**Bubble Gum Trial**

**Introduction**

What happens when two people cannot resolve a disagreement? Typically, they appeal to a higher authority. If the dispute happens to be over a law or legal issue, the higher authority could be a court. But what happens in a court room? Where does the court get its authority to decide? Who makes the decisions and are its decisions fair?

The Bubble Gum Trial is a mock trial designed to introduce elementary-aged students to the roles and processes associated with the judicial branch of government in the United States. Students participating in the program will learn how courts resolve disputes over law in a fair and equal way. In this particular case, the dispute is between a teacher and a student over a classroom rule. Will justice be served?

That is up to the students to decide; after hearing all the evidence, of course.

This trial script contains everything you need for a fun introduction to the judicial process, except for a ranger (we provide that). For best results, please assign each student a role and practice reading out loud once or twice before your visit. Students in the jury play a critical role, as they will be asked to explain their decision and may need to persuade fellow jurors to their point-of-view.

If you have any questions about this trial packet, please contact the Education Department staff at:

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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 the Jury 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 *(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 lawyers ready with their opening statements?

Lawyer 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.)*

Lawyer 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 lawyer for the school begin by calling your first witness?

Lawyer 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.

Clerk: You may be seated. *(Witness sits in witness chair and clerk sits at desk.)*

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

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

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

Witness #1: Yes.

Lawyer 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.

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

Witness #1: Yes, I did.

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

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



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

Judge: Would the lawyer for the defense like to cross-examine the witness?

Lawyer 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.

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

Witness #1: Some of them do.

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

Witness #1: Some of them.

Lawyer 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.

Lawyer 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 your seat in the audience.)*

Judge: Does the plaintiff have any other witnesses?

Lawyer 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.)*

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

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

Lawyer for Plaintiff: Where do you teach?

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

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

Plaintiff: Six years.

Lawyer 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.

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

Plaintiff: The same rule has applied for many years.

Lawyer 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.

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

Plaintiff: It looks like the same wrapper.

Lawyer 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.

Lawyer for Plaintiff: How did he/she respond?

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

Lawyer for Plaintiff: And then what happened?

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

Lawyer for Plaintiff: How did he/she respond?

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

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



Teacher: No, he/she did not.

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

Judge: *(Say to the lawyer for defense.)* Does the defense wish to cross-examine the witness?

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

Lawyer 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.

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

Plaintiff: Probably about half.

Lawyer for Defense: Do you chew gum?

Lawyer for Plaintiff: Objection! That is not relevant.

Judge: Objection sustained.

Lawyer for Defense: Do other teachers chew gum?

Lawyer for Plaintiff: Objection!

Judge: Sustained. The lawyer for the defense may only ask questions relevant to the accused.

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



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

Lawyer 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.

Lawyer 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 lawyer for the school.)* Does the plaintiff have any other witnesses?

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

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

Lawyer 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.)*



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

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

Lawyer for Defense: Where do you go to school?

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

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

Witness #2: Yes.

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

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

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

Witness #2: I sit only one row away.

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

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

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

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

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

Witness #2: I could not tell.



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

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

Lawyer 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 lawyer for defense.)* Does the defense have any other witnesses?

Lawyer 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.)*

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

Defendant: (*Say your real name.)*

Lawyer for Defense: Did the teacher ever tell you the school rule on chewing gum?

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



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

Defendant: I know some have gotten caught.

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

Defendant: Sugarless.

Lawyer for Defense: Why?

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

Lawyer 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.

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

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

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

Defendant: Myself.

Lawyer 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.

Lawyer 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.

Lawyer 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 lawyer for defense.)* Does the defense have any other witnesses?

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

Judge: Are the lawyers ready with a closing argument?

Both Lawyers: We are your honor.

Lawyer 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.

Lawyer 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 the 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 jury room 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 a pretend case, our jury will begin their discussion in the courtroom. **Let's listen quietly so as not to disturb the deliberation.**

Jury: *(Discuss the evidence and vote on a verdict of guilty or not guilty.)*

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Jury Foreperson: *(Rise and say to the judge.)* Your honor, we have reached a verdict.

Judge: Will the defendant please rise and face the Jury? *(Defendant rises and faces 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 rules 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.)*

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

Ranger: We hope you enjoyed the Bubble Gum Trial. It is a great example of how the U.S. legal system works, helping to ensure a fair trial for everyone

**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 latter part of the 19th and early part of the 20th centuries. This trial script gives a general idea of the players and process of most civil trials. In a civil 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 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 exhibit galleries, the historic rotunda, and two restored courtrooms.

**For more information on trial reenactments and other educational programs and resources at Jefferson National Expansion Memorial you may the**

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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](http://www.nps.gov/brvb)

Little Rock Central High School National Historic Site

2120 Daisy L. Gatson Bates Drive

Little Rock, AR 72202

501-374-1957

[www.nps.gov/chsc](http://www.nps.gov/chsc)

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](http://www.nps.gov/fosm)