



December/January 2008

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ILLINOIS STATE  
BAR ASSOCIATION

# LAW-RELATED EDUCATION

*The Newsletter of the ISBA's Committee on Law-Related Education*

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*Statements, expressions of opinion or comments appearing herein are those of the editors or contributors, and not necessarily those of the Association or the Committee.*

Our LRE Newsletters are going to be emphasizing Abraham Lincoln in the coming editions to help teachers prepare for and enjoy celebrations of the 200<sup>th</sup> anniversary of his birth. All editions are archived at <http://www.isba.org/Sections/lrenewshome.html>

In This Edition:

Lincoln's Presidential Powers and Habeas Corpus

Civil Rights 1700's versus 2000's

The Lincoln Heritage Trail

2009 Mock Trial Information and Registration Form

## ISBA Lawyers in Classrooms

The ISBA's "Lawyers in Classrooms Program" is a new program designed as a resource for primary and secondary school teachers with an interest in having Illinois licensed lawyers present legal-related topics to students in their classrooms. We encourage interested teachers to visit the webpage we've developed, which lists all our volunteer lawyers. If you wish to invite a lawyer to your classroom, you are urged to communicate directly with the particular ISBA Member volunteer to determine that lawyer's interest and suitability for the particular classroom visit. For additional information, to view the list of

volunteer lawyers, and to see a resource guide, or sign up (if you're a lawyer or judge) please visit <http://www.isba.org/lawyersinclassrooms/>

If there isn't a lawyer in your area yet, please check back soon. We are still recruiting and signing up lawyers every week.

Here is a list of topics the lawyers have expressed interest in speaking about with students at various grade levels.

Abraham Lincoln and other famous lawyers in Illinois (grade school)  
Alternative Dispute Resolution – reaching consensus & problem solving (grade school thru high school)  
Becoming a Lawyer (junior high and high school levels)  
Careers in the law (high school level)  
Constitution/Bill of Rights issues (junior high and high school levels)  
Consumer issues/Contracts and responsibility (high school level)  
Current events: law-related issues in the news  
Diversity – the law is on your side (middle and high school)  
Drugs, Guns and Safety issues in schools (junior high and high school levels)  
Employment issues (high school level)  
Environmental issues: how to green your classrooms (grade school thru high school)  
Establishing good credit...and keeping it (high school)  
Fairy Tales and the Law (using mock trial fairy tales to teach about the law (grade school)  
Famous trials  
First amendment as it relates to schools and students  
Fourth amendment as it relates to schools and students  
How real are lawyers on TV and Film? (high school)  
Marriage and family law (high school level)  
Planning a class courtroom visit – able to assist with plans and attend  
So what if I'm arrested? What's the worst that can happen? (middle and high school)  
The Adversarial System/steps in the trial process  
The Court System and its role in government (middle and high school)  
The importance of Rules and Authority (grade school)  
The Law School Experience (high school and college)  
Traffic Laws and Courts (high school level)  
Working your way through college (high school)

### **Martial Law - Discussion Guide**

What is Martial Law? Usually during a time of war or civil crisis, laws of the military may override civil law, or the military takes over the duties usually performed by the courts.

In 1863, Lincoln imposed martial law in the United States, and he had been authorized to do so by Congress. The authorizing act allowed Lincoln to suspend habeas corpus throughout the entire United States, including the Southern states that had seceded from the Union. Lincoln's habeas corpus suspension was aimed at "prisoners of war, spies, or aiders and abettors of the enemy," as well as draft dodgers.

Lincoln's action was promptly challenged in *ex parte Milligan* (71 US 2 [1866]). Milligan had been tried by a military commission and had been sentenced to death for conspiracy against the United States government, providing aid and comfort to rebels, inciting insurrection, disloyal practices and violation of the laws of war.

The U.S. Supreme Court ruled that Lincoln's imposition of martial law (by way of suspension of habeas corpus) was unconstitutional, holding that the federal government did not have the right to establish military courts for trying civilians, except where civil courts were no longer functioning due to the war. It should be noted that the decision was handed down after the conclusion of the Civil War.

The Court also stated in their opinion that "It is proper to say, although Milligan's trial and conviction by a military commission was illegal, yet, if guilty of the crimes imputed to him, and his guilt had been ascertained by an established court and impartial jury, he deserved severe punishment...."

Discussion questions:

What's the difference between being a traitor and being a terrorist?

