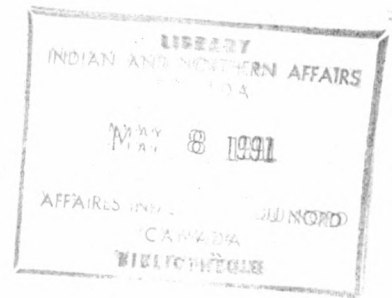


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Summary



RESEARCH ON THE TERMS OF REFERENCE TOWARD  
THE DEVELOPMENT OF A LEGAL  
INFORMATION AND EDUCATION PROGRAM FOR THE  
N.W.T.

Summary Report

Review of the Literature

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## Introduction

The object of this research is to assess and review the literature and programs in the field of law-related education, for the purposes of developing a legal information and education program for the N.W.T. The primary result of this research will be to establish a frame of reference for the designing, implementation and evaluation of a legal information and education program for the N.W.T. In fact, the sum of this research should enable a Northern Steering Committee, comprised of members of the legal, educational and government systems as well as representatives from Inuit, Indian and Métis associations, groups or, indeed, individuals from the communities themselves, to begin the planning of a legal information education program. My research has focused on five major areas:

- A. Goals and Objectives.
- B. Information Guidelines.
- C. Educational Factors and Guidelines.
- D. Curriculum and Materials.
- E. Teachers and Participants.

Each of these areas are of equal importance and are integral parts of producing an effective law-related education program. These, perhaps, are not all the elements involved in a program such as this but, to me, are the most significant.

This Summary Report will discuss these essential components. The Progress Reports #1-4 will provide the background information to this discussion. My intention is to lay a foundation, of sorts, for the Steering Committee - a point from which the Steering Committee can proceed in terms of necessary information and data; a point from which the Steering Committee can best articulate its aim in establishing the legal information and education program. Also, it is hoped that the Steering Committee can better understand the complexities of undertaking a law-related education program and map out its course accordingly, in both the short-term and long-term sense of the program.

Beyond the review of the literature and programs, the Summary Report will consider the practical details of setting up a legal information and education program. What I will be attempting to do is utilize the information gathered, through Progress Reports #1-4, and concentrate on the mechanics of developing a program. This should give the Steering Committee an outline of what can be accomplished with certain information at hand. To be sure, this should be viewed only as a further process in identifying some of the tasks to be performed. It merely illustrates a means of advancing through the various stages towards program implementation and evaluation for the Steering Committee. I have, as a result, drawn out a list of ten potential features to reflect upon in developing a law-related education program, which are as follows:



- A. Determining practical goals and objectives.
- B. Isolating the target group(s).
- C. Designing the program.
- D. Developing curriculum materials.
- E. Setting up a design workshop.
- F. Isolating the "teachers" of the program.
- G. Training the teachers.
- H. Implementing the program.
- I. Adjustments in the program.
- J. Evaluation of the program.

From each of these headings, the priorities and overall criteria of the program may be more identifiable for the Steering Committee. The course content of law "taught" may be more resolvable as well, as it is localized to the needs of the North and the specific target group(s). Before moving on to the body of this Summary Report, I must clarify the use of the Progress Report #1-4 as Appendices. The Progress Reports themselves simply reflect the information assessed at a particular period of time, specifically: 7th February, 4th March, 28th March and 9th May, 1977. The Summary Report, therefore, is a guide through the literature and programs reviewed in the respective Progress Reports. A separate annotated bibliography will be attached to indicate the total research of the literature and programs. The information, in the Progress Reports, is only part of the material research and is the result of the author's own screening process. It should be noted, at this time, that the literature and programs examined do not represent all that is available in the field. For example, the Ontario Institute for Studies in Education has many materials on curriculum-related information. Similarly, most provincial Departments of Education have on file many articles of which the author did not peruse. The time frame for the author's research limited the amount of materials read. It is, therefore, a caution to the Steering Committee to solely depend upon the information relayed by the various Progress Reports.

## Review of the Literature and Programs

As mentioned in the Introduction, I will be centering on five major areas of discussion in this review section. It is my intention to move through each area in a practical manner, to demonstrate the conscious pattern a planner or initiator of a law-related education program should actualize. The Steering Committee, therefore, should be able to decide whether or not any of these areas are of importance to them, whether or not they should incorporate or adapt them to their program and, finally, whether or not they apply to their program situation - that is, whether or not they respond to the Northern experience, the mixed cultural and linguistic environment, and the accommodation of different legal structures.

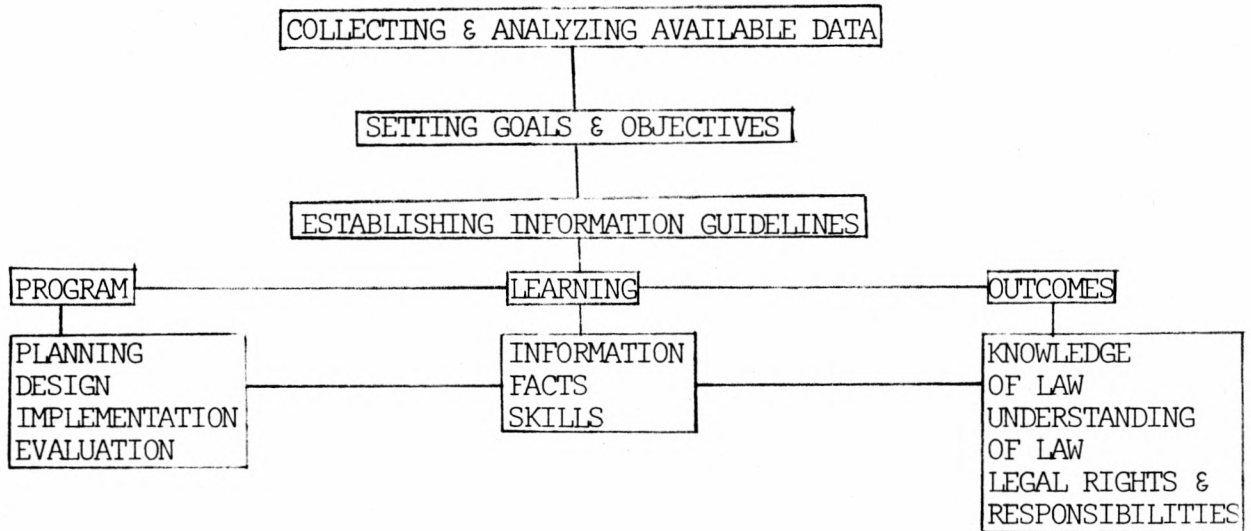
### A. Goals and Objectives

At first glance, the determining of goals and objectives seems vague and of little consequence. Not so! The continuity of the program depends upon the goals and objectives selected by the Steering Committee. If attention is not given to these factors, the Steering Committee may falter in the delivery of the program. The goals and objectives are the necessary starting points of any program whether law-related or not. A definition of the aims, by the Steering Committee, enables the program to proceed in a certain direction. It is the crux of the entire program from design to implementation and evaluation. It is the point from which the program begins to materialize the local needs and values - what is relevant to the particular community, to the particular target group(s). Next, do these goals and objectives need to be specific or are they to be general? Common goals and objectives should coincide with what, in this case, the Steering Committee wishes to impart to the participants. For example, I have set out, below, a number of goals and objectives with possible outcomes:

Goals and Objectives		Outcomes	
1.	the need to teach basis legal concepts.	1.	becoming aware of the law.
2.	the need to teach fundamental principles of the law.	2.	understanding the law.
3.	the need to teach an appreciation of the scope of the law and its effective limits of the law.	3.	interpreting and analyzing the law.
4.	the need to teach what institutions of law are really like, how they work, how the system operates and what is "due process".	4.	learning about the legal system - how it works, how to function within it, how to deal with it.
5.	the need to teach a critical questioning of rules, the process of rule-making and rule enforcement, legal arrangements and issues of law.	5.	learning your rights and responsibilities as an individual and as a member of society.

## B. Information Guidelines

Continuing on from the goals and objectives, the next important step for the Steering Committee is to specify information guidelines in the legal information and education program. These should speak to the philosophy and standards of the program, the considerations and concerns of the pre-program, program implementation and post-program components.<sup>2</sup> This chart, below, may explain the complete process for a program.



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How can this be translated in practical terms? What is needed to convert this process from fiction into execution? Firstly, when discussing the philosophy of the program, the Steering Committee must settle what they wish to give the participants of the program. That is, is it the concept of legal responsibility, of legal competence, of community development in terms of the law, of providing basic legal information?<sup>4</sup> Secondly, as to the standards of the program, three sets of standards have been outlined:

- (a) program fulfillment standards - community goals, the community being the barometer of expectations.
- (b) school program standards - sets out the time-frame; the size and classroom involvement; the use of the teacher as a "contact person"; the non-compulsory nature of attendance.
- (c) personnel standards - the choice of resource persons in accordance with community expectation, profile and readiness; the clarity of purpose for resource persons and participants; the feedback mechanisms for content, methodology, procedures, and personal performance.<sup>5</sup>

<sup>2</sup> Progress Report #2. March 4th 1977. at p. 6.

<sup>3</sup> Progress Report #2. at p. 2.

<sup>4</sup> Progress Report #2. at pp. 6-7.

<sup>5</sup> Progress Report #2. at pp. 7-8.



Which of these standards should be chosen? Indeed, should all three be studied and included, with the school program standards being adapted to the "classroom" forum for the participants of this law-related education program? These are the kinds of decisions the Steering Committee must make before moving onto the design of the program.

### C. Educational Factors and Guidelines

Due to the cross-cultural and linguistic circumstances of the N.W.T., any legal information and education program, to be developed, must establish a sound education base. In so doing, the Steering Committee should look at the different groupings - that is, the Anglo-Europeans, the Indians, the Inuit and the Métis - from the standpoint of what will be successful, what will be informative and what will be receivable. An accommodation must be given the respective groupings' experience. This may be difficult, if not insurmountable, in one "classroom". For example, for the native people have certain attitudes in relation to education and have expressed a strong need for control of education for their people. This is obviously on a collision course with the main educational structure of the Anglo-Europeans.<sup>6</sup> In order to avert any such reaction, the Steering Committee must draw upon the strengths of the conflicting cultural and value groups to ensure participation by all groups in the program. Because of these differences, though, it may be impossible to assemble all in a single program. Programs may have to be developed for each group, initially, to provide information which is relevant and particular to the group involved. To be sure, each group perceives the information and educational experiences through different eyes. What is common with one group is not necessarily common with the other and so forth. What is held as a high cultural value with one group is not always so with the other. The discussion of how "time" is conceptualized by the Anglo-Europeans and by native people is the best example of this.<sup>7</sup> Acknowledging that neither should dominate over the other may be the greatest learning event of the members participants. Not discarding the "lesson" but proceeding on to the educational factors which motivate the participant to learn, the Steering Committee may have to adjust the program to some of these incompatibilities. The educational aspects of the program, therefore, must deal with the complexities of perceptions, language, and communication skills.<sup>9</sup> In simple terms, the Steering Committee is going to have to study the various patterns of each group in order to set up an effective learning program on the law.

What does this all mean? It means that the Steering Committee is going to have to concern itself with the varying learning patterns of the individual groups in the program. According to the Cardenas (B. and J.A.):

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<sup>6</sup> Progress Report #3. March 28th 1977. at pp. 5-7. Also see Progress Report #4. May 9th 1977. at pp. 5-9.

<sup>7</sup> Progress Report #4. at pp. 11-12.

<sup>8</sup> Progress Report #3. at pp. 13-15.

<sup>9</sup> Progress Report #4. at pp. 10-14.

the amount children learn in a classroom is dependent on their race of ethnicity, the related cultural characteristics, their culturally related preferred learning styles and the style used by the school.<sup>10</sup>

The main distinguishing factors relate to:

- (a) the early development levels - the growth of children in middle-class families differs substantially from those of native families and educational handicaps arise when using the middle-class medium.
- (b) the cultural characteristics of each group should be emphasized - to utilize what is relevant to each group enables participants to enjoy the learning process. The absence of traditions, values and orientations of native peoples makes learning of an inferior quality, a disadvantage compared to middle-class participants in a middle-class learning environment.
- (c) the language - a child/person can not be taught successfully in a language system he/she does not understand. The native language, if ignored in the education system, becomes undesirable and is, as a result, a negative factor in the learning environment.
- (d) the mobilities of groupings - programs are usually inflexible. That is, they are "built-in" an area and do not account for movements of families.
- (e) the social perceptions of a minority child/person are very different from the dominant group. The native person thinks in different terms about such things as the home from white people. Neither is more correct, both represent their values and cultural experiences.<sup>11</sup>

The Steering Committee in planning a legal information and education program is going to have to address itself to these particularities. Since the N.W.T. has many cultural groupings, the Steering Committee must structure any law-related education program to meet their specific needs.

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<sup>10</sup> Progress Report #3. at p. 14.

<sup>11</sup> Progress Report #3. at pp. 14-15.

#### D. Curriculum and Materials

To properly outline the information on curriculum and materials, I have divided this section into:

- (a) goals and objectives - that is, presenting the legal issues realistically; acknowledging conflict and controversy in the law and customs; presenting legal issues of relevancy to the target group; and raising questions about the daily practical problems of achieving "justice".<sup>12</sup>
- (b) guidelines - ensuring materials are free from bias or prejudice; that they contain differing viewpoints and ideas; that they recognize the diversity of society; and that society is made up of different cultural and linguistic groups - all of equal importance.<sup>13</sup>
- (c) the "properties" of materials - that is, providing a checklist of things to look for, that will interest and motivate the reader/participant in the "learning" of law. For example, being aware of the size of the print, the size of the book/pamphlet, the format of the book - variety avoids boring the reader, the content relates not only to acquiring knowledge of law but also brings in the experiences of the reader.<sup>14</sup>

With these in mind, the Steering Committee can assess the sets of materials discussed in the various Progress Reports. To refresh the Steering Committee's memory of same, the material sets have been broken down into the following packages:

- (a) the bicultural approach to legal education for Navajo students - materials from New Mexico on The Law of the People, Units I - IV: Consumer Education; The Development of a Navajo Legal System; Law and the Family; and Law and the Community.<sup>15</sup>
- (b) the history of native people and the law in Canada - materials written by native people for native people, that is: Many Laws - Métis Association of Alberta; Indians - Canadian Association in Support of the Native People.<sup>16</sup>
- (c) the introduction of law to Alaskan native people - bringing out cultural and linguistic differences, that is: You Have the Right: An Introduction to the Justice System of Rural Alaska; and Alaskan Natives And The Law.<sup>17</sup>

<sup>12</sup> Progress Report #1. at pp. 4-5.

<sup>13</sup> Progress Report #4. at p. 20.

<sup>14</sup> Progress Report #4. at p. 21. Also, see Progress Report #3. at p. 23.

<sup>15</sup> Progress Report #1. at pp. 6-8. Progress Report #3. at pp. 22-23.

<sup>16</sup> Progress Report #4. at p. 22.

<sup>17</sup> Progress Report #3. at p. 22. Progress Report #2. at pp. 8-9.

- (d) the introduction to law in terms of burdens and responsibilities - the Law in a Free Society Series: On Responsibility; On Justice; and On Authority.<sup>18</sup>
- (e) legal education in the schools projects - materials from the Legal Services Commission (British Columbia): Puppetry and the Law; Introduction to Native Issues: Mount Currie Legal Education Project; Native Land Claims in British Columbia.<sup>19</sup>
- (f) a sample of casebooks and materials for high school legal education courses in Canada - A Collection of Cases and Materials for High School Teachers of Law; This Law of Ours; and In Pursuit of Justice.<sup>20</sup>
- (g) an introduction to law in secondary schools in the U.S.A. - Law and Poverty Project, Boston University School of Law: Lessons in Conflict: Legal Education Materials for Secondary Schools.<sup>21</sup>
- (h) an introduction to law for the general public - materials by the National Street Law Institute: Street Law: A Course in Practical Law; Street Law: A Course on the Law of Corrections.<sup>22</sup>
- (i) an introduction to law for the layperson - materials prepared by Parkdale Community Legal Services (Ontario): Consumers' Rights; All in the Family; and Your Rights as a Tenant.<sup>23</sup>

The curriculum development component, on the other hand, relates to a four-step-process, as outlined by Phil Lane of the United Indians of All Tribes Foundation on Curriculum Development. Title 4: Regional Conferences (1975).<sup>24</sup> I have condensed this four-step-process in the following manner, so that the Steering Committee can identify the possible methods to employ in the legal information and education program for the N.W.T.

#### Step #1: Curriculum Goals & Objectives

This part provides the Steering Committee with some operational definitions and guidelines. It emphasizes:

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- <sup>18</sup> Progress Report #1. at pp. 8-9.
  - <sup>19</sup> Progress Report #2. at pp. 10-13.
  - <sup>20</sup> Progress Report #2. at p. 21. Progress Report #4. at p. 22.
  - <sup>21</sup> Progress Report #2. at p. 10.
  - <sup>22</sup> Progress Report #4. at p. 24.
  - <sup>23</sup> Progress Report #4. at p. 22.
  - <sup>24</sup> Progress Report #3. at p. 15. Footnote #63.
  - <sup>25</sup> Progress Report #3. at pp. 15-16.



- (a) definition of terms - that is, planned experiences, in a classroom setting or otherwise, to aid participants in the learning the law and about the legal system.
- (b) identifying the community values and philosophy - understanding what it wants from the curriculum and determining how and what teachers teach.
- (c) deciding the objectives of the curriculum - what the needs and purposes of the learner/participant are; what the needs and demands of the society and culture are; and the law to be taught.
- (d) setting out the educational goals and learning theories - how the law is perceived, remembered, judged etc. by the learner; how the learner is influenced, impressed, touched etc. by the knowledge of the law; and how the learner responds to the new information.

Step #2: Curriculum Design<sup>26</sup>

This part deals with certain decisions the Steering Committee will have to make on the direction of the curriculum. It speaks to the choices or options the Steering Committee has to resolve - that is, whether or not the curriculum is going to be oriented to the subject matter or emphasizing the target group or be society-centered. If one of those is picked, the Steering Committee is going to have to further determine what subgroup will be appropriate to the circumstances of the North. For example:

Subject Matter	Target Group	Society-Centered
(a) <u>correlated curriculum</u> i.e. learning by memory separate subjects like math or reading.	(a) <u>activity curriculum</u> i.e. participants are involved in determining the subject taught and the lesson planning with the teacher.	(a) <u>society function</u> i.e. organizing the subject/lesson around a major function of social light without losing sight of the needs and interests of the participants.
(b) <u>fused curriculum</u> i.e. curriculum content is selected from a number of different but related subject fields and then combined into one broad area.	(b) <u>participant-centered</u> i.e. information or skills are directed toward meet- ing needs, interests and purposes of the partici- pants taking the subject.	(b) <u>community-centered</u> i.e. utilizes the life of the community as the center around which educational programs are organized.
(c) <u>core curriculum</u> i.e. using one subject or a group of subjects as a core around which other subjects are organized.	(c) <u>experience-oriented</u> i.e. participants learn through experiences as in a free school situa- tion.	

<sup>26</sup> Progress Report #3. at pp. 16-18.



### Step #3: Community Input Process<sup>27</sup>

This part is essential if the legal information and education program is to be successful. What may be the difficulty is deciding how much community input there will or ought to be. That, of course, depends upon the assumption that community input is necessary. It may be of more concern in the North because of the cross-cultural and linguistic groupings. In any event, the impact on the curriculum development by the community could be great. The charts, found in Progress Report #3, detail the process and the community input. It describes the involvement of the community in terms of:

- (a) a community curriculum committee - aids in the prioritizing curriculum content and maintaining community awareness of the program.
- (b) workshops on curriculum development in the community - aids in the recruitment of participants, teachers and resource people from within the community as well as assessing community educational needs.
- (c) pilot testing in the community - aids the technical staff in evaluating the education curriculum and the preparation of curriculum materials to ensure relevance and the practicability of the course.
- (d) community input into revisions of the program - aids the technical staff to improve on the methodology and course content before finalizing the program.
- (e) community participation in the field testing - aids the technical staff in the final review of the curriculum product and evaluation of the program.
- (f) community approval of the program - aids the staff in delivering the product to the participants in terms of support and interest.

This entire process enhances the effectiveness of the program and develops the community motivation to become a viable element of an education program within their home "arena". It encourages community action and, in itself, is a learning experience for the community.

### Step #4: Management Plan for Curriculum Development

The Steering Committee may provide the "administration", if they so choose, in the managing of any curriculum development plan. They could, in effect, be the focal point of activity in the curriculum: research, development,

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<sup>27</sup> Progress Report #3. at pp. 18-21.

production and evaluation. Some plan is required to maximize the four-steps.

#### E. Teachers and Participants

When discussing the roles, influences and effectiveness of teachers in a law-related education program, the Steering Committee must concern itself with:

- (a) teachers who are competent and capable in a cross-cultural environment - i.e. that their skills include a willingness to form a close personal bond with the students/participants; that they seek out a high quality of "learning" from the participants; and that they are involved with the community in which they work, not isolating themselves from the participants and families.<sup>28</sup>
- (b) teachers, wherever they are located, have a backup of resources, "training" and assistance in delivering law to the participants - i.e. that the teachers have a familiarity of the law, have some knowledge of the substantive aspects of the law; that they are provided with a variety of instructional techniques, alternate approaches to teaching the law; that they have a support mechanism to correct any misinformation or to attempt a new scheme or to utilize a new resource; that they are given the opportunity, through workshops during the course, to discuss their "class-room" experience and grow with the program as their participants acquire more knowledge, skills and responsibility.<sup>29</sup>

In addition, the Steering Committee must consider the teacher training and orientation sessions prior to the implementation of any legal information and education program. A basic framework is required which:

- (a) encourages law-centered experiences and is specific - i.e. provides an understanding of legal concepts, principles and values; an awareness of and understanding of the rights and responsibilities of "citizenship"; a respect and appreciation for the legal process and "rational legitimate authority"; knowledge, skills and general attitudes which promote citizen participation.
- (b) combines thinking, valuing, decision-making and problem-solving law experiences - i.e. links the inquiry process with value analysis and law content.

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<sup>28</sup> Progress Report #2. at pp. 13-15.

<sup>29</sup> Progress Report #1. at pp. 5-6.

- (c) considers the developmental capabilities and individual learning styles of the possible participants - i.e. recognizes the participants involvement in learning through real and concrete situations as well as hypotheticals.<sup>30</sup>
- (d) emphasizes the teachers role in creating a learning environment for the participants - i.e. the planning and organizing law-centered instructional activities; the example of the need for and appropriateness of "reasoned authority" within the "classroom" setting and the exercising of "rationally-based authority"; the open discussion and questioning of ideals and principles of the Anglo-European legal system, of controversies, conflicts and issues; the recognition and application of the participants' intellectual behavioral and social learning to curricula and teaching.<sup>31</sup>

These relate to the goals and objectives of the training, in the main. Methods and strategies enable the teacher to implement the goal framework into practical law experiences. Given attention to the methods and teaching strategies enable the recruited teacher to gain confidence in the topic and observe which are more effective with the participants. Some of the methods have been outlined in Progress Report #4 (see: D. Gibson's Law Pamphlet #1: Methods at page 14) and some of the teaching strategies have been mentioned in Progress Report #3 (see: N. Wyner's "Observations on Teaching of Law in Elementary Schools" at page 24 and footnote #90 at page 28).

A teacher education program, in light of the complexities of a law-related education program, seems to be inevitable. To aid the Steering Committee in this decision, I have summarized a teacher education model described in Progress Report #3. The teacher of a law-related program must be nurtured as well as the participants. In this model, the teacher proceeds through eight-steps:

Step #1: Awareness Program

This is concentrated in a seven hour in-service program wherein the teacher involves him/herself in instructional activities and is given a taste of law-related content and strategy. This, also, can be useful in terms of publicity within the community, raising their awareness of the program and recruiting resource people.

Step #2: Teacher Orientation

The purpose of this step is two-fold:

- (a) to inform teachers of the program and to encourage "high quality" teachers to participate.

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<sup>30</sup> Progress Report #3. at p. 23.

<sup>31</sup> Progress Report #3. at pp. 23-24.

- (b) to involve the teachers in the various stages of the legal information and education program, thereby benefitting from their experiences.<sup>32</sup>

Step #3: Community Resource Person Orientation

This session is to orient or introduce perspective resource persons (e.g. lawyers in the community) to the legal information and education program. It is a means to show the resource people how their services can be of use in the program. It is a way to focus on the methods and strategies that can be utilized in a law-centered program.

Step #4: Leadership Training Workshop

The teachers have the opportunity to concentrate on the study of substantive law and what educational methodologies can be applied to maximize the flow of information as well as the retention of such legal information. It is, in this stage, that the teachers "learn" and practice what is "taught". The workshop is quite comprehensive in terms of legal content and in training.

Step #5: Student/Participant Workshop

This is designed to "train" the participants in preparing "lessons" to assist the teachers, to use the participants as aides for a teacher training workshop. This enables the participants to assist the teacher in determining what is relevant to them, what is interesting and motivating and what is retained in the law-experience. It provides a practice ground for the teachers. It involves the participants in the development of the program - content, methods and evaluation.

Step #6: Classroom Implementation Workshop

This is two weeks in duration and prepares the teachers to implement the law-related content and various techniques in a classroom setting. The format is similar to Step #4 but adds some field trip adventures and shifts some of the responsibility of the training onto the teachers - i.e. gives the teachers a chance to create their lesson plans.

Step #7: Teacher Education In-Service Course

This is an eight week course with two field trips and meetings throughout the course period. It is an intense course - a work-course to prepare the teachers for implementing the legal information and education program.

Step #8: Curriculum Development

This session is devoted to the development of instructional packages geared to the local situation. It is a session where the teachers "put on"

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<sup>32</sup> Progress Report #3. at pp. 28-29.



samples of curricula projects worked on throughout the education program. It is the final practice setting for the teachers to work on any problem areas or insecurities.<sup>33</sup>

Most of the literature reviewed stresses the training of teachers. For example, the ABA-Special Committee on Youth Education for Citizenship helps sponsor summer teacher-training workshops (see: Teaching Teachers About The Law: A Guide to Law-Related Teacher Education Programs. Working Notes #11. Progress Report #4. Appendix I.)\*. Several questions come to the fore, in discussing a training program for teachers. The questions relate to:

- (a) who the participants/teachers will be?
- (b) what criteria will be used to select the participant/teachers?
- (c) how the participant/teachers will be recruited?
- (d) if there is a true cross-cultural program, how will the participant/teachers be trained?  
i.e. as a group together, separately as to the cultural grouping etc...
- (e) when and where the sessions will be held?
- (f) whether the participants/teachers will be given credits as an incentive to involvement in the legal information and education program?<sup>34</sup>

The Steering Committee may be interested in the setting up of teaching experiments, such as described in Progress Report #4, to provide:

- (a) community input - employing a community teacher to bring in the culture and history of the community as well as inform the community and participants about the law and the legal system.
- (b) individual input - enabling a person, without a teaching certificate, to be an apprentice teacher. This would involve resource people within the community and encourage local leadership within the program presentation.
- (c) certified teachers input - encouraging teachers of other subjects to become interested in participating in a law-related education program. In the North, this may mean "Southern teachers". If so, then, the training and orientation sessions should be used to overcome any lack of knowledge of the local culture, understanding of the native language, experience in cross-cultural education etc...<sup>35</sup>

In each of these teaching experiments, the Steering Committee can attempt to respond to the specific community needs and expand the potential learning outcomes of the community by introducing other non-certified persons into

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<sup>33</sup> Ibid.

<sup>34</sup> Progress Report #3. at p. 24.

<sup>35</sup> Progress Report #4. at pp. 15-20.

\* See: A Report of the Proceedings. Law in the School Curriculum: A Symposium. Progress Report #4. Appendix I.

the law-related field of education. It would allow the community to gain some confidence in expressing their needs and concerns about the law and legal system. It may, indeed, extend into other areas of education.

#### Developing a Legal Information and Education Program in the N.W.T.

This part of the Summary Report will concentrate on the mechanics of developing a law-related education program. I will be keying on ten major points-most of which have been discussed in general in Progress Reports #1-4 and the earlier portion of this Summary Report. This section should be seen as a further step in the identification of tasks for the Steering Committee. It should be of assistance for the Steering Committee in prioritizing the scope of the program and the actual delivery of it.

##### A. Determining Practical Goals and Objectives

Reflecting upon some of the views given to the field liaison team,\* it would seem that there is an information gap compounded by inadequate communication for the Inuit people on the law, its legal principles, its structure and resolution of "disputes". Perhaps, one of the goals of the program would be to direct the program at those needs of the Inuit and other cultural groupings.

Also, attention should be given to the specific information to be "taught" in this program. For example, some people have expressed the concern that basic property rights be taught, in order to familiarize the people of the N.W.T. with the definition of a "public place". The case was used that an Eskimo being charged with being drunk in a public place may see the whole outdoors as part of his/her residence and be unaware of the notion of a public place under the Canadian legal system. Many persons indicated that Family Law be a topic of some detail. The production of curriculum packages may be another area of significance for the Steering Committee if it is interested in the long-term status of the program. Whatever the subject matter, the obvious goals and objectives seem to be to develop the skills and knowledge of the target group about the law, legal system or some aspect thereof. Whether or not this means that the traditional ways will be incorporated is, again, another of the questions for the Steering Committee to answer and set out in its goals and objectives. A decision on the input of the individual communities in the program is an objective that should be considered in this initial phase of program organizing. It would seem to provide the communities a vital role in the direction of the program and ultimately the "success" of the program. Community input would enable the program "technicians" to be aware of the level of understanding of the legal system as well as the particular problems the community constantly has to manage. The community characteristics would not be ignored. The program would, in essence, speak to them and create a more "reasoned" and knowledgeable response to them. A preventative course would evolve or would more likely evolve under these circumstances.

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\* The Field Liaison Team includes Harold Finkler - Northern Social Research Division, Department of Indian Affairs and Northern Development, Ottawa; and A.J. Jordan - Native Law Centre, University of Saskatchewan, Saskatoon.

All of these factors should be considered by the Steering Committee in the formulation of the goals and objectives of the legal information and education program. Others may come to mind, as the result of these comments, and may be of more importance to the Steering Committee. These, therefore, should not be seen as all-inclusive.

#### B. Isolating the Target Group(s)

This, perhaps, is the most difficult of decisions to be made by the Steering Committee. Who are the participants going to be? Are they going to be from a group already involved with the legal system (i.e. the interpreter corps); are they going to come from a new group entering the legal system (i.e. the paralegals); are they going to come from a group already centralized (i.e. students from kindergarten up to high school); are they going to come from other educational-related groups (i.e. students of vocational schools or persons enrolled in adult education courses); are they going to come from the communities (i.e. elders or specifically interested persons from within the community). This list could continue but it would be rather overwhelming to contemplate all the potential participants.

The choice of the participants is one of the most important elements of the program. The Steering Committee must evaluate each group or set of groups with the question of who would be the best to start off the program. As one of the persons interviewed by the field liaison person (A.J. Jordan), so ably put it - one ought to start a program of this nature "small and tight".<sup>36</sup> This would seem to be good advice.

Once the target group(s) is(are) established, the Steering Committee can, then, move on to the information to be delivered, the delivery of the information and the evaluation of its effectiveness with the participants. To state the obvious, the Steering Committee is in a position to determine the educational level the participants are at, the fluency in English, the knowledge of the law and related skills, and methods of teaching before proceeding onto the more structured program organization.

#### C. Designing the Program

The design of the program depends on the target group or participants. It is at this stage where the cultural differences will have to be accommodated, to be brought into the formal planning of the program. The Steering Committee, also, should be involved in the setting of criteria for the selection of teachers, resource persons, resource facilities and curricula. There are several steps in program design, as outlined in Information Guidelines, which seem to be appropriate for the Steering Committee:<sup>37</sup>

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<sup>36</sup> Jordan, A.J. "Constance Hunt: February 17, 1977". Draft Copies of Summaries of Conversations in Yellowknife. Field Liaison and Assessment. Native Law Centre. University of Saskatchewan. Saskatoon, Saskatchewan: 22 March 1977.

<sup>37</sup> Barnes, L. and P. Crawshaw. Information Guidelines. Nova Scotia Commission on Drug Dependency. Halifax, Nova Scotia: 1976. at pp. 64-65.

- (a) brainstorm possible resources - e.g. written instruments, creative media, audio-visual aids, resource persons etc.
- (b) choose the resources which will meet the objectives most appropriately.
- (c) consider the alternative methods and combinations of methods and resources. Choose the appropriate.
- (d) check whether these resources and methods do what you want them to do against the objectives.
- (e) work out the procedural details: when? where? what? by whom? with what? - e.g. when: time allotted and program schedule; where: will the groups be divided and what space is available; what: how will the program be introduced and concluded; by whom: who will take on the responsibilities; and with what: what written resources are needed - how and when to distribute them, how will they be used and what is their purpose?
- (f) what human resources do you need? How will they be contacted and introduced to the program?
- (g) do you want evaluative feedback? From the participants? From the resource people? From the teachers? If so, how will that be planned in the program?
- (h) what is the evaluation schedule or follow-up?

