

SHOULD IT BE A CRIME?

OUTCOMES

As a result of this lesson, students will be able to:

- Identify criteria for designating an action a crime
- Choose a solution/make a decision
- Support their opinions with rational arguments
- Communicate effectively with others
- Explain the purpose of some laws

MATERIALS NEEDED

Blackboard/flip chart

Chalk/markers

Signs: "Should Be a Crime," and "Should Not Be a Crime"

Overhead projector (optional, transparency can be copied)

HANDOUTS

Should It Be a Crime?

TRANSPARENCY

Rules for Take a Stand

COMMUNITY RESOURCE PEOPLE

No resource person is necessary to teach this lesson.

LOCAL LAWS AND PROCEDURES

Find out the state or local legal status for the actions in the activity.

PREPARING TO TEACH

- Copy Handout.
- Write up and post the session outcomes.
- Prepare transparency.
- Make two signs—"Should Be a Crime" and "Should Not Be a Crime"—and post them on opposite sides of the room.

REVIEW TEACHING STRATEGIES

- Take a Stand

WHAT SHOULD BE A CRIME?

1

Review lesson outcomes with students.

2

Place the signs “Should Be a Crime” and “Should Not Be a Crime” on opposite sides of the room, if you have not done so already. Tell the students that they are going to have the chance to **Take a Stand** (see the “Teaching Strategies” section of this manual) on whether certain behaviors should or should not be a crime. Emphasize that the question is not whether certain behavior IS a crime, but whether they think it SHOULD be a crime. Explain that you will ask them to stand by the signs on the walls to discuss these behaviors, as soon as you give the rest of the instructions.

3

Post and discuss the rules for the activity, **Transparency, Rules for Take a Stand**.

Transparency: **RULES FOR TAKE A STAND**

- Do not interrupt, wait for your turn.
- Do not argue, state your opinion. Give new reasons or ideas.
- Listen while others give their reasons and ideas.
- You may move at any time. Be prepared to give your reasons for moving.

4

Explain to the students that when the behavior or action is described, they can wait a minute and think about how they feel—SHOULD it be a crime or SHOULD it not? Then they must go and stand in front of the sign that describes their decision or opinion. They must be prepared to share or tell the rest of the group why they are standing there. This means they must have a good reason for standing there, not just “because.”

5

Read aloud each scenario on **Handout 1, Should It Be a Crime?**, one at a time, and allow students to position themselves next to a sign. Then ask students to share their reasons for taking that position. Give each student a chance to talk. If they move, ask them to explain why they are moving. Ask some of the students to discuss other opinions that make sense or make them think harder about their own opinion, even if it does not make them move.

Read the next scenario, again giving students time to think about their opinions, and allowing time for students to share their ideas. If time is running short for your session, select the scenarios that are most suitable for your group or class.

6

Encourage discussion of multiple opinions from the group. Facilitate the discussion by raising some of the issues set forth below, following each of the questions. In several of the problems, the issue of victimless crimes should be discussed (i.e., whether crimes such as drug abuse and gambling which may not result in injury to another person should be punished by society). Try to guide the discussion to incorporate some of the issues that follow each situation.



NOTE: The goal of this activity is not to have a right or wrong answer, but to get the students to hear other opinions and understand that though people think differently they may have a good opinion. It also can show them how they think alike.

Handout 1: SHOULD IT BE A CRIME?

1. Dwayne sells crack cocaine out of his home, but only to people over 21 years of age. He uses the earnings to support his family.

Reasons why it should be a crime include: selling drugs is never acceptable, regardless of the reason; and selling drugs contributes to a myriad of society's ills such as a high crime rate, increased violence against innocent people, increased school dropout rate, high medical costs, and the breakdown of the family and moral fiber of society.

Reasons why it should not be a crime include: the money is used to support his family (a weak argument but can be raised to get students to counter with reasons why in this case the end does not justify the means or to discuss the problems of unemployment), people have the right to privacy in their homes, adults have individual rights and can make their own decisions, alcohol is dangerous and is still sold in stores, and the legal use and sale of drugs will reduce the violence associated with drugs, and they could be taxed.

2. Jorge and Caleb are homosexuals who live together as though they were married.

Reasons why it should be a crime include: homosexuality is against nature, it's a poor role model for children, and it contributes to the breakdown of the family.

Reasons why it should not be a crime include: homosexuality is an attribute that people are born with, they are not harming anyone else by living together, and they have the right to privacy and the decision to live the way they choose.

3. Liz finds a wallet containing \$50. She returns the wallet, but keeps the money.

Reasons why it should be a crime include: it is not Liz's money and it is the same as stealing from another.

Reasons why it should not be a crime include: Liz found the wallet, the person will be happy to get the wallet back, and most people wouldn't return the wallet.

4. Donald is a used car dealer who turns back the odometers on cars he sells.

Reasons why it should be a crime include: it is a fraudulent act, the car being sold is not what it seems, and people must be able to trust merchants.

Reasons why it should not be a crime include: "caveat emptor"—let the buyer beware, and it is up to people to take care of themselves.

5. Latisha leaves a store with change for a \$10 bill after she realizes that she gave the cashier a \$5 bill.

Reasons why it should be a crime include: Latisha had knowledge of the mistake, she is leaving the store with something that belongs to the store, and it is the same as stealing.

Reasons why it should not be a crime include: it is the cashier's fault, Latisha should not pay for the mistake of another, and the store can afford it.

6. Lily approaches a man for purposes of prostitution.

Reasons why it should be a crime include: it leads to the breakdown of families and society, it contributes to the spread of sexually transmitted diseases and AIDS, and prostitution is degrading to women.