Talk about martial law may bring up current news topics regarding the war on terrorism. There have been recent Supreme Court decisions on the use of military tribunals. Students may be interested in some of the differences between U.S. criminal courts and military tribunals? There are different types of criminal and military tribunals, but they generally have the following characteristics:

- Are there different rules of evidence? Yes. Military trials allow for some hearsay or secondhand evidence, which is banned in civilian courts (though there are some exceptions). Rules of evidence differ (there are rules that the government can use to suppress evidence in a military trial to bar sensitive information from becoming public)
- Is evidence treated the same? No. Military trials don't require the same standards as in civilian courts when it comes to "chain of custody" evidence. That's who has had control of the evidence since it was found through the time it is introduced at trial.
- Must the decision be unanimous? Not necessarily. Some military tribunals call for a two thirds vote. Civilian courts call for a unanimous decision for conviction or sentencing.
- Are there juries? Yes for both. The military tribunal has three to seven on their panel, all of whom must be military officers. Civilian trials have 12-member juries drawn from the public.
- Do you have the right to a lawyer? Yes.

- Will the trial be public? Military has the right to close the trial due to sensitive information that may be revealed. Civilian courts are open to public scrutiny, unless children are involved.
- Right to appeal? Military courts do not allow for appeals to go to civilian courts.
- Who presides? In military courts, a military lawyer who is part of the panel of judges will preside. In civilian court, the presiding judge who is either elected or appointed presides.

*"[L]et us, to the end, dare to do our duty as we understand it."  
 – Abraham Lincoln, Cooper Union Address (Feb. 27, 1860).*



### **Lincoln, Habeas Corpus and Civil Liberties**

*by Frank Kopecky*

During the Civil War, President Lincoln at various time issued orders and public proclamations suspending the Writ of Habeas Corpus. Thousands of individuals had trials before military tribunals for various offenses. Military tribunals and the importance of the Writ of Habeas Corpus are once again in the news as a result the detainees being held at Guantanamo Bay, Cuba. The precedents set by Lincoln are being used to support the current policies involving enemy combatants in the “War on Terror”.

Lincoln issued his first order suspending the Writ in April, 1861 shortly after he became president. It was limited to Maryland and rail road lines to Washington. As the war progressed, the proclamations became larger in scope until virtually the whole country was considered a war zone. Military trials could be held for certain offenses. Initially, Lincoln was criticized because he suspended the Writ without congressional authority. Congress in March 1863 passed a law authorizing the suspension of the Writ. Later in the war, the criticism was directed at the scope of the suspensions.

The Writ of Habeas Corpus is an important civil right. It guarantees that any one who is taken into custody has the right to have a court review the case to determine if the arrest was appropriate. Habeas corpus is a Latin phrase that means “have the body”. The individual holding some one is commanded to bring the body or person into court for a ruling. It is a foundational element in the concept of the rule of law. By suspending the Writ, Lincoln prevented regular civilian courts from reviewing military decisions and the decisions of military tribunals.

Lincoln argued that the Constitution, Article 1, Section 9, Clause 2 allows for the suspension of the writ “when in cases of Rebellion or Invasion the public Safety may require it.” He argued that the suspension was necessary to

successfully fight the Civil War and to save the Union. He felt he had the authority to act even without Congressional authorization under the presidential war powers as commander in chief. Mark Neely in the book, *The Fate of Liberty*, thoroughly researched civil war records and concludes that for the most part these trial were a military necessity. A large majority of the trials were held in the border states of Missouri, Kentucky and Maryland, and they were closely associated with the military activities or were clearly in an area where the regular courts could not function..

A few of the trials, however, involved individuals who were speaking against the war effort. In one case, an Indiana politician was arrested and convicted by a military tribunal in 1864 in Indianapolis. The United States Supreme Court ruled in *Ex Parte Milligan*, 71 U.S.2 9 (1866) that the use of military trials was inappropriate in areas where there was no rebellion and the regular courts were open and operating. The decision was written by Justice David Davis of Bloomington Illinois. Lincoln knew Davis well and appointed him to the Supreme Court. Davis was the trial judge who heard many of Lincoln's cases while they were traveling the judicial circuit in Central Illinois. Davis's house in Bloomington is now a state memorial and may be visited.

The most recent case involving Habeas Corpus is *Boumediene v Bush*, 76 U.S.LW. 4406, decided in 2008. . In this case the Supreme Court ruled that non citizen detainees at Guantanamo had the right to petition a court to challenge their custody, and that the law passed by Congress to limit access to the courts violated the suspension clause of the Constitution.

A lesson plan on Lincoln's suspension of habeas corpus, the current situation in Guantanamo, and controlling Supreme Court cases is being prepared. It should be on the Illinois Bar Web site by January 2009. Look for it by going to <http://www.isba.org/teachers/lincoln/index.html>

*I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence. A. Lincoln*



**Civil Rights in the United States  
Over three hundred years of history**

The Founding Fathers who created the United States Constitution and the Bill of Rights worked hard to make the laws governing this nation different than those they had known in the countries from which they and their ancestors had come. They worked very hard to ensure that civil rights would be recognized and guaranteed to the citizens of the United States.

Our civil rights are those rights that individuals are guaranteed as citizens of this country.

If students look at the Bill of Rights, they can easily see the rights that make this country different from others. Two specific rights that many other nations do not have is the right to a jury trial, with a jury of one's peers passing judgment. Another right that is more significant to the United States is the Second Amendment which speaks to the right to bear arms.