These are only a few of the questions to think about in the design of a program. If the Steering Committee can respond to these and set down a concrete framework, then, the program development is well on its way.

#### D. Developing Curricula and Materials

This area should create little difficulty for the Steering Committee if it is responsive to the communities and participants of the program. There are in each region or settlement of the N.W.T. specific problems relating to the law and legal system. The Committee, therefore, has to establish priorities in terms of what they want taught and learned as a result of the program.

One of the persons interviewed by A.J. Jordan, field liaison member, was Marie Langevin - Co-ordinator of Health and Social Problems, Adult Education Division, Department of Education, Government of the N.W.T. - and her suggestion was to set up curriculum packages which would be mobile, self-contained units for the communities. It would speak to the particular needs and concerns of each target group if more than one is chosen. Also, it would be necessarily be of a northern-orientation, translated (if possible) into the native language where and when it is required and would be adaptable to the method of "teaching" most effective with the target group.



The materials, themselves, may be more complex for the Steering Committee. They will have to decide whether or not "southern" materials can be brought into the program or whether they will have to develop their own set of materials. In the early period of the program's life span, it is my suggestion that the Steering Committee work with the available materials with a special northern supplement. Materials could be developed later on as the staff gets more experienced and the program makes its many adjustments. At this time, materials can be developed which meet the participants and program goals and objectives.

#### E. Setting-up A Design Workshop

This design workshop is a means to introduce the program, in its design stage, to the resource people (e.g. lawyers, educators, Inuit-Indian-Métis-Anglo-European groups/association representatives). It provides time for people outside the technical program staff to look at the scope and content of the program, to make comments about it - in the positive and negative sense, to become familiar with its general direction. This enables the staff to make adjustments and provides a good testing ground for professional support and community backing.

This type of workshop was outlined in some depth in Progress Report #3 (i.e. see: Community Input Process for Curriculum Development Chart at page 20). It is one of the many ways to evaluate the initial progress of the program. It generates necessary and vital feedback at a time when the staff is pre-occupied with the basic mechanics of the program. It gives, as a result, a new perspective to the program design, structure, methodology and content.

#### F. Isolating The "Teachers" Of The Program

The teachers of the program are, needless-to-say, very important persons in the delivery of the legal information and education program. There are three main areas to recruit the teachers: the school system, adult education, and from the community leaders/individuals. If persons are chosen from the school system and if the target groups are students, the Steering Committee is going to be concerned with the incentive to get teacher participation. The use of accredited teachers does provide the Steering Committee with persons who have knowledge and skills in education. In this selection process, though, the Steering Committee should be aware of their teaching methods and their flexibility as a teacher within a cross-cultural learning environment.

Adult educators are more involved with cross-cultural classrooms and may be ideal as facilitators of law-related education programs. It has been the experience of many adult educators that traditional teaching methods do not always work and that they have had to become acquainted with the students to determine what methods deliver the information best. Adult educators often have time to understand the learning patterns of his/her students since they are not dealing with the same numbers as in the school

system. The learning may be more individualized with the adult educator and that is a plus in the teaching of law to people of varying age and academic levels.

Community teachers may be another alternative. It may be more suitable to pick a person from the community and train them to teach the target group. This would be helpful on two fronts, for the Steering Committee, in that it would encourage the active participation of non-accredited teachers, thereby, acting as an educational device for that person and, secondly, it would ensure that the legal information would be discussed on a level that the participants could identify with and comprehend. It would develop more community awareness and interest about the program as well. More time would be spent training these persons but, in the long-term sense of the program, it may be the most valuable approach. All of these "teachers" have great potential and it, therefore, is a decision of merit for the Steering Committee. It is a sound base for realizing the "success" of the law-related education program.

#### G. Training the Teachers

The training aspect of the program, for teachers, is absolutely essential. Time should be definitely set aside for the teachers to gain some personal knowledge and skills in the law. This not only will increase the teacher's own base of legal information but also will provide the teacher with some confidence in the subject matter, which will be projected on to the participants. The training sessions should not be seen as a one shot deal either. There should be workshops and follow-up sessions throughout the term of the program to enable the teachers to assess their methods of teaching, review their own "classroom" successes and failures, to get feedback from their teaching colleagues, and to improve on their knowledge and skills in the law. In other words, the teachers should not be forgotten. They will be going through a learning process as well as the target group and, as a result, should have backup services and resources. The training sessions provide the teachers with an opportunity to test out their teaching theories and strategies - whether they are accredited teachers or not - with minimal "risk" involved. Teaching is a creative "job" and should be treated as such. Teachers should be given adequate time to work on their concepts and models in a law-related education program.

In the actual training sessions, time should be allocated for the learning of substantive law, (it is not necessary to make mini-lawyers out of the teachers), alternate teaching approaches and the planning of lessons or development of mini-curriculum materials. The resource people in the professional and community field would be required to play a large role in these training packages.

#### H. Implementing The Program

If the Steering Committee addresses itself to all of the planning and design components, the implementation of the program will be automatic and second-nature to the organizers and teachers. It is, here, that the Steering Committee will know whether or not the program will survive. The stage will be shifted from the Steering Committee and staff technicians to the participants. This is the "gravy" of the whole program. It is from

this point onward that the Steering Committee can assess whether or not its goals and objectives, its methodology, its organization and course content meet the demands of the participants and the community. Also, at stake, is whether or not the program meets the Steering Committee's expectations.

The only concern may be the monitoring of the program in terms of the "communications" between the teacher and participants, assessing what is being taught and what is being learned. Feedback is crucial and a valuable instrument for all (i.e. the Steering Committee, the staff organizers, the teacher and participants). This should be seen as a positive and reinforcing process and not one in which blame or fault arises. Afterall, with a new program learning is the key to present and future success. If the feedback is used in desensitizing fashion, then the productivity of teachers and participants will be substantially altered. It will deny any creativity, motivation, interest in the program and all the planning and program development will be lost. Feedback can be good no matter how the program is working - in cases where there are many roadblocks to learning. The program can be turned around if feedback is constructively provided and no one is "head-hunting".

#### I. Adjustments In The Program

Along with program implementation comes adjustments. The program should be structured so that adjustments can be made at any time to correct problems. When planning and developing any program, one can only anticipate certain awkward moments in presentation. Once the program is implemented, though, things become more apparent to teachers, participants and program organizers. Many deadends can be cleared away by making specific adjustments, here and there, in the program. If adjustments are not forthcoming, then, the program may sag and not develop its potential. There should be little risk involved in pointing out these inadequacies and teachers, resource people etc. should always be looking for ways to improve the methods and the content whenever possible.

#### J. Evaluation Of The Program

How can the Steering Committee set up evaluation procedures in a law-related education program when this type of program did not previously exist? How can the Steering Committee set up evaluative research standards as a result of the newness of the program?

It would be difficult, if not over-ambitious, to set strict research standards of evaluation. That may be argued, though, by researchers. It is a program that must be well organized and documented so that it can be evaluated and assessed with some systematic approach (i.e. adequacy of performances, well-defined and realistic objectives, comments from the participants, resource people and teachers, impact on the participants etc.).<sup>38</sup>

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<sup>38</sup> Barnes, L. and P. Crawshaw. at pp. 69-74.

The Information Guidelines, also, outlines five components as part of the assessment process:

- (a) needs - specifying the accuracy of the method to identify participant and staff needs; the validity of the needs identified; and the establishment of priorities which will aid in the setting of objectives and goals.
- (b) resources - the process of how the human, material and time resources effectively facilitate the achievement of the objectives and goals.
- (c) implementation - indicating whether the program is functioning according to the established procedures; whether its suited to the particular situation, group, need, etc.; and whether it is proceeding as initially foreseen.
- (d) progression - allowing one to see if the program is moving towards the attainment of its stated goals and objectives; if the built-in readjustments or course corrections were necessary.
- (e) results - this aspect provides data which will help decide whether or not the program is worth repeating and what specific changes are required in the future.<sup>39</sup>

### Conclusion

It is hoped that this series of materials (i.e. the Progress Reports #1-4, the Summary Report and Annotated Bibliography) will be of assistance to the Steering Committee in the development of a legal information and education program in the N.W.T.

The materials have attempted to provide the Steering Committee with information not available to them and to focus attention on certain aspects, such as: goals and objectives, information and educational guidelines, curricula and materials, teachers and training, and the participants. The Summary Report has tried to bring together loose-ends in the Progress Reports and identify further needs and concerns in the planning of a law-related education program.

The Annotated Bibliography consists of all the literature reviewed by the author in the course of this research, from January 3rd 1977 to June 13th 1977. This is separate and apart from the Appendices on the Review of Literature to Date in the Progress Reports #1-4. It is hoped that the Annotated Bibliography will serve the Steering Committee and, indeed, any other group designing a legal information and education program.

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<sup>39</sup> Ibid.



In closing, it must be noted that the series of materials completed by the author do not represent all the available data/information in the field of law-related education. It should, though, give the reader a good sampling of what is in the United States and Canada.

Appendix I

Progress Report #1  
Review of the Literature and Bibliography

February 7, 1977

Research on the Terms of Reference Toward the Development  
of a Legal Information and Education Program for Aboriginal  
People in the N.W.T.

Progress Report

Review of the Literature and Bibliography

February 7, 1977.

Donna L. Kydd - consultant  
Northern Social Research Division  
D.I.A.N.D.

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## Introduction

The object of this research is to assess the literature and determine the feasibility as well as frame of reference in the development of a legal information and education program for aboriginal people in the N.W.T. This study will focus on the following:

- 1) identification of information requirements
- 2) available resources
- 3) the methodology in its delivery or dissemination
- 4) procedures for its implementation.

My research will be to document the materials in the field and examine both general programs as well as programs specifically developed for native people. The result of this research will be the production of a bibliography and a critique on the subject.

In order to properly assess the literature and in keeping with the production of a bibliography, I have decided to research materials and programs in the U.S.A. I have done this, during the initial phase of the project, for a variety of reasons:

- 1) their development of bilingual - bicultural programs relating to Native Peoples - especially the project established by Diné Bibee Haz'aani, in Ramah, New Mexico.
- 2) their research into curriculum planning, implementation and education - particularly the guidelines set forth by the American Bar Association, in the Special Committee on Youth Education for Citizenship.
- 3) their concentration on teacher training and educational methods of delivery or instruction, as an important component of a law-related education program so as to maximize the program's effectiveness with the specific target group.
- 4) their experience in the preparation and publication of general and native legal education materials - a good sample of this will be the Law in A Free Society program, a project of the State Bar of California. It emphasizes legal concepts in terms of:
  - (a) fair distribution of benefits and burdens
  - (b) fair procedures for decision-making
  - (c) fair correction of wrongs or injuries
  - (d) the actual treatment of justice - e.g. in schools, in courts, etc.

They, also, have acknowledged the necessary role of supplementary materials. These materials would reflect the local problems and cases of a specific geographic area - concentrating on the unique issues as it relates to the law, its administration and its enforcement.

It is, with these four points in mind, that I am reviewing the American literature and programs. Obviously, this portion of the review will have that Southern bias. Quite clearly what has worked in the U.S.A. may not have relevance to the Canadian or indeed the Northern situation. But, I think my review of this material may provide some advantage, in that the project can begin its orientation, to a legal information and education program for aboriginal people in the N.W.T., on a more informed base. The importance of this review is, as I perceive it, to raise vital questions, at the development stage, by analyzing such literature and programs, in order to provide the target group with a solid legal information and education program. This should be seen essentially as background information, only, in the formulization of a Northern program.

Just as a further note, my research into American sources has not precluded any investigation into Canadian literature or programs. I anticipate a great deal of work and energy will be placed on this second stage of the review, and hence, I will be able to assist the Steering Committee more on a Canadian and Northern perspective.

I am attaching, as well, a sample outline of the Bibliography of literature and programs reviewed to date. (See Appendix I and II). I am including this in the Progress Report to illustrate what the Bibliography may resemble upon completion. More importantly, though, I have provided this material in order to obtain comments and feedback on its design. The Bibliography will be a resource to the program and as such it should be made as relevant and as practical as possible.

## II The American Literature and Programs

### A. The American Literature:

#### (a) Goals and Objectives:

The American Bar Association has completed, under the auspices of a Special Committee on Youth Education for Citizenship, a series of Working Notes which discuss the goals and objectives of a law-related education program. This work, which will be included in the Bibliography, responds to a number of questions such as:

- 1) what needs to be taught
- 2) how do we teach the defined need or needs
- 3) what methods can be used to teach, properly, the target group
- 4) what are our goals in teaching the target group.

These questions may seem highly academic and unworthy of timely debate or discussion, but they go to the very root of developing a program. Sample goals could be:

- 1) giving the target group an "understanding" of the legal system and how to "deal" with it.
- 2) giving the target group a "working knowledge" of the law as part of general education.
- 3) giving the target group some "legal reasoning skills" through law-related education.<sup>1</sup>

Identifying the major goals of a program are an essential part of developing and implementing a program. Therefore, I commenced my research with it in mind.

As to the course content, the following needs were outlined by the Staff Director, Joel F. Henning, of the Youth Education for Citizenship Committee:

- 1) the need to teach basic legal concepts.
- 2) the need to teach fundamental principles of law.
- 3) the need to teach an appreciation of the scope of the law and its effective limits.
- 4) the need to teach what institutions of law are really like, how they work, how the system operates and what is "due process".
- 5) the need to teach a critical questioning of rules, the process of rule-making and rule enforcement, legal arrangements and issues of law.<sup>2</sup>

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<sup>1</sup> Law-Related Education in America - Guidelines for the Future, American Bar Association Special Committee on Youth Education for Citizenship. West Publishing Company, St. Paul, Minnesota, 1975.

<sup>2</sup> Reflections on Law-Related Education, Speeches from Regional Conferences on Law-Related Education, "Law-Related Education: What Works and What Doesn't", Henning, Joel F. Working Notes #3, A.B.A.-YEFC. Philadelphia, Penn. May 21-22, 1973.

How exactly does this relate to the development of a legal information and education program for aboriginal people in the N.W.T.? Firstly, to be practical, some of the considerations of the Steering Committee must be:

- 1) what do you want to achieve with this program?
- 2) what do you want the target group to walk away with at the end of the program?
- 3) how will the program relate to the target group's daily life?
- 4) how will the program account for the transition between custom and what is known as "White Man's Law"?
- 5) how effective will the program be?

With these considerations, at hand, others follow suit - in particular:

- 1) what will the content of the program be?
- 2) should the program be flexible to meet the needs of particular areas within the given geographic territory?
- 3) should there be a general format supplemented by more localized issues or problems?
- 4) if certain legal concepts are chosen, how is that going to be transmitted to the target group so as not to conflict but co-exist with their customs?
- 5) is it going to emphasize some moral or value judgements?
- 6) is it simply going to identify fundamental principles of law, the scope of the law, the legal system or institutions of the law?

(b) Curriculum and Materials Development:

Another subject the Steering Committee should focus on is curriculum and materials development. This, naturally, is the big pay-off area for the target group. Several factors appear to be of import:

- 1) presenting the legal issues realistically - if a hypothetical case is used, be sure to back it up with a real case example, in order to show the target group the process - e.g. the problem, the analysis and the resolution.
- 2) acknowledging conflict and controversy - law, in terms of Anglo-Canadian law, is adversary in nature. To avoid either conflict or controversy is to opt out of the basic nature of law. Custom is often non-conflict oriented and this may provide the opportunity to address the distinctions or even mix the two systems.
- 3) presenting legal issues relevant to the target group - i.e. of particular interest to them and their environment. This is where supplementary materials may be an invaluable resource. Relevancy leads to interest and subsequently motivation thereby increasing or improving the target group's understanding, skills and knowledge of the law.

- 4) raising questions about the daily practical problems of achieving "justice" - i.e. to confront the teacher or trainer with cases which reflect injustices as well as justice. It is essential to deal with cases that appear not to be "properly" resolved.<sup>3</sup>

There seem to be an amazing number of curriculum materials completed and accessible in the U.S.A., many of which will be listed in the Bibliography when finished. If the Steering Committee is considering some guidelines for the development of Northern materials, it may be necessary to peruse some of the existing material as an information base with a supplement to bring in the Northern experience. As the development of materials is quite costly, in time and design, the Steering Committee may accomplish more by establishing some ground rules for a supplement set of materials and information to be produced.

### (c) Guidelines for Teaching and Learning

The American literature points out the complexities of setting up a law-related education program. In making a program "successful" one must emphasize the teaching and learning aspects of it. One of the most important components is the "teacher", whether or not she/he is a traditional school teacher or a teacher-trainer. Once the goals and legal concepts are defined and isolated, and the materials are reviewed, the next priority is the teacher. No matter where the teacher is located, in a Northern village or in the South, there is a need to have some consistency in "training" the teacher. Basically, for any teacher of a law-related education program, she/he must be:

- 1) provided with a substantive knowledge of the law - this does not mean that one must make the teacher into a lawyer. Simply, it means that the teachers ought to have a familiarity with the subject taught.
- 2) provided with a variety of instructional techniques - such as role-playing, use of games, the vehicle of puppetry, etc... In other words, the teacher should have alternative approaches to the topic. It maintains the interest of the target group as well as heightens the involvement of the target group. Participation with the teacher in the delivery of the subject is beneficial to the teacher and the "students".
- 3) provided with counselling and assistance to implement the program - the teacher must have some support mechanism, someone to ask questions to, to correct any misinformation or attempt a new scheme or use as a resource - a new face often produces good results and eases the load of the teacher.

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<sup>3</sup> Law-Related Education in America - Guidelines for the Future, American Bar Association - YEFC Special Committee. West Publishing Company, St. Paul, Minnesota, 1975.

Guidelines for curriculum and materials development.



- 4) provided with workshops during the term of the program - this is an effective way to bring in the teacher's "classroom" experience and relay further legal information. This gives the teacher the opportunity to grow with the program and motivate them more. This further orientation is a means, also, to show support for their efforts and concern.<sup>4</sup>

Without this "training", the teacher is placed in a most uncomfortable position. The initial eagerness to be involved in the program will wane. The target group always loses in such situations. The teacher's performance and ability to get across legal information, to the target group, is without question the basis for any "success" of the program. Materials, no matter how relevant or practical, will be useless unless the teacher knows how to use them and get it across to the target group. Teachers can not be taken for granted! They must be reinforced as much as possible.

#### B. American Programs:

There are many law-related education programs in existence in the U.S.A. and a great many will be outlined in the Bibliography under the heading of Directories. I will be concentrating on a couple of the programs - one specifically related to Native Peoples and the other to a more general program.

My purpose, in describing these two, is to demonstrate the types of curriculum and materials available. Also, it can be useful in the sense that these two programs appear to be quite successful in the quality of the materials and the direction or philosophy they adhere to for their target group.

(a) Diné Bibee Haz'áani: (Ramah, New Mexico).

- 1) The Law of the People, A bicultural approach to legal education for Navajo students. (Ramah Navajo High School Press, New Mexico. 1972).

This particular volume of materials is divided into 4 separate units:

- 1) consumer education
- 2) what is the law, the legal system, the origin of law, types of law
- 3) law and the Family
- 4) law and the community.

In each of these units, attention was given to the contrasting systems governing the Navajo's - the customary ways and the Anglo-American laws. The materials are written in such a manner as to be comprehensible to high school Navajo students. It attempts to reorient the student through the traditional and more formal law system. It illustrates the uncertain feelings between the Navajo and the Whites, tracing back their fears, through the military involvement to the Trading Post oppression, about the Anglo-American laws.

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<sup>4</sup> Law-Related Education in America - Guidelines for the Future, American Bar Association, Special Committee on Youth Education for Citizenship. West Publishing Company, St. Paul, Minnesota. 1975.

2) The Law of the People, Law and Community Life.

This volume concerns itself with "administrative bodies" and their affect on the daily lives of the Navajo - for example, getting a job; wage claims; social security; food-stamp programs, etc... It discusses the concept of fair hearings and effect of administrative rules and regulations.

3) The Law of the People, The Development of a Navajo Legal System.

This volume is of interest in that it concentrates itself on:

- 1) the evolution of the law on the reservation:
  - the perception of the Anglo-American law by the Navajo as a punishment
  - the Navajo standards of conduct versus the American Government
  - the headmen or Naat'aanii - traditional judges of disputes in the local communities versus judges of the court.
- 2) bad conduct and legal process:
  - old Navajo system of punishment by bad reputation versus the court system
  - in the old system, guilt was automatic - a strict liability
  - in the court system, there is no distinction between good and bad acts, i.e. the court system relies upon "innocence until proven guilty by evidence".
- 3) tribal courts:
  - jurisdiction of tribal courts, the exclusion of lawyers and lawyers-made-judges
  - the status of lay judges and lay advocates
  - dictionary of terms relating to court for Navajo's.
- 4) custom, courts and the Navajos:
  - acts not illegal according to the tribal pattern but illegal according to Anglo-American law, e.g. trial marriage of young men and women by custom may be a question of statutory rape by Anglo-American law.
- 5) Navajo torts:
  - in custom, bad acts would be compensated for money or property payment
  - a tort is a strict liability by custom
  - custom, where it exists, is held to be superior to the common law of the United States.

## 6) Navajo legal vocabulary:

- language and experience - by custom, they resolved disputes by repairing the damages caused - not by punishment; admission or acknowledgement of wrongdoing was assumed when the people sat down to discuss the case; judge's role was seen by Navajo as similar to the traditional headmen, and Navajo's did not see intra-familial disputes for the court to resolve but to stay within the tradition.

The materials prepared for the high school program were very basic, informational and often employed Navajo vocabulary to describe actions or parties. For example, a plaintiff is called "one who puts the paper in court" or NAALTSOOS YISTSOSIGAI, a defendant is called "one who has a paper placed against him" or NAALTSOOS BE SIŁTSOSIGII (L with a line striking through it - Ł); proof is called "making it clear or obvious" or ASHJONI ADOOLNIIŁ; jury is called "six people sitting in authority" or HASTA DAHNIDINBIIGIGII.

Also, the material was continually referring to custom and Anglo-American Law and drawing distinctions between them. This would be a definite resource to consider if the Steering Committee were interested in developing supplementary materials.

(b) Law in a Free Society (A Project of the State Bar of California, 1972).

The materials used by this project are fairly extensive and more involved with the teaching of basic legal concepts. These concepts are analyzed by the use of case hypotheticals and questions relating to the cases and concepts. I will outline the questions and concepts in Parts I - III.

Part I - Fair distribution of benefits and burdens

Questions: (in terms of hypothetical case - of an action)

1. What are the benefits and burdens of \_\_\_\_\_?
2. Who would share in the benefits and burdens of \_\_\_\_\_?
3. What should be the criteria for determining a fair distribution of benefits and burdens \_\_\_\_\_?
4. What role should government play, if any, in the distribution of the benefits and burdens of \_\_\_\_\_?

Part II - Fair Procedures for Making Decisions

Questions relate to fair procedure for enforcement, adjudication, administration and in legislation. Each question applies to the four issues:

1. Who should make or participate in making decisions?
2. What rules and procedures should be used to maximize rational to fair decisions?
3. What measures should be taken to discover and correct unfair procedures or decisions?



### Part III - Fair Correction of Wrongs or Injuries

Questions relate to broken agreements and harms, penalties and punishments and alternatives to punishments:

1. Who caused harm or injury to whom?
2. How much harm or injury was caused?
3. Why was the harm or injury caused?
4. What should be done to remedy the harm or injury?
5. What measures should be taken to prevent further harm?

Sample cases or "stories" maybe in relation, for example, to punishment could be:

boy/girl lying about homework and being sick - what should the punishment be?  
 boy/girl breaking window inspite of parent's instruction.  
 boy/girl playing in garden and breaking plants.  
 boy/girl, in group, loses leadership and tells on other kids.

The whole emphasis of this material is on concepts and what individuals should consider "fair".

The project, also, has information on certain topics such as ON PRIVACY. They have developed materials relating to privacy for both the teacher and the target group. Their materials include: lesson plans for the teacher, a guide for teacher education, a casebook for both teachers and students, and a curriculum.

The advantages of this type of approach are that any individual in the target group can use the material. It can be sophisticated and simple depending entirely on the choice of case samples. Also, it does not use legal terms or phrases extensively, thereby demystifying the law and legal jargon for the target group. The essential concepts are discussed and taught in a different learning environment and as a result, may be good for aboriginal people as it lessens the complexities of the legal system.

### III Conclusion:

As to the information collected on the American literature and programs, I believe this Progress Report will establish a base or point of departure for both the Steering Committee and the research team. Precisely what information will be used should be determined by the Steering Committee and perhaps guidance from the research team of this project. I think, though, my importance as a researcher and reviewer of the literature is to present the information with notable qualifications. To be sure, the material examined to date does not cover all those in the field in the U.S.A. I have drawn upon materials which I feel are relevant and am, as a result, putting them forth to the research team and Steering Committee for discussion. I have attempted to do the following:

- 1) narrow down the areas of concern - that is, the possible goals and objectives to pursue, the approach towards legal concepts and legal information in an educational setting, the necessity of alternative instructional methods and the types of curriculum materials presently available.
- 2) identify the kinds of programs which may best develop a legal information and education base for aboriginal people in the N.W.T. from the American experience - that is, to draw upon the strengths of the literature and program while noting the important geographic variable.
- 3) establish a flexible model for the Steering Committee and research team - to discuss amongst themselves and other interested parties the guidelines for a law-related education program for the North. It is essential for a researcher to develop a means of communicating, what is learned or obtained from literature and programs, to those in the specified area - the N.W.T. It enables the researcher to maintain a balance between the relevancy of new informational sources and the need for investigating any and all information existing in the field of law-related education programs, specifically for aboriginal people.

The next phase of the review of literature and programs will rest on the Canadian experience. This work completed, notwithstanding other related information coming to my attention throughout this research period in the American context, will prove to be of great assistance. It enables the researcher to see the literature and programs with a more-informed and critical perspective. To be sure, the Canadian material will be more in touch with the North, its isolation and legal structure. What occurs, in the way of programs, will be more adaptable to the Northern setting than some American projects. Therefore, I will be concentrating on the activities of the program, the target group, potential curriculum materials and the means of dealing with the conflict between cultures in relation to the Anglo-Canadian laws.

Appendix I: Literature and Programs Reviewed to Date

I have listed the literature and programs reviewed to date. As will be noticed, my research has not solely been related to American sources. In my next Progress Report, I will be considering and analyzing the Canadian material mentioned below:

Alaska Legal Services Corporation: Alaska Natives and the Law.

Frank Barthel, Pat McDearman and Steve Conn, 1976. (A workbook in legal education for students in village schools). (Just a table of contents of teacher's guide and students casebook).

Alaska Native Management Report "Bush Justice". December, 1976, pp. 4-8. (condensed report from AFN Bush Justice Program).

Bibliography of Law-Related Curriculum Materials: Annotated.

Working Notes, No. 5. A.B.A. Special Committee on Youth Education for Citizenship (1974).

Clearinghouse Review, National Clearinghouse for Legal Services, Vol. 10,  
No. 7-1, Vol. 9.

Conference on Legal Aid: Report and Proceedings, Ian Rose, Program Director, Law & Social Development Program, March 1975, Canadian Council on Social Development. (Conference at Lévis, Québec - Part 1-3, themes of conference); (Part 2 - Background papers; Part 3 - conference report).

A Directory of Community Legal Education Programs in Canada, Community Law Program, Faculty of Law, University of Windsor, Ontario, June 1975. (Draft - compilation of public legal education activities in various provinces).

Directory of Law-Related Educational Activities, A.B.A. Special Committee on Youth Education for Citizenship, 2nd ed. Working Notes, No. 6.

Diné Bibee Haz'áani: The Law of the People, A Bicultural Approach to Legal Education for Navajo Students, Ramah Navajo High School Press, Ramah, New Mexico, 1972. (Consumer education unit).  
: The Law of the People, Law & Community Life  
(Getting a job, unions, children and work, unemployment compensation, worker's compensation, disability, social security, fair hearings).  
: The Law of the People, The Development of a Navajo Legal System. (Evolution of law on the reservation, navajo religion and Anglo-American). (Law, custom and courts, roles and Navajo Legal Institutions).

Gaming, An Annotated Catalogue of Law-Related Games and Simulations, A.B.A. Special Committee on Youth Education for Citizenship, Working Notes, No. 9. ed. Susan E. Davison.

Help! What to do, Where to Go? Working Notes No. 4, Special Committee on Youth Education for Citizenship, A.B.A., 1973.

(Part 1 - law-related education: the Opportunity & the Challenge)

(Part 2 - the YEFC Action Program)

(Part 3 - Some Law-Related Projects of General Interest)

(Part 4 - Some Teacher Training Programs)

(Part 5 - Role of the Bar Associations).

International Development Education Resource Centre, IDERA Film Catalogue, 1976, Vancouver, B.C.

Introduction to Native Issues: A Report on the Mount Currie Legal Education Project, Public Schools Legal Education Project, Legal Services Commission (B.C.), October, 1976.

Inuit and the Law, Inuit Tapirisat of Canada, 1974. (Part 1 - the making of Law; Part 2 - basic concepts of Law). (Glossary of the Terms).

Law & Education Model, Department of Education, Government of the N.W.T. December, 1976. (Overview and background to justice; structure of Canadian legal system; justice in Canadian North - examples, contemporary issues and cases).

Law and the Student, Saskatchewan Community Legal Services Commission. (Information on the police, drugs, liquor, school, home, consumer, landlord-tenant, auto insurance, accidents, male/female relationships).

Law in a Free Society; Contemporary Issues on Justice, Part 11: Issues Concerning Fair Procedures for Making Decisions. A Project of the State Bar of California.

Law in a Free Society: Part III, Issues Concerning the Correction of Wrongs or Injuries. A Project of the State Bar of California, 1972.

Law in a Free Society: On Privacy. Book 1: lesson plans, Book 2: a guide for teacher education (also includes: a casebook and curriculum).

Law-Related Education in America: Guidelines for the Future, Report of the American Bar Association Special Committee on Youth Education for Citizenship, A.B.A., St. Paul, Minn., West Publishing Co. 1975. (National survey of law-related education programs active in the elementary and secondary schools; public and private agencies; recommended guidelines for project structure and administration; teaching and training; funding).

Legal Services for Native People, Native Programs Division, Legal Services Commission, B.C. (October, 1976).

Lessons in Conflict: Legal Education Materials for Secondary Schools, William M. Gibson, Law and Poverty Project, Boston University, School of Law, Boston, Massachusetts. February 1970.

Media, An Annotated Catalogue of Law-Related Audio-Visual Materials, A.B.A. Special Committee on Youth Education for Citizenship, Working Notes, No. 8.



Meeting Re: Review of the N.W.T. Legal Aid and Related Programs, Oct. 1976  
D. Trent, M. Smith, G. Williams, I. Cowie. (Examination of legal services and federal-territories agreement).

Native American Rights Fund (N.A.R.F.), Boulder, Colorado. General Index to Indian Law (sent for).

Native Land Claims in British Columbia: An Introduction, Target Canada, Public Schools Legal Education Project of Legal Services Commission (B.C.), 1976. Teacher's Manual.

Puppetry and the Law: A Curriculum Development Project, in Legal Education for the Elementary School Level, Public Schools Legal Education Project, Legal Services Commission (B.C.), 1976.

Reflections on Law-Related Education, Speeches from Regional Conference on Law-Related Education, Philadelphia, Penn., May 1973, Working Notes No. 3, YEFC. (Roles of educators and lawyers, coordination between Bar Association and Dept. of Education, role of classrooms, teaching legal concepts).

The Law in Canada: A Citizen's Introduction, Frederick B. Sussman, Kenlaw Communications Inc., 1976.

University of Toledo Law Review, vol. 1970. No. 2 and 3, Spring-Summer, "Symposium: Disadvantages Students & Legal Education - Programs for Affirmative Action". (series of articles).

Youth and the Law, ed. Dr. Renee Goldsmith-Kasinsky, 1976, B.C. Civil Liberties Association and Public Schools Legal Education Project, Legal Services Commission. (Basic information package for Youth).

Appendix II: Sample Outline of the Bibliography



Legal Services for Native People, Native Programs Division, Legal Services Commission, British Columbia. October 1976.

Description: catalogues projects in North America, discusses the American and Canadian differences in terms of funding, development of self-determination, size of reservation, population, courts.

Comments: this portion is solely on the American project.

<u>Project</u>	<u>Address</u>	<u>Programs</u>	<u>Structure</u>	<u>Funding</u>
Alaska Legal Services Corporation	Anchorage, Alaska	<u>Community education:</u> 1) Justice in Bush Conference, (Minto Village, 1974). 2) Multi-lingual elementary and high school legal education curriculums. 3) "Law for the Village". lectures. 4) *Alaska Natives and the Law. (work-book in legal education for Students in Village Schools.	6 permanent offices, 1 out-researcher, 14 staff lawyers, 9 para-legal aides, 15 volunteer lawyers.  *(not yet completed Spring 1977).	office of Economic Opportunity & Alaskan State Government.
American Indian Law Centre. U. of New Mexico School of Law	1117 Stanford, N.E., Albuquerque, New Mexico, U.S.A. 87131	1) Pre-law - 6 to 8 weeks, acquaintance with library use, case briefing and structure of legal system. 2) Legal literacy program prepares scripts on basic law, slide presentation to teach people to read.	staffed primarily by American Indian lawyers.	B.I.A. Scholarships, office for Economic Opportunity.
American Indian Lawyer Training Program	3505 Broadway Suite 1105, Oakland, Calif. 94611	1) Indian law seminar & Intern Program for Indian Law Students, 2 week seminar, 8 weeks on reserve working with tribal government, trial justice or as a law clerk to an Indian lawyer. 2) Fellowship Program for Indian attorneys, lawyer begins a law practice with financial aid.	national organization, offices in Washington, D.C. & Oakland, Calif.	Akbar fund Donner Foundation Dept. of Health, Education & Welfare, Carnegie Corp'n of New York.

