

INTRODUCTION

BUBBLE GUM TRIAL

Your “Bubble Gum Trial Packet” includes a copy of the script for the Bubble Gum Trial that your group will be presenting, and also some information regarding trials overall. The trial in your packet was designed to introduce third and fourth grade students to the court process. This Old Courthouse program focuses on the fundamental concepts of rule making, point of view perception, critical thinking, decision making, and responsible behavior. In many ways the school classroom is like the community; rules of behavior are comparable to traffic regulations or community laws. We intend it to be serious and fun. Each group taking part in the trial activity will be allowed to reach their own verdict. Before your visit, have your group familiarize themselves with the script and also choose their parts for the trial. Members of your group who do not have specific parts may serve as part of the jury. Please make copies of the script and bring them with you on the day of your program. At the end of the program, the ranger assigned to your group will discuss the verdict, as well as the learning experience of the Bubble Gum Trial.

Any questions or comments on this Trial Packet are welcome. Contact the Director of Education at:

Jefferson National Expansion Memorial
11 North Fourth Street
St. Louis, MO 63102
(314) 655-1600



List of Characters:
(In Order of Appearance.)

Bailiff

Members of the Jury

Clerk

Judge

Attorney for the Plaintiff

Witness #1

Attorney for the Defense

Plaintiff (Teacher)

Witness #2

Defendant (Student)



Bailiff: *(Rise and say loudly.) All rise. (Wait for class to stand.) The Honorable Judge (Say student's last name.) presiding.*

Judge: *(Walk in and sit down.) You may be seated. The Clerk will place the Jury members under oath.*

Clerk: *Members of the Jury, all rise. (Wait for Jury members to stand.) Raise your right hand. Members of the Jury, do you swear to deliberate your verdict today based on the evidence presented in this courtroom, and only on that evidence?*

Jury: *(All together) I do.*

Judge: *This case is (Say teacher's name.) versus (Say defendant's name.). The defendant is accused of chewing gum in (Say the teacher's name.) classroom. Are the attorneys ready with their opening statements?*

Atty for Plaintiff: *(Rise, say to the Judge.) We are, your Honor. We will present evidence to show that the Defendant, (Say defendant's name.), was chewing gum in the classroom, which the Defendant knew to be against the school rules. (Sit down.)*

Atty for Defense: *(Rise, say to the Judge.) Your Honor, we believe there is not enough evidence to prove the Defendant, (Say defendant's name.), was chewing gum. (Sit down.)*

Judge: *Will the Attorney for the School begin by calling your first witness?*

Atty for Plaintiff: *(Rise.) We call (Say name of Witness #1.) to the stand.*

Clerk: *(Rise.) Will (Say name of Witness #1.) please come forward?*

Witness #1 *(Walk to the clerk. Stand before him/her.)*



Clerk: (Stand.) Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Witness #1: I do. (*Sit in the witness chair.*)

Clerk: You may be seated. (*Clerk sits.*)

Atty for Plaintiff: (*Move toward the witness stand.*) Please state your name for the record.

Witness #1: (*Say your real name.*)

Atty for Plaintiff: Are you in (*Say teacher's name.*) class at (*Say school name.*)?

Witness #1: Yes.

Atty for Plaintiff: Does your school have a rule about chewing gum?

Witness #1: Yes. In September we were told that we could not chew gum in school.

Atty for Plaintiff: Did you see (*Say defendant's name.*) chew gum in class?

Witness #1: Yes, I did.

Atty for Plaintiff: How close do you sit to the defendant?

Witness #1: I sit right next to him/her.

Atty for Plaintiff: Thank you. No other questions, your Honor. (*Return to seat.*)



Judge: Would the Attorney for the Defense like to cross-examine the witness?

Atty for Defense: (*Rise.*) Yes, your Honor. (*Move toward the witness stand.*)
Did the teacher ever catch you chewing gum in school?

Witness #1: Not that I can remember.

Atty for Defense: Do other students chew gum in school?

Witness #1: Some of them do.

Atty for Defense: Have you ever seen any of your other classmates get caught chewing gum in school?

Witness #1: Some of them.

Atty for Defense: Did you see gum in the defendant's mouth?

Witness #1: I saw his/her mouth moving and it looked like he/she was chewing gum.

Atty for Defense: No further questions your honor. (*Return to seat.*)

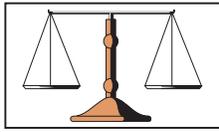
Judge: (*Say to the Witness.*) You may return to your seat.