The Bill of Rights (the first 10 amendments to the U.S. Constitution) provides:

1st: Freedom of religion, speech and the press, along with the right of the people to peaceably assemble and to petition the Government for redress of grievances.

2nd: Provides for a well regulated militia, being necessary to the security, allows for the right of the people to keep and bear arms.

3rd: Is a privacy issue that says that no soldier shall, in peace time, be quartered in any house, without the consent of the owner. Or, in time of war, only in a manner to be approved by law.

4th: Provides protection from unreasonable search and seizure.

5th: Offers protections in the areas of due process, double jeopardy, self-incrimination and eminent domain.

6th: Provides for a trial by jury and protects the rights of the accused. Addresses confrontation, speedy trial, public trials and the right to counsel in all criminal trials.

7th: Addresses civil trial issues.

8th: Protects against excessive bail and cruel and unusual punishment.

9th: This is the "clean up" amendment that protects "rights not specifically enumerated in the Bill of Rights." The wording of the Constitution may not be construed to deny or disparage other rights retained by the people.

10th: Says that powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states or to the people.

Since the Bill of Rights was adopted, numerous other amendments have been added that offer additional civil rights guarantees and protections.

For instance, the 13<sup>th</sup> Amendment, passed by Congress on January 31, 1865 (while Abraham Lincoln was President) and ratified December 6, 1865 (after Lincoln's death) states that "Neither slavery nor involuntary servitude, except as punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

The 14<sup>th</sup> Amendment requires the government to provide due process of law and equal protection of the laws.

The 15<sup>th</sup> Amendment, passed on February 26, 1869 and ratified on February 3, 1870, states that “the rights 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 race, color, or previous condition of servitude.”

The 24<sup>th</sup> Amendment, passed on August 27, 1962 and ratified on January 23, 1964, provides that the right to vote may not be denied or abridged for failure to pay taxes.

Civil Rights in the United States have expanded beyond the specific wording of the Bill of Rights and now include equal opportunity in housing and employment and in treatment for members of all minority groups, including race, ethnicity, gender, sexual orientation, religion, disability, etc.

1. As an exercise for the classroom, ask students to review the first 10 Amendments to the U.S. Constitution and discuss which, if they were forced to choose, would they be willing to eliminate? Which could they safely and happily function without? Can they rank them in order of importance? What would the ramifications be if they lost that particular right or rights?
2. Continue the discussions and ask students how they would feel if, for instance:
  - a. Only men were allowed to vote?
  - b. If they could be denied housing because of the color of their hair, skin, eyes or the language they spoke?
  - c. You couldn't get a job because you didn't own property?
  - d. You didn't have the right to a trial and were simply put in jail and left there?
  - e. The government told you what church you had to attend?
  - f. The police could come to your house and look through your things whenever they felt like it, with no good reason?
  - g. You could be put in jail for giving your opinion on a controversial topic?



### **The Lincoln Heritage Trail**

Kentucky, Indiana and Illinois all have Lincoln's heritage in common. The Lincoln Heritage Trail, 2200 miles of marked highways that parallel Abraham Lincoln's early years as he lived them in these three states.

Starting in Kentucky, moving through Southern Indiana and into Illinois, some of the locations you'll pass on these roads can still be seen as Lincoln and his family saw them. There are woods and prairies, caves, rivers, lakes and rolling hills to enjoy. You can visit Lincoln's boyhood home in Southern Indiana at

Pigeon Creek, where his mother, Nancy Hanks Lincoln is buried, and you'll also find New Salem where he began his studies to become a lawyer.

Now there are state parks and memorials dotting the landscape, each with their own links to Lincoln. Read more at <http://www.alincolnlearning.us/lincolnhighway.html>

### **2009 High School Mock Trials – There's Still Time To Register**

**The 2009 Illinois State Bar Association High School Mock Trial Invitational will be held on Friday and Saturday, March 20 and 21, 2009 at the University of Illinois at Springfield, Public Affairs Center.**

A mock trial is a simulation of a judicial proceeding, that is, the actual enactment of a trial of either a civil or criminal case. Participation in mock trials provides students with an insider's perspective of courtroom procedures. Mock trials also serve to help students gain a basic understanding of the legal mechanism through which our society resolves many disputes; help students develop critical thinking skills, oral advocacy skills and understanding of a substantive area of law; help students better understand the roles of persons in the justice system--leading to a greater understanding and respect; provide a vehicle for the study of fundamental law-related concepts such as authority and fairness.

For a full set of registration materials and additional information on the program, including the rules that must be followed, please visit <http://www.isba.org/Sections/mocktrialinfo.html>

This year's case was released in early November. It's part of the Illinois State Bar Association's Lincoln Bicentennial Celebration in that it is based on one of Abraham Lincoln's best known trials, that of William "Duff" Armstrong, or the Almanac Trial.