<u>Project</u>	<u>Address</u>	<u>Programs</u>	<u>Structure</u>	<u>Funding</u>
American Indian Lawyer Training Program (cont'd)		3) Indian Law Reporter, compiles and edits all current developments in Indian law, digest of federal and State court decisions, summary of legislative informa- tion. 4) Working conferences, 1973, on Tribal Governments & Courts.		
California Indian Legal Services	477-18th Street Suite 200 Oakland, Calif. U.S.A. 94612	1) preservation of Indian Culture & Heritage, ensuring training of Native children in rural communities is comparable to training provided elsewhere. 2) preservation & enhancement of Indian land base, seeking land allotments for Indians under Federal law, compiling & analysing the legal & factual nature of Indian land holdings. 3) Indian self- determination, organizing Native Peoples into groups to define problems & actively seek solutions. 4) restoration & full implementation of Federal Services to Indian Tribes & Individuals, to obtain adequate health services for those Indians living on & off reserves. 5) Bureaucratic Accounta- bility to Indian tribes & Individuals, e.g. housing improvement funds. 6) Protection of Indian Civil rights, especially Indian prisoner rights.	4 field offices Ukiah, Eureka, Bishop & Escondido 1 central office - Oakland.	office of Economic Opportunity

<u>Project</u>	<u>Address</u>	<u>Programs</u>	<u>Structure</u>	<u>Funding</u>
California Indian Legal Services (cont'd)		<p>7) Special Problems of Urban Indians e.g. improvement of jail conditions.</p> <p>8) Legal Services - individual cases involving consumer, landlord-tenant &amp; family law problems.</p> <p>9) Education - no formal program but publishes a newsletter to inform clients of on-going work.</p>		
Dinebeiiina Nahillna Be Acaditahe (DNA) (Navajo name)	P.O. Box 306 Window Rock, Arizona U.S.A. 86515	<p>1) Service function, individual client cases.</p> <p>2) Legal Research &amp; Litigation on variety of topic - welfare, education, jurisdiction, sovereignty, etc.</p> <p>3) Community education, circulation of video-tapes, posters, films &amp; radio programs, participation in Navajo language course.</p> <p>4) Navajo Law Development &amp; litigation unit, tribal court advocates, concentrates on training lay advocates and law reform.</p> <p>5) Community Action, stimulating development of Navajo-owned business &amp; services on the reservations, establishing welfare rights association.</p> <p>6) Newsletter, describing DNA activities and information on the law.</p>	<p>Agency Committees elected representatives from 104 Navajo chapters.</p> <p>Board of Directors 6 Navajo's, 1 member from Hopi Nation, 7 lawyers or law professors.</p>	Office of Economic Opportunity.



<u>Project</u>	<u>Address</u>	<u>Programs</u>	<u>Structure</u>	<u>Funding</u>
●ech Lake Reservation (cont'd)		4) Youth Advocacy - educational & employment counsellors and para-legals as community liaison with prison inmates. 5) Community outreach- weekly visits to Indian communities located on the reservation. 6) Tax work - general assistance.		
Montana Legal Services Assoc.	c/o Central Office 601 Power Block Helena, Montana U.S.A. 59601	1) Legal Services - circuit riders (com- munity aides & inter- preters); litigation (class actions, divorce & family law problems); and judicare. 2) Law Reform - tribal courts & due process/ Indian Civil Rights Act. 3) Community Education- driver/licenses, program on reservation (driver education courses in native language). 4) Community Action - organizing native people for self- determination within the community.	34 member board of Trustees 10 lawyers and 12 lay personnel (4 Native Americans).	Office of Economic Opportunity
Native American Rights Fund.	1506 Broadway Boulder, Colorado, U.S.A. 80302	1) Tribal existence - "preservation of Indian religions, ways, treaty obligations & sover- eignty". e.g. land claims & Indian tax status. 2) Tribal resources - "including trust responsibility & protection from abusive economic development programs" emphasis on protection of resources rather than compensation or damages for loss.	2 central office in Boulder and 1 small Branch office in Washington, D.C.	Ford Foundation



<u>Project</u>	<u>Address</u>	<u>Programs</u>	<u>Structure</u>	<u>Funding</u>
<p>ative American Rights Fund (cont'd)</p>		<p>3) Human Rights - "including rights to education &amp; health and prison reform" e.g. legal advice to the American Indian Education Consortium litigation on discri- minatory practices &amp; illegal expenditures of funds allocated for Indians.</p> <p>4) Accountability - "of Tribal, state, federal &amp; local governments--and of individual men"- i.e. administrative responsibility for management of programs &amp; alloca- tions of funds.</p> <p>5) Indian Law Development - "including strength- ening of important legal precedents, development of local resources &amp; disbursal of Indian legal information". e.g. publishing of <u>Indian Law</u> <u>Developments.</u></p> <p>6) National Indian Law Library (N.I.L.L.) clearing house for Indian legal materials.</p> <p>7) Indian Law Back-Up Centre - providing technical assistance.</p>		
<p>North Dakota Legal Services (services 74 villages on the Fort Berthold Reservation)</p>	<p>Box 217 New Town, North Dakota, U.S.A. 58763</p>	<p>-handles only civil cases before Tribal, State &amp; Federal Courts - high percentage of cases involve consumer &amp; employment problems as well as family problems.</p>	2 lawyers	Office of Economic Opportunity

<u>Project</u>	<u>Address</u>	<u>Programs</u>	<u>Structure</u>	<u>Funding</u>
Papago Legal Services (74 villages on Reservation in Southern Arizona)	P.O. Box 246 Sells, Arizona U.S.A. 85364	<p>1) service function-caseload predominantly in automobile sales &amp; accidents, consumer law, domestic &amp; criminal relations, and representations in administrative hearings.</p> <p>2) non-service functions law reform within the Tribal legal system, e.g. in 1970 the first Tribal Juvenile Code was drafted.</p> <p>- community action - to develop an attitude of self-determination within the community. i.e. specifically to improve Tribal Identity and self-reliance</p> <p>- community education - to educate community members on the nature, extent and protection of their rights.</p>	<p>17 members</p> <p>- 13 from the Papago Tribe</p> <p>- 3 lawyers and 2 lay counsellors</p>	Office of Economic Opportunity

Appendix II

Progress Report #2  
Review of the Literature and Bibliography

March 4, 1977

RESEARCH ON THE TERMS OF REFERENCE TOWARD  
THE DEVELOPMENT OF A LEGAL INFORMATION  
AND EDUCATION PROGRAM FOR THE N.W.T.

PROGRESS REPORT  
REVIEW OF LITERATURE AND BIBLIOGRAPHY

March 4, 1977

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## I. Introduction

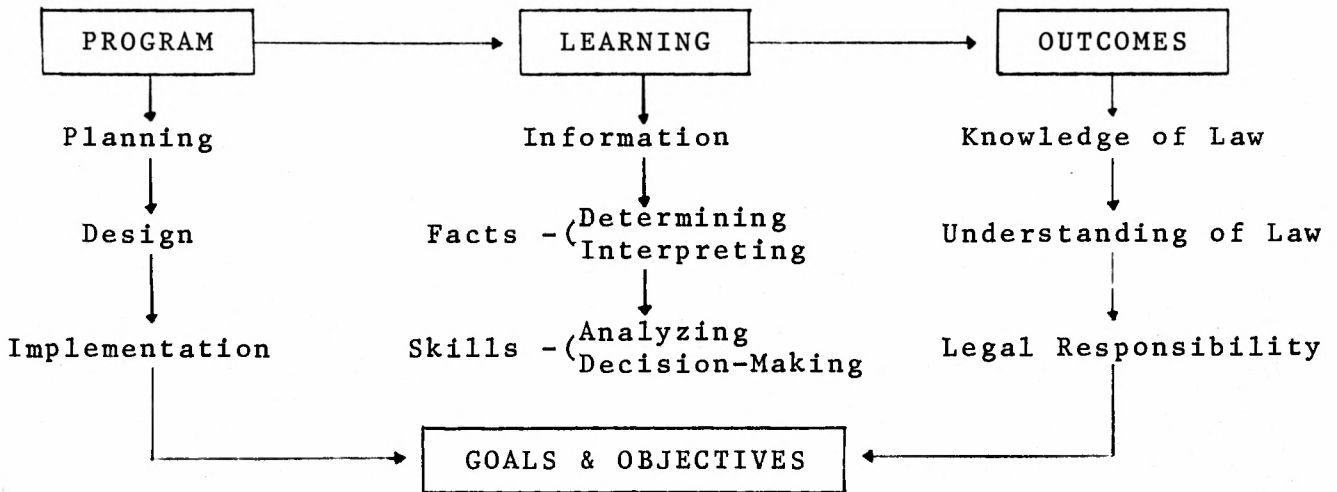
As indicated in my first Progress Report, dated 7 February 1977, I will be concentrating this review of the literature on the Canadian sources as well as those with a specific Northern emphasis. Also, I have outlined in some detail, in the Appendices, further bibliographic notes and two directories which focus on programs and projects.

Before I delve into these areas of research, I think it is necessary to continue, to some degree, my explanation of developing a good base for any legal information and education program. This is essentially a follow-up of my ideas from the Steering Committee Meeting, dated the 11th February 1977, in Yellowknife, NWT. After presenting my first Progress Report, I found I had additional comments to make and therefore, in this introduction, I shall attempt to articulate them. It seems appropriate to include them in this section as they pertain to any introduction of a developing program.

A few general concepts, I wish to rehash relate to the "learning" process of any information program. In particular, I will be centering on the stages of learning, that is the acquisition of legal knowledge, understanding and responsibility. In this program, it would seem that the following goals and objectives should be considered:

- (1) providing accurate information to enable the participant or target group to determine facts
- (2) becoming aware of the law to enable the participant to interpret facts
- (3) developing analytical skills to enable the participant to make decisions on facts
- (4) acquiring knowledge of the law to enable the participants to both understand the law and the attainment of legal responsibility

In other words, what is "learned" in the program should coincide with the goals and objectives of the program. This diagram may be useful to illustrate this:



1.

The educational method, therefore, throughout the phases of program planning, design and implementation are most important. The end product should be ever present in the minds of the planners (i.e. Steering Committee) from the initial point of discussion through to the point of effective evaluation. It is for this reason that the research team are methodically going through each facet of the program construction. For example:

(1) Collecting and Analyzing the Available Data:

By reviewing the literature and programs within the law-related field, obviously on a selective basis due to the volume of information, the research team can give the Steering Committee a good footing as to what has been on-going and what information is available.

(2) Setting Goals and Objectives (i.e. what is to be "learned" about the law)

By having field liaison with the communities and further backup from the research component, the research team can provide the Steering Committee with different viewpoints and perspectives on the possible "direction" of the program as well as the specifics of what the participants are to learn, whether it is attainable and whether it is concise and clear, and identifying short-term and long-range goals of the program.

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1. Barnes, L. and P. Crawshaw. Information Guidelines. Nova Scotia Commission on Drug Dependency. Halifax, N.S.: 1976 at p. 80, Figure 2.1. "Information Program Continuum". This diagram was quite helpful in my description of learning stages and subsequent diagram on a legal information and education program - in terms of goals and objectives.

(3) Designing the Program:

The research team can assist the Steering Committee in selection of a curriculum and materials, or alternatively aiding in the development of a curriculum and materials for both "teachers" and participants. Also the research team can be helpful to the Steering Committee in terms of creating a useful and interesting teaching and learning model.

(4) Implementing the Program:

The research team may be valuable in setting up the participants in a "learning" environment, in terms of a resource for the Steering Committee, (i.e. isolating resources - physical, human and materials). Also, the research team may be resources in providing motivating, informative and localized legal content.

(5) Evaluating or Assessing the Program:

That is, establishing to what degree the program was "successful" in relation to:

- (a) the participants
- (b) the materials
- (c) the methodology
- (d) the "teachers"
- (e) the legal content

The research team may be able to outline possible evaluative guidelines throughout the whole process of developing/ planning, designing and implementing the program. <sup>2</sup>.

To restate my research and work output, since the Steering Committee Meeting, I am presently involved in:

- (a) contacting additional American sources and resource people and facilities in Ottawa
- (b) reviewing literature and compiling information of programs as illustrated by the Appendices
- (c) completing this second Progress Report

---

<sup>2</sup>. Ibid., at page XV, Figure 1. I used the elements of program development to identify the potential resource of the research team.

In terms of this Progress Report, I will be discussing the following:

A. Information Guidelines (as aptly written by Barnes, L., and P. Crawshaw in Information Guidelines - 1976) <sup>3</sup>.

It is an invaluable piece of work which speaks to many of the concerns the Steering Committee may have with regard to the planning, design and evaluation of a legal information and education program for the N.W.T.

B. Curricula and Materials

It is important to continually assess what materials have been produced on the law and, as a result, I have decided to focus on five different sets of materials - some of which are specifically Native and others general in application:

- (a) Barthel, F., McDearman, P., & Conn, S., Alaska Natives and the Law. Alaska Legal Services Corporation. Anchorage, Alaska: 1976
- (b) Gibson, W.M., Lessons in Conflict: Legal Education Materials for Secondary Schools. Law and Poverty Project. Boston University School of Law. Boston, Massachusetts. Published by Law in the Social Studies Project, Lincoln Filene Center for Citizenship and Public Affairs. Tufts University: 1971.
- (c) Public Schools Legal Education Project. Puppetry and the Law: A Curriculum Development Project in Legal Education for the Elementary School Level. Project Directors: Ruth McGee and Pamela Schweitzer. Legal Services Commission, Vancouver, British Columbia: 1976.
- (d) Public Schools Legal Education Project. Introduction to Native Issues: A Report on the Mount Currie Legal Education Project. Legal Services Commission. Vancouver, British Columbia: 1976.
- (e) Target Canada. Native Land Claims in British Columbia: An Introduction. Public Schools Legal Education Project. Legal Services Commission, Vancouver, British Columbia: 1976.

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3. Ibid., see footnote #1.

- C. Effectiveness of Teachers in Cross-Cultural Relationships (Kleinfeld, J. "Effective Teachers of Eskimo and Indian Students - Teaching Alaskan". School Review. February, 1975 at pp. 301-342)

It is essential to be aware of the different needs of students (or in our case participants) and to have the "teachers" sensitized to these needs. If this program is to be a "success", the teachers should be chosen with the utmost care. This article points to several factors in the "making" of an effective teacher in a cross-cultural environment. It is fair to say, in this program, participants will be Native, Inuit and White. Therefore, the relationship between participants and teachers is important in a possible cultural conflict situation.

## II. Literature and Programs

### A. Information Guidelines

In the development of any program, there must be operational definitions. Barnes, L. and P. Crawshaw, in Information Guidelines, define:

Education programs as processes or activities developed to systematically promote the acquisition or improvement of knowledge, attitudes and skills singly or in some combination. Education (as used in their report) encompasses training, development and information programs. <sup>4</sup>.

It would seem that this legal information and education program, also, should embody the training (skill acquisition)<sup>5</sup>. development (betterment of performance)<sup>6</sup>. and information (acquisition or improvement of knowledge)<sup>7</sup>. aspects upon implementation and completion.

Like the Information Guidelines, these Progress Reports and subsequent bibliography should be capable of explaining how to use existing information, how to plan, design and evaluate information programs and finally how to expand the participant knowledge base. <sup>8</sup>.

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4. Ibid., at page viii - Education Programs Definition.

5. Ibid., at page viii - Training Programs Definition.

6. Ibid., at page viii - Development Programs Definition.

7. Ibid., at page ix - Information Programs Definition.

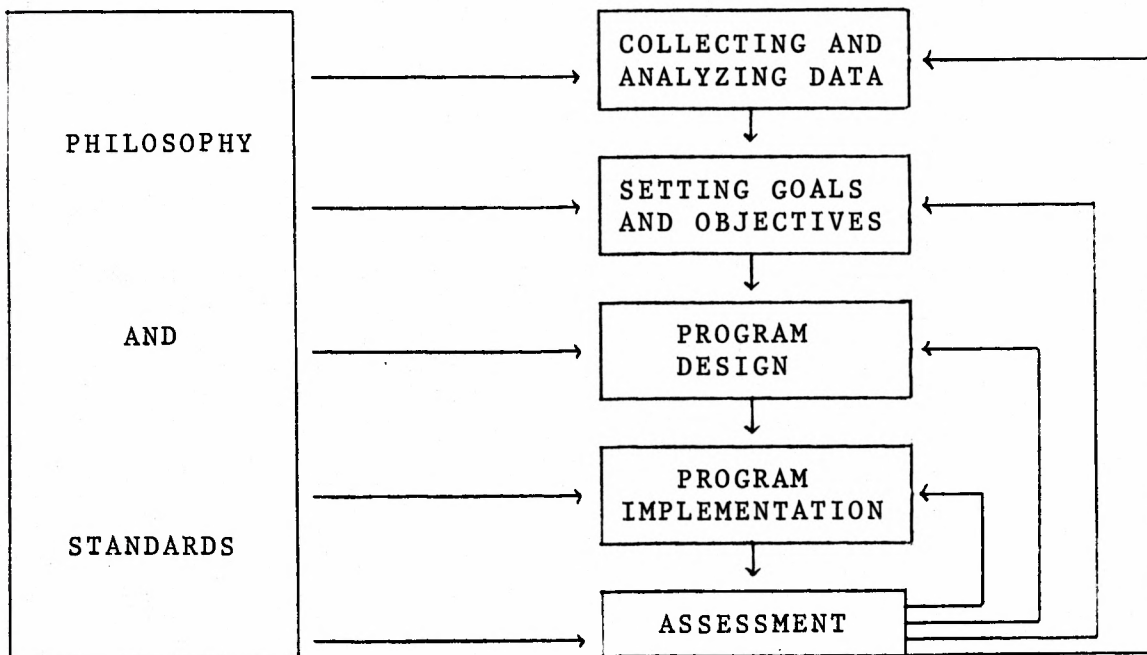
8. Ibid., at page xi a).



The Information Guidelines manual is divided into four major parts:

- (a) it discusses philosophy and standards
- (b) it deals with pre-program components, i.e., those considerations prior to implementation
- (c) it addresses the program components, i.e., the actual implementation
- (d) it concerns itself with post-program components, i.e., the assessment of the program 9.

The main area I wish to emphasise is the philosophy and standards section. To illustrate this, more accurately, I will set up a diagram, as follows:



10.

What precisely does this mean in terms of the Steering Committee? Essentially, it means that there must be a common understanding of what the Committee's philosophy is. That is to say:

- (a) is it the concept of legal responsibility?
  - does the Committee wish to impart the sense of legal responsibility to the participants and, hence, the community?

---

10. Ibid., at page xi, Figure 1.

- (b) is it the concept of legal competence?
  - does the Committee wish to establish a group in the community which has some expertise in legal matters?
- (c) is it the concept of community development, in terms of the law?
  - does the Committee wish to inform the participants as a group on the law so that they can initiate positive reinforcement of the justice system or alternatives to the justice system.
- (d) is it the concept of providing basic information?
  - does the Committee wish to inform the participants simply on their basic rights and obligations?

Similarly, what standard does the Committee wish to maintain or impart to the participants? The expectations of both the teacher and participants should be identified as well as those of the Steering Committee or planners. Three sets of standards, for information programs, are in the Information Guidelines:

(1) Program Fulfillment Standards:<sup>11</sup>.

- it speaks to the meeting of the community goals in the education program, i.e., the community being the barometer of expectations
- it addresses itself to the commitment of local resources, i.e., making the local resources an integral part of the program
- it reaffirms the evaluative measures of the program, i.e., upon completion, there is a period of assessment

(2) School Program Standards:<sup>12</sup>.

- it sets out the time-frame for effective implementation, i.e., giving adequate and proper timing in the school year such as between mid-September and mid-August
- it determines the size and classroom involvement, i.e., the non-compulsory nature of attendance, the use of classrooms versus general assembly, the involvement of the classroom teacher as a "contact person"

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11. Ibid., at pp. 25-27

12. Ibid., at pp. 28-29

(3) Personnel Standards:<sup>13</sup>.

- it elaborates on the choice of appropriate resource persons, i.e., should be chosen in accordance with community expectation, profile and readiness
- it discusses expectations of resource persons and participants, i.e., clarity of purpose
- it allows for feedback during the given sessions as to course content, procedures and methodology, i.e., feedback on personal performance as well as subject matter "taught"

The Steering Committee will have to ultimately concern itself with the question of standards from the point of view of the program, the participants and the resource persons. These standards should be built-in at the outset and not delayed until the moment of implementation.

B. Curricula and Materials

In order for the Steering Committee to properly understand the complexities of curriculum development, I have decided to illustrate a variety of approaches in use and the kinds of materials produced.

- (a) Alaska Natives and the Law: As I have only seen a draft table of contents, it may be difficult for me to give any detail. I think, though, an outline would be helpful in any event. This work includes both a teacher's guide and a students workbook. It can be used from Kindergarten through to Grade 12. The student's material is broken down into the following units:

- (1) Laws
- (2) Criminal Law and Juvenile Law
- (3) Community Law
- (4) Consumer Education
- (5) Family and the Law

The workbook for teachers follows the same unit breakdown but also includes a section on evaluations of project schools.

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13. Ibid., at pp. 30-32

A sample of what a unit contains for teachers and students is charted as follows:

UNIT	CHAPTER	STUDENT WORKBOOK	TEACHER WORKBOOK
LAWS	1	Introduction to Law	Robert Janes - Murder Trial
	2	Conflicts between White Man's Law and Native Law	Old Yukon Tales, Trails and Trials
	3	How Civilized Do You Feel This Morning?	Native Law as View- ed by Some White Men:  Peter Freuchen; <u>Book of the Eskimos</u>  Asen Balikci; <u>The Netsilik Eskimo</u>  Wendell H. Oswalt; <u>Alaskan Eskimos</u>  Philip Drucker; <u>Cultures of the North Pacific Coast</u>  Teacher Activity
	4	What are the customs and law: Old Way and New Way  Lesson 1: Fist Fight Lesson 2: Long Duel Lesson 3: Borrowing Things Lesson 4: Sharing Others Lesson 5: Boundaries Lesson 6: Harm to Others  Summary	The legal System in Alaska  Lesson 1: Overview Lesson 2: Lawyers Lesson 3: State Legal System Lesson 4: Investi- gation and Enforcement Lesson 5: Courts

(b) Lessons in Conflict: Legal Education  
Materials for Secondary Schools:

This book is to be used by teachers and students. It is quite practical and outlines teaching caveats of "do's and don'ts"<sup>14</sup>. It commences the introduction with: (1) what is law  
(2) origins of American law  
(3) sources of law<sup>15</sup>.

This material is divided into five major parts:

- (1) Introductory hypothetical, i.e., cannibalism case - discussion and analysis to illustrate what a society is and how it relates to laws
- (2) Overview of the Legal System - i.e., the Legislatures, Courts, Lawyers, Prosecutors, Investigative and Enforcement Agencies
- (3) Substantive law - i.e., consumer rights unit, torts unit, criminal law unit, trial procedure unit, evidence unit, juvenile rights unit, drug unit, business organization unit, property law unit, employment unit, family law unit, taxation unit, eminent domain unit, special remedies unit, and law reform unit
- (4) Legal assistance in America - present and past
- (5) Suggested resource materials - i.e., books, periodicals, and films

(c) Puppetry and the Law: A Curriculum Development Project  
In Legal Education for the Elementary School Level:

This is used primarily as a teacher's guide - the medium of puppetry to teach law. In this project, puppetry was employed as a learning tool, bringing the law to persons between grades 4 and 8 in a language they understand and through a means which is interesting, motivating and creative. The time frame for this project was 9 class periods with one (1) period per week.

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14. Gibson, W.M. Lessons in Conflict: Legal Education Materials for Secondary Schools. Law and Poverty Project Boston University School of Law. Boston, Mass.: 1970. ) (Published by Law in the Social Studies Project, Lincoln Filene Center for Citizenship and Public Affairs. Tufts University: 1971) at p. 1

15. Ibid., at pp. 6-7



The methodology was summarized as follows:

- (1) general research on different aspects of the legal system that might interest children
- (2) presentation of a puppet show to illustrate legal situations
- (3) development of student puppet stories, i.e., puppet construction, development of scripts, story rehearsal
- (4) presentation of student puppet shows illustrating their understanding of the legal system <sup>16</sup>.

Also, teacher guidelines for the framework were set out.<sup>17</sup> This may be of assistance to "trainers" or teachers in the legal education and information program for the N.W.T.

(d) Introduction to Native Issues: A Report on the Mount Currie Legal Education Project:<sup>18</sup>.

This legal education project is an on-going program on the Mount Currie Indian Reserve, with only Native people in attendance. The course, itself, is broken down into three parts;

- (1) the historical structures of the Canadian Legal System
- (2) the court-watch field trip
- (3) Native Indians and the Law

The time allotted for the project is three days per week for 1 to 1½ hours over the period of 4½ months. The materials used as resources are:

- (1) The History Book (cartoon-like book)
- (2) White Man's Laws
- (3) The Constitution

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16. Public Schools Legal Education Project. Puppetry and the Law: A Curriculum Development Project in Legal Education for Elementary School Level. Project Directors: Ruth McGee and Pamela Schwieter. Legal Services Commission. Vancouver, British Columbia: 1976. at p. 6.
  17. Ibid., at p. 7

(e) Native Land Claims in British Columbia: An Introduction<sup>19.</sup>

This is a teacher's manual. It is quite provocative and deals with Indian perceptions of history and the law. It is divided into nine chapters with several Appendices attached:

- Chapter 1 - relates to the History of white man commencing with the Fur Trade in 1774; discusses European colonization and Government Officials effect on Native people
- Chapter 2 - Aboriginal Rights are outlined with the main emphasis on Crosby, H.'s Protector of Land Rights. An unpublished paper, Vancouver, B.C.:1976
- Chapter 3 - The Colonial Period in British Columbia (1858 - 1871) - discusses the role of Douglas as Governor and as Head of Hudson's Bay Company; the first Indian Reserves and Joseph Trutch's Indian Policy
- Chapter 4 - British Columbia in Confederation 1971 - 1913 - discusses the confusion between the Provincial and Federal Indian Policies; the Indian Reserve Commission (1976 - 1910) and the Conference of Friends of the Indians of British Columbia
- Chapter 5 - Cut-off Lands: McKenna - McBride Commission (1913 - 1910) - reviews the Indian Reserve System and the Indian Act over cut-off lands.
- Chapter 6 - Treaty No. 8 - discusses the commission for Treaty 8 and its report
- Chapter 7 - Native Struggle for Self-Determination - Describes the Nisgha land Claims; Tahltan Land Claims, organized Tribal Activities (1915 - 1960); Road Blocks and Occupation and the Declaration of Native Title
- Chapter 8 - Land Claims and Church - discusses the statements of the Inter-Church Project on Northern Development as well as statements of the bishop's of B.C. in support of land settlements to the Native people.

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19. Target Canada. Native Land Claims in British Columbia: An Introduction. Public Schools Legal Education Project. Legal Services Commission. Vancouver, B.C.: 1976

Chapter 9 - Recent History Related to the Government Position: talks about the policies of the Federal and Provincial Governments.

Although the content of this project is parochial, that is to say geared to the Native People in British Columbia, it is quite valuable as a manual for teachers and as a guide for further efforts in developing material with a Native orientation.

C. Effectiveness of Teachers in Cross-Cultural Relationships

I have been emphasizing, to some degree, the curriculum and materials in legal education and information programs. At this point, I think it is appropriate to focus on the "teacher" of the program. As the teacher controls the delivery of the legal information, one must be concerned as to his/her effectiveness in the "learning" situation. The effectiveness of a teacher, the quality of the materials (i.e., in terms of content and relevancy) and the structure of the program, all measure the "success" or "failure" of a education program. In terms of the teacher, the many skills required, in a cross-cultural setting, are as follows:

- (1) a willingness to establish a personal bond with the students (i.e., a personal orientation as opposed to a task orientation<sup>20</sup>). It has been shown that in an integrated classroom a personal warmth that has developed between teacher and students improves communications and thus, increases the learning potential - especially of Native and Eskimo Students. It has been suggested by Judith Kleinfeld that:

The first and most important characteristic is the effective teacher's ability to create a climate of emotional warmth that dissipates student's fears in the classroom and fulfills their expectations of highly personalized relationships.<sup>21</sup>

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20. Kleinfeld, J. "Effective Teachers of Eskimo and Indian Students: Teaching Alaskan". School Review. February, 1975. at p. 304

21. Ibid., at p. 318

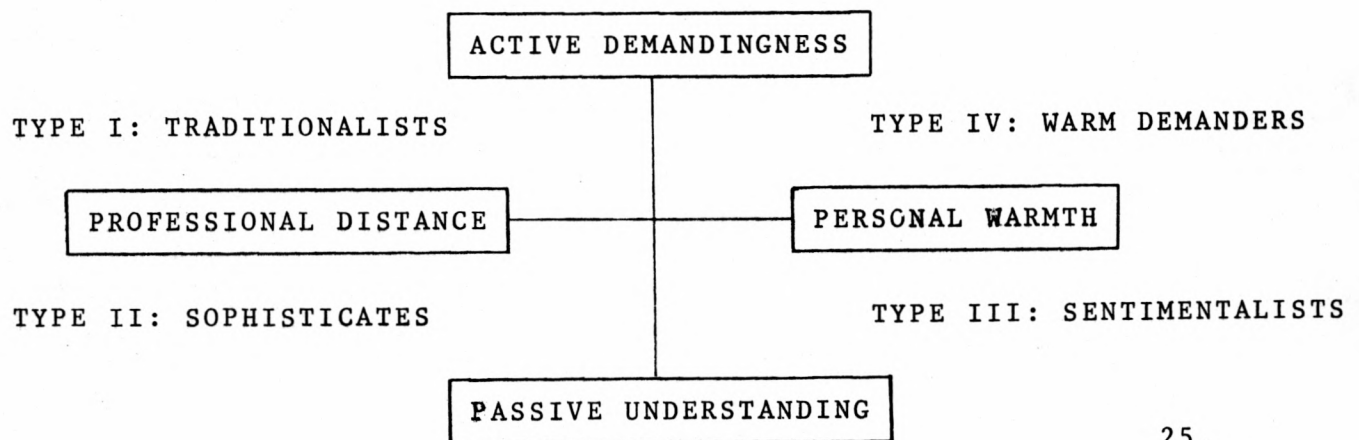
- (2) a teaching style that demands a high level of intellectual participation<sup>22</sup>. (i.e., after the personal relationship/bond/rapport is established, then the teacher can become demanding and "successful").

Judith Kleinfeld, again, has suggested that:

The second characteristic (of an effective teacher) is the teacher's ability to resolve his/her own ambivalent feelings about the legitimacy of his/her educational goals and express his/her concern for the village students, not by passive sympathy, but by demanding a high quality of academic work<sup>23</sup>.

Throughout her work, Judith Kleinfeld has emphasized the two dimensions - personal warmth versus professional distance and active demandingness versus passive understanding - as essential requirements to producing positive learning environment for Indian and Eskimo Students.<sup>24</sup>. These are very real classifications, in developing an effective teacher. There are a number of teacher types but the teacher who generates the most activity, in the intellectual sense, is the teacher who combines the personal warmth and the active demandingness. The typical Western orientation of professional distance only seems to heighten the Indian and Eskimo student's feeling of isolation.

To clarify some of the types of teaching methods, Judith Kleinfeld set out a typology of teachers of Indian and Eskimo Students.



25.

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22. Ibid., at p. 336  
23. Ibid., at p. 318  
24. Ibid., at p. 328  
25. Ibid., at p. 329, Figure 1.

The definition of the types of teachers are as follows:

- (1) Type I: Traditionalists (Professional Distance - Active Demandingness)
  - they ignore the interpersonal dimension of the classroom
  - they prefer formally presented, highly structured lessons
  - in an integrated classroom, they focus their attention on subject-oriented urban students with the Indian and Eskimo students simply ignored<sup>26</sup>.
- (2) Type II: Sophisticates (Professional Distance - Passive Understanding)
  - their professional distance is sophisticated reserve
  - they prefer a discussion class where students can discover intellectual concepts for themselves
  - they are highly educated, well travelled and intellectually fascinated by the village Indian and Eskimo students
  - unsuccessful teachers of Indian and Eskimo students, as in an integrated classroom they find themselves teaching to the urban students<sup>27</sup>.
- (3) Type III: Sentimentalists (Personal Warmth - Passive Understanding)
  - they tend to be extremely warm, kindly people who find it difficult to make demands upon any students, village and urban alike<sup>28</sup>.
- (4) Type IV: Warm Demanders (Personal Warmth - Active Demandingness)
  - these are successful with both urban and village students in integrated and all-native classrooms<sup>29</sup>.