Witness #1 (*Return to seat in the audience.*)

Judge: Does the plaintiff have any other witnesses?

Atty for Plaintiff: (*Rise.*) Yes, your honor. We call the teacher to the stand.

Clerk: (*Rise.*) Will (*Say teacher's name.*) please come to the stand?



Plaintiff: (*Walk to the clerk and remain standing.*)

Clerk: (*Stand.*) Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Plaintiff: I do.

Clerk: You may be seated. (*Return to seat.*)

Atty for
Plaintiff: Please state your name for the record.

Plaintiff: (*Say teacher's name.*)

Atty for
Plaintiff: Where do you teach?

Plaintiff: I teach at (*Say the name of your school.*)

Atty for
Plaintiff: How long have you been teaching at that school?

Plaintiff: Six years.

Atty for
Plaintiff: Please state the rule on gum chewing in school.

Plaintiff: At the beginning of the school year, I told my students that they may not chew gum at school.

Atty for
Plaintiff: Is that a new rule or an old one?

Plaintiff: The same rule has applied for many years.

Atty for
Plaintiff: Please tell the court what you saw on the day the defendant is accused of chewing gum.



Plaintiff: I was grading papers while the children were doing a math sheet. Out of the corner of my eye, I noticed a piece of paper fall to the floor by the defendant's desk. I looked up from my papers and saw that it was a gum wrapper.

Atty for Plaintiff: Is this the wrapper that you saw fall to the floor by the defendant's desk? (*Holds up plastic bag containing wrapper.*)

Plaintiff: It looks like the same wrapper.

Atty for Plaintiff: (*Say to the Judge.*) Your Honor, we ask that this gum wrapper be placed in evidence as Exhibit #1. (*Hand evidence to the clerk. Return to the teacher.*) What did you do next?

Plaintiff: I reminded (*Say student's name.*) about the no gum chewing rule.

Atty for Plaintiff: How did he/she respond?

Plaintiff: He/she looked down at the desk, swallowed hard, and denied that he/she was chewing gum.

Atty for Plaintiff: And then what happened?

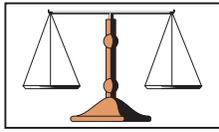
Plaintiff: I asked (*Say student's name.*) to pick up the gum wrapper.

Atty for Plaintiff: How did he/she respond?

Plaintiff: (*Say student's name.*) said the gum wrapper was not his/hers.

Atty for Plaintiff: Did the defendant pick up the wrapper as you asked?

Teacher: No, he/she did not.



Atty for Plaintiff: No further questions your honor. (*Return to seat.*)

Judge: (*Say to the Attorney for Defense,*) Does the defense wish to cross-examine the witness?

Atty for Defense: (*Rise.*) Yes, your honor. (*Move toward witness stand.*)

Atty for Defense: To your knowledge, how many students in your class chew gum?

Plaintiff: I'm sure almost all have chewed gum at one time or another.

Atty for Defense: How many students have you caught chewing gum?

Plaintiff: Probably about half.

Atty for Defense: Do you chew gum?

Atty for Plaintiff: Objection! That is not relevant.

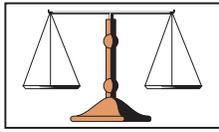
Judge: Objection sustained.

Atty for Defense: Do other teachers chew gum?

Atty for Plaintiff: Objection!

Judge: Sustained. The Attorney for the Defense may only ask questions relevant to the accused.

Atty for Defense: Did you actually see the defendant chewing gum?



Plaintiff: No, I just saw the wrapper fall to the floor.

Atty for
Defense: From a distance, how could you tell it was a gum wrapper?

Plaintiff: The defendant sits right in front of my desk. It was easy to see that it was a gum wrapper.

Atty for
Defense: No further questions your honor. (*Return to seat.*)

Judge: (*Say to the teacher,*) Thank you, (*Say teacher's name*). You may return to your seat.

Plaintiff: (*Return to your seat.*)

Judge: (*Say to the Attorney for the School,*) Does the plaintiff have any other witnesses?

Atty for
Plaintiff: (*Rise.*) No your honor, we rest our case. (*Sit.*)

Judge: Very well, does the defense have any witnesses?

Atty for
Defense: (*Rise.*) Yes, your honor. We call (*Say name of Witness #2*).

Clerk: (*Rise.*) Will (*Say name of Witness #2.*) please come forward to the stand? (*Witness #2 walks to clerk and remain standing.*) Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Witness #2: I do.

Clerk: You may be seated. (*Clerk sits.*)

Witness #2: (*Sit in witness chair.*)

Atty for (*Move toward witness stand.*) Please state your name for the



Defense: record.

