has your state had more than one constitution? Why or why not?
- 3 How many times has your state’s constitution been amended? How have those amendments been made? Have any of those amendments made fundamental changes to your state’s government? If so, in what ways?
- 4 How does the bill of rights in your state’s constitution compare with the national Bill of Rights? Are there rights in your state constitution that do not appear in the Bill of Rights or vice versa? What are they?
- 5 How is your state’s constitution similar to and different from the U.S. Constitution with respect to separation of powers and checks and balances?

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Center for Civic Education. Calabasas, California.*

CLASSROOM LAW PROJECT ▲ 2008 CALENDAR

SAVE THE DATES!

June 2008

- 16-20** Summer Law Camp for Ockley Green Middle School students.
- 21-24** We the People Coordinators' Annual Meeting – Washington, D.C.

July 2008

- 7-11** Summer Institute for High School We the People Teachers – Kah-nee-ta Resort, Warm Springs Reservation.

August 2008

- TBA** Street Law Fall Course Begins – Lewis and Clark Law School.

September 2008

- TBA** Registration begins for the Courthouse Experience Program. Sign up ASAP; slots fill fast!
- 17** Constitution Day – Retired Supreme Court Justice Sandra Day O'Connor lectures at the Arlene Schnitzer Concert Hall, sponsored by the World Affairs Council of Oregon.

October 2008

- TBA** Courthouse Experience Program Begins – Portland.
- 6** Senators' Cup Golf Tournament – Columbia Edgewater, Portland.

November 2008

- 4** Youth Summit for Middle and High School Students – Portland State University.

May 2009

- 1** Law Day Conference for High School Students – Portland State University.

Please visit
www.classroomlaw.org/calendar.html
for the latest updates.