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26. Ibid., at pp. 328-330

27. Ibid., at p. 331

28. Ibid., at p. 334

29. Ibid., at p. 335



### III. Conclusion

This Progress Report, in essence, has been an information package. I have attempted to draw upon resources, in the Canadian and Northern context, summarize and identify concerns the Steering Committee may have in the planning portion of the legal education and information program. For example, my reference to the Information Guidelines, though it is alcohol and drug related, illustrates quite well the process of planning, designing and evaluating the education and information program. It discusses each stage in some detail and as a result will be very helpful for the Steering Committee in narrowing down their parameters with respect to law and legal information programs. It is the basic structuring of such a program that causes "planners" some distress. The Information Guidelines manual speaks specifically to the complexities of establishing a program, underlining the HOW TO DO'S and function of short-term and long-term expectations.

As to the section on Curricula and Materials, again, I see my role to disseminate information on particular programs ongoing in Canada and to a minor extent, in this Report, in the United States. By glancing at curriculum outlines, their topic breakdown and resource materials, the Steering Committee may be able to clarify in their own minds the kinds of materials they may wish to consider. This is, in a sense, a follow-up on the discussion of curriculum and materials development in Progress Report #1, dated 7 February 1977. The materials discuss the timeframe, student and teacher work sessions, some methodology and specific information as shown in Native Land Claims in British Columbia: An Introduction.

The part on teachers in cross-cultural relationships was included for several reasons:

- (1) to demonstrate how closely the role of the teacher ties to the effectiveness of the program
- (2) to become aware of the different teacher skills in a cross-cultural learning environment
- (3) to identify the kind of teacher one might consider in this legal education and information program

I chose to describe the work of Judith Kleinfeld for these reasons and also, because it had a great deal of relevancy to the Northern experience. In the planning of any legal education and information program, the Steering Committee must realize that information on teacher's styles and methods are as important as legal content and materials.

The literature reviewed to date indicates the materials available in the Canadian and Northern scene. In my next Report, I will be concentrating on materials in Alaska, as there are many; materials from Native Education in Canada and the United States: A Bibliography; other curriculum materials in the schools and possible more information from American sources.

In the next Report, I will be outlining the directories and bibliographies from the American Bar Association: Youth Education for Citizenship series. These are of some interest in that they can provide the Steering Committee with more detailed examples of resources.

Both the Community Legal Education Programs and the Legal Services for Native Peoples Directories may be of some assistance, but it should be noted that these programs may or may not be operative at present.

APPENDIX:

LITERATURE REVIEWED TO DATE

. An Introduction to the Study of Formal and Informal Dispositions of Deviants in Ethnic Villages. (A study outline, research paper) - unpublished - Alaska. (field work and follow-research to be completed by August 31, 1975) (final report to be published in October 31, 1975)

- discusses administration of justice in the village settlements, i.e., the lay magistrates, the village council, the travelling professionals ("circuit riders")
- analysis of existing polices, programs and institutions as integral parts of justice-related activities in rural areas.
- study of Yuit, Inuit and Siberian Eskimo cultures in eight villages;
 

1. Wainwright	5. Napakiak
2. Anatuuvuk Pass	6. Quinhagak or Kivalina
3. Selavik	7. Manakotek
4. Emmonak	8. Campbell and Savoonga

Barnes, L. and P. Crawshaw. Information Guidelines. Nova Scotia Commission on Drug Dependency. September, 1976. Halifax, Nova Scotia.

- discusses quite ably the process of developing, designing, implementing and assessing an information program
- very good resource as it describes in detail how to proceed in a step-by-step manner
- emphasizes the alcohol and drug information programs but can be adapted to a law-related information program as well

Brooks, I.A. Native Education in Canada and the United States: A Bibliography. Office of Educational Development, Indian Students University Program Services. The University of Calgary. With the assistance of Marshall, A.M., 1976, Calgary, Alberta.

- lists, books, articles, periodicals on Native Education (no general description of any, only categorized into the eight parts)
- divided into eight parts:
  - Historical Review
  - Issues
  - Curriculum & Instruction
  - Reading & Language
  - Programs, Projects & Resource Centers
  - Libraries
  - Schools

Bureau of Indian Affairs. "Law and Order Handbook: Training". Indian Affairs Manual. Division of Law Enforcement Services. Washington, D.C. August, 1974. 68 B.I.A.M. Supplement 1, Release 1.

- discussion of mandatory training requirements - sensitization to Native people
- discussion of training responsibilities - i.e. determining training needs and compliance with mandatory training.

Conn, S. and A.E. Hippler. "Conciliation and Arbitration in the Native Village and the Urban Ghetto". Judicature. Volume 58, Number 5. December, 1974.

- comparison of two projects - i.e., Alaskan village project and Philadelphia urban conciliation project
- discusses their unique manner of handling community disputes without entering the justice system
- outlines the different approaches of each project - i.e., the informality of the village conciliators and the professionalism of the urban conciliators.

Eades, B. and J.W. The Use of Films for Adult Education in an Indian-Eskimo Community. Social Science Notes - 3. Northern Science Research Group, Department of Indian and Northern Affairs. I.A.N.D. Publication Number QS-1158-000-EE-A-1. Ottawa, September, 1971.

- discusses the use of films as an educational medium and the effect of the Native population
- lists and number of films used in the six distinct categories:
  - 1) Challenge for Change - Newfoundland project
  - 2) Urban Poverty
  - 3) Indian and Eskimo Life
  - 4) Northern Life
  - 5) Communities in other parts of Canada
  - 6) Entertainment
- describes the reaction of the Native viewers to the films - i.e., their changed perception of Southern life and their own way of life.

Federal-Provincial Task Force on Training For Alcohol and Drug Services. Core Knowledge for Alcohol and Drug Services: Outlines of Emerging Packages, March, 1976, Ottawa, Historical Aspects and Current Developments, Package #5, The Law and Social Policy, Package #6.



- training packages to be used in workshops
- sets out the educational models and information in clear and concise terms
- identifies guidelines for disseminating general and specific information on Alcohol and Drug Services

Laushway, L. "Inventory of Federal and Provincial Programs and Services for Native People in Relation to the Criminal Justice System". Paper presented for the National Conference on Native Peoples and the Criminal Justice System. Edmonton, Alberta: February 3-5, 1975. Consultation Center, Ministry of the Solicitor-General.

- inventory of programs covering the areas of prevention, diversion, police, courts, institutions, and aftercare in the Federal-Provincial spheres
- these are, also, covered in the directory: Legal Services for Native People (B.C.), attached hereto .

Kleinfeld, J. "Effective Teachers of Eskimo and Indian Students: Teaching Alaskan Children". School Review. February, 1975 at pp. 301-342.

- discusses the relationship between Indian and Eskimo Students and their teachers
- describes in-depth the different motivations, revised systems and attitudes of the students versus the average shite student
- also, documents the difficulties in adjusting to high school from their villages
- discusses the student-teacher problems of communication

Morrow, W.G. "Riding the Circuit in the Arctic" Judicature. Volume 58, Number 5. December, 1974.

- discusses the transition, from a frontier to a settled community, in terms of practices and customs of the Native people, i.e. the cases involving witchcraft, custom adoptions and marriages
- discussed the conflicts with Anglo-European laws and Native custom

Parnell, T. Barriers to Education. Yukon Association of Non-Status Indians. Whitehorse, Yukon: January, 1976.

- discusses the complex problems of Native people in the field of education - e.g. the learning disadvantages, social and environmental disadvantages
- discusses the "cultural collision" between Whites and Native students

Roy, C. Training of Trainers Package. Prepared for the Federal-Provincial Task Force for Alcohol and Drug Services. Unpublished. National Health and Welfare Non-Medical Use of Drugs Directorate. Ottawa, 1975.

- outlines training objectives; guiding principles; format and length
- discusses the elements of a training program and the basic components of a training program
- discusses the implications, costs, commitment and outcome of the program
- outlines further recommendations

APPENDIX: OUTLINE OF CANADIAN DIRECTORIES

OF PROGRAMS:

- A) A DIRECTORY OF COMMUNITY LEGAL EDUCATION  
PROGRAMS IN CANADA
- B) LEGAL SERVICES FOR NATIVE PEOPLES

A) A Directory of Community Legal Education Programs in Canada, Community Law Program  
Faculty of Law, University of Windsor, Ontario. June 1975.

Description: - compilation of public legal education activities in the provinces  
- projects within the provinces; outlining their programs, materials  
and contacts

Province	Project	Programs	Materials	Contacts
1. Alberta	1. It's your choice (ages 6 - 16)	-Puppet Show -3 video-tapes		Lois Grander, Donald Mills Law Centre U. of Alberta Edmonton, Alta.
	2. Student Legal Services (ages 10-35)	-Mock trial program -speaker program -consulting service for in-service training program -workshops	pamphlets Blue Book for Travellers Common Law Part 2 Buying Things from Stores over-head slides	Tom Sugimoto, Dennis Broh Law Centre U. of Alberta Edmonton, Alta.
2. British Columbia	Kamloops Public Legal Education Program		Handbook on the Law	Legal Services Commission 400 - W. Hastings St., 2nd Fl. Vancouver, B.C.
	Public Schools Legal Education Project	Law II Program Newspaper Column		
	"You and the Law"	Law Programs in Chinese		
	Media - Radio Project  Small Claims Court	Media - Radio package on Family Law		
3. Manitoba	Community Legal Services Project	Nursing Homes  Resident Problems		Paul Thomas Faculty of Law U. of Manitoba Fort Garry, Man.
	Legal-aid Manitoba	Public Legal Education Legal-aid at night telephone advice forums L.A.M. newspapers	Pamphlets	Norman Larson 325 Portage Ave. Winnipeg, Man. R3B 2D9

Province	Province	Program	Materials	Contacts
Ontario	Community & Legal Aid Services Program	Community Lectures (6 weeks)		Carol Livingstone, Paula Knopf Osgoode Hall Law School York University 4700 Keele St. Downsview, Ont.
	Community Law Program	Video-tape series  public forum  forums for special interest groups  seminar program  speakers program  "Crisis" workshop  development of high school and element- ary school curricu- lum	"The Law & How it Works" (½ hr. dramatizations)  "Plain Talks on Can. Law" (½ hr. quest. & ans.)  "You & the Law"  Legal Survival Kit for Students  Guide to Basic Research in Ont. & Can. Law  collection of cases & materials for high school teachers of Law Vol I & II	R.W. Ianni Director  Ellie Airey Program Co-ordinator Faculty of Law U. of Windsor, Windsor, Ont.
	Consumer Complaint Bureau	telephone service  speakers program (High Schools)	Guidelines for Consumer Studies	R.H. McLaren, Advisor Room 120 Faculty of Law U. of Western, London, Ont.
	High School Project of Legal & Liter- ary Society	Mock trials  Resource services -speakers -bibliography of resource persons		Gale Rubenstein Osgoode Hall Law School 4700 Keele St. Downsview, Ont.
	Law Book For High Schools	Publication of book (jurisprudence) (orientation)		P.J. Fitzgerald Carleton Law Department Carleton University Ottawa, Ont.



Program	Project	Program	Materials	Contacts
Ontario	Legal Assistance of Windsor	media	crisis pamphlet	Neil Gold 85 Wyandotte St.W. Windsor, Ont.
		public learnings	Family Lawbook	
	Legal Education & Action Project	Legal education classes (high school sessions)		Windsor, Ont.
		community group lectures		
	Parkdale Community Legal Education Services	Lay advocacy trainings seminars	Booklets	Bob Roth 1267 Queen St.W. Toronto, Ontario
		weekly cable TV show radio high school program community advisor resource for tenant groups legal women's bazaar	Tenant's Rights Family Law Pamphlet Immigration Law newspaper articles (monthly - community) (newspaper)	
	University Legal Clinic	week-long workshop - methods of teaching & problems for high school teachers	workshop materials	Carleton Continuing Education Offices Carleton University Ottawa, Ont.
4. Saskatchewan	Agricultural Business and Program Law Courses	Law seminars		W. Cooper Extension Division U. of Saskatoon Saskatoon, Sask. S7N 0W0

CRITIQUE: the problem with most directories are that the names of contacts generally change as well as the programs. The positive note of directories are that they provide one with a starting point and the experience of projects whether or not they are non-existent to date.

B) LEGAL SERVICES FOR NATIVE PEOPLES: Native Programs Division, Legal Services  
Commission (B.C.) October 1, 1976

PROV.	PROJECT	ADDRESS	PROGRAMS	STRUCTURE	FUNDING
BC	Legal aid Society of BC	2nd Floor 195 Alexan- der Street Vancouver, BC	1) administering fee for service programs - private lawyers paid to act for clients on criminal and family court matters.  2) organizing free counselling sentences offered by the legal profession  3) providing the services of staff lawyers to advise people.	1 central office 6 regional offices	Federal Dept. of Justice, Provincial Attorney- General Law Foundation of BC
BC	Native Court- workers and Counselling Association of BC	#200 - 198 East Hastings Street Vancouver, BC	1) court work - providing general legal and social assistance, pre- sence in court - speaking on sen- tence and bail, interpreting court procedures, liaison with inmates and families and institu- tions.  2) community education and research - slide/tape productions, use and abuse of drugs and alcohol programs.  3) Inmate serving program - legal and social assistance to inmates  4) drugs and alcohol program - education and counselling  5) community service co-ordination - alternatives to incarceration	Board of Directors - 12 members	Federal and Provincial cost-sharing - current budget \$775,000.00 (1975)
BC	Native Legal Taks Force *(now Native Programs Division, Legal Services Commission of BC)	454 West Broadway, Van- couver, BC *(now: - 400 West Hastings, 2nd Floor, Vancouver, BC)	1) 'Phoneline - province wide toll-free telephone line for Native people  2) Access-to-Counsel - provide Native Groups with service of lawyers on a part-time basis  3) Community legal education - news media, pamphlets, posters and workshops.  4) native enrollment in Law Schools - proposed a flexible enrollment scheme for Native People in Faculty of Law, U. of BC		Attorney-Gen. Dept. (BC) through the Justice Development Commission

PROV.	PROJECT	ADDRESS	PROGRAMS	STRUCTURE	FUNDING
BC	Native Legal Task Force		5) Professional Education forum - proposed for judges, lawyers, etc., to be sensitized to Native Culture  6) Native Paralegals - promote education and use of Native paralegals  7) pre-paid legal Insurance - study insurance scheme for the Nativebrotherhood, BC for commercial fishing industry, i.e. legal costs  8) Band Council & BC Non-Status Indian Locals (BCANSI) Education Program - proposal to educate Indian organizations to the availability of government and private resources	1) governed by its liaison staff - representative of Attorney-General Dept. - representative of board of Directors Native Court-workers 2) Project Direction 3) 4 Researchers 4) 3 field workers	
BC	Kwakwalth District Indian Legal Aid Project	Kwakwalth District (Northern end Vancouver Island)	1) caseload - divorces, juvenile offenders, adoption, child custody, torts, etc. 2) lectures on legal education  3) liaison between Native community and legal profession, courts and police.  4) disseminates literature on basic law	Advisory Committee - -2 Provincial Court Judges -1 Band Chief  5 law students (hired for the summer) 5 native people (to be trained)	Opportunities for Youth and First Citizens fund
BC	Native Diversion Program	Victoria Friendship Centre 1292 Gladstone Ave. Victoria, BC	1) alternatives to prison - alternative school program for youth offenders  2) diversion - offender compensates victim, community service orders, other programs  3) prevention - counselling Native people, e.g. alcohol abuse, debts, human rights, etc.	Project Coordinator - community corrections worker (Nat'l Human Parole, etc) -2 DIAND trainees -secretary (Manpower) -social fieldworkers (Youth services, DHR)	Corrections, Manpower, Dept of Education, DIAND, Dept Resources (BC)

PTOM.	PROJECT	ADDRESS	PROGRAMS	STRUCTURE	FUNDING
	Vancouver People's Law School	Suite #610, 207 West Hastings, Vancouver, BC	1) Native Rights Course - land claims, hunting and fishing rights 2) Advice Clinic and Workshop 3) Information on the Law		
ALTA	Legal Aid Society	502 McLeod Bldg. Edmonton, Alta. T5J 0P1	1) fee - for service basis with the private practice 2) assisting Native Courtworkers in seminars and workshops		Federal and Provincial cost-sharing
ALTA	Native Counselling of Alta.	10250 - 102 Street, Edmonton, Alta.	1) courtwork 2) family counsellors 3) liaison officers - (Institu- tions) 4) parole officers 5) training program - 7 weeks and 4 months supervision with senior courtworker 7) week - basic law - faculty of Law, U. of Alta. (Edmonton) 6) alcohol and drug program 7) legal education - informal basis - e.g. workshops on law and Criminal Justice System 8) Education of non-Native Professionals - 3 mos. program about Native Culture and Problems 9) Native liaison worker - Penitentiary Service	central office - Edmonton Regional offices - - Peace River - Lac LaBiche - Hobbema - Calgary - Lethbridge - Cardston 7 members - all Native Board of Directors - Indian Ass'n and Métis Ass'n	Alberta Law Foundation - Family Counsellors Solicitor General - liaison offices Federal and Provincial cost-sharing - Dept. of Justice - Attorney General
SASK	Saskatchewan Community Legal Services Commission - Northern Legal Services	236 - 20th Street W. Saskatoon, Sask. - Box 510 LaRonge, Sask. S0J 1L0	1) caseload - matrimonial, U.I.C., welfare, child custody and con- sumer problems	1 Solicitor, 1 articling student, 1 community legal serv- ices worker - own Board from area	Federal - Prov cost-sharing



PROV.	PROJECT	ADDRESS	PROGRAMS	STRUCTURE	FUNDING
SASK	Native Courtworkers		1) Courtwork - basic 2) training - 6 weeks and 6 mos. on-job supervision 3) interpreter	10 member Board - 2 Federation of Sask. Indians - 2 Ass'n of Indian and Friendship Centres - 2 non-Registered Indian and Métis Ass'n - 2 Native Woman's Organ'n	Dept. of Justice and Attorney-General
SASK	U. of Saskatchewan Native Law Centre	U. of Sask, Saskatoon, Saskatchewan	9) Research & Teaching - publishing of 2 periodicals - stimulate and support Native Studies in the Law 2) Service - education emphasis in primary and secondary schools - lectures on the law	- Standing Committee on Programs for Native People - Advisory Committee - Staff - Director of Programs and Director of Research	
	Indians Special Constables Program		- 32 trainees over 4 year period (expansion) - 8 trainees (presently) - duties - 70% on normal police duties, 30% on preventive police programs		DIAND Solicitor General Attorney General
	Probation		- serving residents in the north of Saskatchewan - probation hostel established	4 P.O.'s	



PROV.	PROJECT	ADDRESS	PROGRAMS	STRUCTURE	FUNDING
	Indian Probation Officer (3 year demonstration project)	Mr. W. Williams, Indian Probation Office Project Dept. of Social Services 2240 Albert St. Regina, Sask.	1) Service - direct probation services to Indian people on certain Reserves in Sask.  - development of Corrections Committees - development of restitution work service project - supervise and implement Fine Options Programs for offenders  2) Staff training - on-the-job meetings every 2nd month, 2 week workshop at Indian Cultural College  3) Community Contact - Indian Chiefs, Social Services Regional Office Corrections staff, RCMP, Magistrates	Project Coordinator and Consultant  - Management Committee	Dept. of Social Services and Federation of Sask. Indians  Solicitor General's Dept.
SASK	Indian Justice of the Peace Program		1) establishment - steps to implementation  2) training - individual bases, sit with local J.P. for 6 months, basic manual on procedure; 3 workshops with Role-playing  3) jurisdiction - uncontested cases or guilty pleas		Provincial Government
MAN	Legal Aid Services Society	#200 - 303 Protag Ave. Winnipeg, Man.	1) <u>NORTHERN CIRCUIT</u> - defense counsel - 2 (x) monthly magistrate, crown counsel, and duty counsel, and court reporter - go to the northern communities (predominately Native)  2) The Pas and Flin Flon - area directors in these regions to provide services for Native people  3) Native Courtworkers Program - budget form legal Aid (large part)  4) prisons - available legal aid for Native offenders  5)* Community Education - full-time course on the law in schools - pamphlets and written material - Dept. of Education set up and financed a program to train 6 paralegals to work in remote areas.	- 9 member Bd of directors - Executive Director - 5 Area Directors - Dauphin - Selkirk - Thompson - Flin Flon - The Pas	joint Fed. and Prov. funding.

PROV.	PROJECT	ADDRESS	PROGRAMS	STRUCTURE	FUNDING
	Native Clan Organization, Inc.	#620 - 504 Main Street, Winnipeg, Man R3B 1B8	1) half-way house for Native inmates 2) Native housing, native staff to operate half-way house 3) Group homes and wilderness camp 4) Native Liaison Worker - Parolee service and investigation on fee-for services basis	2 representatives from Indian Bands, 2 from Métis Association	Consultation Centre - Sol General.  National Parole Service, D.I.A.N.D., Native Court Communications Program Can. Penitentiary Service
MAN	Court Communicator Program	Dept. of Attorney General Court Communicator's Office #620 - 504 Main Street, Winnipeg, Man R3B 1B8	Duties: 1) attending court as resource to Court and Native Offender 2) information about the law - assistance in obtaining legal aid - assistance to Native offender re: charge, proceedings, etc. 3) appearance for others - where there is a legitimate excuse 4) Interpreting - to the accused and court 5) speaking to sentence - information about the accused and his circumstances at request of court or accused 6) explaining orders, document and procedures 7) workshops - with Native community and judicial personnel 8) training - orientation program in Winnipeg (1 wk.) and work with a senior Court Communicator	- functions under Att. General's Dept. - Chief Court Communicator is responsible to Chief Judge of Prov. - administered by an Advisory Committee comprised of Native people - 13 Court Communicators	Federal - Provincial Scheme

PROV.	PROJECT	ADDRESS	PROGRAMS	STRUCTURE	FUNDING
ONT.	Ontario Legal Aid Plan	Ste #1000 175 King St. West Toronto, Ont. M5H 3L7	1) fee-for-service basis - client chooses his own lawyer from a panel of solicitors  2) Northern Circuit - fly-in court circuit - with duty counsel  3) Legal Aid Project, Islington Band - Whitedog Reserve - attempt to curb drinking in the Native Population  4) Kenora Jail Program - education and rehabilitative programs for Native women	- administered by Law Society of Upper Canada, Legal Aid Committee - appoints Director and 46 Area Directors	-Legal Aid -Federal- Prov. Govts.
ONT.	Native Court Counselling Services in Ontario	Ontario Federation of Indian Friendship Centres 234 Eglinton Ave. E. Ste #203 Toronto, Ont. M4P 1K5	1) Native liaison agents between Indians in trouble and those involved in the judicial process  2) advising Native people of their legal right, the nature and use of legal resources, interprets documents and orders, proceedings to Native people  3) legal education workshops  4) visits to Native inmates in prisons and resocializing  - no systematic, comprehensive training for courtworkers  - in-service training - 1 wk. in duration twice/year	- local Friendship Centre or by the Reserve Band Council  - co-ordinated by Ont. Federation of Indian Friendship Centres  -23 Courtworkers -1 Courtwork Liaison Officer	Dept. of Attorney General
ONT.	Inuit Tapirisat of Canada	2nd Floor 222 Somerset St. W. Ottawa, Ont K2P 2G3	1) Inuit and the Law - publication - handbook to explain the judicial structure and law to the Inuit  - sections reproduced in "Inuit Today" a monthly publication of the I.T.C.  - summaries rewritten into 24 - minute radio scripts for use by Northern Services of C.B.C.	12 member Board of Directors	D.I.A.N.D. Opportunities for Youth  Northern Services of C.B.C.

PROV.	PROJECT	ADDRESS	PROGRAMS	STRUCTURE	FUNDING
QUE	Legal Aid Services Commission	Commission des Services Juridiques 1170 Square Beaver Hall Bureau 300 Montreal 111, Quebec	- no specific program for Native people  - encourages dissemination of information and legal education for the poor	- 12 members: -10 voting members appointed by Lt.-Gen. in-Council  11 Regional Corporations: -12 member Board of Directions 1/3 lawyers, 1/3 people of the Region	
QUE	Provincial Police	Québec Provincial Police	1) 14 police officers on 4 Reserves and 2 special constables  2) trained 15 Native constables for St. Regis and Caughnawaga Reserves		
	Criminal Court		- sittings periodically being held on several Reserves  - departmental representatives with all Indians appearing in courts		
	Probation		- native people being recruited by the Probation Directorate of the Québec Ministry - preparation of pre-sentence reports, - supervising probationers - interpreters to Courts - resource people for organizing using the correctional system		
NOVA SCOTIA	Legal Aid	Provincial Office 2111 Gottigen Street Halifax, NS	- providing legal services in criminal matters	program of the Nova Scotia Barrister's Society	Federal/Prov Legal Aid Department



PROV.	PROJECT	ADDRESS	PROGRAMS	STRUCTURE	FUNDING
NS SCOTIA	Legal Development Project	Micmac, P.O. Hanta County Nova Scotia	- utilizing law students to provide legal services to Native people on Reserves	Union of NS Indians, Legal Counsel and Resident Legal para-professional advisory group  - 2 third-year students for 13 weeks	
NB	Legal Aid	P.O. Box 1177 Fredericton, NB	- free choice of a lawyer from a list of all participating lawyers  - services in criminal matters	- administered by NB Barrister's Society  - Provincial Director  - 8 areas and Area Directors	Fed. Prov. Cost Sharing
	Informative Program about the Law	Ste 4 - 390 King Street Fredericton, NB	- NB (5 geographic zones) and PEI (1 geographic zone)  - 3 meetings/year attended by 20 people to relay the information back to their local communities  - program staff work directly with Association locals	NB and PEI Association of Métis and Non-Status Indians  - 1 program Coordinator (7 months training)  - 6 liaison workers (4 months training in Alta.)	Federal Department of Justice  3 months Ottawa 4 months Alberta
PEI	Provincial Public Defender	Law Courts Bldg. P.O. Box 205 Charlottetown, PEI	- Legal aid on criminal matters through 2 Public Defender System		Federal - Provincial cost-sharing
NFLD	Newfoundland Legal Aid Plan	Legal Aid Committee of the Law Society of Newfoundland 287 Duckworth St. St. John's. Nfld.	- legal services  - no special plan for Native people	Legal Aid Committee of the Law Society  provincial administrator	Provincial Government



PROV.	PROJECT	ADDRESS	PROGRAMS	STRUCTURE	FUNDING
YUKON TERR.	Territorial Legal Aid Plan	Commissioner of Yukon Territory Box 2703 Whitehorse, Yukon	1) Criminal Legal aid 2) courtworker program 3) community education program - irregular public forums in conjunction with circuit Magistrate's Court visit		
	Native Courtworker Program	Skookum Jim Memorial Hall Friendship Centre 3159 3rd Ave Whitehorse, Yukon	- functions in a manner similar to courtworkers in Alberta and British Columbia - staff training - 1 year (Yukon Magistrate and Legal Affairs Dept. under the sponsorship of D.I.A.N.D., Vocational Education Centre - Ottawa)	1 Courtworker - 1 to be added for the next 3 years - employee of the Friendship Hall or Centre	Federal and Territorial Scheme D.I.A.N.D.
NWT	Territorial Legal Aid Plan	Commissioner of the NWT Yellowknife, NWT	- Volunteer Legal Aid representatives take applications and administer policy on a local level		Federal Territorial agreement
	Maliiganik Tukisiinakvik Society	Box 1495 Frobisher Bay, NWT	- Community Legal Service Centre 1) service function - caseloads 2) non-service: - education - law and legal institutions; training of native paralegals - community action - to develop organizational skills - law reform - develop a viable body of northern law familiar to the Native population	Board of Directors - 9 member (6 Inuit) - Director (lawyer) - 2 community workers - 2 southern students	Justice Dept. Justice Dept. - NWT Gov't
	Baffin Correctional Centre - Ikajurtavik	Box 368 Frobisher Bay, NWT	- provide the Inuit offender to readjust to the community - function parallel to that of a half-way house - 4 phase program 1) initiation of newly convicted offender 2) induction and orientation 3) treatment - community life skills 4) post-release	13 staff members -12 Inuit	

Critique: the problem with this "directory" is that some of the programs are no longer existing (e.g. British Columbia - due to the cancellation of funding by B.C. Indian leaders, those projects are no longer existing).

Appendix III

Progress Report #3  
Review of the Literature and Bibliography

March 28, 1977

RESEARCH ON THE TERMS OF REFERENCE  
TOWARD THE DEVELOPMENT OF A  
LEGAL INFORMATION AND EDUCATION  
PROGRAM FOR THE N.W.T.

Progress Report

Review of the Literature and Bibliography

March 28, 1977

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Division  
D.I.A.N.D.

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I

Introduction

As with the Progress Report, dated 4th March 1977, I will be concentrating on an information-package format. It is important that the Steering Committee have as much information as possible to study, plan and implement a legal information and education program for the N.W.T.

In this Progress Report, I will be centering on five major areas. These will compliment and enlarge upon the discussions and materials set out in my previous two reports. The topics are as follows:

A. Alaskan Materials - I have included an article from Alaskan sources to point out:

- 1) some of the similarities, in terms of "bush justice", with the delivery of justice services in the Northern villages.
- 2) their adjustments to make the delivery of justice more effective and responsive to remote villages.
- 3) their recognition of cultural and linguistic difficulties with the Anglo-American justice system - the rules, procedures and resolution in an adversary setting.

B. Considerations in Cross-Cultural Education Programs - It is essential, to the "success" of any education program, that attention be given to the relative backgrounds of participants. For example, there is a strong probability that native and white participants are not at the same developmental level unless the native participants have experienced the identical cultural, linguistic and education of his/her white counterpart. Hence, programs require flexibility to meet the participants specific needs, interests and values. Participants must be comfortable and at ease in their learning environment in order to maximize the acquisition of legal knowledge and skills.

I have, therefore, included several articles which speak to these very considerations.

C. Curriculum Development - The United Indians of All Tribes Foundation presented a comprehensive outline of curriculum development, in particular:

- 1) outlining workshop objectives
- 2) discussing what a curriculum is
- 3) learning the process of curriculum development
- 4) determining the emphasis of curriculum design
- 5) illustrating a community input process
- 6) drawing up a management plan for curriculum development.

These should be quite useful for the Steering Committee. It is an excellent description of the elements/components of curriculum development.

D. Curriculum Materials - Again, I am putting forth different types and approaches to curriculum materials. The three samples illustrate:

- 1) a traditional text-book design, case-law only.
- 2) a tribal-custom/Anglo-American legal information book, easily readable by its Navajo clientele.
- 3) a basic information and rights book, particular to rural Alaska.

E. Training Teachers - This section deals with the following:

- 1) observations on teaching law in elementary schools - specifically, the rationale for teaching primary and elementary school kids, as a target group.
- 2) teacher education: an in-service model - Law in a Free Society Project.
- 3) team teaching: the co-ordinator model - used in the classroom as a resource to the teacher.
- 4) model for an 8-step teacher education program - a detailed model complete with a chart explanation.

Before I move into the Report, I think I should speak to some important questions raised by the field and specifically to one question. The question of relevancy, with regard to these Progress Reports, has been expressed by some people the research team has contacted for input and feedback. I would like to answer this and, indeed, re-direct this concern to the Steering Committee. I would seem to me that the purpose of these Reports is to bring to the Steering Committee ideas/concepts being discussed in other jurisdictions on law-related education programs. Also, it brings to the Steering Committee the practical problems encountered by those groups and their obvious resource to the development of a legal information and education program in the N.W.T. Similarly, it provides the Steering Committee with some choice of resources in terms of personnel, materials and curriculum.

The question of what the Steering Committee will come up with is a very valid one and one which the Steering Committee should deal with soon. As to the "particularness" or "uniqueness" of the North, the Steering Committee should be aware of problems in the North and consider which are a priority and which can be useful in a curriculum. With the information provided to date, the Steering Committee should be able to formulate some proposal, in draft, as to the objectives of this possible legal information and education program. This Report may enable the Steering Committee to sit down and assess the information and determine which sources need further examination.

In the planning process of any program, one must be able to research available material and projects relating to law and education. It seems to me that this is on-going with these Reports and more than relevant for the purposes of both the Steering Committee and the Research Team.

II

Literature and Programs

A. Alaskan Materials

To continue with a discussion of Alaska, for a Northern account of what occurs in terms of the delivery and administration of justice, I think the report, Village Life on Trial: Corrections and the Bush<sup>1</sup> by the BASICS Task Force, set up by the Alaskan Bar Association, provides a good foundation. What the Report comments upon is the problems encountered by the rural village councils, the professional members of the justice system and the complexities of delivering a new justice system based on Anglo-American law to a culturally and linguistically different population. Some of these relate to:

- 1) the influx of white "evils" to the native and eskimo communities  
E.g. liquor which accompanies white jobs in the North - the pipeline, etc.
- 2) the education of native and eskimo children outside their communities, in more urban white-dominated centers.  
E.g. Kids, returning from secondary schools in urban areas, come back to the village with a new set of incompatibilities. The village life style can not adjust to the experiences of the kids and the kids are bored with the village<sup>2</sup>.