Witness #2: (*Say real name.*)

Atty for Where do you go to school?
Defense:

Witness #2: (*Say name of school.*)

Atty for Are you in (*Say teacher's name.*) class?
Defense:

Witness #2: Yes.

Atty for Do you know about the gum rule at school?
Defense:

Witness #2: Yes, our teacher told us a long time ago.

Atty for How close do you sit to the defendant?
Defense:

Witness #2: I sit only one row away.

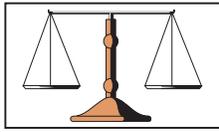
Atty for Did you see the defendant chewing gum?
Defense:

Witness #2: The defendant was not chewing gum; His/her mouth was moving because he/she was talking.

Atty for No further questions your honor. (*Return to seat.*)
Defense:

Judge: (*Say to the Attorney for the School.*) Does the plaintiff wish to cross-examine the witness?

Atty for (*Rise.*) Yes, your honor. (*Move toward witness stand.*) If the
Plaintiff: defendant was talking, to whom was he/she talking?



Witness #2: I could not tell.

Atty for
Plaintiff: Did you hear anyone else's voice?

Witness #2: No, everyone was doing math sheets.

Atty for
Plaintiff: No further questions, your honor. (*Return to seat.*)

Judge: (*Say to witness.*) Thank you, you may return to your seat.

Witness #2: (*Return to your seat in the audience.*)

Judge: (*Say to the Attorney for Defense,*) Does the defense have any other witnesses?

Atty for
Defense: (*Rise.*) Yes, your Honor, we call the defendant to the stand.

Clerk: (*Rise.*) Will (*Say defendant's name.*) please come forward to the stand?

Defendant: (*Move to the clerk. Stand before him/her.*)

Clerk: Raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Defendant: I do.

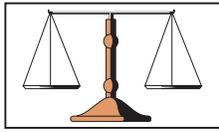
Clerk: You may be seated. (*Clerk sits.*)

Defendant: (*Sit in witness chair.*)

Atty for
Defense: Please state your name for the record.

Defendant: (*Say your real name.*)

Atty for
JEFFERSON NEM 2006 Did the teacher ever tell you the school rule on chewing



Defense: gum?

Defendant: Yes, but it was a long time ago.

Atty for
Defense: Have other students gotten caught chewing gum in class?

Defendant: I know some have gotten caught.

Atty for
Defense: What type of gum do you chew?

Defendant: Sugarless.

Atty for
Defense: Why?

Defendant: My dentist told me sugarless was better for my teeth.

Atty for
Defense: Did you chew gum on the day (*Say teacher's name.*) is accusing you of chewing gum?

Defendant: No, I did not chew gum on that day. I was just talking.

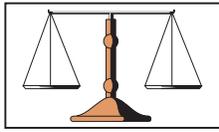
Atty for
Defense: No further questions your honor. (*Return to seat.*)

Judge: (*Say to Attorney for the School.*) Does the plaintiff wish to cross-examine the witness?

Atty for
Plaintiff: (*Rise.*) Yes, your Honor. (*Move toward witness stand.*)
When you were talking in class, to whom were you talking?

Defendant: Myself.

Atty for
Plaintiff: If you were not chewing gum, why was there a gum wrapper on the floor by your desk?



Defendant: It fell out of my notebook.

Atty for Plaintiff: Do you always keep empty gum wrappers in your notebook?

Defendant: Only if I've been chewing gum, like after school or while I'm doing homework.

Atty for Plaintiff: No further questions, your honor. (*Return to seat.*)

Judge: (*Say to defendant,*) You may be seated.

Defendant: (*Return to seat.*)

Judge: (*Say to Attorney for Defense,*) Does the defense have any other witnesses?

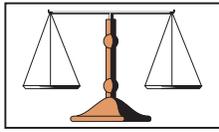
Atty for Defense: (*Rise.*) No, your honor, we rest our case. (*Sit.*)

Judge: Are the Attorneys ready with a closing argument?

Both Attorneys: We are, your Honor.

Atty for Defense: No witness testified that they actually saw (*Say name of defendant.*) chewing gum. The evidence presented does not prove that the Defendant was chewing gum in the classroom. It is based on selected facts, not on eyewitness testimony. No one saw the Defendant chewing gum.

Atty for Plaintiff: The Defendant testified that the gum wrapper fell out of his/her notebook. At least one witness saw the Defendant making chewing motions with his/her mouth. And the Defendant testified that he/she only kept empty gum wrappers in his/her notebook if he/she had been chewing gum.