This year's mock trial scenario is an account of what may have happened on May 7, 1857, when Abraham Lincoln represented Duff Armstrong, had been accused of murder. A witness for the prosecution swore he had witnessed the argument because the moon had been full and bright between 10:00 and 11:00 p.m., providing full visibility of the altercation. Lincoln used a Farmer's Almanac to discredit the witness, showing that at the time of the argument, the moon had already set. The man accused of murder was acquitted. This trial, known as the Almanac Trial, has become one of the best known of Lincoln's many trials.

Adding to the challenges normally faced in preparing for a mock trial, the students this year will need to use all of the facts available to Lincoln at the

time, and they will be asked to prove the guilt or innocence of the Plaintiff on those facts, and *without the use of the Almanac*.

In 1857, judges provided jury instructions. There were no published pattern jury instructions available. And, at times, counsel could add to the jury instructions provided by the judge. Lincoln did so in this case and his written jury instructions included no mention of the Almanac. Lincoln obviously felt he had proved his client's innocence before discrediting the one witness who helped to make this trial famous.

The events leading to the famous "Almanac Trial" began on the evening of Saturday, August 29, 1857, during a Camp Meeting in Mason County. Camp Meetings were similar to religious revival meetings. There was no alcohol allowed at Camp Meetings and those who attended were mostly families with children. Illinois law at the time provided that any sellers of whiskey or spirits had to be located at least one mile from a camp meeting site.

William "Duff" Armstrong, James Norris, and James Preston "Pres" Metzker were known to have been drinking on the outskirts of the Camp Meeting when an argument started and someone allegedly struck Metzker with a slung shot (similar to a blackjack – a small metal ball wrapped in a piece of leather). The incident took place at a location called Walker's Grove, amidst a stand of trees, some distance from the actual Camp Meeting. Metzker survived the fight but died three days later after riding home on his/her horse. During the ride home Metzker fell from his/her horse at least twice, according to witness testimony.

The state's attorney indicted Duff Armstrong and James Norris in the Mason County Circuit Court for murder. Within one month, the court tried and convicted Norris for manslaughter for his part in the murder. He was sentenced to serve to eight years in the State penitentiary.

The court granted Armstrong a change of venue to the Cass County Circuit Court, where Abraham Lincoln entered the case and defended Armstrong as a favor to Hannah Armstrong, William Armstrong's mother and an old friend of Lincoln's from New Salem, Illinois.

The trial took place in Beardstown, Illinois in the second floor courtroom of the old courthouse. The courthouse is still there and is still in use as the building is the current Beardstown City Hall.

<http://showcase.netins.net/web/creative/lincoln/sites/beards.htm>

**ISBA Mock Trial Registration Form**

My school wants to participate in the 2009 Illinois State Bar Association High School Mock Trial Invitational. Enclosed is my check for \$75.00.

Teacher/Coach \_\_\_\_\_

School name \_\_\_\_\_

School address \_\_\_\_\_

\_\_\_\_\_

County \_\_\_\_\_

School phone number \_\_\_\_\_

School fax \_\_\_\_\_

Teacher e-mail \_\_\_\_\_

Teacher cell phone \_\_\_\_\_

Send this completed form to:  
Donna Schechter, Mock Trial Coordinator  
Illinois State Bar Association  
424 South Second Street  
Springfield, IL 62701  
Fax: 217.525.9063

If you have questions about the mock trial event, please contact Donna at 800.252.8908 or by e-mail to [dschecht@isba.org](mailto:dschecht@isba.org).

*I like to see a man proud of the place in which he lives.  
like to see a man live in it so that his place will be proud of him. A. Lincoln*

**MORE MR. LINCOLN**



The Abraham Lincoln Bicentennial Commission has a tremendous webpage available at <http://www.lincoln200.net/> The Illinois Commission has been busy in encouraging communities and individuals to become involved in the celebrations in their areas. Everyone is being encouraged explore ways to

celebrate and honor President Lincoln as we celebrate the 200<sup>th</sup> anniversary of his birth.

**Educational Opportunity:** *Ask students to think of special ways they can commemorate the 200<sup>th</sup> anniversary of Lincoln’s birth.*



The Looking for Lincoln Heritage Coalition, with offices in Springfield, has developed a wonderful resource for those interested in seeing places Lincoln knew.