These factors have forced the communities to reassess their justice components. According to the Task Force, the correctional unit appears to demonstrate the decaying process of the old village council's authority and the intermittent correctional directives. In particular, the drinking problem is so universal in many villages that the village tolerates, as a whole, the "anti-social drunks".<sup>3</sup> Some villages have responded to this drinking behaviour by "blue-ticketing" or expelling offenders from the village to "serve time" in another area.<sup>4</sup> Only a few village councils appear to be willing to strike out in this manner. In the main, the councils appear to be very subjective in determining the "blue-ticket" policy with offenders. Consequently, some justice professionals have a growing distrust<sup>5</sup> of village politics and the village council's dealings with offenders. For the Task Force, their attention was directed, therefore, to the study of small villages and their various approaches to dispute settlement.<sup>6</sup> Two of these villages were Napakiak and Emmonak. It would seem these two villages were chosen for their diverse ways of resolving disputes within the community.

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1. Alaskan Bar Association. Village Life on Trial: Corrections and the Bush. A Report by the BASICS Task Force.
  2. Ibid., at pp 4-5.
  3. Ibid., at p. 9.
  4. Ibid., at p. 14.
  5. Ibid., at p. 16.
  6. Ibid., at p. 24.

1) Napakiak:

Napakiak, a Yupik Eskimo village about 15 miles west of Bethel, was characterized as a "jailing and fining council".<sup>7</sup> This sentencing technique was used for drinking and drinking-related offences. Non-residents as well as residents experienced the authority of the council. The council maintained this jailing and fining method to preserve social control. The council, though, while doing the jailing and fining, operated to some degree without jurisdiction. The council could not make, enforce and sanction villagers or non-villagers except when informally granted by prosecutors and police.

2) Emmonak:

Emmonak, in contrast, utilized a conciliation board method.<sup>10</sup> The council appeared to be more concerned with "heading-off" violence and a means to return to their earlier history of dispute settlement.<sup>11</sup> The intended model was to reinforce the magistrate and local police.<sup>12</sup> Instead, what actually occurred was that the police, magistrate, council or an individual initiated proceedings of the Board prior to arrest.<sup>13</sup>

The researchers, S. Conn and A.E. Hippler, found the following occurrences with the Board:

- 1) the board acted far ahead of the problems which might lead to arrests
- 2) the board's activities were very personalized
- 3) the board rarely sought solutions but realized they were dealing with an ongoing dynamic process - they knew they would see the same parties and problems again
- 4) the board's concern was for people's feelings - the non-intrusive aspect of Eskimo cultural personality - overridden only by serious concerns with potential violence
- 5) the board is motivated by the "gossip" and the drama of the proceedings
- 6) the board saw themselves as a moral force for social control.<sup>14</sup>

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7. Ibid., Attachment #1 at p. 1.

8. Ibid., Attachment #1 at pp. 2-3 "council response past and present".

9. Ibid., Attachment #1 at p. 6 "policy implications of police councils".

10. Ibid., Attachment #5 at p. 1 "diversion and councils: an overview".

11. Ibid., Attachment #5 at pp. 7-8 "case evaluation".

12. Ibid., Attachment #5 at p. 5 "the model and the reality".

13. Ibid., Attachment #5 at p. 6 "the cases heard by the board".

14. Ibid., Attachment #5 at pp. 17-18 "some further comments on cases viewed from a cultural perspective".



What is the relevance of this information? It is important, I feel, to understand the evaluation of justice systems and the concerns expressed by the Alaskan jurisdiction. The questioning of services encouraged the development of additional programs and activities. Some programs, which resulted from the malfunctioning of the delivery of justice in Rural Alaska, have responded to the inadequacies with legal education and information programs and related curriculum materials. Studies such as this, help identify problems which may be useful in the N.W.T. legal education and information program.

Notwithstanding this, this article provides the Steering Committee with a Northern and cultural perspective. The Steering Committee should perhaps entertain the idea of developing a "conciliation board model" as an instruction technique in the program. Dispute settlement as a legal concept seems to be overshadowed to a large degree by the courts and may be an effective means of looking at the law as a responsive instrument for meeting specific community disputes.

B. Considerations in Cross-Cultural Education Programs

1) Barriers to Education<sup>15</sup>

This Report indicates, with statistical support, that non-Status Indians have several barriers to hurdle in the educational field. Parnell identifies these barriers as being:

- 1) socio-economic factors - attitudes towards low-income students and their experience in the school system; inadequate<sup>16</sup> health, nutrition and housing; simple lack of family income.
- 2) cultural factors - a lack of acceptance and inclusion of the Native culture and language within the school system; a curriculum content which is, often, inappropriate for remote areas and Native students; a lack of training, understanding and sensitivity on the part of many teachers of Native children; lack of Native teachers, teacher-assistants and counsellors; insufficient amount of participation in educational decision-making by local communities and Native people; and a lack of information within the school system about educational problems facing Native students.<sup>17</sup>

Parnell spends some time discussing the concept of "cultural collision" as defined by the Native people:

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15. Parnell, T. Barriers to Education. Yukon Association of Non-Status Indians. Whitehorse, Yukon. 1976.

16. Ibid., at p. 4.

17. Ibid., at p. 4.



they speak of the confusion of experiences when the child enters school because of cultural and language differences; the child's alienation from his(her) Native culture, the culture of the White society and from the school itself...<sup>18</sup>

Parnell also mentions the lack of/neglect of Native culture as one of the main factors which lead to poor performance in school of Native children.<sup>19</sup> In particular, the fact that curriculum materials predominantly used in school are based on experiences of white, urban, middle-class life.<sup>20</sup>

Parnell asserts that some policy approaches of education departments, that is, that no one racial group ought to receive special educational consideration, are unreasonable. The policy, he argues, is ideally a positive plan but, in reality, educational systems serve the needs of the dominant group and fail the needs of the indigenous minority people (in this instance, the Native Indian).<sup>21</sup> Although these departments recognize the need for the educationally handicapped and provide alternative programs or compensatory education for the disadvantaged, they do not seem to recognize the need for special attention to be given the minority Native students.<sup>22</sup>

My reason for including this article is to keep some concerns before the Steering Committee, such as the recognition that educational strategies and techniques will have to be adapted to meet the needs of the target groups. In the design of the basic legal information and education program, the Steering Committee should be considering a number of potential target groups. For example, the Steering Committee may want to test the program with several different target groups:

- 1) high school students
- 2) native elementary students
- 3) adult education - native peoples  
- Anglo-European people.

(These are only potential samples of target groups, not suggested target groups).

The importance of adapting the program to the special interests of the target group will ensure a learning experience and hence, will illustrate the success of the core program. I do not think that the goals of acquiring legal knowledge, understanding and responsibility, can be attained unless the Steering Committee acknowledges the unique nature of the target groups involved with the program.

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18. Ibid., at p. 24.

19. Ibid., at p. 34.

20. Ibid., at p. 34.

21. Ibid., at pp. 60-61.

22. Ibid., at p. 61.

2) Programs for Native People by Native People: A Native Perspective<sup>23</sup>

According to Kirkness, the native perspective in education is that which respects and enhances native identity and prepares the native students for total living.<sup>24</sup> To her: education should be controlled by the community it serves, encouraging and insisting upon community involvement in the education process, stressing cultural relevance and encompassing traditional patterns of learning, that is, independence, self-reliance, observation, discovery, practicality and respect for nature.<sup>25</sup>

For Kirkness, the curriculum should contain these various factors:

- 1) language- using Indian dialect as a medium of learning
- 2) social studies- recognizing the child's experience and knowledge with which he/she enters school
- 3) communication skills- making the learning of skills relevant and meaningful
- 4) native studies- Indian history, language, music, literature, arts and crafts
- 5) materials- reflecting positively Indian past and present.<sup>26</sup>
- 6) adult studies- learning as a lifetime process.

One other important point Kirkness underlined was:

Education is progressive and not regressive, therefore, failure should be virtually unknown.<sup>27</sup>

(The underlining of words - crucial words - is my own).

It is very necessary that the Steering Committee listen to a range of opinions, with regard to content, curriculum and teaching possibilities, if the legal information and education program is going to meet the demands of the target population. Whether or not the Steering Committee utilizes the needs expressed by various sources, I feel it is my responsibility to give the Steering Committee access to this kind of information. To be sure, each person has much to contribute in the planning stages of any education program. For the Steering Committee to make decisions on the development and design of the program, they must have enough resources to make the appropriate judgements for the "success" of the program.

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23. Kirkness, V.J. "Programs for Native People By Native People: A Native Perspective". Education Canada. Winter, 1976. pp. 32-35.

24. Ibid., at p. 32.

25. Ibid., at p. 32.

26. Ibid., at pp. 33-34.

27. Ibid., at p. 32.

3) Resource Officer Program - Special Report of the Hamilton-Wentworth Regional Police <sup>28</sup>

This program was initiated by a secondary school teacher who observed that students showed "open hostility towards the police".<sup>29</sup> The main objective of the program was to create an awareness in students that would help to break down the myths and distortions surrounding the enforcement, so that the student would be more sensitive to the role of policing in society.<sup>30</sup> What is of interest is that the secondary school teacher, Charles Connor, observed a low level of moral reasoning (using Lawrence Kohlberg's scale - that is - the students were in Stage 1 or Stage 2).<sup>31</sup> To follow this use of attitude definitions, one month prior to the classroom series with the resource officer, Connor gave an attitude pre-test.<sup>32</sup> To get an accurate reading, a control group in another school was tested as well.<sup>33</sup> The test was concerned with ten questions:

- 1) what would happen if there were no rules?
- 2) what is a rule?
- 3) what is a law?
- 4) why should people follow rules?
- 5) can rules be changed?
- 6) why do you follow rules?
- 7) are there times when it might be right to break a rule?
- 8) state the purpose of the police force.
- 9) list the food things you have observed or heard about the police force.
- 10) list the bad things you have seen or heard about the police.<sup>34</sup>

The test was solely for the purpose of establishing or demonstrating what the student's attitude or moral judgement was.<sup>35</sup> After five weeks of the project, a post-test of 25 statements was administered to the control group (from the other school) and the test group.<sup>36</sup> The control group showed consistently negative attitudes to the police and the test group showed 80% of the students changed from a mildly positive to a consistently positive attitude.<sup>37</sup>

28. Canadian Association of Chiefs of Police. Crime Prevention Programs. Crime Prevention Committee. Ottawa, Ontario. 1975, at pp. 21-37.

29. \_\_\_\_\_ . "A Special Report of the Hamilton-Wentworth Regional Police: An Examination of the On-going 'Resource Officer' Program". Crime Prevention Programs. Crime Prevention Committee. Canadian Association of Chiefs of Police. Ottawa, Ontario. 1975, at p. 21.

30. Ibid., at p. 27

35. Ibid., at p. 25

31. Ibid., at p. 22

36. Ibid., at p. 26. For the 25 statements, see pp. 32-34

32. Ibid., at p. 25

37. Ibid., at p. 26

33. Ibid., at p. 25

34. Ibid., at p. 25

The scale of moral development on which the test was based was devised by Lawrence Kohlberg of Harvard University. Kohlberg proposed a development model consisting of 3 levels:

- 1) pre-conventional
- 2) conventional
- 3) post-conventional.<sup>38</sup>

Each level was subdivided into two (2) distinct stages, with each individual moving from one stage to another without missing any one.<sup>39</sup> Kohlberg felt that the stages marked the individual's ability to see and offer justifications for certain decisions in value conflict situations.<sup>40</sup> Kohlberg's moral development model stressed:

- 1) reasoning
- 2) kinds of motives one uses to justify a moral choice.<sup>41</sup>

I have outlined, in some<sup>42</sup> detail, and in chart form, the Kohlberg scale on the following pages.

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38. Ibid., at p. 34.

39. Ibid., at p. 34.

40. Ibid., at p. 34.

41. Ibid., at p. 34.

42. Ibid., at p. 35.

	LEVEL		STAGE
			<p>0 <u>AMORAL STAGE</u></p> <ul style="list-style-type: none"> <li>- before understanding the idea of RULES AND AUTHORITY</li> <li>- "GOOD" is what is pleasant, exciting, non-painful and non-fearful</li> <li>- the person does what he can do and wants to do</li> </ul> <p>1. <u>OBEDIENCE AND PUNISHMENT ORIENTED</u></p> <ul style="list-style-type: none"> <li>- yielding to superior power <u>or</u> authority</li> <li>- a trouble-avoiding mind-set</li> </ul> <p>2. <u>NAIVELY EGOIST ORIENTATION</u></p> <ul style="list-style-type: none"> <li>- right action: satisfying one's desires and needs</li> <li>- one talks of "rights" and motives</li> <li>- one believes that one good turn deserves another</li> <li>- a market-place or exchange morality</li> </ul> <p>3. <u>INTERPERSONAL CONCORDANCE ORIENTATION</u></p> <ul style="list-style-type: none"> <li>- correct behaviour - fits what others think is proper</li> <li>- empathy is a factor</li> <li>- what a "good person" should do ie. intentions of person and group standards</li> </ul> <p>4. <u>LAW AND ORDER ORIENTATION</u></p> <ul style="list-style-type: none"> <li>- good is what is best for society</li> <li>- the majority and social order is the factor</li> <li>- duty, respect for authority and societal values</li> <li>- one must respect rigid, institutional rules and principles</li> </ul> <p>(cont'd)</p>
1.	<p><u>PRE-CONVENTIONAL</u></p> <ul style="list-style-type: none"> <li>- the person responds to simple labels ie. good <u>or</u> bad; right <u>or</u> wrong</li> <li>- learned behaviour by rewards and punishment from others and by pleasure of an act</li> </ul>		
2.	<p><u>CONVENTIONAL</u></p> <ul style="list-style-type: none"> <li>- beyond mere authority approval and fulfilling one's own desires</li> <li>- moral value is in performing good <u>or</u> right roles</li> <li>- maintaining the conventional order and the expectations of others</li> </ul>		



	LEVEL		STAGE <sup>43</sup>
3.	<u>POST-CONVENTIONAL</u> - moral value resides in the individual - the individual defines principles and commitments - conforms to shared <u>or</u> shareable standards, rights and duties	5.	<u>SOCIAL CONTRACT, LEGALISTIC ORIENTATION</u> - right action - general individual rights and principles which society approves ie. basic notions of the "social contract" - general avoidance of violation of rights of others - personal commitment to the values in the "social" contract - laws change for the benefit of society
		6.	<u>CONSCIENCE OR UNIVERSAL PRINCIPLE ORIENTATION</u> - right action = individual conscience - self-chosen ethical principles and commitments - principles are abstract rather than concrete - appeal to logical universality, to mutual respect and trust, to fundamental assumptions about sanctions and motives; values and rules; principles and commitments.

43. Ibid., pp. 35-37.

The usefulness of this moral development scale in the legal information and education program for the N.W.T. is:

- 1) once the target group(s) is (are) chosen, a "pre-test" may identify attitudes of the participants about the law and the administration of justice.
- 2) during the course of the program, another attitude "test" could be given to observe any attitudinal change and if so whether negative or positive.
- 3) at the "end" of the program, a final "test" could be given to see whether or not the program had altered attitudes of the participants and how it occurred.

If one of the goals of the program is to develop a better understanding of the law and the administration of justice, the Steering Committee may be interested in the progression of the "learning" process and the outcome of what has been "learned."

Another possibility, which obviously would be to the advantage of the program, would be that the Steering Committee submit itself to the "test" to ascertain whether or not they have set attitudes in the planning stages of the program. This would be helpful in that it would identify any pre-conceived notions of the effectiveness of the program, the content and curriculum etc. In addressing themselves to the matter of their attitudes toward the program, perhaps the Steering Committee would be able to prioritize what the goals and objectives of the program should be and what direction the program should take.

The value of knowing attitudes prior to the initiation of the program and, indeed, those of the Steering Committee, is fairly essential to the "success" of the program. It is, also, an invaluable evaluative technique. It is an indicator, in terms of the Steering Committee and the participants, of the commitment to the program.

4) Bilingual-Bicultural Education<sup>44</sup>

In the discussion of bilingual-bicultural education, the Department of Health Education and Welfare, Office of the Secretary (Washington, D.C.) outlines in a memorandum to School Districts, a commitment to provide equal educational opportunity to national-origin-minority group children deficient in English language skills.<sup>45</sup> The HEW memorandum acknowledges the massive educational deprivation being suffered by non-English speaking children and, with it,

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44. Center for Law and Education. Bilingual-Bicultural Education: A Handbook for Attorneys and Community Workers. Cambridge, Massachusetts. December, 1975.

45. Ibid., at p. 224 "Interpretative Memorandum of HEW, May 25th 1970".

recognition that the problem lies not with the language and the culture of the children but rather in the response of schools to such children.<sup>46</sup>

The authors of Bilingual-Bicultural Education: A Handbook for Attorneys and Community Workers, define the term bilingual-bicultural education as:

a process of total self-development by which a person learns and reinforces his or her own language and culture while at the same time acquiring the ability to function in another language and act on occasion according to patterns of the second culture.<sup>47</sup>

This brings the writer to the theory of incompatibilities, described as the Cardenas-Cardenas Theory of Incompatibilities,<sup>48</sup> and its commentary on the education system, with regard to minority students - their success and failure rate in schools.

The authors state that the:

Cardenas-Cardenas Theory of Incompatibilities (Blandina Cardenas and Jose A. Cardenas, NEA Journal, Today's Education, February, 1972) is a tested belief that the failure of such children can be attributed to a lack of compatibility between the characteristics of minority children and characteristics of typical instructional programs.<sup>49</sup>

These incompatibilities were identified as being related to:

- 1) poverty - i.e. the growth of a child in a poverty situation leads to a non-typical development pattern which differs from developmental patterns of middle-class children.<sup>50</sup> Also, the educational handicap of poverty children comes about when they count the unique early developmental level which is normally found in middle-class children.<sup>51</sup>

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46. Ibid., at p. 1 "Introduction"

47. Ibid., at p. 1

48. Ibid., at p. 10. "An Education Plan for the Denver Public Schools", prepared by Dr. Jose A. Cardenas, National Educational Task Force de la Raza, San Antonio, Texas, January 21, 1974 (excerpts)

49. Ibid., at p. 10

50. Ibid., at pp. 10-11

51. Ibid., at p. 11

- 2) culture - the incompatibilities between minority children and school systems are summarized in three generalizations:

- (1) most school personnel know nothing about the cultural characteristics of the minority school population;
- (2) the few school personnel who are aware of these cultural characteristics seldom do anything about it
- (3) on those rare occasions when the school does attempt to do something concerning the culture of minority groups, it always does the wrong thing.<sup>52</sup>

It is important to note, say the authors, that the:

absence of minority traditions, values and orientations in instructional materials makes them irrelevant and meaningless, and of inferior educational value for utilization by minority children.<sup>53</sup>

The authors, therefore, came to the conclusion that:

the amount children learn in a classroom is dependent on their race of ethnicity, the related cultural characteristics, their culturally related preferred learning styles and the style used by the school.<sup>54</sup>

- 3) language - i.e. a child can not be taught successfully in a language system he/she does not understand.<sup>55</sup> For example, the child is "forced" to master a new language, new language skills and a variety of content materials.<sup>56</sup> This "cold turkey" approach or "sudden immersion" causes a trauma which accompanied with the identification of the native language as identification of the native language as undesirable are very negative influences in a learning environment.
- 4) mobility - instructional programs generally have a "built-in continuity and sequence" which is a disadvantage to mobile families.<sup>58</sup>
- 5) social perceptions - minority children learn through the school environment that to be in a minority group is to be different from the dominant group and with that comes the continuous negative valuing of the child, his/her home, his/her language and culture. The child develops, as a result, a negative self-image.<sup>59</sup>

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52. Ibid., at p. 12

53. Ibid., at p. 12

54. Ibid., at p. 12

55. Ibid., at p. 12

56. Ibid., at p. 13

57. Ibid., at p. 13

58. Ibid., at p. 13

59. Ibid., at p. 14

The theory of incompatibilities, the authors contend, and the actual incompatibilities are very much interrelated and interdependent.<sup>60</sup> So much so that the authors concluded that:

- 1) the development of education programs which respond to one of the incompatibilities and ignores the others is doomed to failure.<sup>61</sup>
- 2) the development of an education plan which responds to the needs of minority children must be a comprehensive plan which takes into account all the areas of incompatibility rather than a piecemeal effort.<sup>62</sup>

To sum, it is necessary, in the type of legal information and education program which may be implemented in the N.W.T., to recognize the special needs of potential target groups. Since this program may involve participants from a number of different cultural experiences (e.g. Anglo-Europeans, Inuit, Indians, and Métis), I urge the Steering Committee to closely examine the target groups, whether they be integrated/"mixed" or separate, and design a core program which will accommodate these various needs, interests and values. It would appear senseless to set up a program which does not enable native groups or Anglo-European groups to benefit, to learn on their own developmental levels. This is most crucial if the program is going to make in-roads on the general attitude and understanding of the people of the N.W.T. in terms of the law and the administration of justice.

e) Curriculum Development<sup>63</sup>

The United Indians of All Tribes Foundation has developed a workshop on curriculum development. The workshop agenda is set up in the following manner:

- 1) Outlining the objectives of the workshop:
  - (1) to provide a better understanding of what curriculum development means and how it can be better accomplished in your own curriculum development program,
  - (2) to provide some basic tools and definitions used in curriculum development that will help you to better communicate the needs and purpose of your community in your own curriculum development projects, to those that can be helpful.

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60. Ibid., at p. 15

61. Ibid., at p. 15

62. Ibid., at p. 16

63. United Indians of All Tribes Foundation. Curriculum Development. Title 4: Regional Conferences. 1975. Paper presented by Phil Lane. (3604 W. Government Way Extension, Seattle, Washington, 98199).



- (3) to provide a process so that you can begin putting together your own curriculum product that will be developed for and with your community.<sup>64</sup>

2) Discussing what a curriculum is:

- (1) the definition of curriculum is: all planned experiences provided by the school to assist people in attaining, to the best of their abilities, the designated learning outcome.<sup>66</sup>
- (2) identifying the values in the community (held by the community), in turn establishing the philosophy and objectives of the community, and determining how and what teachers teach.<sup>66</sup>
- (3) deciding upon the objectives of the curriculum - in particular from:
  - a) the needs and purposes of the learner
  - b) the needs and demands of the society and the culture
  - c) a body of organized human knowledge<sup>67</sup>

3) Learning the process of curriculum development:

- (1) once the above factors are resolved, the educational goals ought to be drawn up
- (2) once the goals are formulated, the learning process is begun to guide the development of the curriculum
- (3) the theories of learning are enunciated and become additional guidelines for the curriculum development,  
i.e. (a) cognitive - remembering, reproducing and creating new ideas and materials  
(b) affective - feeling, emotional values and attitudes  
(c) behavioural - psycho-motor skills,  
all of which ought to be included in the learning process.<sup>68</sup>

4) Determining the emphasis of the curriculum design:

- (1) is it emphasizing subject matter - if so, is it going to be:

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<sup>64</sup> Ibid., at p. 2

<sup>65</sup> Ibid., at p. 5 A

<sup>66</sup> Ibid., at p. 5 B

<sup>67</sup> Ibid., at p. 5 C

<sup>68</sup> Ibid., at p. 5 D-G

- (a) correlated curriculum - the student learning experiences are organized around each of the separate school subjects, e.g. learning by memory subjects like reading and math, etc.
  - (b) fused curriculum - curriculum content is selected from a number of different but related subject fields and then combined in one (1) broad area.
  - (c) core curriculum - using one (1) subject or a group of subjects to become the core around which other school subjects are organized, e.g. medicine - neurology, radiology, etc.<sup>69</sup>
- (2) is it emphasizing the target group - if so, is it going to be:
- (a) an activity curriculum - where the participant determines the subject and participants and teacher plan the curriculum.
  - (b) participant centered - information or skills are directed toward meeting the needs, interests and purposes of the participants taking the subject.
  - (c) experience oriented - participants learn through experience; curriculum is not preplanned i.e. a free school situation.<sup>70</sup>
- (3) is it emphasizing society - if so, is it going to be:
- (a) social function oriented - organized around the major function of social life without losing sight of needs and interests of participants, e.g. patriotism - flag saluting.
  - (b) community centered - utilizes the life of the community as the center around which educational programs are organized, i.e. learning activities are planned to assist students in understanding and adjusting to the activities, culture, interest, resources and needs of the community.<sup>71</sup>

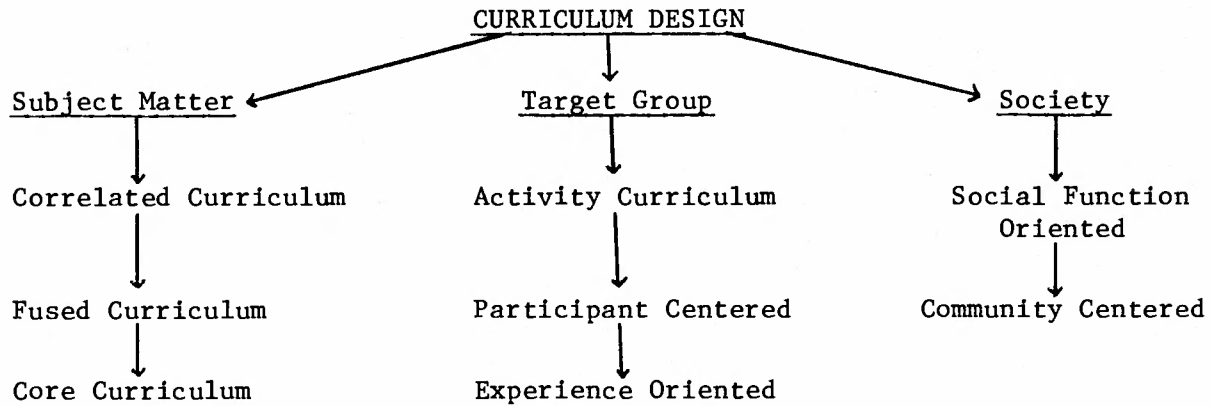
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<sup>69</sup> Ibid., at p. 6

<sup>70</sup> Ibid., at p. 6

<sup>71</sup> Ibid., at p. 6 "social function and community centered".

This chart will illustrate the options in curriculum design:



5) illustrating the community input process for curriculum development:<sup>72</sup>

I have chosen to describe this process in a form of a chart to demonstrate the step-by-step procedure of gaining, maintaining and continually involving the community in curriculum development. The chart should be self-explanatory and, therefore, I will pass on to the last section without further comment.

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<sup>72</sup> Ibid., at pp. 13 - 15

COMMUNITY INPUT PROCESS FOR CURRICULUM DEVELOPMENT

PROCESS	DESCRIPTION	OUTCOME
1. Community Meetings	Individual input into curriculum content	<ol style="list-style-type: none"> <li>1. definition of curriculum</li> <li>2. prioritizing curriculum content</li> <li>3. selecting a curriculum committee</li> </ol>
2. Community Curriculum Committee Meetings	Committee members input into curriculum and maintaining community awareness	<ol style="list-style-type: none"> <li>1. workshops on curriculum development and evaluations</li> <li>2. organize recruitment method for area meetings to ensure entire community awareness</li> <li>3. selecting an Educational Advisory Board - professional educators, authorities, etc.</li> </ol>
3. Area Community Meetings  Participant Participation	<p>Meetings held in one area of the community to specifically define curriculum content</p> <p>Once interviewed and evaluated, have input in the community meeting priorities</p>	<ol style="list-style-type: none"> <li>1. definition of curriculum</li> <li>2. community educational needs assessment is complete</li> <li>3. participants can respond to curriculum content in community meeting</li> </ol>
4. Production of Curriculum Materials Begins  Technical development staff hired	Technical development staff acts on community priorities	<ol style="list-style-type: none"> <li>1. beginning of materials development</li> <li>2. curriculum product is drafted</li> </ol>
5. Education Curriculum  Education consultant hired	Examines technical substance of curriculum draft	<ol style="list-style-type: none"> <li>1. revised and re-evaluated if not passed by consultant</li> <li>2. prepared for pilot test, if passed by consultant</li> </ol> <p>(cont'd)</p>

COMMUNITY INPUT PROCESS FOR CURRICULUM DEVELOPMENT

PROCESS	DESCRIPTION	OUTCOME
6. Community Curriculum Committee (C.C.C.)	Technical development staff submits draft	1. prepare for pilot test if passed 2. revised and re-submitted to C.C.C.
7. Curriculum products are pilot tested	Tested by a limited number of potential users, to provide information on how well materials and procedures meet the program objectives	Curriculum materials will include teacher training manual - introduction of the new educational product
8. C.C.C. meets with Technical Development Staff during the pilot test	Input of C.C.C. in evaluation of curriculum products	C.C.C. decisions of curriculum product
9. Curriculum products presented to C.C.C. and Educational Advisory Board (E.A.B.)	Curriculum products are ready for dissemination. E.A.B. prepares educational techniques and strategies for acceptance	Materials - curriculum products and educational products ready for Field Tests
10. Curriculum Products Field Tested	Test in an actual classroom setting for effectiveness - minor modifications and revisions might be necessary with test	Minor revisions. Teacher training begins
11. Products presented to C.C.C. & E.A.B.	Review of field test results	1. products disapproved - revised and resubmitted 2. products approved ready for use
12. Products presented to C.C.C. for last time	Receive summative evaluation of materials and present to C.C.C. to measure their effectiveness	1. final approval 2. ready for dissemination



6) drawing up a management plan for curriculum development:

In the plan formulated by the United Indians of All Tribes Foundation, the focal point of activity is the "administration" with all things such as: curriculum research, curriculum development, curriculum production and evaluation, revolving around the "administration".<sup>73</sup> The "administration", therefore remains the main decision-maker.<sup>74</sup> Those involved in making submissions to the "administration" are quite obviously the technical development staff - those preparing the curriculum products as well as the technical education evaluator.

The information obtained from the Curriculum Development paper must be seen as most relevant and pertaining to those areas in question by myself and, no doubt, the Steering Committee. The issues raised in curriculum design and community input should be of great interest. Decisions must be made on both, in terms of developing an effective legal information and education program in the N.W.T.

D. Curriculum Materials

1) A Collection of Cases and Materials for High School Teachers Law<sup>75</sup>

This casebook is divided up into three sections:

- (1) Section C - deals with Tort actions, approximately seventeen (17) cases ranging from the meaning of intent, assault and battery, trespassing, false imprisonment etc.
- (2) Section D - deals with Moot Courts, that is: what is a Moot Court, the mechanics of conducting a Moot Court, problems and finder's cases.
- (3) Section E - relates to cases of special interest to teachers such as: negligence, contributing to Juvenile Delinquency, certiorari, etc.

This casebook is the classic/traditional approach. It may be useful in its choice of case examples but in terms of guides for either the participants or teachers it is lacking a great deal (with this particular program in mind).

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73. Ibid., at p. 16.

74. Ibid., at p. 17.

75. Community Law Program. A Collection of Cases and Materials for High School Teachers of Law. Faculty of Law, University of Windsor, Volume II.

2) You Have the Right: An Introduction to the Justice System of Rural Alaska<sup>76</sup>

This book or set of materials gives an overview of the justice system as it affects the people of rural Alaska. It discusses the basic concept and nature of the law; reviews the court structure; distinguishes between criminal and civil law; uses cases to show how the courts work in terms of the client - emphasizing the rules and procedures from their vantage point. It gives a short history of Bush Justice since the 1960's and describes the role of village councils in their interaction with criminal courts, especially juvenile justice.

This material provides good basic information on Bush Justice. The author uses simple but concise language enabling the potential users to understand the issues of the law. Also, the simple "how to's", "what to do's" and "what goes on" in relation to the appearance of the individual in court, is an excellent and readable format.

3) The law of the People: A Bicultural Approach to Legal Education for Navajo Students<sup>77</sup>

This set of materials is concerned with Law and the Family. It discusses the tribal customs as well as Anglo-American laws with regard to: marriage; property; parent-child relationships; divorce; the role of the Navajo Tribal Court; illegitimacy and inheritance. The interesting aspect of this work, is that cases were included which speak to the distinct nature of the family in Navajo life as compared to the Anglo-American style of life. A transcript of a case was described to illustrate the different concept of family and how it was misinterpreted by the courts to be "neglect" of parental responsibility toward the child.<sup>78</sup>

These curriculum materials were introduced to keep the Steering Committee aware of what is available. In every Report, a portion is set aside for the materials so that the Steering Committee can assess the range, quality and evaluate what may be useful to them in their legal information and education program, (N.W.T.). The areas which should be looked at, in some depth, are:

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<sup>76</sup> McKenzie, E. You Have the Right: An Introduction to the Justice System of Rural Alaska. Bush Justice Project. Alaska Federation of Natives, Inc., 1976.

<sup>77</sup> Vincenti, D., L.B. Jimson, S. Conn, M.J.L. Kellogg, The Law of the People: A Bicultural Approach to Legal Education for Navajo Students. Ramah, New Mexico, Volume II., 1972

<sup>78</sup> Ibid., at pp. 289-301. Transcript of Leory Goodman Case - testimony of a psychiatrist who had lived and worked on the Navajo Reservation for years.