Judge: *(Turn toward jury. Speak loudly.)* Ladies and gentlemen of the jury, you must reach a verdict based on the evidence presented in this trial. If you are convinced, beyond a reasonable doubt, that the defendant chewed gum in class, you must return a verdict of GUILTY. If the evidence was not convincing, you must return a verdict of NOT GUILTY.

Ranger: *(Walk to front of Jury box.)* Class, at this time in a real trial, the Bailiff would lead the jury out of the courtroom, to a private room where they would discuss the evidence. The Bailiff would stand outside the juryroom door until they all agreed on a verdict, then lead the Jury back to their seats in the courtroom. However, we want every student to observe a jury deliberation process. Since this is only pretend, not a real case, our jury will remain in our class courtroom. **Let's listen quietly so as not to disturb the deliberation.**

Jury: *(Discuss the evidence and vote on a verdict, Guilty/Not Guilty.)*



Jury Foreperson: *(Say to the Judge.)* Your Honor, we have reached a verdict.

Judge: Will the defendant please rise and face the jury. *(Defendant rises and face the jury.)* Now may we hear the verdict from the jury?

Jury Foreperson: Your honor, the jury finds the defendant GUILTY/NOT GUILTY of chewing gum in class.

Judge: *(Read one of the verdicts on page 15.)*



NOT GUILTY

Judge: (*Say the Defendant's name.*), you have been found NOT GUILTY of chewing gum in (*Say the teacher's name.*) classroom. The jury has found you not guilty of breaking any rule, therefore no punishment can be given in this case. However, you are reprimanded by this court for being a litterbug for not picking up your gum wrapper. You are now free to go. This court is adjourned. (*Strike gavel twice.*)

Bailiff: All rise. (*Judge exits room.*)

Ranger: (*See part below.*)



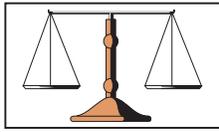
GUILTY

Judge: (*Say the Defendant's name.*), you have been found GUILTY of the charge of chewing gum in (*Say the teacher's name*) classroom, and are ordered by this court to eat your lunch with the school Principal for one week. Also, you are reprimanded by this court for being a litterbug for not picking up your gum wrapper. You are further ordered to pick up litter on the school yard during all recesses for the next two school days. It is important for all people to take care of the environment. This court is adjourned. (*Strike gavel twice.*)

Bailiff: All rise. (*Judge exits room.*)



Ranger: We hope you enjoyed the Bubble Gum Trial. It is the responsibility of each of us, as good citizens, to follow the rules and care for the environment. The National Park Service helps to protect the places that make America special and we ask you to help by keeping your place clean and special. Look for ways to clean and protect your environment, whether at school, at home or in a public place, like the Old Court House.



APPENDIX THE BUBBLE GUM TRIAL

The Bubble Gum Trial was modeled after many of the civil court cases which were tried in the Old Courthouse in the late part of the 19th and the early part of the 20th centuries. This trial script gives a general idea of the participants and the structure of civil trials. In this type of trial, one party sues another for damages. Civil trials do not involve police or jail sentences because they are not criminal cases. Civil cases were the kind of cases most often heard at the Old Courthouse.

The Old Courthouse was completed in 1862 after twenty-three years of construction. More than one of the cases first tried in its courtrooms was appealed and argued in the United States Supreme Court. St. Louis citizens are deservedly proud of the heritage the Old Courthouse represents. Just a few years after the new civil courts building opened in 1930, the Old Courthouse was donated to the National Park Service, and placed on the National Register of Historic Structures. Today the building contains many opportunities for learning, with the museum galleries depicting St. Louis history, the rotunda, which served as a public forum, and two restored courtrooms.



For more information on trials, contact the following national parks:

Education Office
Jefferson National Expansion Memorial
11 North Fourth Street
St. Louis, Missouri 63102
314-655-1600
Fax 314-655-1735
www.nps.gov/jeff/

Brown v Board of Education National Historic Site
424 South Kansas Avenue, Suite 220
Topeka, Kansas 66603-3441
785-354-4273
Fax 785-354-7213
www.nps.gov/brvb

Women's Rights National Historic Park
136 Fall St.
Seneca Falls, New York 13148
315-568-0024
Fax 315-568-2141
www.nps.gov/wori

Fort Smith National Historic Site
P.O. Box 1406
301 Parker Avenue
Fort Smith, Arkansas 72902
501-783-3961
Fax 501-783-5307
www.nps.gov/fosm