The site has itineraries for short trips around the state, special events postings, maps with driving directions and a “Looking for Lincoln History Hunt” that challenges families with younger children to participate in a sort of history scavenger hunt at the historic sites. You can contact the Lincoln Heritage Coalition at #1 Old State Capitol Plaza, Springfield, IL 62701 (217.782.6817). [http://www.lookingforlincoln.com/tour\\_detail.asp?id=8](http://www.lookingforlincoln.com/tour_detail.asp?id=8)

**Educational Opportunity** – *ask students which Illinois Lincoln site is nearest to their school. Which is farthest away?*



As a former postmaster, it’s fitting that Mr. Lincoln was honored as early as 1869 with a stamp carrying his picture. The 90 cent stamp, one of the first two-color stamps ever produced in this country, would probably have been appreciated by Lincoln, who loved innovation and progress. At the time it was released, the Lincoln two color stamp was a technical advance in stamp production techniques. If one of these rare 1869 stamps came to auction market today, it would probably command an impressive price. To see a photo of the Lincoln stamp, visit [www.virtualstampclub.com/icehouse.html](http://www.virtualstampclub.com/icehouse.html) (By the way, Lincoln is one of only two United States Presidents who served as postmasters prior to election. The other was Harry Truman.)

**Educational Opportunity** – *ask students to design a stamp commemorating President Abraham Lincoln.*



One of Lincoln’s other jobs, prior to becoming a lawyer and legislator, was land surveyor. Many of Lincoln’s surveying tools are now at New Salem State Park. As usual, Lincoln had no formal training; rather, he taught himself how to survey by reading. For more information on Lincoln’s brief surveying career, visit

[http://www.surveyhistory.org/abraham\\_lincoln\\_-\\_the\\_surveyor1.htm](http://www.surveyhistory.org/abraham_lincoln_-_the_surveyor1.htm)

**Educational Opportunity** – *Can the students to “survey” their classroom? Does their desk face north, south, east or west? Which direction do the windows face? Which direction do the door(s) face? Can they write an accurate description of their classroom and note its exact location within the school building?*



Lincoln also worked as a store keeper while he lived in New Salem. See a picture of the replica store where Lincoln worked here: <http://showcase.netins.net/web/creative/lincoln/newsalem/offutt.htm>

**Educational Opportunity** - *Ask students what kinds of items might have been sold at Lincoln’s store? If you aren’t sure if an item had been invented in the 1830’s, ask students to look to the Internet for invention dates.*



While serving as President, Lincoln and his family would often visit what is now called the Lincoln Cottage, a few miles from the White House where the family normally lived. Now open to the public, visitors are able to see the house where Lincoln spent many weeks with his family during the Civil War. <http://www.lincolncottage.org/>

Also see:

[http://en.wikipedia.org/wiki/President\\_Lincoln\\_and\\_Soldiers'\\_Home\\_National\\_Monument](http://en.wikipedia.org/wiki/President_Lincoln_and_Soldiers'_Home_National_Monument)

*Educational Opportunity:*

- *What famous Lincoln document may have been drafted at the Lincoln Cottage? (The Emancipation Proclamation)*
- *Which of Lincoln’s sons probably spent the most time at the Cottage? (Tad)*
- *What other Presidents used the Lincoln Cottage as a retreat? (James Buchanan, Rutherford B. Hayes, Chester A. Arthur)*
- *What President declared the Lincoln Cottage a National Monument? (William J. Clinton)*



Are you interested in what Abraham Lincoln read? If so, visit [www.historycooperative.org/journals/jala/28.2/bray.html](http://www.historycooperative.org/journals/jala/28.2/bray.html) Robert Bray has accumulated an annotated list of works that Lincoln read. The listed works are “graded” with A+ indicating that Lincoln attested in his writings that he had read the work. A indicates that Lincoln either referred to the work himself as one he’d read, at least in part, or a credible second party indicated that Lincoln

had indicated reading the work. The list includes fiction and non-fiction works, ranging from poetry to textbooks. The list also includes works Lincoln read while studying to become a lawyer and some that reflect his longing to expand his knowledge on important national issues.

*Educational Opportunity:*

*What does the list, especially those works rated with an A+ or A, tell you about Lincoln?*

- *Based on the reading list, which topics did Lincoln concentrate on teaching himself?*
  - *Law*
  - *Natural history*
  - *Character and ethics*
  - *Philosophy and religion*
  - *Oratory and grammar*
  - *Geometry and mathematics*
  - *History*
  - *Surveying*
  - *Science*
- *What did he read for pleasure?*
  - *Shakespeare*
  - *Poetry*
  - *Fables*
  - *Hymns and the Bible*

*Which of the works do you think he might have read as a young man, which as President?*

*Read some of the poems listed. Do they have a common theme?*

*I am a firm believer in the people. If given the truth, they can be depended upon to meet any national crisis. The great point is to bring them the real facts. A. Lincoln*

<b>LINCOLN THE STORYTELLER – 2nd-4<sup>th</sup> grade activity</b>
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One of Abraham Lincoln's favorite things to do was tell stories. He would use them to amuse or make a point. Often his stories had a moral he wished to communicate.

Story telling skills can help students develop both oral and listening skills. Using a Lincoln-related theme, ask students to write a one page story they would like to read to the class. Topics and stories can be serious or funny. Welcome students to illustrate their stories with drawings or cut outs.