- (1) the basic format - is it an easy style? i.e. does it catch the eye of the reader and encourage further reading?
- (2) the information - is it precise, easy to comprehend and uncomplicated? i.e. does it tell the reader something and can the reader pick it up easily?
- (3) the language - is it simple and in familiar terms? i.e. is it within the vocabulary level of the potential user?, is it "jargon" free?
- (4) illustrations - does it have illustrations that are relevant to the user? i.e. does it aid the reader?

E. Teaching Teachers About Law

1) Observations on Teaching of Law in Elementary Schools<sup>79</sup>

Wyner considered the major objective of an elementary law education program and developed a framework for implementing them. For example, she specified that the framework:

- (1) IS SPECIFIC - provides information that relates to stated objectives (i.e. understanding of legal concepts, principles and values; an awareness and understanding of the rights and responsibilities of citizenship; respect and appreciation for legal processes and rational legitimate authority; knowledge, skills and general attitudes that promote citizen participation)<sup>80</sup> - encourages law-centered experiences.
- (2) IS EXPLICITLY INTERRELATED - combines inquiry processes, value analysis strategies and law content (i.e. thinking, valuing, decision-making and problem-solving law experiences with other studies).
- (3) IS LEARNER ORIENTED - considers developmental capabilities and unique learning styles of individual students and recognizes the child's active involvement with his/her own learning in real, concrete situations as well as hypotheticals.<sup>81</sup>
- (4) IS TEACHER ORIENTED - emphasizes the teachers role, i.e.:
  1. planning and supporting a "democratically" oriented learning environment
  2. organizing law-centered instructional activities
  3. exercising rationally-based authority - teaches a reasoned need for classroom rules and the appropriateness of reasonable authority

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<sup>79</sup> Wyner, N. "Observations on Teaching of Law in Elementary Schools". Teaching Teachers about Law: A Guide to Law-Related Teacher Education Programs. American Bar Association. Special Committee on Youth Education for Citizenship. Working Notes #11. Chicago, Illinois. 1976, at pp. 39-52

<sup>80</sup> Ibid., at p. 44

<sup>81</sup> Ibid., at pp. 44-45

4. encouraging open discussion and questioning of the ideals and principles of the legal system, of controversies, conflicts and issues.
  5. recognizing and applying understanding of child development and integration of child's intellectual, affective and social learning to curricula and teaching.
- provides a multiple of experiences to help children think about, feel and express their growing interest and commitment to citizen participation.
- (5) IS INTERACTIVE - has goals that are cognitive and affective, balancing logical reasoning with affective growth and emotional commitment.
- stresses opportunities for the child to interact in a "democratically-oriented" learning environment with adults and peers.<sup>82</sup>

Wyner also stated some teaching strategies:

- (1) case studies of real situations
- (2) grouping - skill-based; open-group discussions and group-planned investigations, i.e. a) focusing on a goal  
b) clarifying problems  
c) developing a methodology
- (3) field trips - police station, etc.
- (4) descriptive research - e.g. doing surveys and analyzing the data
- (5) imitative research - e.g. moot courts
- (6) interviews with people in law-related settings or in the classroom - e.g. judge
- (7) gaming.<sup>83</sup>

Wyner's breakdown of program-based objectives should be of assistance to the Steering Committee. It is not a framework which could not be applied to other target groups than those at the elementary level. The point, though, is to show that all age-levels can be involved in a legal information and education program. The decision on the target group should include elementary-level participants. It may be worth some deliberation to test the program on several educational levels, that is:

- (1) elementary school
- (2) high school
- (3) adult education
- (4) public education
- (5) teacher education (apart from the teachers of the course)

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<sup>82</sup> Ibid., at p. 45

<sup>83</sup> Ibid., at. pp. 49-51

2) Teacher Education: An In-Service Model<sup>84</sup>

To be practical, I am including the Law in a Free Society in-service program:<sup>85</sup>

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<sup>84</sup> Quigley, C.N. and R.C. Clarke. "Teacher Education During the School Year: The Law in a Free Society In-Service Model". Teaching Teachers about Law: A Guide to Law-Related Teacher Education Programs. American Bar Association. Special Committee on Youth Education for Citizenship. Working Notes #11. Chicago, Illinois: 1976, at pp. 81-93

<sup>85</sup> Ibid., at pp. 82-83. The Chart is my own. It outlines only the major points. See pages 82-87 for complete details.



SESSION	CONTENT/DESCRIPTION	TEACHING PROCEDURES	MATERIALS	OUTCOMES
I	- definition of freedom - constraints and restraints; develop a question strategy to help students understand constraints and restraints - group grade levels discuss: 1) methodology and content of general session 2) how it related to curriculum at various grade levels and the needs, interests and abilities of students	- groups of 3-5 - group together	casebook on freedom	- develop key questions - formulate a coherent questioning strategy
II	- "what are some attitudes toward freedom and some factors which affect them" - developing grade level strategies on enhancing freedom in school environment	- panel members (familiar with attitudes of youth to freedom) - participants discussion - grade level workshops	Freedom Casebook at pp. 47-71 Curriculum Guide Books	- examination of school environment in exercise of freedom of students - design strategy at grade level
III	- "what are the benefits and costs of freedom" - discussion of Progress Reports on strategies at grade levels	- taught by historian - grade level workshops	Freedom Casebook Pt. III, pp 72-99	- Progress Report on Strategies
IV	- "what are the scopes and limits of freedom" - discussion of case examples: a) cost and benefits discussion; b) decision on case; c) comparing it to judge's; d) presentation to entire group. - grade level discussion of how lesson plans fit topic of scope and limits of freedom	- groups work on cases - group together - grade level workshops	Freedom Casebook Part IV, pp. 101-191; Freedom Curriculum Guide Lesson Plans	- set of considerations in determining the scope and limit of freedom
V	- preparation of issue, roles, observers - conduct trial and jury decision	- mock trial (courtroom and jury room used) - judge, attorneys, local staff - participation of participants	Freedom Casebook at pp. 151-191	- understanding of courts

In any model there are some questions the "presentors" of the workshop have to answer. The authors state some of these:

- (1) who should be included as participants?
- (2) what criteria are used for selecting participants for the in-service training programs?
- (3) how are teachers recruited for the in-service training program?
- (4) why and how do you train kindergarten - grade 12 teachers together?
- (5) when and where are sessions held?
- (6) how do we avoid political bias?<sup>87</sup>

These questions, along with the description of the in-service program, should aid the Steering Committee in the content and participant issues of a workshop. Before recommending a legal information and education program, the Steering Committee may be involved in a number of preliminary workshops. This should, therefore, be of use as a guide for workshop designs and implementation.

### 3) Team Teaching - The Coordinator Model<sup>88</sup>

According to Riekes and Ackerly:

The Coordinator model centers around a trained teacher in law-related studies who works directly with the classroom teacher in his or her classroom for a specific length of time, usually once a week for seven weeks. In addition to introducing teachers law-related curriculum materials, the coordinator assists teachers through team teaching, securing media resources, planning relevant field trips, working with law-related guest participants, and occasionally demonstrating new or seemingly difficult techniques for the teacher.<sup>89</sup>

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<sup>87</sup> Ibid., at pp. 90-91

<sup>88</sup> Riekes, I. and S.M. Ackerly. "The Coordinator Model". Teaching Teachers about Law: A guide to Law-Related Teacher Education Programs. American Bar Association Special Committee on Youth Education for Citizenship. Working Notes #11. Chicago, Illinois. 1976, at pp. 162-171.

In a sense, the coordinator becomes the teacher's assistant in developing and presenting law in an interesting fashion for the students. Where the teacher is unfamiliar with law-related teaching strategies, such as using moot courts, the coordinator provides an able, competent back-up to the teacher.<sup>90</sup> The authors also describe for the reader, a "day in the life of a law-related coordinator".<sup>91</sup> I will not elaborate further on it except to say that the value of the coordinator to a classroom teacher is substantial.

This method of "team teaching" is used extensively in some school systems. It seems to be the answer to aiding teachers in the task of teaching law. In a program such as the Steering Committee is considering, this may be an alternative to training vast numbers of teachers or "trainers". It may be a more feasible option, utilizing less teacher manpower yet complementing teachers already in the education system.

4) Model for an Eight-Step Teacher Education Model<sup>92</sup>

This is the last model I will describe in this Progress Report. The reason I am introducing this to the Steering Committee is to illustrate the complex nature of setting up a teacher education program. Also, it reinforces my notion that teacher education is a most important process, not one to be overlooked, in the "successful" program. The teacher, being the central component of any program, needs the attention of training if new subjects are to be nurtured, like a law-related program. Whether in a school system or in the public domain, the "teacher" of the program must be given the same educational emphasis as the student.

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<sup>90</sup> Ibid., at p. 164. "Introducing Teachers to New Techniques"

<sup>91</sup> Ibid., at p. 166. "What the Coordinator's Schedule Looks Like".

<sup>92</sup> Vetter, D.P. and Paradis, G.W. "The Maryland Model for an Eight-Step Teacher Education Program". Teaching Teachers about Law: A Guide to Law-Related Teacher Education Program. American Bar Association. Special Committee on Youth Education for Citizenship. Working Notes #11. Chicago, Illinois. 1976, at pp. 172-191.

The model used by the Schools of Maryland is as follows:

TEACHER EDUCATION MODEL<sup>93</sup>

1. AWARENESS PROGRAM<sup>94</sup>

- 7 hour in-service program
- participants were involved in:
  - (1) instructional activities for elementary and secondary schools
  - (2) a taste of law-related content and strategies
- publicity within the community and building up a cadre of resource people

2. TEACHER ORIENTATION<sup>95</sup>

- to inform teachers of the teacher education program and encourage high quality teachers to participate
- consider its goals, various elements and all essential considerations

3. COMMUNITY RESOURCE PERSON ORIENTATION<sup>96</sup>

- lawyers introduced to the rationale and goals of law-related education
- demonstration of selected activities, e.g. role-playing
- a film: "Right to Live: Who Decides?"

4. LEADERSHIP TRAINING WORKSHOP<sup>97</sup>

- concentrated on the study of substantive law
- emphasized the application of this information through a variety of educational methodologies
- Chart 3 outlines teacher training workshop schedule<sup>98</sup>

5. STUDENT WORKSHOP<sup>99</sup>

- designed to train students in preparing lessons to assist elementary school teachers
- prepare students to demonstrate their lessons to faculties, participants of other workshops and the general public
- use students as aides for a high-school law-related mini-course or teacher training unit

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<sup>93</sup> Ibid., at p. 174. Chart 2

<sup>94</sup> Ibid., at pp. 175-176. "Step 1: Creating an Awareness"

<sup>95</sup> Ibid., at pp. 176-177. "Step 2: The Spring Orientation Program"

<sup>96</sup> Ibid., at pp. 177-178. "Step 3: Community Resource Persons Orientation"

<sup>97</sup> Ibid., at pp. 179-183. "Step 4: Leadership Training Workshop"

<sup>98</sup> Ibid., at pp. 180-181. Chart 3. "Teacher Training Workshop Schedule"

<sup>99</sup> Ibid., at pp. 183-184. "Step 5: The Student Workshop"

6. CLASSROOM IMPLEMENTATION  
WORKSHOP<sup>100</sup>

- 2 weeks in duration
- preparation of teachers to implement law-related content and techniques in the classroom
- format similar to Leadership Training Program:
- a) field trip experiences
- b) create 2 law-related lessons

7. TEACHER EDUCATION  
IN-SERVICE COURSE<sup>101</sup>

- 8 week course
- 2 field trips
- meetings held on work nights

8. CURRICULUM DEVELOPMENT<sup>102</sup>

- elements of a uniform law-related curriculum but with instructional packages geared to local curricula
- 2 curricula projects:
  - (1) Crime and Justice - curriculum guide for 9 week minicourse
  - (2) "Students' Rights and Responsibilities" - individualized for students.

The only addition to the chart is a follow-up program which would reinforce the teacher in terms of support as well as training them further on lesson plans, teaching aides, etc.<sup>103</sup>

III Conclusion

What I have attempted to do, in this Progress Report, is to give some Northern emphasis and to speak to the educational concerns the Steering Committee will ultimately come to terms with, in a cross-cultural and linguistic setting, for the legal information and education program in the N.W.T. While concentrating on this I have, also, tried to further the evolution of a baseline of information, with regard to curriculum development and curriculum materials. Again, I have stressed the importance of training teachers as an integral part of the legal information and education program.

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<sup>100</sup> Ibid., at pp. 184-186. "Step 6: Teacher Implementation Workshop"

<sup>101</sup> Ibid., at pp. 186-187. "Step 7: In-Service Course"

<sup>102</sup> Ibid., at pp. 187-188. "Step 8: Curriculum Development"

<sup>103</sup> Ibid., at pp. 188-189. "The Follow-up Program"



Each section of this Report has been discussed in some depth to give the Steering Committee more understanding as to the decisions they must make in prioritizing their goals and objectives in relation to the potential outcomes of the program. As the Steering Committee can now see, there is a great deal to the designing and implementing of a legal information and education program. The intricacies of setting up a program for all groups - native peoples and Anglo-Europeans, is much more than the Steering Committee possibly anticipated at the outset.

The literature reviewed to date indicates the materials available in the following areas:

- 1) Alaska - both in general terms and specifically relating to basic rights and responsibilities
- 2) Crime Prevention Programs and Police - Related Justice Material - illustrates the programs introduced by the police and materials produced
- 3) Education Materials - about teaching teachers, bilingual-bicultural education considerations, a native perspective
- 4) Curriculum Development Materials - concerning design and implementation
- 5) Curriculum Materials - types of materials used in programs
- 6) Community Involvement - the process of a community responding to a local problem.

As to the bibliographies and directories, I concentrated only on the American Bar Association's Special Committee on Youth Education for Citizenship, primarily for the purposes of relaying what is available to the Steering Committee.

APPENDIX I:

LITERATURE REVIEWED TO DATE

Alaska Bar Association. Village Life on Trial: Corrections and the Bush. BASICS Task Force (a report on the planning/study phase, includes a Final Narrative Report plus 6 attachments and an article on a "Perspective on Small Village Justice Systems")

- planning/study phase outlines the lack of complete justice services, the BASICS project of studying justice needs in the Bush and the personnel charged with the task of reviewing the services.
- Attachment #1 - Napakiak - a "firing and jailing" council, how it resolves disruptions in the village, how the "village rulers" relate to the legal rulers of the State
- Attachment #2 - the impact of the Bar Association on the Bush Justice Activities, how the Bar became involved and how the project assessed the justice system in the villages, i.e. in terms of training, legal education and coordination of services
- Attachment #3 - Bar Plan for Bush Justice - discussion of dispute settlement; concept of "clusters of communities" to provide justice services; describes Magistrates function and sentence review; proper distribution and publication of Ordinances, use of correctional aides and mediation panel in sentencing and rehabilitation
- Attachment #4 - Corrections in the village - use of council techniques, i.e. temporary village harmony versus rule of law; intervention before State law allows; discussion of "Kashim" the traditional meeting place
- Attachment #5 - Diversion and Emmonak Conciliation Board - discussion of Board hearings and review of cases heard
- Attachment #6 - Sentencing, A Role for the Council - discussion of village crime as it relates to village life style and the role of village council in sentence disposition by the Magistrate
- "Perspective on Small Village Justice Systems" - comparison between the administration of justice in villages and urban areas; the integration of village norms, roles and procedures; the problems councils have with alcohol abuse

American Bar Association. Teaching Teachers about Law: A Guide to Law-Related Teacher Education Programs. Special Committee on Youth Education for Citizenship. Working Notes #11. Chicago, Illinois: 1976

- series of articles on:
  - 1) designing a program for your community
  - 2) developing a teacher education program
  - 3) developing an elementary teacher education program
  - 4) some approaches to teacher education  
e.g. The Law in a Free Society In-Service Model
  - 5) following-up the teacher education program
  - 6) further resources

N.B. - Articles are written by persons who have, in their own projects, experiences which are both informative and practical.

- very good series of articles for persons considering designing, developing and implementing a teacher education program.

Canadian Association of Chiefs of Police. Crime Prevention Programmes. Crime Prevention Committee. Ottawa, Ontario: 1975

- describes general and specific crime prevention programs  
e.g. public speaking/public information and hostage/kidnapping programs
- describes in the general crime prevention programs and Special Report of Hamilton - Wartworth Regional Police - An Examination of the Ongoing "Resource Officer" Program in the Schools. It outlines the curriculum by topic, discusses the objectives of the program and questions relating to attitudes in a control group and a test group. It discusses Kohlberg's Scale of Moral Development as well.
- discusses 3 E's:
  - educating the public and the police to prevention
  - eliminating crimes
  - enforcement of the law

Centre for Law and Education. Bilingual-Bicultural Education: A Handbook for Attorneys and Community Workers. Cambridge, Massachusetts: 1975

- discusses, in the Introduction, the term bilingual-bicultural education as contrasted with a bilingual school and English-as-a-Second Language; also the elements of bilingual-bicultural education, i.e. philosophy, program and planning
- discusses the Cardinas - Cardinas Theory of Incompatibilities - why culturally different kids do not enjoy the same success in schools as typical middle-class Americans, i.e. incompatibilities relate to: poverty, culture, language, mobility and social perceptions
- describes programs in Crystal City, Texas and El Paso, Texas
- discusses training teachers for Bilingual/Bicultural Education
- discusses the characteristics of different types of Bilingual-Bicultural Education Programs

Community Law Program. A Collection of Cases and Materials for High School Teachers of Law. Volume II. Faculty of Law, University of Windsor. Windsor, Ontario.

- typical casebook text with cases under the headings of torts, moot court and cases of special interest to teachers  
e.g. section C - torts - illustrates many cases such as battery and trespass

Crawshaw, P. "Raising the Stakes! - A Community Drama". Dialogue on Drinking: An Idea from Canada Health and Welfare. Draft Copy. Ottawa, Ontario

- this paper is a sample of how a community can get involved in the treatment of a community problem
- it shows how the subject of "drinking" - other problems could be used as well - can be considered in an interesting and informative way
- the method of creating a "drama" to expose the problem and, hence, involve the community in its resolution in an important facilitator

Kirkness, V.J. "Programs for Native People by Native People: A Native Perspective" Education Canada. Winter, 1976, at pp 32-35

- discusses education as a means to enhance native identity and a preparation for total living
- states that education should be controlled by the community it serves, encourages community involvement and the concept of cultural relevance
- wants education to encompass traditional patterns of learning i.e. independence, self-reliance, observation, discovery, practicality, and respect for nature
- discusses philosophy and curriculum in terms of language, social studies, communication skills, native studies, materials, adult studies and pre-kindergarten studies

Manitoba Police Commission. Inventory of Police-Related Criminal Justice Material. compiled and edited by Liddiard, K. 1975

- up-to-date list of material and categorized for easy reference
- gives some description of the material
- has a section on Native People at pp 26-27
- has a section on Police Training at pp 15-17
- listings for information purposes

McKenzie, E. You Have the Right: An Introduction to the Justice System of Rural Alaska. Bush Justice Project. Alaska Federation of Natives, Inc. Illustrated by Wardlaw, B. 1976

- intention of material is to give a sample overview of the criminal justice system as it affects rural Alaskans
- it is divided into 5 sections:
  - 1) some basic concepts - discussion of laws, its "common sense" nature
  - 2) Justice in the bush - how the system is "supposed" to work and how it works
  - 3) the criminal court process - describes simple the step-by-step procedures
  - 4) juvenile justice - special class of offenses, role of village councils and detention centers
  - 5) justice powers of 2nd class cities - problems encountered, local alternatives
- has a glossary of terms which is good, simple and precise

United Indians of All Tribes Foundation. Curriculum Development. Title 4: Regional Conferences. Presented by Phil Lane, Jr., Sioux-Chickasaw, 1975

- Introduction, "The Future is Ours", sets out the workshop objectives on curriculum development
- outlines a curriculum development workshop agenda:
  - 1) what is curriculum development?
  - 2) what is the curriculum continuum being used in most middle-class schools?
  - 3) what is a curriculum continuum that could be used by Native Americans?



- 4) what is a community input process for Native American curriculum development?
- 5) what is a community input development process for the development of curriculum for public schools?
- 6) the development of a curriculum story: a step-by-step process
  - discussed curriculum design emphasizing: subject matter, the child or society - (each being different)
  - includes a chart of U.S. Public Schools Middle-Class Curriculum and A Native American Curriculum Continuum - showing different orientations
  - discusses the development of curriculum materials and a management plan for curriculum development

Vincenti, D., L.B. Jimson, S. Conn & M.J.L. Kellogg. The Law of the People: A Bicultural Approach to Legal Education for Navajo Students Volume III: Law and the Family. Ramah High School Press, Ramah, New Mexico: 1972

- discussion of marriage - common law, tribal custom and formal civil marriage
- distribution of property - Anglo-American law versus Navajo custom
- discussion of parent-child relationships in Navajo custom and law - case example with transcript evidence
- divorce in common law and tribal marriages - role of Navajo Tribal Court
- role of family, custody and child support, inheritance - custom and Anglo-American law

APPENDIX II:

OUTLINE OF DIRECTORIES AND BIBLIOGRAPHIES  
FROM THE AMERICAN BAR ASSOCIATION'S SPECIAL  
COMMITTEE ON YOUTH EDUCATION FOR CITIZENSHIP

- a) Bibliography of Law-Related Curriculum Materials
- b) Directory of Law-Related Educational Activities
- c) Gaming, An Annotated Catalogue of Law-Related Games
- d) Help! What to do, Where to go?
- e) Media, An Annotated Catalogue of Law-Related  
Audio-Visual Materials

- a) Bibliography of Law-Related Curriculum Materials: Annotated  
Special Committee on Youth Education for Citizenship.  
American Bar Association. Working Notes #5, 1974

Description

The bibliography is divided into seven parts, with materials/books identified under the seven headings. The two (2) headings of particular interest are:

- Part I: Origins and Concepts of Law - illustrating the philosophy, history and function of Law in Society
- Part VII: Teaching of Law - outlining sources and concepts

The other sections are of a more American orientation such as:

- Part II: The Constitution
- Part III: The Bill of Rights
- Part IV: Current Issues
- Part V: The Political Process
- Part VI: The Practical Law

PART I: sample of books/materials (pp 1-11)

Baernstein, S. et al. Teenagers' Rights and Responsibilities. Educational Faculty Press - I.B.R., 1972

Target Group: Grades 9 - 12

Description: Teachers' guide, concentrates on: what is a community (44 pages); why communities need laws (108 pages); how laws are made and changed (89 pages); how disputes are settled (91 pages).

Cost: Is in paperback edition at \$3.50 each

Eichner, J. Law. Franklin Watts, Inc. 1963

Target Group: Grades 4 - 6

Description: Simple discussion of the origins of law, common law, precedent, criminal and civil law, trials and suits, role of lawyers - also has a glossary of terms (87 pages)

Cost: \$2.50

Lincoln Filene Center for Citizenship and Public Affairs. Legal Education Materials for Elementary and Intermediate Grades. 1972

Target Group: Kindergarten - grade 8

Description: Discussion of general legal concepts (80 pages)

Cost: \$1.00

Llewellyn, K.N. & E.A. Hoebel. The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence. University of Oklahoma Press. 1967

Target Group: Grades 10 - 12

Description: Explanation of the legal system of the Cheyenne Nation, with emphasis on its unique legal solutions, includes 60 specific cases, draws parallels to American and other legal systems (360 pages)

Cost: \$8.95

Winn, M. Shiver, Gobble and Snore: A Story about Why People Need Laws Simon & Schuster, Inc. 1972

Target Group: Young people

Description: A story about 3 imaginary friends who escape from a society full of non-sensical laws to discover that certain kinds of laws are necessary for amicable living

#### PART VII: Teaching of Law (pp 87-92)

Law Learning Packets. Atlanta Law Education Program, Atlanta Public Schools. Law Education in Atlanta Schools (free samples)

Target Group: Teachers

Description: Learning packets covering a broad range of law concepts and legal issues - designed by K-12 teachers to supplement regular social studies curricula

Teaching Strategies for Law Education. Atlanta Law Education Program, Atlanta Public Schools. Law Education in Atlanta Schools (free samples)

Target Group: K-12th Grades

Description: Skeletal lesson plans on a wide range of law topics. These teacher-designed plans cover concepts to be learned.

Teacher Education Handbook: Law-Focused Education in the Elementary School. Gallagher, A. et al. Law in American Society Foundation 1972

Target Group: Teacher

Description: 44 pages, paperback - detailed teacher education plans, suggested films, reading materials, discussion procedures and class activities

Cost: \$1.00

Teaching About the Law. Gertach, R.A. & L.W. Lamprecht. W.H. Anderson Company, 1975

Target Group: Teacher

Description: 354 pages, hardback - A complete overview of K-12 law-related education, includes descriptions of curriculum materials, the rationale for teaching law in elementary and high schools

Cost: \$9.95

Critique: Good general information with addresses of publishing companies in the Appendix. A general guide to materials available re: origin and concept of laws. Potentially fairly adaptable to persons learning about the law, in the Anglo-European sense. Basically American in context.



- b) Directory of Law-Related Educational Activities. Special Committee on Youth Education for Citizenship. American Bar Association. Working Notes #6. Second Edition 1974

Description: Geographic project directory for the USA, by individual status; outlines basic courses and activities of each state project; contains a cross-reference to teacher training activities; as well as a cross-reference to Bar Association activities.

- Select projects outlined - not all States included in the following chart.

STATE	PROJECT	ADDRESS	PROGRAMS	MATERIALS	CONTACTS
Alabama	Law and Justice in Our Changing Society	Huntsville Public Schools, P.O. Box 1256, Huntsville, 35807	*curriculum guide for grade 9; pilot programs in grades 7 & 8; conferences and work-shops	<u>Law in our Changing Society</u>	Ellen Burchfield, Director
Alaska	Law Courses (grades 10 - 12)	A.J. Dimond High School 2909 West 88th Ave. Anchorage, Alaska 99502	conducting 4 semester and year courses; Criminal Law; The Court; Civil Liberties and You; Criminology; The Teenager and the Law		Harold Savage Principal
Arizona	Respect for Law Program	1866 East Julie Drive Tempe 85283  320 West Washington Phoenix 85003	instruction to 6th grade - philosophy of law, origin of law, rights and responsibilities, mock-trials, field trips	<u>Teaching Aids for Respect for Law Program</u>	Rosalie M. Aubuchon Coordinator  Sgt. Charles L. Zufall
California	Law, Education and Participation - A National Project of the Constitutional Rights Foundation	609 South Grand Avenue Los Angeles, 90017	consulting services to assist schools & agencies to develop programs on the law  special emphasis on utilization of community resources & resource personnel	<u>Education for Participation: A Program Development Guidebook on Law &amp; Public Affairs</u>  - simulation games	Ms. Vivian Monroe Executive Director  Todd Clark Education Director

STATE	PROJECT	ADDRESS	PROGRAMS	MATERIALS	CONTACTS
California	Law in a Free Society	606 Wilshire Boulevard	*curriculum development, teacher training, development of community resources, workshops, consulting services	(sets of materials for in-service training of elementary and secondary teachers) - a Casebook - Lesson Plans - A Curriculum - Guide for Teacher Education	Charles N. Quigley Executive Director
Colorado	Colorado Project for Law-Focused Education	809 Quail Street Lakewood 80215	pilot program - teacher training & curriculum development		William J. Lewis Director
Connecticut	Institute for Responsive Education	70 Sachem Street New Haven 06520	assisting local groups with leadership training and curriculum development	<u>Annotated Bibliography on Citizenship Participation in Education</u> <u>Citizen Action in Education</u>	Don Davies Director
Florida	Youth & the Law	The Florida Bar Tallahassee 32304	developing a state-wide legal education program: - a pilot program in grades 5 - 9, teacher training and curriculum development		Robert Foss Director of Public Affairs

STATE	PROJECT	ADDRESS	PROGRAMS	MATERIALS	CONTACTS
Georgia	Law Education in Atlanta Schools	2930 Forest Hill Dr. SW Atlanta 30315	teacher training (3 week summer institute) & curriculum development	50 law education packets (K-12) developed by teachers	John Evans Chairperson
Illinois	Illinois Corrections Project in Law - Focused Education	Box 246 St. Charles 60174	teacher training (4 week summer institute), curriculum development		John T. Hungerford Director
	Illinois Project for Law-Focused Education	33 North LaSalle Street Chicago 60602	teacher & leadership training (4 weeks), curriculum development		Dr. Alice Healy Sesno Director
	Student Affairs Unit Office of the Superintendent of Public Instruction	316 South Second Street Springfield 62706	curriculum development, informational and consulting services, training teachers	<u>The Student and School, Formal Legal Opinion Services, Community Governance Manual</u>	Mary Kloris Coordinator
Kansas	Kansas Law in Education	Washburn University Law School Topeka 66621	developing materials	600 page Teachers Manual: - teaching techniques - tests - substantive law - 30½ hr TV programs - films for Elementary School	Prof. David L. Ryan Coordinator

STATE	PROJECT	ADDRESS	PROGRAMS	MATERIALS	CONTACTS
Massachusetts	Centre for Law and Education	Harvard Graduate School of Education Larsen Hall 14 Appian Way Cambridge 02138	bilingual education Indian education high school legal education	Inequality in Education Series	T. Harold Flannery Acting Director
	Elementary Law Project	39 Shepard Street Brighton 02138	simulation games, values education, role-playing - basic concepts of law philosophy of law		Harriet J. Bickelman Director
	Lincoln Filene Centre Law Education Project	Tufts University Medford 02155	teacher training, policy & community training, curriculum development		Philip E. Campbell Director
Michigan	Youth Legal Education	2100 Pontiac Lake Road Pontiac 48054	6 week pilot course: - classroom teaching - teacher training - curriculum development	<u>Why Law in Society?</u> <u>Language of the Law</u> <u>Law &amp; The Courts</u> (6 units of student handbook & teacher manual)	Sadie Ward Director
Minnesota	Children and the Law	Mullin, Swirnoff and Weinberg, P.A. 2200 Dain Tower Minneapolis 55402  404 Olmsted County Bank Building Rochester 55901	6 week program for 5th grade students - origins, purposes & operation of laws and the legal system	community guidelines to assist in establishing the program, teacher guidelines	Eugene P. Daley  Daniel L. Wienke



STATE	PROJECT	ADDRESS	PROGRAMS	MATERIALS	CONTACTS
Minnesota	Task Force on Ethnic Studies	707 N.E. Monroe Minneapolis 55413	materials development for K-12 curriculum, teacher in-service workshops	teaching materials and materials for teacher in-service	Christian K. Skjervold Project Administrator
Missouri	Law and Education Project	1517 South Theresa St. Louis 63104	developing law-related curriculum materials, teacher training summer institute, in-service workshops		Linda Riekes Director
	The Role of Law in a Free Society: Rights & Responsibilities of Citizenship	326 Monroe Jefferson City 65101	curriculum development for K-12, teacher training workshops, development of teacher aids	curriculum guides K-12 pamphlets $\frac{1}{2}$ hour TV programs	E.A. Richter Administrator
New Jersey	Institute for Political/Legal Education	Box 426 Glassboro - Woodbury Rd. Pitman 08071	classroom instruction workshops and conferences for teachers and students	curriculum kits - curriculum guides - student manuals - case studies - film strips and transparencies	Barry E. Lefkowitz Director
	Law-Focused Education	School of Education Seton Hall University South Orange Avenue South Orange 07079	teacher training, curriculum development, development of curriculum center		Joan M. Donnelly Director

STATE	PROJECT	ADDRESS	PROGRAMS	MATERIALS	CONTACTS
New York	Association of American Law Schools Committee on Civic Education	Cornell Law School Ithaca 14850	assisting projects in: - curriculum development - designing and conducting in-service teacher training programs and workshops		Prof. Robert S. Summers Chairperson
Ohio	Center for Law-Related Education	635 Pharmacy Building University of Cincinnati Cincinnati 45221	teacher training - (4 weeks), curriculum development (student and teacher instructional packets), information program, law resource personnel program	instructional packets - youth & law, consumer law, administration of justice	Ronald A. Gerlach Executive Director
	Focus on Inner-City Social Studies (F.I.C.S.S.)	405 College of Education Kent State University Kent 44242	curriculum development K-12, workshops for teachers	39 units from University Microfilms Curriculum Materials Clearinghouse	Dr. Melvin Renoff Director
Oklahoma	Law for Public School Use	555 Constitution Norman 73069	teacher training & curriculum development		Ira Eyster Director
Pennsylvania	Project 18: Young Voter Education	Lower Merion School District Ardmore 19003	pilot program, teacher training, developing materials	Project 18: Teacher Resource Book; Student Resource Book: Student Workbook	Dr. John R. Madden Project Director

STATE	PROJECT	ADDRESS	PROGRAMS	MATERIALS	CONTACTS
Pennsylvania	Statewide Law-Related Education	Pennsylvania Department of Education Box 911 Harrisburg 17126	attempting to develop comprehensive K-12 law-related programs, surveying available curriculum materials, developing materials		Robert L. Schell Project Director
South Dakota	* Tribal Government	Fort Thompson 57339	pilot program, developing materials - tribal law, tribal government, Indian rights and responsibilities		Ronald Kirkie Director
Texas	Law in a Changing Society	3700 Ross Avenue Dallas 75204	teacher training, curriculum development	Law in the Lone Star State LCS Newsletter	
Virginia	Youth Citizenship Education Project	Virginia State Bar Younger Members Conference Box 1206 Stanton 24401  13 Culpepper Street Warrenton 22186	planning stages of developing a comprehensive law-related educational program, teacher training workshops and curriculum development		J. Marshall Coleman Co-Chairperson  Charles P. Foley Co-Chairperson

Critique: These programs generally were isolated for teacher training and curriculum development information. Also, the materials published by the respective projects shows their general nature and potential in adaptability for other law-related programs.