Reasons why it should not be a crime include: prostitution involves consenting adults who are not hurting anyone else, it's the world's oldest business, and if prostitution were legalized it would be healthier and safer.

7. Rick has a baby boy he has never seen. He does not pay child support.

Reasons why it should be a crime include: he is responsible for any of his children, it is wrong not to care for your child, our culture is built on families and a child needs his father.

Reasons why it should not be a crime include: he does not know the child, the mother is responsible, and the mother can get more welfare without a father.

8. Lotto tickets are available in every corner store in a poor neighborhood.

Reasons why it should be a crime include: people might buy tickets instead of food for their families, and poor people buy more tickets than the rich, and it encourages wasting money.

Reasons why it should not be a crime include: people don't have to buy the tickets, and the proceeds go to good causes, like education and hospitals.

7

After each student has given his or her reasons, have the students sit down. Ask the students to reflect on differences and similarities in their arguments.

Ask students:

- What reasons given by other students did they think were good and made sense?
- Did any of the other reasons they heard make them think harder about their own reasons?
- Did they find out that other people had reasons just like theirs?
- Even if others had different reasons, could they see the merit in the other reasons?

8

After the activity is completed, look at the legal status for each of the scenarios:

Distribute **Handout 1, Should It Be a Crime?** Discuss the laws involved in each situation.

Handout 1: SHOULD IT BE A CRIME?

1. Dwayne sells crack cocaine out of his home but only to people over 21 years of age. He uses the earnings to support his family.

Dwayne cannot sell cocaine anywhere. It is against the law. Review some of the students' reasons for this.

2. Jorge and Caleb are homosexuals who live together as though they were married.

Jorge and Caleb can live together. In a few states and cities homosexuals have the same rights as married heterosexual couples through domestic partnership laws. Some employers give insurance benefits to a significant other regardless of gender. In New York City, laws allow one partner in a homosexual couple to leave a rent-controlled apartment to the other partner.

3. Liz finds a wallet containing \$50. She returns the wallet but keeps the money.

Liz is stealing. Review some of the students thoughts on this.

4. Donald is a used car dealer who turns back the odometers on cars he sells.

Donald is committing fraud by deceiving those to whom he sells his cars. Turning back odometers is against the law.

5. Latisha leaves a store with change for a \$10 bill after she realizes that she gave the cashier a \$5 bill.

She is stealing; it is petty larceny. If the cashier remembers she gave too much money to Latisha, she can ask Latisha to return it. It would be difficult to prosecute this case because it would be hard to prove intent. Latisha is the only one who knows if she knew she had too much money when she left the store.

6. Lily approaches a man for purposes of prostitution.

Lily would be breaking the law in all but one state. In Nevada it is legal in very controlled situations.

7. Rick has a baby boy he has never seen. He does not pay child support.

Rick would be breaking the law in all states.

8. Lotto tickets are available in every corner store in a poor neighborhood.

Lottos are legal in most states today. Are they legal in your state?

SUMMARY/DEBRIEF

1

Ask the students to think about their arguments during “Take a Stand.” What were the main criteria that they used to make their decision? (examples: someone was a victim, someone’s property was damaged/taken, it was harmful to the community)

Which criteria do they think are the most important? Should the penalties be harsher for crimes that meet these criteria?

Do different communities have different laws? Why? (Remind the students of the difference in federal, state and local laws)

- Each community makes its own ordinances or laws. Community laws reflect the standards of that community.
- Which one of the laws we just talked about might be different in another community? Lotteries, prostitution (Nevada), homosexual marriage and maybe others.

HANDOUT 1

SHOULD IT BE A CRIME?

1. Dwayne sells crack cocaine out of his home, but only to people over 21 years of age. He uses the earnings to support his family.
2. Jorge and Caleb are homosexuals who live together as though they are married.
3. Liz finds a wallet containing \$50. She returns the wallet, but keeps the money.
4. Donald is a used car dealer who turns back the odometers on cars he sells.
5. Latisha leaves a store with change for a \$10 bill after she realizes that she gave the cashier a \$5 bill.
6. Lily approaches a man for purposes of prostitution.
7. Rick has a baby boy he has never seen. He does not pay child support.
8. Lotto tickets are available in every corner store in a poor neighborhood.

EJERCICIO 1

¿DEBERIA SER UN CRIMEN?

1. Dwayne vende cocaína "crack" en su casa pero solamente a personas mayores de 21 años. Utiliza las ganancias para mantener a su familia.
2. Jorge y Caleb son homosexuales y viven juntos como si estuvieran casados.
3. Liz encuentra una cartera con \$50. Regresa la cartera pero se queda con el dinero.
4. Donald vende automóviles usados y modifica los odómetros de los automóviles que vende.
5. Latisha sale de una tienda con \$10 de cambio después de haberse dado cuenta que ella le había dado a la cajera un billete de \$5.
6. Lily se acerca a un hombre con el propósito de prostituirse.
7. Rick es el padre de un niño que nunca ha conocido. El no paga por la manutención del menor.
8. Se venden billetes de lotería en cada tienda de esquina de una comunidad pobre.

TRANSPARENCY

RULES FOR TAKE A STAND

- Do not interrupt, wait for your turn.
- Do not argue, state your opinion.
Give new reasons or ideas.
- Listen while others give their reasons and ideas.
- You may move at any time. Be prepared to give your reasons for moving.

TRANSPARENCIA

REGLAS PARA "TOMA UNA POSICION"

- No interrumpas, espera tu turno.
- No discutas, expresa tu opinión.
Ofrece razones o ideas nuevas.
- Escucha cuando otros exponen sus razones o ideas.
- Te puedes cambiar de lugar si cambias de opinión. Prepárate para exponer tus razones que motivaron el cambio.