Students can select from the list of topics below, or choose one of their own:

- How would you feel if your mother or father were elected president?
- What did Mr. Lincoln carry in that big hat and in his pockets? Why?
- What would it be like to live in a log cabin?
- What would it be like to live in the White House? Would you like it? Why?
- Living without television, cars, air conditioning, computers and telephones. How would you spend your time if you were living 200 years ago?
- If you could show Mr. Lincoln one invention from the future (our time), what would it be and why?
- If you were having a party and Mr. Lincoln was coming, who else would you want to invite? Why?
- Read a book about Mr. Lincoln and report on what you read.
- What is the most important or impressive thing Mr. Lincoln did in his life. Why do you think it's important or impressive?
- On February 12, 2009, we'll be celebrating the 200<sup>th</sup> anniversary of Mr. Lincoln's birth. How would you like to celebrate Mr. Lincoln's birthday? Why? What kind of birthday present would you give him?
- One thanksgiving in the White House, President Lincoln was presented with a living turkey. Lincoln's son asked that the turkey receive a pardon, which President Lincoln granted, and the turkey became a White House pet. Make up a story from that special turkey's point of view.
- Write about any other topic, but include Mr. Lincoln!

### **LINCOLN AND OBAMA – INTERESTING COMPARISONS**

As we release this newsletter, we now know that Senator Barack Obama of Illinois has been elected to serve as the 44<sup>th</sup> President of the United States of America.

When Senator Obama announced his presidential candidacy on the steps of the Old State Capitol in Springfield in February of 2007, the choice of location made many stop to think. There are some interesting comparisons between Abraham Lincoln and Barack Obama. Some people think they have much in common, and many people feel they are about as different as two men can possibly be. Here are some of the similarities we found:

Both born in states other than Illinois, but chose to lead their professional lives in this state;  
 Both self made men;  
 Both Illinois lawyers;  
 Both Illinois legislators;  
 Both served in the U.S. Congress as representatives from Illinois;  
 Both were anti-war legislators (Lincoln was against the Mexican war/Obama was and is against the Iraq war);  
 Both gifted public speakers;  
 Both wives well educated;  
 Both lost at least one political race before serving;  
 Both families have children of all one sex (Lincoln had four sons; Obama has two daughters);

Obama, like Lincoln, will have to deal with a war he didn't want, and ones that created incredible debts for the country;  
Both came from "non-traditional families," Lincoln raised by a stepmother after his mother, Nancy Hanks died; Obama raised primarily by his mother and grandmother;  
Both taller than their opponents;  
Both have had to deal with racial discrimination as a political issue;  
Both gained national attention through speeches (Lincoln's Cooper Union address and Obama's address to the 2004 Democratic Convention);  
Both willing to appoint political opponents to positions (Lincoln's Team of Rivals and Obama's selection of primary opponent Joe Biden as his Vice Presidential running mate);  
Both won out over experienced campaigners from New York State prior to receiving their party nominations (Lincoln/Seward and Obama/Clinton);  
Both took time to take "farewell" trips during or after their campaigns to say goodbye to their mother figures (Lincoln went to see his step-mother/Obama to see his Grandmother in Hawaii);  
Both were forced to travel with significantly increased security due to death threats;  
Both were elected during times of technological change; Lincoln at the dawn of photography and Obama during the dawn of the use of the Internet in campaigning;  
Both were significant "firsts," Lincoln was the first Republican to be elected, and was the first American President who was born outside of the original 13 colonies. Obama will be our first African-American President;

There are obviously tremendous differences between the two men; they come from different political parties, different races and different times.

Can you list some of the most notable differences?

Different political parties

Different ethnic backgrounds

Different times

Different educational backgrounds

Different religious upbringing

Obama is younger than Lincoln was when elected

Lincoln gave a "house divided" speech, and Obama has referred in speeches to a "house united."

### **Street Law Website Has Changed!**

Street Law, Inc., has updated their webpage and it's new and improved version is available for review at <http://www.streetlaw.org>

In 1972 Street Law developed an experimental curriculum designed to teach students about practical aspects of the law and the legal system. Since 1986,

Street Law has brought its mission and expertise in curriculum writing and program and professional development to democratizing nations around the world. They have established quality law-related education programs and developed materials in more than 30 countries. Over the years, Street Law, has developed dozens of publications and programs on practical law, crime prevention, conflict resolution, and youth advocacy for use in school systems, juvenile justice facilities, and community settings.

### Looking for Your Lincoln Hero - Contest Announced

Abraham Lincoln exemplifies the qualities of a great leader, and remains as one of history's brightest stars, and a role model for people even today. Do you know a Lincoln of today? Your Lincoln-like hero can be someone you know personally, or someone you admire from afar.

A contest sponsored by the Looking for Lincoln Heritage Coalition invites you to write an essay that describes the heroic qualities in Abraham Lincoln you most admire and tell about the person in your life who most represents those qualities. Or, create a piece of artwork to illustrate how your hero is like Lincoln.

