



WASHINGTON
COURTS

The Courts: Interpreting the Law on Weapons

Source:

Written by Margaret E. Fisher and updated by staff at the Washington State Administrative Office of the Courts (AOC). For more information contact AOC Court Services, 1206 Quince Street SE, PO Box 41170, Olympia, Washington 98504-1170. For an electronic copy of this lesson, or to view other lesson plans, visit Educational Resources on the Washington Courts Web site at: www.courts.wa.gov/education/.

Objectives:

1. Students will identify the purpose and function of law.
2. Students will discover the intent of lawmakers.
3. Students will analyze practical applications of a law.
4. Students will appreciate that laws may be subject to different interpretations.

Related Essential Learning Requirements:

While this lesson can positively address several of the Essential Academic Learning Requirements in Social Studies and Language Arts, the lesson plan indicates only those Learning Requirements most directly applicable.

As a result of this lesson, students will gain competence in the following Learning Requirements:

- Examine key ideals of United States democracy such as individual human dignity, liberty, justice, equality, and the rule of law. (*Civics, EL 1, Bench 1.2*)
- Understand and explain the purposes and organization of United States government: executive, legislative, and judicial branches at, and among, the local, state, and federal levels of government. (*Civics, EL 2, Bench 2.1*)
- Understand the function and effect of law. (*Civics, EL 2, Bench 2.2*)

Grade Level:

Grades 5-12.

Time:

One class period (approximately 50 minutes).

Outside Resource Persons:

The local sheriff's office, police agency, and school district are excellent resources for this lesson to provide up-to-date real life scenarios and statistics from their own school and/or school district.

Materials:

Handout 1—No Weapons on School Property (one copy for each student).

Procedures:

1. **Begin the class** by telling students questions have arisen regarding how a new law should be interpreted, so they will all be judges today. Pass out a copy of Handout 1 to each student.
2. **Ask students to read** the first five paragraphs of Handout 1. You may either have students read it to themselves or you may ask for volunteers to read aloud.
3. **Make sure that all students understand** what the law says and the basic legislative history given before moving on to the individual cases. Check by asking questions such as:
 - What is the law we are to interpret?
 - What exactly does it say?
 - What is the law designed to do?
 - What is the purpose of the law?

You might write students' responses on the board or on an overhead transparency or docu-camera.

4. **Review the definition of a weapon:** A real or toy instrument of combat; something to fight with.
5. **Divide the students into groups** of three to five students each. Assign each group a number. (You could call group 1 the "First Circuit Court," group 2 the "Second Circuit Court," and group 3 the "Third Circuit Court," etc.)
6. **Tell the class they will work in groups** to consider the cases on Handout 1. For each hypothetical situation, ask each group to decide if the law has been violated, or if they will interpret the law to allow an exception. Tell each group to appoint a spokesperson or chief judge to report their decision (or everyone may take turns reporting). Tell them they will be expected to give their reasons for each of their answers. Ask students if they understand the group assignment. Allow ten to fifteen minutes for the groups to work.
7. **Circulate while the groups are working** to ensure that they stay on task. Then draw a

grid on the board to record their opinions. The grid should list the hypothetical case letters (a. through h.) along one side and the group or circuit court numbers along the top.

	Cir 1	Cir 2	Cir 3
a.			
b.			
c.			
etc.			

8. **Read each situation** and have the groups report what they decided. Record the responses on the grid. To get discussion started, ask some of the questions related to each situation, as suggested below and on the attached pages.

Questions for Handout 1:

- a. Jeffrey brought a 1-inch plastic gun with no moving parts from his GI Joe to school. He says that he put the toy into his pants pocket and forgot he had it. Another student saw it when he was getting out his lunch money.
- Has Jeffrey violated the rule?
 - Should there be a requirement in the rule that toy weapons be capable of looking like real weapons?
 - What does it teach Jeffrey if he is expelled for a year, when students who bring real guns to school are also punished by one year's expulsion?
- b. Gabriel was learning about mysteries and solving clues at school. He brought his new game of "CLUE" to school, which had several small, 1-inch weapons, including a lead pipe, a revolver, and a knife.
- Has Gabriel violated the rule?
 - Does his motivation make a difference in whether the rule should be applied to him?
- c. Jack showed several students a .38 caliber pistol in the trunk of his car. The car was parked in the school parking lot. The gun was in the car because the night before he and his mother ran some errands that included returning the gun to his older sister after it had been repaired. They never made it to his sister's house.
- Has Jack violated the rule?
 - Should the fact that his mother was involved in transporting the gun change the outcome?
- d. Theo had been camping the weekend before and put his Swiss army knife on his key ring. He brought the key ring with the knife to school.