- c) Gaming: An Annotated Catalogue of Law-Related Games and Simulations.  
Special Committee on Youth Education for Citizenship. American Bar  
Association. Working Notes #9, 1975.

Description

Compilation of games as an effective educational method of teaching and learning in a law-related program. It is divided into five major parts; the most relevant seem to be:

- Part I: Basic Concepts of Law
- Part IV: Current Issues (to a degree!)
- Part VI: Teacher Resources

Also includes a Guest Commentary: "Simulation - A Classroom Imperative" by Todd Clark, which provides good information on the use of simulation in a learning environment.

PART I: Basic Concepts of Law (pp 1 - 3)

Police Patrol. Simulation II (1973), Clark, T. (\$12.50)

Target Group: Grades 7 - 12

No. of Players: 20 - 35 players

No. of Class Periods: 1 - 5 class periods

Description: An approach to understanding a police officer's problems in carrying out his/her everyday duties. Includes 16 different role-playing situations, teacher's manual, incident sheets, police manuals, etc.

Moot: A Simulation of Legal Procedures Derived from Juvenile and Adult Law Cases. Zarecky, G. Interact (1972) \$12.00

Target Group: 9 - 12 grades

No. of Players: unlimited players

No. of Classes: several days (in and out of class)

Description: Role playing realistically simulates crimes, arrests, and trials in order to help students understand the need for law and obtain legal knowledge and analytical skills. Cases: juvenile court case, contract cases, optional cases (murder, assault, robbery)

PART IV: Current Issues

Kids in Crisis. Todd, C., R. Weintraub, R. Krieger and S. Morley.  
Constitutional Rights Foundation (1975)

Target Group: 7 - 12 grade

No. of Players: 25 - 35 players

No. of Classes: 1 - 5 class periods



Description: Designed to promote thought and discussion about the problems of the Courts and young people in trouble. Players assume the roles of judges, defendants, parents, etc. Cases: delinquent acts of youth, child abuse and neglect. Includes: guide, role descriptions, dispositions of the actual cases.

#### PART VI: Teacher Resources

Simulation Games in Learning. Boocock, S.S. and E.O. Schild (editors)  
Sage Publications, Inc. (1968) \$10.95

Description: Essays describing the uses and impact of simulation games and discussing the rationale of gaming. Includes selective bibliography and a directory of organizations involved in researching and developing simulation games.

Role-Playing Methods in the Classroom. Chesler, Mark and R. Fox.  
Science Research Associates, Inc. (1966) \$20.00 (86 pages, paperback)

Description: Presents the theory and practical application of role play in the classroom. Includes ample activities, advice to teachers on how to get the most out of role playing experiences.

Mock Trial Manual. New York State Bar Association Committee on Citizenship Education. New York State Bar Association (1975) 22 pages (single copies free)

Description: To assist teachers to prepare and present mock trials for criminal cases, civil cases and appeals. Includes one sample script.

Law in American Society. Law in American Society Foundation (Free)

Description: Useful articles for teachers of law-related studies, provides outlines of simulation games, mock trials. Special topics: police, law and justice, juvenile justice, etc.

The Guide to Simulations/Games for Education and Training. Zuckerman, D.W. and R.E. Horn. Information Resources, Inc. (1973) \$25.00 (501 pages, paperback)

Description: Review of simulation games in all fields, for all ages. Articles about simulations and their uses.

Critique: Excellent format. Applicable to the Anglo-European legal system. Includes the address of simulation series as well as distributors.

- d) Help! What to do, Where to Go? Special Committee on Youth Education for Citizenship. American Bar Association. Working Notes #4, 1973

Description: Divided into 4 sections:

- Part 1: "Law-Related Education: The Opportunity and The Challenge" by J.F. Henning  
(discusses 5 objectives to the development of a program)
- Part 2: The Youth Education for Citizenship Action Program  
(discusses 9 activities currently in operation)
- Part 3: Some Law-Related Projects of General Interest  
(discusses their activities and contact persons)
- Part 4: Some Teacher Training Programs  
(discusses 10 programs - workshops, institutes, in-service programs and seminars)  
Brief description of Part 1, basic outline of Part 2, and select projects from Part 3 (not every project is illustrated in the chart)

Part 1: "Law Related Education: The Opportunity and the Challenge"

Description: 5 objectives to the development of a program;

- a) development of analytical skills
- b) development of moral and ethical values
- c) appreciation of the legal process
- d) teaching information about the law
- e) encouragement of responsible political participation

Part 2: The YEFC Action Program

Description: Main objectives of the Action Program are;

- a) stimulate community programs
- b) coordinate and expand on-going programs
- c) research and experimentation

Current Operations:

1) Regional Conferences

- a) Atlanta Conference - involving Atlanta Public Schools
  - involving Atlanta Bar Association
  - involving Georgia State Bar
- b) Philadelphia Conference - involving school administrators and educators
  - joint law-related advisory committees
  - Bar Associations

- 2) National Information Clearinghouse Administration
- 3) National Council for the Social Studies - National meeting (San Francisco)  
- 30 workshops
- 4) Law Enforcement Assistance Administration
- 5) National Youth Conference
- 6) Sesame Street
- 7) Pre-Service Conference - (college level)
- 8) Curriculum Development Conference
- 9) Early Years Curriculum Conference

- Materials and Resources:
- 1) Directory of law-related education activities;
  - 2) Bibliography of law-related curriculum materials: annotated;
  - 3) Resource and reference library
  - 4) Film "To Reason Why";
  - 5) Guidelines for Law-Related Education Activities.

STATE	PROJECT	ADDRESS	PROGRAMS	MATERIALS	CONTACTS
California	Constitutional Rights Foundation	609 South Grand Suite 1012 Los Angeles 90017	10 day in-service program for teachers in the Administration of Justice in American Society	Justice Community and the Schools - manual	Vivian Moore
Colorado	Legal/Civic Education Program for the State of Colorado	Social Science Education (S.S.E.C.) Consortium 855 Broadway Boulder, 80302	3 phases of activities/services: 1) development 2) implementation 3) evaluation	inventory of legal education materials - S.S.E.C.'s Resource and Reference Centre: a) National law-related projects b) Social studies education projects c) locally developed materials, texts, non-print media, games/simulations	W. William Stevens, Jr.
Illinois	Law in American Society Foundation	33 North LaSalle Street Suite 1700 Chicago, 60602	resource and evaluation service; program to develop university courses	3 volume <u>Teacher Education Handbook Series</u> ; <u>Law Focus</u> 19 video series; <u>Trailmarks</u> - constitutional concepts <u>Justice in Urban America</u> - 6 paperback volumes on consumer law, welfare, urban life, police, social protest, juvenile court system; <u>Law in American Society</u> -journal	

STATE	PROJECT	ADDRESS	PROGRAMS	MATERIALS	CONTACTS
Missouri	St. Louis Law and Education Project	Cook Elementary School 5935 Horton Place St. Louis 63112	pilot 8th grade program; use of variety educational techniques	role-playing episodes; posters; cartoons; slide & video presentations; tape recordings	Barbara Atwater
New York	Association of American Law Schools Committee on Civic Education	Cornell Law School Ithaca, 14850	encouraging law school involvement in every community; involvement with local Bar Associations and education system to improve and expand law-related education activities; assisting projects in the development of curriculum materials		Robert S. Summers
Washington	Seattle Public Schools Law in American Society Project	Nathan Hale High School 10750, 30th Avenue N.E. Seattle, 98125	to train teachers in the basic concepts of law; use of teaching strategies emphasized		Dominic W. Mores



PART 4: Some Teacher Training Programs

STATE	PROJECT	ADDRESS	PROGRAMS	MATERIALS	CONTACTS
Indiana	Administration of Justice	Indianapolis Bar Assn. Legal Studies Committee 717 Merchants Bank Bldg. 1 East Washington St. Indianapolis 460204	workshops on 9 topics - equal opportunity, court system, search & seizure, juvenile procedures, filing and Civil Suit		Mary Beth Ramey
Ohio	Centre for Law-Related Education	University of Cincinnati College of Education 635 Pharmacy Mail Location #2 Cincinnati, 45221	4 week teacher training institute: - constitutional law - teaching legal issues  8 in-service mini courses	sourcebook for teachers based on classroom strategies	R.A. Berlach
<p><u>N.B.</u> Other Teacher Training Projects have been described in the material described herein by the Special Committee on Youth Education for Citizenship.</p>					

Critique: Excellent outline of projects and their programs, though with American orientation. Materials may be useful as background information.

- e) Media: An Annotated Catalogue of Law-Related Audio-Visual Materials.  
Special Committee on Youth Education for Citizenship. American Bar  
Association. Working Notes #8, 1975.

Description

The headings centered on were:

Part I: Origins and Concepts of Law

Part IV: Current Issues

Part VII: Teaching of Law

Selections were made from these headings (only a sample of the kinds of  
media information/materials, is included).

PART I: Origins and Concepts of Law

But It Isn't Yours ... First Things: Value series. Guidance Associates  
1972.

Target Group: K-4 (K= Kindergarten)

Description: 2 sound filmstrips, discussion guide - 6 min. each

Part 1: asks whether a boy has infringed on the property  
rights of his friend when he "borrows" a piece  
of wood to his brother's sled

Part 2: asks questions about ownership and fairness when  
a boy's little sister fixes and claims the  
bicycle which he has abandoned for several  
months in the basement

Cost: sale: \$22.00 (with record); \$24.50 (with cassette)

Black Rabbits and White Rabbits: An Allegory. Schloat Productions, Inc.  
1968.

Target Group: sound filmstrip, guide 8 min.

Description: An open-ended story about two groups of rabbits. The white  
rabbits enslave some black rabbits. The white rabbits eventually over-  
throw themselves and the black rabbits have to decide whether it is best  
to keep the white ones as slaves or let them go.

Cost: sale \$23.00 (with records) \$26.00 (with cassettes)

Culture Clashes: The Right To Be Different. Perspectives in Social Studies  
Series. Xerox Films. ABC News. 1972.

Target Group: 7 - 12 Grades

Description: 16 mm film, guide, 29 min. Emphasizes the need of societies  
to allow for differences in order to progress. Describes the Oneida  
Community, various racial minority groups and cultures, the Amish and the  
youth culture.

Cost: \$350.00

Wonderworm: Values in Story and Song (Group 1). Wonderworm Series.  
Scott Education Division. Manhattan Rainbow and Lollipop Co. 1974

Target Group: K - 4 Grades

Description: Four sound filmstrips, guide, songbook, poster, student sheets, 9 min. each. The wise "Wonderworm" helps various people by song and experience to understand individuality, stereotypes, active participation, stealing and other basic concepts aiding self - and social - understanding.

Cost: Sale \$64.00

#### PART IV: Current Issues

Between Two Rivers. Correctional Service of Minnesota. NBC, 1970.

Target Group: 7 - 12 grade

Description: 16 mm film, guide, 25 min. The problem of Indian identity and integration into white society are shown through a true story of an Indian, James White Hawk, who committed a violent crime against whites. His background and social conditions, and the attitudes of whites are examined, to understand what it is like to grow up between two societies.

Cost: Rental \$12.00

#### PART VII: The Teaching of Law

Ratcliffe, R.H. and J.W. Wick. Law in American Society Foundation. Law-Focused Audio-Visual Series. (Free loan, limited supply)

##### Adversary Process (The)

Target Group: teacher

Description: sound slides (with cassette only), guide, 15 min., analyzes various aspects of the adversary system

##### Case Study Method

Target Group: teacher

Description: sound slides (with cassette only), guide, 15 min., uses Reynolds v. U.S. (freedom of belief) to demonstrate the use of the case method

##### Law-Focused Education: The Beginning of an Idea

Target Group: teacher

Description: sound slides (with cassette only), guide, 15 min., explains the need for providing law-related education

Mock Trial (The)

Target Group: teacher

Description: Sound slides (with cassette only), guide 15 min., outlines the procedures for arranging and conducting mock trials

Simulation Games

Target Group: teacher

Description: Sound slides (cassette only), guide 15 min., use of simulation games - rationale in classrooms. 4 games illustrated.

Critique: Good information base, though some of the films are fairly expensive. Some could be used as a guide for media material in this project.



Appendix IV

Progress Report #4  
Review of the Literature and Bibliography

May 9, 1977

RESEARCH ON THE TERMS OF REFERENCE  
TOWARD THE DEVELOPMENT OF A  
LEGAL INFORMATION AND EDUCATION  
PROGRAM FOR THE N.W.T.

Progress Report

Review of the Literature and Bibliography

May 9, 1977

Donna L. Kydd  
Consultant,  
Northern Social Research  
Division,  
D.I.A.N.D.

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## Introduction

As with the Progress Report, dated 28 March 1977, I will be concentrating on an information-package format. Before I center on the major areas of this Progress Report, I wish to discuss some of the reactions received. In particular, I would like to address myself to the criticism of the "abstract" nature of the information relayed through these Progress Reports. As a response, I think I should re-emphasize my role in this research project. Basically, I perceive my role to be that of a facilitator - a person from whom the Steering Committee in the North may extract information relating to the legal content and education methodology. Secondly, it must be realized that I am not writing a set of curriculum materials for this proposed legal information and education program for the N.W.T. That, I feel, belongs to the individuals in contact with the legal and education particularities of the N.W.T. It would be, in my view, rather presumptuous for me to set up any curriculum without adequate input from the legal groups and the possible participants of such a program. Thirdly, the materials presented in these Progress Reports are resource materials to be used in whatever beneficial way the Steering Committee sees fit. These Reports are primarily a collection of literature/program/materials I have retrieved over a specific period of time, namely: 3 January 1977 to 13 June 1977. I do not pretend that these information packages are all-inclusive. They are not. To be sure, this information will only be relevant if the "user" appreciated the limitations of such research.

My intention, throughout these Report, has been to focus attention on:

- (1) identifying information requirements
- (2) outlining available resources
- (3) discussing methods of delivery/disseminating such information
- (4) illustrating procedures for implementing a legal information and education program.

In light of these goals, I feel, it would be beyond my role to provide more than options or alternatives for the "user". My information may, indeed, be "abstract" if the readers are awaiting a definitive proposal or model. I wish to caution those readers who are in search of such an outcome.

In this fourth Report, I will be looking at:

- A. Eskimo customs and traditions: as studied by S. Conn and A.E. Hippler from Alaska.
- B. Attitudes towards education - a Native perspective: an Indian-Inuit-Metis viewpoint on education.
- C. New Education: a discussion on the role of perceptions, culture and language.

- D. Education in the Canadian North: as in Man in the North Technical Paper, The Arctic Institute of North America.
- E. Curriculum and Materials: some guidelines and additional resource materials.

As the reader will notice, I am emphasizing the education elements of a legal information and education program. I think this is most important and should not be taken lightly or taken for granted. It must, in my opinion, be stressed and considered thoroughly.



## Literature and Programs

### A. Eskimo customs and traditions

#### (a) The Adversary System

As a follow-up on my discussion, in my previous Report, on Alaska and the Alaskan experience, I will be drawing upon some of the observations made by S. Conn and A.E. Hippler - both of whom have written quite extensively on same between 1972 and 1974. My interest, and subsequent motivation, for including their work in this Report is to illustrate to the reader the necessity of mixing Anglo-European law with Eskimo custom and traditional ways. The work by Conn and Hippler notes the failures of imposing the alien Anglo-American legal system totally upon the Eskimo. It concludes that the failure relates to the following:

- (1) the magistrate system, which took over from the village council as to resolver of disputes, was inappropriate due to its inherent nature - an intervener and also, due to the inadequate training and hiring practices of lay magistrates.
- (2) the logistical problems of providing professional advocacy or judicial service to the Bush on a regular basis were insurmountable - i.e. the cost of flying in to villages, getting lawyers to move into the villages etc.
- (3) the Eskimo experience was not adversary in nature and therefore, the Eskimos had great difficulty understanding the court system, the sentencing procedures etc. It was not compatible with their experience with the village council.
- (4) the Eskimo had difficulty in distinguishing between such things as guilty feelings versus evidentiary guilt. Their experience had been to be "cooperative wrongdoers" and to speak of their actions before a village council. For the Eskimo to remain silent was incomprehensible before a Magistrate.<sup>1</sup>

#### (b) Informal Social Control: Pre-Contact Days

To be more explicit, Conn and Hippler described the formal system of control as it related to the Eskimo personality and culture:

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<sup>1</sup>Conn, S. and A.E. Hippler. Notes on Representation of Native Clients. Bush Justice Development Program. Institute of Social, Economic and Government Research. University of Alaska. Fairbanks, Alaska: 1972. at pp. 2-6.

- (1) the social organization of Eskimo communities was formed through a bilateral kinship system. It was a series of mutually exclusive relationships without chieftains and an intervening judicial authority.
- (2) the absence of Eskimo law was a function of a personality system and value structure in Eskimo culture (i.e. "oral optimistic fatalism"). They could handle physical environment but were very insecure in the handling of people. In conflict situations, when an Eskimo was frustrated by someone, he/she either ignored it (denial), attacked it (rage), helplessly accepted it (passivity) or fled (retreat).<sup>2</sup>
- (3) the characteristic "non-aggressive" Eskimo was a conscious activity in child-rearing. The child was taught to displace his/her anger (i.e. a son learns to utilize his aggression in the pursuit of game). This related to the Eskimo's caution in interpersonal relationships as they viewed the "human universe" as unpredictable.
- (4) the norms and sanctions in Eskimo life further illustrated the social control mechanisms (i.e. an esteemed individual in Eskimo society was a "conflict avoider" who did not judge the behavior of others). There was a norm wherein no one interfered with the life of another. This was very important. Also, contingent upon this norm was the "rule" that one should not do things unless one could get away with it. The primary sanctions were gossip and ostracism. Both were indirect and therefore, followed the characteristic patterns of resolution of the Eskimos. The real "force" was the belief/myth that the universe would retaliate for taboo-breaking, that there was a supernatural system of justice.<sup>3</sup>

(c) The Village Council

The system used by the Eskimos, in pre-contact days, was totally opposite to the experience of Anglo-American laws and sanctions. The transition period, between the old ways and the magistrate system, saw the rise of the village council as the substitute for external law in the rural villages.

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<sup>2</sup>Hippler, A.E. and S. Conn. "Northern Eskimo Law Ways and their Relationships to Contemporary Problems of 'Bush Justice'. "I.S.G.E.R. Occasional Papers. No. 10. Fairbanks, Alaska: 1973. at pp. 4-7.

<sup>3</sup>Hippler, A.E. and S. Conn. at pp. 11-21.

Prior to the village council, the capacity for solving local disputes did not exist. As Hippler and Conn described it, the Eskimo informal techniques of social control were little more than anarchy. The council, none-the-less, was a vital instrument for dispute resolution. The council permitted the traditional values of individual non-interference to be upheld and reinforced. The council's procedures in resolving disputes were seen as private communications of grievances than intervention per se. It was seen as an indirect means to settle matters between the offender and the victim. The council, therefore, used the powers given them by the "outsiders" but maintained the traditional values in determining a local problem.<sup>4</sup> The role of the council was to:

- (1) establish formal law within the village
- (2) intrude upon the Eskimo's private world when it disrupted village life
- (3) resolve local disputes by exploring the "truth" in terms of Eskimo culture and values
- (4) resocialize the offender - offering the offender "a state of grace" status if the offender wished to be brought back into the mainstream of village life.<sup>5</sup>

(d) The Magistrate System

The magistrate system did not provide the villagers the same continuity of Eskimo village life. It did not maintain the same treatment of conflicts and misbehavior. The sentences given by a magistrate lay full responsibility on the individual Eskimo offender. It did not correspond to the community/village value structure. It either seemed too lenient or too severe. It did not respond to the "will" of the village in terms of resocializing the offender back into the village life or take notice of the offender's role in the village.<sup>6</sup> The loss of the village council, therefore, was great for the village and village life. What was appropriate for council to resolve was inappropriate for the magistrate. Fining and jailing were not seen as the answer for certain disputes (i.e. whaling partners caught in a dispute - neither could afford the loss of the partnership in spite of the conflict. The council would have been most useful to resolve the anger - but was not available).<sup>7</sup>

What Conn and Hippler articulated, in their many articles, was the need to recognize the separate Eskimo personality and cultural values in developing an effective Bush justice system. Similarly when one discusses the establishment of a legal information and education program which will have as participants, Indian-Inuit-Métis, one must give due attention to their personality and cultural values to make the program

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<sup>4</sup>Hippler, A.E. and S. Conn. at pp. 32-34.

<sup>5</sup>Hippler, A.E. and S. Conn. at pp. 39-40.

<sup>6</sup>Hippler, A.E. and S. Conn. "The Changing Legal Culture of the North Alaska Eskimo." Ethos. Vol. 2, No. 2: 1974. at pp. 177-180.

<sup>7</sup>Conn, S. and A.E. Hippler. "Wedding U.S. Law to Eskimo Tradition." Juris Doctor. April, 1974. at pp. 42-44.

effective. Conn and Hippler stressed the need for the development of inter-related concepts of justice (i.e. the development of a flexible justice system which takes into account the physical disparities - urban versus rural areas, the cultural values of the native people and the formal legal system of the State). The program must, in turn, be flexible and adaptable to have any influence. It must incorporate cultural values as well as inform the participants of the legal system of the N.W.T. Variations in program content and methodology must be seen as inescapable if one is to offer such programs to participants of differing cultural backgrounds. Variations must, therefore, respond to the individual groups - Anglo-European, Indian, Inuit and Métis. Legal information, the amount and content, must allow for interpretation in each grouping. That is not to say that there will be no consistency in the quality or type of legal information taught or learned by the participants. Simply put, it means that the Anglo-European legal approach should not be strictly taught for it would be disastrous in that event. It would have little relevance and little interest to the participant.

#### B. Attitudes towards Education: A Native Perspective

Anyone considering the establishment of a program which relates to education must be aware of the attitudes of potential participants with regard to education. This may have particular significance with the Indian-Inuit-Métis. As a result, I have included as part of this Report some of those feelings. Many of the feelings cited will reflect the negative aspects of education. These hopefully will be seen as a means to sensitize the reader to their misadventures in the realm of education. These should, also, be seen in a positive light - that is, to identify some of the mistakes and carefully avoid them in the planning and implementation of a legal information and education program.

##### (a) In the South (Canada)

Marlene Castellano expressed her views in "Vocation or Identity: The Dilemma of Indian Youth" as follows:

without exception, the education which has been thrust with varying degrees of competence upon the Indian child has been white man's education formulated in white terms.<sup>8</sup>

Castellano, also, described the learning process of a middle-class child as being one where schedules are an integral part of life, where getting ahead is something to strive for and where status is

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<sup>8</sup>Castellano, M. "Vocation or Identity: The Dilemma of Indian Youth." The Only Good Indian. Revised edition. New Press. Don Mills, Ontario: 1974.



equated with formal education.<sup>9</sup> Castellano further explained the pressures and reactions to the Indian child. For example, the Indian child:

- (1) is expected to discard the weight of his/her experiences and move, in step, with his/her white peers.
- (2) is alienated from his/her life style (that which provides continuity and sustenance for his/her inner life) as he/she becomes more and more capable of functioning in the white man's language and in dealing with white man's abstract concepts.
- (3) is isolated from his/her primary experiences i.e. is shown the incongruity of Indian experience in the white man's school.  
is unfamiliar with the nuances of the English language he/she is forced to used.  
is confronted with a reflection of him/herself which undermines his/her self-esteem as an Indian.
- (4) has a low achievement level in his/her school career.
- (5) meets patronizing and disparaging attitudes in his/her white teachers, merchants and officials.<sup>10</sup>

Another voice heard on the subject of education is Howard Adams. In his book, Prison of Grass, he discussed the role of education in terms of a "systematic state of inferiorization and colonization".<sup>11</sup> Adam's analysis of the education system and the high dropout rate with Métis and Indians was that:

the present formal education program is irrelevant and meaningless to native people...middle-class values inherent in classroom instruction mean very little to native students. The curriculum is so strange that students have difficulty relating it to their knowledge...If it were not for the white-ideal operating within native persons, these schools would have little support from natives...It is more than a gap between curriculum and community, it is a gap between school and the native society.<sup>12</sup>

(b) In the N.W.T.

Other comments on the educational system have been gathered with the aid of Martin O'Malley in his book, The Past and Future Land.<sup>13</sup>

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<sup>9</sup>Castellano, M. at pp. 53-55.

<sup>10</sup>Ibid.

<sup>11</sup>Adams, H. Prison of Grass. Canada from the Native Point of View. General Publishing. Toronto, Ontario: 1975. at p. 15.

<sup>12</sup>Adams, H. at p. 153.

<sup>13</sup>O'Malley, M. The Past and Future Land. An Account of the Berger Inquiry into the Mackenzie Valley Pipeline. Peter Martin Associates Ltd. Toronto, Ontario: 1976.

Examples of these are as follows:

- (1) Dolphus Shae of Fort Franklin, N.W.T. spoke of the "forced schooling":

Before I went to school the only English I knew was "hello" but when we got there we were told that if we spoke Indian they would whip us until our hands were blue on both sides...it made us feel inferior to whites.<sup>14</sup>

- (2) Francois Paulette of Fort Smith, N.W.T. spoke of education in general:

education is another thing that the white man imposed on us. We've had to learn their ways. Everything seems to be on one side. Nobody wants to learn the Indian way or the values of the Dene people, the spiritual and religious life.<sup>15</sup>

- (3) Gina Glondin of Rae, N.W.T. spoke of her painful experience with education and the residential school system:

when I left Fort Franklin I did not know a word of English. After five years of hostel life, I did not know a word of Slavey. I will always find the loss of my language one of the most tragic and destructive things that education has done for me.<sup>16</sup>

(c) The Western Arctic

From a researcher's point of view and an entirely different perspective, I have included portions of C.S. Brant and C.W. Hobart's "The Educational System in the Western Arctic" written in 1966.<sup>17</sup> They outlined five problem-areas of the education system, as it related to the native people:

- (1) the use of non-native teachers - teachers were considered veterans if they taught for more than two years in the Arctic. As it took at least one year for the southern teacher to get acclimatized - over the culture shock and the isolation - and used to the problems of the Eskimo students. Also, barriers between the white

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<sup>14</sup>Malley, M. at p. 35.

<sup>15</sup>Malley, M. at p. 218.

<sup>16</sup>Malley, M. at p. 251.

<sup>17</sup>Brant, C.S. and C.W. Hobart. "The Educational System in the Western Arctic." Eskimo of the Canadian Arctic. The Carleton Library No. 41. McClelland and Stewart Limited. Toronto, Ontario: 1968. at pp. 186-194.



community - with its status/caste-like system the white residents maintained - and the native community did not encourage intermingling of the cultures outside of the school environment.

- (2) the exclusive use of English - as the grade levels or advancement relied completely on the mastery of English, it helped in the grade retardation of Eskimo students. Also, English was the only language used even amongst Eskimo students.
- (3) residential schools - Eskimo students were taken out of their home environment and placed in residential schools. The students had problems of integration, of confusion - speaking only English at school and only their native language at home, of a value and attitude gap - at school they experienced a higher standard of living and constant changes, of separation from family and emotional deprivation.
- (4) a southern-oriented curriculum - it had very little to do with the North, leaving the content quite meaningless and irrelevant. It, also, overlooked the native skills in the education process.
- (5) texts - these were inappropriate for the Arctic and the Eskimo student. Little effort was made to produce northern materials.<sup>18</sup>

As can be seen by the quotations, the Indian-Inuit-Métis people have rather scarred memories of their education. If the legal information and education program is to have any appeal to this segment of the N.W.T. population, the Steering Committee or whomever must consciously listen to their comments - suggestions or criticisms - at the initial planning stages on through to implementation.

This kind of frustration, to be sure, may be prevalent in the Anglo-European realm of educational experiences. What I am basically emphasizing is that the Steering Committee identify such attitudes and attempt to adapt the program to the peculiarities of each culture group. The idea, of course, would be to have teachers of the same cultural background involved with the "instruction" of the legal information and education program. This should not be termed as further isolation or segregation. There is a need for a mixing of the cultures but native teachers, for example, may heighten the learning experiences of native students.

In effect, the Steering Committee would be dealing with the community and hearing what the members of the community feel as well as the legal counsellors. Clearly the program must be acceptable to the respective communities - Indian-Inuit-Métis- Anglo-European.

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<sup>18</sup>Brant, C.S. and C.W. Hobart. at pp. 186-191.

### C. New Education

In discussing the "new education", I am mainly concerned with developing an intense learning environment. New education, in this instance, means a movement away from the traditional instructional concepts or habits. That is to say, it makes the learning more real and functional to the "receiver"/student. In the situation of law-related education, the structure of the program must not dominate. The needs and interests of the students must be met. That suggests, therefore, that there should be an awareness not only of legal content but of realistic goals in "teaching" the legal issues. For example, one must take into consideration:

- (1) what you are teaching
- (2) how you are teaching
- (3) who is doing the teaching
- (4) whether the content relates, at all, to the daily lives of the students
- (5) whether it had any impact on the students

What does all this mean? It means, particularly in a cross-cultural setting, that one has to be aware of the students - their perceptions, their language and their values.

#### (a) Perceptions

In Teaching as a Subversive Activity, Postman and Weingartner outlined the work of a relatively unknown researcher, Adelbert Ames Jr., and his conclusions about perceptions and learning. He stated that:

- (1) our perceptions come from within us, not from the things around us.
- (2) what we perceive is largely a function of our previous experiences, our assumptions and our needs.
- (3) perceptions will not be altered until and unless we are frustrated in our attempts to do something based on them.  
i.e. if our actions permit us to fulfill our purposes, we won't change our perceptions no matter how often we are told they are wrong.  
i.e. the ability to learn relates to our ability to relinquish inappropriate perceptions and to develop new and more workable ones.
- (4) our perceptions come from us and our past experiences.  
i.e. it is obvious that each individual will perceive what is "out there" in a "unique" way.  
i.e. communication is possible only to the extent that two perceivers have similar purposes, assumptions and experiences.<sup>19</sup>

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<sup>19</sup> Postman, N. and Weingartner, C. Teaching as a Subversive Activity. Dell Publishing Company. New York, New York: 1969. at pp. 89-91.

- (5) perception is a function of linguistic categories available to the perceiver.  
i.e. "behind the eyes" there is a language process;  
we "see" with our language.
- (6) the meaning of a perception is how it causes us to act, each perceiver reacting in a different manner.  
i.e. two people caught out in the rain - both acknowledge it is raining but one heads for shelter and the other continues to stroll in the rain.<sup>20</sup>

Now, what relationship does perception have with learning? What does perception have to do with this legal information and education program? From the information gathered by Ames Jr., one knows that perceptions are unique to each person. That is, no one can learn in the same way. What the teacher may feel is important may be perceived by the learner in a different way with less or greater importance attached to it. To sum, as a teacher:

whatever criteria you use, all you ever have  
to work with...are the perceptions of learners  
at a particular time.<sup>21</sup>

Therefore, if you are a white middle-class teacher and your students are Indian-Inuit-Métis, the perceptions possible, in one situation, are phenomenal. The reverse would be true, as well - a Indian-Inuit-Métis teacher in a white middle-class classroom. The complexities of "what is said and what is heard" are very real in cross-cultural settings. The teacher, in such cases, has to be constantly working with the students to find out what the students actually heard.<sup>22</sup> An excellent example of how perceptions are tied into cultural influences is in the concept of "time". For the Western society:

time is conceptualized as a straight line...as a quantity...as lengths made of units. A length of time is envisioned as a row of similar units. A logical and inherent characteristic...is that once a unit of river time flows past, that particular unit never returns...it is gone forever. This characteristic leads to other concepts such as wasting time, making up time, buying time, being on time... Another characteristic of this linear concept of time is that each unit of time is totally different and independent of similar units...each day is considered a different day. Every day a new day, every year a new year.<sup>23</sup>

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<sup>20</sup>Ibid.

<sup>21</sup>Postman, N. and Weingartner, C. at p. 97.

<sup>22</sup>Postman, N. and Weingartner, C. at p. 94.

<sup>23</sup>O'Malley, M. "Leroy Little Bear" at pp. 238-239.

For the Native person, though, time is thought of:

in terms of cyclicity. Time is not a straight line. It is a circle. Every day is not the same day, but the same day repeating itself. There is no need to name each day a different day. You need only one name: day...the sun is round; the moon is round; a day is a cycle - daylight followed by night; the seasons follow the same cycle year after year. A characteristic of cyclical thinking is that it is wholistic, in the same way a circle is whole.<sup>24</sup>

As you can see, the different perceptions of time really are substantial. There is a strong need to listen, as a result, to cultural personalities in any form of an education program. If there is an insistence on placing one's cultural perception over another, then, it would be damaging for any learning environment.