Essay entries must discuss all of the following points when relating your contemporary hero to Abraham Lincoln:

- Identify the personal or moral characteristics that Lincoln represents to you and how that makes Lincoln a hero;
- Describe the person you have chosen as "your" Lincoln;
- Offer specific examples of how your Lincoln hero is like Abraham Lincoln;
- Discuss how your Lincoln hero has impacted your life and/or the lives of others;
- Your essay should also suggest why someone should emulate Lincoln's characteristic and those of your Lincoln-like hero.

Artistic entries should feature your contemporary Lincoln hero, and may include a brief description relating your hero's qualities to those of Lincoln.

Categories will include: elementary school stories, middle school stories, high school stories, college and graduate stories, adult and professional stories. There will also be artwork categories for elementary school middle and high school, college and graduate, and adult and professional (a total of ten categories).

Word limit: 750 words

One essay or drawing per person

Photos and/or drawings accompanying essays are encouraged

Entries must be submitted electronically through [www.myhero.com/Lincoln](http://www.myhero.com/Lincoln) (see STEP 1 to the top right side of the page to start) and a paper copy, accompanied by a completed, signed entry form will need to be mailed through "snail mail" to

the contest address listed below. Teachers may wish to send essays from an entire classroom in one mailing.

Download an entry form by visiting [www.myhero.com/Lincoln](http://www.myhero.com/Lincoln) or going to <http://www.myhero.com/myhero/go/specialevents/introsignin.asp?eid=1>

For those entering drawings, please **do not send original artwork**. If the artist does not have the ability to scan items, MY HERO will scan after receiving a COPY (**no originals**) of the artwork in the mail and the completed entry form online.

All entries are due on March 1, 2009  
Mail to Looking for Your Lincoln Hero  
C/O The MY HERO Project  
PO Box 1077  
Branford, CT 06405

Remember to include the Looking for Your Lincoln Hero Entry Form with your submission. The form is available at <http://www.myhero.com/myhero/go/specialevents/Lincoln200/LincolnContestEntryForm.pdf>

Winners will be announced in April 2009.

## ANOTHER CONTEST OPPORTUNITY!

### **CHILD ESSAY CONTEST: Convention on the Rights of the Child**

The Campaign for U.S. Ratification of the Convention on the Rights of the Child (CRC) invites youth throughout the U.S. to participate in its second nationwide essay contest. The purpose of this contest is to continue to raise awareness of the CRC among youth and to engage them in thoughtful reflection on the potential impacts the Convention would have on children and youth in the U.S.

The Convention on the Rights of the Child (CRC) is a human rights treaty that was created specifically to promote and protect the well-being of children worldwide. It sets forth basic standards which individual nations agree to pursue on behalf of children. A summary of the Convention can be accessed at [http://childrightscampaign.org/crcindex.php?sNav=getinformed\\_snav.php&sDat=summary\\_dat.php](http://childrightscampaign.org/crcindex.php?sNav=getinformed_snav.php&sDat=summary_dat.php).

#### **Eligibility**

The CRC Essay Contest is open to U.S. students in grades 6th-12th and homeschooled students in the equivalent grade levels. Applicants must currently reside in the U.S.

#### **Awards**

The top five winning essayists will receive airfare and accommodations for himself/herself and one parent/legal guardian to participate in the Campaign

for U.S. Ratification of the CRC's National Symposium at Georgetown University Law School in Washington, DC on June 1-2, 2009. Winners will be asked to share their essay with event participants on June 1 and will be honored at a formal luncheon on June 2.

**Important Dates:**

- January 5, 2009: Essay contest is launched. The guidelines and application will be posted on the Campaign's Web Site, <http://childrightscampaign.org> , under the tab entitled, "Youth".
- March 20, 2009: Essays must be received by March 20, 2009 at 12:00 a.m. Eastern Time.
- Mid-April 2009: Essay contest winners announced.
- June 1-2, 2009: National Symposium at Georgetown University Law Center in Washington, DC.

The Campaign for U.S. Ratification of the Convention on the Rights of the Child (CRC) is a volunteer-driven network of academics, attorneys, child and human rights advocates, educators, members of religious and faithbased communities, physicians, representatives from non-governmental organizations, students, and other concerned citizens who seek to bring about U.S. ratification and implementation of the CRC.

Links to the 2007 essay contest winners' and finalists' submissions can be accessed at

[http://childrightscampaign.org/crcindex.php?sNav=youth\\_snav.php&sDat=essaycontest\\_dat.php](http://childrightscampaign.org/crcindex.php?sNav=youth_snav.php&sDat=essaycontest_dat.php). The booklets are at the end of the page.