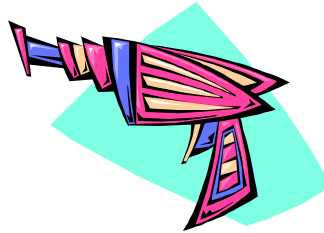
- Has Theo violated the rule?
 - Does his innocent use of the knife for camping override the application of the rule?
- e. Reet is a member of a religion that requires its members to carry a small blade, like a dagger. Reet wears his sacred blade to school under his shirt, but other students see it when he is playing basketball.
- Has Reet violated the rule?
 - How should the school deal with a conflict between religious practice and school rules?
- f. Gang members have threatened to kill Henry, because he has refused to join their gang. Henry brings a gun to school to protect himself against these gang members.
- Has Henry violated the rule?
 - Does Henry's strong desire to protect his own life override the application of the rule?
- g. Chin is studying Kung Fu, and his class starts right after school gets out. He is learning to use the swords and brought his set of swords to school in his backpack.
- Has Chin violated the rule?
 - Should Chin's legitimate use of swords as part of martial arts training override the application of the rule?
- h. Jade is going to Sid's house after school for a water party, in which all the kids are supposed to bring their water guns. Jade brings his water gun to school in his backpack.
- Has Jade violated the rule?
 - Should Jade's plans to go to a water party override the application of the rule?

Note to Teachers: With the exception of the scenarios a, c and e, these cases are fictional. (In scenario a, the student was expelled for a year, but with further discussion, his expulsion was reduced to a three-day suspension, and the district agreed to clear his school record at the end of the year if he did not have any other weapons infractions. In scenario c, Jack was expelled and pursued an appeal.) In scenario e, the student was allowed to wear his sacred blade (kirpan, worn by Sikhs) so long as he took some safety measures, such as blunting the end or attaching it to his clothing in some way. In 2009, California passed the first legislation in the United States mandating that law enforcement be trained in the Sikh symbol kirpan. The purpose of this lesson is to help students see that laws are not clear, interpretations need to be made, and that no interpretation is necessarily the *right* answer.

9. **Ask the students** whether or not the law creates more difficulties than having no law at all. Discuss whether laws should be written in absolute terms, or if laws should be flexible to adapt to changing situations. Can they be both?
10. **Explain to students** how judges review laws like this and how they try to determine the meaning of the law. At times, the judges are called upon to decide for the state what the policy or response of the government should be. In a later class, they will see a video that highlights how this happened in a recent case in the Washington State Supreme Court.
11. **If time permits**, or as a follow up with the teacher, have students discuss alternatives or ways to rewrite this law.

Handout 1

No Weapons on School Property



Pacifica School District has adopted a “zero-tolerance” rule on weapons for the schools in their district. The school district is quite concerned about the safety of its students, especially in light of the recent tragic shootings in Littleton, Colorado, and other schools.

Nationally, more than 6000 students were expelled for bringing guns to school last year. Thirteen percent of students across the nation say they know a student who brings guns to school, according to a study by the United States Departments of Education and Justice. In a year, 1 in 12 high schoolers was threatened or injured with a weapon at school. Ten percent of all public schools reported at least one violent crime last school year.

At all entrances to the schools in Pacifica, the following sign is posted: **“Weapons of any kind are prohibited.”** Additionally, the principal goes around to each classroom at the start of the school year and explains to students that no real or toy weapons can be brought to school or the student will be expelled from school for one year.

The law seems clear, but some disputes have arisen over the interpretation of the law. In each of the situations below, the principal expelled the student for violating the no weapons rule.

The school’s definition of weapon is a real or toy instrument of combat, something with which to fight. You are a judge and parents and students have filed an appeal in your court. Decide how you would interpret the rule to determine whether the rule has been violated in each of the following cases. In situations where you decide the rule has been broken, decide if there is some important reason that should override the rule.

- a) Jeffrey brought a 1-inch plastic gun with no moving parts from his GI Joe. He says that he put the toy into his pants pocket and forgot he had it. Another student saw it when he was getting out his lunch money.

- b) Gabriel was learning about mysteries and solving clues at school. He brought his new game of “CLUE” to school, which had several small, 1-inch weapons, including a lead pipe, a revolver, and a knife.

- c) Jack showed several students a .38 caliber pistol in the trunk of his car. The car was parked in the school parking lot. The gun was in the car because the night before he and his mother ran some errands that included returning the gun to his older sister after it had been repaired. They never made it to his sister's house.

- d) Theo had been camping the weekend before and put his Swiss army knife on his key ring. He brought the key ring with the knife to school.

- e) Reet is a member of a religion that requires its members to carry a small knife, like a dagger. Reet brings his knife to school, carried in the traditional manner.

- f) Gang members have threatened to kill Henry because he has refused to join their gang. Henry brings a gun to school to protect himself against these gang members.

- g) Chin is studying Kung Fu and his class starts right after school gets out. He is learning to use the swords and brought his set of swords to school in his backpack.

- h) Jade is going to Sid's house after school for a water party, in which all the kids are supposed to bring their water guns. Jade brings his water gun to school in his backpack.