<b>Fugitive Slave Laws in the 1850's and 60's</b>
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*by Kenya A. Jenkins*

The United States Congress passed the Fugitive Slave Act in 1850 in response to conflicts that were arising between Southern slaveholding states and Northern interests. It provided that any runaway slave that made it to the Northern free states would need to be returned to their masters in the South.<sup>1</sup>

This Act mandated that any Federal marshal who did not comply with the Act, by arresting and returning runaway slaves, pay a fine of \$1000.<sup>2</sup> This penalty fee ensured compliance by law enforcement officials even if they did not agree with the Act. Moreover, any individual who provided shelter to a runaway slave could be fined \$1000 and could be sentenced to serve a six month prison term.<sup>3</sup>

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<sup>1</sup> <http://www.pbs.org/wgbh/aia/part4/4p2951.html>; <http://www.teachervision.fen.com/tv/printables/tv00032s3.pdf>; <http://www.yale.edu/lawweb/avalon/fugitive.htm> (complete draft of the Fugitive Slave Act).

<sup>2</sup> <http://www.teachervision.fen.com/tv/printables/tv00032s3.pdf>

<sup>3</sup> <http://www.teachervision.fen.com/tv/printables/tv00032s3.pdf>

In the 1850's, the law did not provide for jury trials for the slaves who tried to fight for their freedom.<sup>4</sup> If you were black, and someone declared that they owned you, you had little recourse through the courts. Many free blacks were conscripted into slavery and had no way to defend themselves to secure their freedom.<sup>5</sup>

The Northern states were vehemently opposed to the Act, but some felt it was a necessary compromise to ease tensions.<sup>6</sup>

To avoid the impact of the Act, many runaway slaves made their way to Canada where there was no such law.<sup>7</sup>

What the Act really served to do was make the citizens of the North responsible for enforcing slavery or pay a penalty. Many of these Northern citizens were abolitionists and were willing to fight against slavery, but they were forced to choose between their beliefs or breaking a law. Many did violate the law.<sup>8</sup>

### **The Underground Railroad**

One example of abolitionists choosing to violate the Fugitive Slave Act is “The Underground Railroad”. The Underground Railroad helped many Southern slaves make their way to the North or to Canada. The Underground Railroad was a secret network of people (black and white) that aided slaves in reaching freedom in the “free states” of the North or Canada prior to slavery being abolished.<sup>9</sup>

The Underground Railroad was an extremely important network for the freedom of slaves. According to PBS, “[the underground railroad] effectively moved hundreds of slaves northward each year – according to one estimate, the South lost 100,000 slaves between 1810 and 1850.”<sup>10</sup> Escaping through the Underground Railroad was an extremely difficult endeavor for the slaves. The slaves and the conductor (who was responsible for leading the slaves from one place to another) would move at night.<sup>11</sup> Generally, the slaves would travel between 10 and 20 miles before they would arrive at a place where they could rest and eat, until, of course, it was time to move again.<sup>12</sup>

Numerous people were involved in the success of the Underground Railroad. For example, Levi Coffin, who helped more than 3,000 slaves and, of course, the most famous of them all, Harriet Tubman, who made 19 trips to the South and escorted 300 slaves to freedom.<sup>13</sup>

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<sup>4</sup> <http://www.pbs.org/wgbh/aia/part4/4p2951.html>

<sup>5</sup> <http://www.pbs.org/wgbh/aia/part4/4p2951.html>

<sup>6</sup> <http://www.pbs.org/wgbh/aia/part4/4p2951.html>; <http://www.teachervision.fen.com/tv/printables/tv00032s3.pdf>

<sup>7</sup> <http://www.pbs.org/wgbh/aia/part4/4p2951.html>

<sup>8</sup> <http://www.pbs.org/wgbh/aia/part4/4p2951.html>; <http://www.teachervision.fen.com/tv/printables/tv00032s3.pdf>

<sup>9</sup> See *American Dictionary*; see also, <http://www.pbs.org/wgbh/aia/part4/4p2944.html>

<sup>10</sup> <http://www.pbs.org/wgbh/aia/part4/4p2944.html>

<sup>11</sup> <http://www.pbs.org/wgbh/aia/part4/4p2944.html>

<sup>12</sup> <http://www.pbs.org/wgbh/aia/part4/4p2944.html>

<sup>13</sup> <http://www.pbs.org/wgbh/aia/part4/4p2944.html>

**Tips for Kids:** Ask students what they would have done if a runaway slave came to them for help? Would they have broken the law and helped the slave escape or offer sanctuary, or would they have obeyed the law and notified authorities?

The National Geographic has a lesson plan on the Underground Railroad available at <http://www.nationalgeographic.com/xpeditions/lessons/17/g68/railroad.html>

Lesson plan overview from the National Geographic Website:

*“This lesson has students investigate the dangers that escaping slaves and their helpers on the [Underground Railroad](#) faced and asks them to consider whether they would have helped if they’d been free people during the time of slavery. Students will pretend to be living back then and will write conversations to friends explaining whether they will help on the Underground Railroad and describing the challenges and risks they might face.”*

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