(b) Language

To the National Indian Brotherhood, language is defined as:

the outward expression of an accumulation of learning and experience shared by a group of people over the centuries of development. It is not simply a vocal symbol; it is a dynamic force which shapes the way a man (woman) looks at the world, his (her) thinking about the world and his (her) philosophy of life.<sup>25</sup>

An alternative definition is:

we do not "get" meanings from things, we assign meaning. The meaning we assign is a function of the pattern or system of symbols through which we order and relate whatever it is we are dealing with.<sup>26</sup>

Simply put, Eskimo language expresses Eskimo cultural orientations. For the Eskimo, his/her language or tense system is either in the present, immediate past or immediate future. It is unlike the tense system of the Western society - which is more future orientated.<sup>27</sup> Common words in the Eskimo language are uncommon or have different meanings in the Anglo-European language. For example, the word "guilty" is not found in the Eskimo language. It is not of significance traditionally with the Eskimos.

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<sup>24</sup>Ibid.

<sup>25</sup>National Indian Brotherhood. "Indian Control of Indian Education." The Only Good Indian. Revised edition. Don Mills, Ontario: 1974 at p. 208.

<sup>26</sup>Postman, N. and Weingartner, C. at p. 99.

<sup>27</sup>Gagne, R.C. "Spatial Concepts in the Eskimo Language." Eskimo of the Canadian Arctic. The Carleton Library No. 41. McClelland & Stewart Ltd. Toronto, Ontario: 1968. at p. 32.



What is the connection between language and learning? Edward Sapir and Benjamin Lee Whorf described the link in each cultural group as being:

...imprisoned, so to speak, in a house of language. We try to assess what is outside the house from our position within it. However, the house is "oddly" shaped (and no one knows precisely what a "normal" shape would be). There is a limited number of windows. The windows are tinted and at odd angles. We have no choice but to see what the structure of the house permits us to see...

i.e. language is not merely a vehicle of expression, it is also the driver. What we perceive, and therefore can learn is a function of our languaging processes...language (therefore) assumes an importance that has not previously had in any education philosophy...the key to understanding a "subject" is to understand its language.<sup>28</sup>

What about all of this? Does this information have any bearing on this proposed program? It would appear that it is vital. If the program is to have a mixing of cultural groups, the content and methods of "instruction" must meet two language needs:

- (1) the language of the participants.
- (2) the language of the "subject".

(c) Communication Skills

Communication skills, in this instance, are those skills which enable the student/participant to grasp a concept, to learn. The skills required to learn about the law are complex enough without bringing in the additional factor of language of a cultural group or two. Author Paul Diggs stated in a symposium on disadvantageous students and legal education that students, of minority backgrounds, be given lessons in non-legal and legal communication skills. He cites eleven learning skills ranging from the basic language structure of law to phonetics to grammar to word analysis.<sup>29</sup>

Often teachers of law-related subjects are not experienced in the language of law and hence, have difficulty in teaching it to the students/participants. The vocabulary, comprehension and analytical capabilities of the teachers

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<sup>28</sup>Postman, N. Weingartner, C. at pp. 101-102.

<sup>29</sup>Diggs, P. "Communication Skills in Legal Materials: The Howard Law School Program." University of Toledo Law Review. Vol. 1970, No's 2 & 3. Spring-Summer edition. at pp. 763-789.

as well as the students should be emphasized to increase the potential of learning about the law. The goals of a teacher training program and legal information and education program for students should be to include communication skills of some sort.

(d) Methods

I have discussed the methods of "instruction" briefly throughout this Report. I have attempted to make a distinction between the traditional method (which I define as lecture-type, stilted and closed in structure) and a less conventional method (which brings in a variety of techniques and is less structured).

In this section, I will outline a variety of those techniques and elaborate on some to give the reader an opportunity to judge same or utilize same. Dwight Gibson, a teacher of law-related education, has very ably written in Law Pamphlet #1 many methods. To be exact, Gibson has set out twenty-seven (27) and describes them in terms of objectives and suggested means of introduction. Here are a few examples:

- (1) Skits - objectives - to make a point of law more realistic and easier to understand.
  - to have students involved in creating a situation which explains a point of law.
  - to put students in a predicament which they may face later in life -- and prepare them to recognize these pitfalls in advance.
- suggestions - short skits, written and prepared by the students themselves, giving them the objectives and letting them prepare it.
- short skits can frequently prove a point of law effectively.
- have students participate when knowing only their roles.<sup>30</sup>
- (2) Legal language - objectives - to make the student understand the meaning and use of legal terms.
  - to have the student use legal terms in their proper context.
- suggestions - puzzles.
- legal language "bees".
- "drill sessions" at the beginning.
- fill-in-the-blank definitions.<sup>31</sup>

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<sup>30</sup>Gibson, D. Law Pamphlet #1. Methods. Earl of March Secondary School. Kanata, Ontario. at p. 4.

<sup>31</sup>Gibson, D. at p. 14.



#### D. Education in the Canadian North

This section will deal with the education system in the North and relate information on:

- (a) community-guided teachers
- (b) apprentice teachers
- (c) southern teachers for the North

The Man in the North Project set up programs involving these three teaching experiments. The following comments will provide essential information on the individual programs.

##### (a) Community-guided teachers

According to the researchers of this project, community-guided education refers to:

initiating students to the knowledge of and skills in his(her) natural environment, the planning and teaching of which are assumed by the local community and people it designates.<sup>32</sup>

This type of program was designed to get the native communities involved in the local school education and to set up some practice criteria to evaluate its success - i.e. the criteria used was as follows:

- (1) to give northern native children a better knowledge of their history and of their culture in a school surroundings.
- (2) to stimulate northern native school children's pride in what they are.
- (3) to increase the interest of the local community in the school.
- (4) to encourage the local native residents to become involved in planning, implementing, and assessing school curriculum programs.
- (5) to enhance the interest of the school staff in community-guided education.<sup>33</sup>

This program was started in five areas: Mackenzie Delta, Lower Mackenzie, Great Bear Lake, Baffin Island and Ungava Bay. Local organizations were

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<sup>32</sup>The Arctic Institute of North America. Education in the Canadian North. Three Reports: 1971-1972. Technical Paper. Man in the North Project. Montreal, Quebec: 1973. at p. 3.

<sup>33</sup>The Arctic Institute of North America. at pp. 8-9.

utilized in all stages of development and implementation (e.g. school committees, school principals, community teachers, resource people/ evaluators and field reporters etc.).

The area, I want to concentrate on, is the evaluative comments by students, principals, teachers, resource people, the field reporters, and the community:

- (1) the students - they showed great respect for the community teachers and seemed to enjoy the activities.
- (2) the principals -
  - felt that it was good for the community
  - drew attention to education
  - improved the academic performance of the children
  - increased the use of the native language and culture in the school
  - showed the problems in northern education and ways to solve them.
- (3) the teachers -
  - felt that the Eskimo community was not adequately represented on the school committees
  - felt that the native people did not initiate or decide upon the activities to be taught, waiting for outside direction
  - felt that the program was being "shoved down the throats of the local community"
  - felt that native children could learn bush skills at home
  - felt that the community-guided teaching upset the school schedule - teachers were not on time
  - felt that field trips were dangerous for the kids
  - felt that the native students spoke English and did not need the native language
  - felt the N.W.T. Department of Education only had the right to bring in special projects.
- (4) the resource people -
  - felt that the project helped school progress by bringing in native culture
  - illustrated that a better understanding between the school and the community was needed
  - teachers could have given more active support to the project
  - helped the community to consider the place of language and culture in local education
  - teachers worried about the organizing and planning of activities, though, basically in favor of the activities.<sup>34</sup>

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<sup>34</sup>The Arctic Institute of North America. at pp. 37-38; 40; 42-43.

- (5) the field reporter - felt that the interest and satisfaction of the children were very obvious
  - felt that the interaction between parents, children and community-teachers was important
  - felt that the native language, when taught to "English" students, was picked up easily and enjoyed
  - felt that the project was too short to evaluate its total impact.
- (6) the community - in favor of the community-teacher and the use of native language and culture in school
  - unsure whether the native language and culture was really useful to the child's education
  - unsure who should take responsibility for teaching the native language and culture - the school, the community or the parents?
  - uncertain whether other skills (i.e. reading, writing or arithmetic) were being left out because of the community-guided teaching.<sup>35</sup>

I have included these comments to enable the reader to understand the advantages and disadvantages of a community-guided education program. This type of program may be worthy of consideration by the Steering Committee. In this way, the community can have input into the content and methods of instruction of a legal information and education program. The cultural distance, if any, may be handled effectively in a community-guided program.

(b) Apprentice Teachers<sup>36</sup>

This experiment was set up to encourage more native persons to become involved in the teaching end of education. Even though there are several available means for native persons to obtain teaching certificates (i.e. Bachelor of Education or a teacher diploma - Fort Smith), there are few native persons who take advantage of them. The Man in the North apprentice teachers project, thus, attempted to give the native person a third alternative and yet remain in the community. The communities which were involved with the experiment were all located in the Mackenzie Region - Mackenzie Delta, Low Mackenzie and Great Bear Lake. The elements in the design were as follows:

- (1) to ensure on-the-job training - this was achieved by outlining a three month schedule of activities (i.e. a model to guide the certified teacher and the apprentice teacher). This paid special attention to the instruction

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<sup>35</sup>The Arctic Institute of North America. at pp. 44-46.

<sup>36</sup>The Arctic Institute of North America. Report #2 at pp. 53-109.

of teaching techniques and use of curriculum materials.

- (2) to ensure the apprentice teacher worked with the certified teacher - thereby learning on-the-spot practical teaching background. Also, setting up a situation where the apprentice teacher can aid the certified teacher with teaching native students.
- (3) to ensure resource persons continued with the apprentice teachers academic background - four institutions were involved in this aspect (i.e. Department of Education - N.W.T., the University of Alberta, the University of Saskatchewan-Center for Indian and Northern Education and the Inuvik Research Laboratory).
- (4) to establish a team teaching approach - the three teaching teams were brought together for seminars and general meetings over the three month experiment timeframe.<sup>37</sup>

On assessing the overall experiment, the following evaluations were given:

- (1) on the value of the method - the common complaint was the short timeframe in which to work (i.e. three months)  
- the other criticism was the lack of resource persons and seminars (these were lost in many instances due to lack of finances).
- (2) on the personal value - the apprentice teachers showed a great improvement in teaching skills, academic knowledge, understanding the education process and personal performance in the classroom.
- (3) on the interest of northern native people in education - it stimulated community interest, cooperation and involvement. e.g. the apprentice teacher was chosen by the parents and the community.
- (4) on the students value - the students were enthusiastic and impressed by the apprentice teacher. In particular, they responded to the warm personal approach of the apprentice teacher and developed good communication with the teachers.
- (5) on the value for the cooperating teachers - it added to the in-service training of the teachers and enabled them to be more conscious of the community and people problems. It made them more aware of the problem of teaching teachers, as well.<sup>38</sup>

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<sup>37</sup>The Arctic Institute of North America. at pp. 54-60.

<sup>38</sup>The Arctic Institute of North America. at pp. 99-109.

This approach could be used, perhaps not in the initial stages of the legal information and education program. They could learn from the resource people (e.g. lawyers, teachers etc.) during the first stages of the program, progressively become more and more active, and then, take over the actual "teaching" of the program. This would fulfill two objectives:

- (1) ensuring that Indian-Inuit-Métis-Whites instruct their own cultural and linguistic group. Also, it would encourage or enable a cross-cultural program to develop with "teachers" of each cultural group participating in a mixed student setting.
- (2) freeing the resource people to be actual "resources" to the teacher instead of being the teachers which is much more demanding than practically possible for the professional person. It would provide that necessary backup resource to the teacher.

(c) Southern Teachers for the North<sup>39</sup>

This experiment came about as a result of concern over the lack of "preparedness" of southern teachers brought into the North to teach. The general difficulty, in the eyes of the native community, is that:

perhaps (it is) not realistic to believe that an individual influenced by the standards, the norms, the orientation, and the reference criteria of his (her) own society could initiate himself (herself), in his (her) own society, to northern values which are very often in opposition to the dominant society's values.<sup>40</sup>

For the teachers, the main points for the preparation of southern teachers for the North are:

- (1) knowledge of the local culture
- (2) training for cross-cultural education
- (3) training for special teaching areas (e.g. Kindergarten)
- (4) in-service training
- (5) studies in the social sciences
- (6) teaching a second language
- (7) cultural studies
- (8) understanding and speaking a native language.<sup>41</sup>

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<sup>39</sup>The Arctic Institute of North America. Report #3. at pp. 113-149.

<sup>40</sup>The Arctic Institute of North America. at p. 137.

<sup>41</sup>Ibid.



The administrators, on the other hand, isolated three other gaps for the southern teacher:

- (1) the lack of understanding of the child in the context of his (her) home and community
- (2) the inability to identify learner needs, learner difficulties, obstacles to learning, things that motivate the child
- (3) the unwillingness or inability to involve children and parents in the planning, modification, or adaptation of the curriculum to better fit learner needs and learner motivation.<sup>42</sup>

In dealing with a program, such as the legal information and education program, the Steering Committee must be aware of the importance of the expression of the community, the teachers and the administrators. If southerners are used in the program, then time must be spent with the varying individuals in the communities to obtain their support and interest.

#### E. Curriculum and Materials

As I have included this section in my previous three Reports, I feel there is no need for introduction. Again, I am outlining what is available in terms of materials. Some of which are written for a specific group - cultural and potential clients for legal advice, other for schools and yet others for the general public.

##### (a) Guidelines

Before discussing the material, I think it appropriate that time be given to the guidelines (e.g. what do you look for in a set of materials). Paul Robinson mentions three factors in selecting materials:

- (1) evaluating materials for prejudice or bias
- (2) evaluating materials for their use of interweaving viewpoints and ideas
- (3) evaluating materials for their recognition of the diversity of society i.e. the pluralistic nature of society.<sup>43</sup>

Robinson describes the "sins of commission" in materials (e.g. materials which are value-laden in terminology, use of stereotype images and illustrations).<sup>44</sup>

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<sup>42</sup>Ibid.

<sup>43</sup>Robinson, P. After Survival. A Teacher's Guide to Canadian Resources. Peter Martin Associates, Limited. Toronto, Ontario: 1977. at pp. 10-12.

<sup>44</sup>Robinson, P. at pp. 15-16.

Robinson, also, provides a checklist of the "properties" of learning materials:

- (1) the size of print
- (2) the size of the book
- (3) variety (i.e. the format of the book to avoid boring the reader)
- (4) the inter-relationship between pursuit of knowledge and the experiences of the reader/student
- (5) economics (i.e. to avoid standarizing texts, in bulk, without concern for the students - whether they will be relevant and interesting).<sup>45</sup>

If the Steering Committee decides to prepare its own materials for the program, this checklist and, indeed, the "sins of commission" ought to be of value. Often times, materials are written for the sole purpose of content and insufficient attention is given to the visual impression the materials have on the reader. Naturally, all materials attempt to interest and motivate the reader but many do not, in fact, and have a tendency to be ignored. The presentation of the material is crucial.

(b) Materials

The Department of Education, Ontario, set out some standards to strive for in terms of the study of law and, hence, the development of curriculum materials. They indicated that the study of law should:

- (1) help develop and identify students' role as a member of a family and society and the implications of these roles to him (her)self and as an active contributing member.
- (2) develop an understanding of the law in terms of responsibilities and rights within the framework of our system.
- (3) provide experiences so that the student may be able to develop necessary skills to make reasoned judgements.
- (4) provide an opportunity to develop social maturity, to accept conflicts as characteristic growth and development of the individual in society.
- (5) provide students with a better view of the legal, business, social and government institutions as well as develop a background of tolerance and maturity to the assessment of these institutions.<sup>46</sup>

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<sup>45</sup>Robinson, P. at pp. 18-20.

<sup>46</sup>Werb, M. "Introductory Remarks." Human Resources For a School Law Program. Law in the School Curriculum: A Symposium. Centre of Criminology. University of Toronto. Toronto, Ontario: 1975. at p. 39.

It would seem that any materials used in a legal information and education program ought to be screened very carefully if the aims and objectives of the program are going to be passed onto the participant. Materials should be studied carefully before deciding on its usage. They must be given consideration from a number of sources - the Steering Committee, the community, the teachers and students.

In this series of material packages, I will be centering on:

- (1) materials written for and by Native people  
e.g. Many Laws - Métis Association of Alberta (1970).  
Indians - Canadian Association in Support of the Native People (1976).
- (2) materials written by community legal services  
e.g. Consumers' Rights; All in the Family; Your Rights as a Tenant - Parkdale Community Legal Services (1976).
- (3) materials written for potential school usage  
e.g. This Law of Ours - Patrick Fitzgerald (1977).  
In Pursuit of Justice - Frederick E. Jarman (1976).
- (4) materials written in the U.S.A. for the general public  
e.g. Street Law. A Course in Practical Law; A Course in the Law of Corrections - National Street Law Institute (1975).

I will briefly be speaking to the style and general content of these materials.

#### Many Laws:<sup>47</sup>

This is written in story-like fashion with the Grandfather being the main character and provider of information. The information given relates to traditions - pre-contact and post-contact times, and legal information. The legal information is interwoven in the story and is basically in terms of the liquor laws, laws about thefts, marriage and its dissolution, and other criminal offenses.

It is written in very simple language as it really is a conversation between the Grandfather and his grandson with the Grandfather responding to the questions raised by the grandson. The illustrations correspond to the conversation and are a very important element in the book.

#### Indians:<sup>48</sup>

This is primarily an account of the seven different cultural areas of Canada - the history in pre-contact days and the changes in post-contact days. It has no legal content but does provide the reader with the influence of the Indians in the development of Canada. Also, included is a chapter on the Métis and their role in Canada and a chapter on the contemporary issues for the Indians (status and non-status) and the Métis. Some information is written on the Inuit as well.

The format used was that of providing basic information intermingled with good maps and illustrations. The writing was simple and easy to read. The material was, importantly, interesting.

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<sup>47</sup>Métis Association of Alberta. Many Laws. 1970.

<sup>48</sup>MacLean, H. Indians. An Introduction to Canada's Native People. Canadian Association in Support of Native People. Ottawa, Ontario: 1976.

Consumers' Rights;<sup>49</sup> All in the Family;<sup>50</sup> Your Rights as a Tenant<sup>51</sup>

Each booklet outlines in detail the law relating to consumers, the "family" and tenants. As with each topic, the style and content is very diverse. The law is dealt with in an individual manner, for example:

- (1) Consumers' Rights - this gives the reader an understanding of contracts, outlines the various statutes on consumer protection and provides the "where to's" for making complaints. Illustrations are throughout the booklet which further the explanation of the law. Bold headings isolate on key points.
- (2) All in the Family - this gives all the information one would need to understand the workings of the law in "family" relationships and disputes. Provides fact situations/case examples, discusses the legal issues and answers to those legal issues. In this way, the reader is informed about the law and is interested in the law as it relates to the "family".
- (3) Your Rights as a Tenant - Part one deals with the "questions every landlord and tenant should be able to answer" in a question and answer format. Part two deals with Rent Review in a informational point form concerning the principle, the legislation, the hearings and orders, the penalties, etc... Part three deals with the "how to's" in ending a lease, getting repairs, getting evicted and organizing. It is a very thorough discussion of tenant rights.

The Law of Ours<sup>52</sup>

This is a most interesting text in that Fitzgerald explores the fundamental questions/issues of the law (e.g. why have laws and tragic choices are the titles of the first two chapters of the book). Questions are asked in each chapter which involve the reader and speak to the very guts of the law. Examples are used which draw the reader into further discussion of the law. The problems are drawn from a variety of sources (e.g. the "Action Line" in the newspaper the Ottawa Citizen). It is a very innovative style of informing the reader about the law and the legal system. It is stimulating for the reader.

In Pursuit of Justice<sup>53</sup>

This text concentrates on controversial topics such as capital punishment, euthanasia, women's rights, abortion, organized crime, drugs, gun control,

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<sup>49</sup>Parkdale Community Legal Services. Consumers' Rights. Toronto, Ontario: 1976.  
<sup>50</sup>\_\_\_\_\_. All in the Family. Toronto, Ontario.

<sup>51</sup>\_\_\_\_\_ and Parkdale Tenants' Association. Your Rights as a Tenant. Toronto Ontario: 1976.

<sup>52</sup>Fitzgerald, P. This Law of Ours. Prentice-Hall of Canada Limited. Scarborough, Ontario: 1977.

<sup>53</sup>Jarman, J.E. In Pursuit of Justice. Wiley Publishers of Canada. Toronto, Ontario: 1976.



prison reform and law enforcement. Jarman presents both sides of the argument on each topic to encourage discussion. As a result, Jarman discusses each topic thoroughly. There are illustrations, graphs, gallup polls, cartoons etc... throughout the text. Thus the reader is both entertained and informed. The format of the book is varied and hence, easy to read. It is very impressive.

Street Law: A Course in Practical Law<sup>54</sup>

This booklet describes the law in terms of criminal, consumer, family, housing, individual rights and environmental law. It has a good layout with basic information dispersed through problems and questions on the areas of law. The examples used are those which the person-on-the-street can readily identify with. It is a very practical and like a handbook on the law. It has a useful glossary of terms as well.

Street Law: A Course on the Law of Corrections<sup>55</sup>

This booklet speaks of sentencing, probation, post conviction relief, the rights of prisoners, due process in prison, alternatives, parole and even sets up a mock trial situation. Again, the strength of the material is in its examples which are practical and real for the average person. It outlines some simulation exercises as well. Though it is American in content, it could be easily adaptable to the Canadian context. The format is informational and easily readable.

The few samples of materials I have put in this Report do not, of course, represent what is out in Canada or the U.S.A. What I have done is, solely, to place these for the attention and consideration of the Steering Committee.

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<sup>54</sup>National Street Law Institute. Street Law: A Course in Practical Law. West Publishing Company. St. Paul, Minnesota: 1975.

<sup>55</sup>National Street Law Institute. Street Law: A Course on the Law of Corrections. West Publishing Company. St. Paul, Minnesota: 1975.



### Conclusion

This is the fourth and last Progress Report that I will be doing. The next report will be a Summary Report wherein I hope to draw out the major points of the Progress Reports. The Summary Report will, in effect, be the main paper with the Progress Reports attached as Appendices for resource purposes. In this way the Summary Report will be more functional and keying on specific areas. One can, then, simply read the summary for the basic information and looking at the Progress Reports for further clarification of certain points.

The major portion of this Report has been to emphasize the educational aspects of the legal education and information program. As this has been an information package, similar to the previous Reports, some of the comments from the native communities and groups have been stressed. This was done so that the Steering Committee can be aware of the attitudes, feelings and values of the native people. This is rather important as they are part of the potential target group the program is considering. The literature reviewed to date, also, indicates that part of my research has been focused on the Alaskan experience. This was done to provide the Steering Committee with another Northern perspective.

The Bibliography, I must add, is going to be separate from the Summary Report but will be complimentary to the Report. The Steering Committee will, no doubt, find a variety of sources they may be interested in and want further details. The Bibliography will be very resourceful if such a situation arises.

APPENDIX

LITERATURE REVIEWED TO DATE

Adams, H. Prison of Grass. Canada from the Native Point of View. General Publishing. Toronto, Ontario: 1975.

- a historical account of the "developing" Canada from the native perspective.
- special attention was given the chapters: "Schooling the Redman" and "The Struggle for Liberation".
- provides insight into the education system and how it affects the Indian and the Métis.

American Bar Association. Summer Teacher-Training Programs. Special Committee on Youth Education for Citizenship. Chicago, Illinois: 1977.

- lists summer teacher-training workshops and activities in each State.
- describes them in terms of sponsor, dates and places, number of participants, grade levels, subject areas and activities.
- provides the reader with an idea of their activity format e.g. lectures, role-playing, simulations, mock trials etc...

Centre of Criminology. A Report of the Proceedings. Law In the School Curriculum: A Symposium. University of Toronto. Toronto, Ontario: 1975.

- discusses the purpose of law in a school curriculum, the personnel to teach law in the schools, the human resources available/needed in a school law program and material resources.
- brings out the teacher's views on the law programs in schools.
- discusses the practical problems in the law programs and possible solution.

Conn, S. and A.E. Hippler. A final Report-Emmonak Conciliation Board. A Model for a New Legal Process for Small Villages in Alaska. Institute of Social, Economic and Government Research. University of Alaska. Fairbanks, Alaska.

- discusses the Emmonak Conciliation Board experiment and a summary of the authors's findings.
- very simple and basic outline of the findings.

Conn, S. Bush Justice: Sentencing Reforms, A Role for the Council. Institute of Social, Economic and Government Research. University of Alaska. Fairbanks, Alaska: 1974.

- discusses the sentencing process in the Magistrate's system and how it could incorporate the village councils to be more effective in the village.
- discusses the potential of the conciliation process.
- information on how to use the cultural patterns and traditions of the Eskimo to resocialize offenders in the village.

Comparative Analysis of the A.B.A. Standards in light of the Attendant Problems in Bringing Justice to Rural Alaska Natives. Institute of Social, Economic and Government Research. University of Alaska. Fairbanks, Alaska: 1974.

- compares the American Bar Association standards for criminal justice with the rural village justice and how different the actual standards are in the villages.
- deals openly with village problems and speaks to the ten points of the American Bar Association standards e.g. independent counsel, guilty pleas, role of defense counsel and prosecutors.

Conn, S. and A.E. Hippler. Conciliation in the Native Village: An Experiment in Alaska Justice. Institute of Social, Economic and Government Research. University of Alaska. Fairbanks, Alaska.

- comparison of a conciliation project in Philadelphia and that of the village councils e.g. types of cases heard, number of arbitrators, their training etc...
- comparison model enables the reader to get a better understanding of the village council and the conciliation process.

\_\_\_\_\_. "Northern Eskimo Law Ways and their Relationship to Contemporary Problems of 'Bush Justice'." ISGER Occasional Papers. No. 10. Institute of Social, Economic and Government Research. University of Alaska. Fairbanks, Alaska: 1973.

- discusses the pre-contact Eskimo system of social control i.e. the characteristics of avoidance and of non-interference.
- discusses the role of the village council and the ineffectiveness of the Magistrate's system.
- brings the reader through several developmental periods
- discusses how to bridge the gap between the Eskimo traditional ways and the Anglo-American legal system.

\_\_\_\_\_. Notes on Representation of Native Clients. Bush Justice Development Program. Institute of Social, Economic and Government Research. University of Alaska. Fairbanks, Alaska: 1972.

- discusses the native response to the adversary system.
- outlines the conciliation system as a sub-legal system which would be more effective.
- gives some practical suggestions to legal practitioners who deal with native clients.

\_\_\_\_\_. "Paralegals in the Bush." U.C.L.A. - Alaska Law Review. Vol. 3, No. 1. Fall, 1973: 85-102.

- defines paralegalism and discusses the use of paralegals in Alaska e.g. village council members, state lay magistrates, village constables, correctional aides etc...
- discusses functional role-models for paralegals and guidelines for training.
- gives good information on the formal and informal use of paralegals.

\_\_\_\_\_. "Wedding U.S. Law to Eskimo Tradition." Juris Doctor. April, 1974: 42-44.

- outlines a "legal" problem between two neighbors and whaling partners.

- discusses the loss of the village council and inappropriateness of the magistrate system in resolving such a dispute.
- speaks of the reluctance of the complaining neighbor to bring the matter before the magistrate as he felt it was an inadequate forum.

Fitzgerald, P. This Law of Ours. Prentice-Hall of Canada Limited. Scarborough, Ontario: 1977.

- explores the fundamental questions of law e.g. why have laws?
- uses problems from a variety of sources e.g. the newspaper Ottawa Citizen and its "Action Line" column.
- is innovative in its use and layout of information.
- maximizes the information with problems and question dispersed throughout the text.
- questions are stimulating and encourage discussion.

Gibson, D. Law Pamphlet #1. Methods. Earl of March Secondary School. Kanata, Ontario.

- outlines a variety of methods of teaching law.
- makes suggestions on how topics can be introduced and taught in classrooms.
- practical suggestions though does recognize all on the list will not necessarily work with every group.
- is an invaluable resource.

\_\_\_\_\_. Law Pamphlet #2. Bibliography. Earl of March Secondary School. Kanata, Ontario: 1973.

- divides topics into legal categories, for reference purposes.
- uses only Canadian texts, pamphlet, booklets etc... on the law.
- useful resource and has short annotations as well.

Hippler, A.E. and S. Conn. "The Changing Legal Culture of the North Alaska Eskimo." Ethos. Vol. 2, No. 2. 1974: 171-188.

- describes a community - Tauremuit and its changes from the informal social control to the dispute resolution of the village council and then, to the magistrate's system.
- discusses the reason for the "success" of the village council.
- gives the reader information in a concise and comprehensive manner.

Jarman, F.E. In Pursuit of Justice. Wiley Publishers of Canada Limited Toronto, Ontario: 1976.

- text involves a discussion of controversial topics e.g capital punishment, euthanasia, women's rights, abortion, organized crime, drugs, gun control, prison reform and law enforcement.
- presents both sides of the arguments to encourage debate.
- uses graphs, gallup polls, cartoons etc... throughout text.
- informs the reader in an interesting and entertaining fashion.
- the format is varied throughout the text and hence, is pleasant reading.



MacLean, H. Indians. An Introduction to Canada's Native People. Canadian Association in Support of the Native People. Ottawa, Ontario: 1976.

- is a historical approach to a discussion of the Indians of Canada.
- describes seven cultural areas - their lifestyle, language, politics, religion etc...
- has maps and illustrations throughout.
- is excellently written and informative which makes for easy reading.

Métis Association of Alberta. Many Laws. Canindis Foundation Grant. Illustrations by R. Christiansen, story by C. Daniels and R. Christiansen. 1970.

- story of a native family and then sudden change of lifestyle because of an oil slick.
- uses the Grandfather as a means to explain to his grandson the old ways, the laws of the Whiteman and the laws which native people are frequently in contact with.
- has good illustrations to backup the dialogue between Grandfather and grandson.
- uses very simple language and is written for native people.

National Street Law Institute. Street Law. A Course in Practical Law. West Publishing Company. St. Paul, Minnesota: 1975.

- describes the law in terms of criminal, consumer, family, housing, individual rights, and environmental law.
- is good basic information for the person-on-the-street.
- has a good layout with useful and practical questions and problems.
- has a good glossary of terms.

\_\_\_\_\_. Street Law. A Course in the Law of Corrections. A Teacher's Manual. West Publishing Company. St. Paul, Minnesota.

- discusses the law of corrections in terms of sentencing, probations, rights of prisoners, parole etc...
- is a good simple presentation and uses practical examples throughout.
- outlines some simulation exercises and a mock trial situation.

O'Malley, M. The Past and Future Land. An Account of the Berger Inquiry into the Mackenzie Valley Pipeline. Peter Martin Associates Limited. Toronto, Ontario: 1976.

- series of speeches given by the people of the North.
- particular attention was given to their comments on schooling and the education system.
- provides the actual statements of the native people and as a result, is very powerful in its expression.
- gives a good account of their feelings and attitudes towards education.

Parkdale Community Legal Services. All in the Family. Toronto, Ontario.

- provides good information on "family" relationships and disputes.
- gives case examples followed by legal issues and answers.
- the format enables the reader to learn by examples.
- is interesting and very informative.

\_\_\_\_\_. Consumers' Rights. 2nd Edition. Toronto, Ontario: 1976.

- gives the reader the basics in contract law, an understanding of the statutes which provide consumer protection and the "where to's" in making a complaint.
- gives the reader the main points on consumer rights.

Parkdale Community Legal Services and the Parkdale Tenants' Association. Your Rights as a Tenant. 3rd Edition. Toronto, Ontario: 1976.

- is divided into three parts.
- Part one is concerned with "Questions every landlord and tenant should be able to answer".
- Part two deals with Rent Review - the legislation, the hearings and orders, the penalties etc...
- Part three deals with the "how to's" e.g. in ending a lease, getting repairs and organizing etc...
- very informative and a thorough discussion of the topic.

Postman, N. and C. Weingartner. Teaching as a Subversive Activity. Dell Publishing Company. New York, New York: 1969.

- discusses education in terms of the school's role in society, the learning environment in classrooms, the inquiry method of instruction, teacher attitudes, relevance in curriculum, perceptions and language, education and reality.
- outlines some games for classroom learning.
- fairly simple but at certain stages in the book the reading is difficult.

Robinson, P. After Survival. A Teacher's Guide to Canadian Resources. Peter Martin Associates Limited. Toronto, Ontario: 1977.

- discusses guidelines for selecting curriculum materials and how to evaluate it.
- gives a checklist of what to be concerned with in writing/selecting material.
- is a good resource for teachers as it outlines a fair number of books etc... under many headings.
- attention was given to the Chapter on Law and on the Indian-Inuit-Métis.

The Arctic Institute of North America. Education in the Canadian North. Three Reports: 1971-1972. A technical Paper. Man in the North Project. Montréal, Québec: 1973.

- the three reports describe the experiments of Man in the North Project on community-guided education, apprentice teachers and southern teachers for the North.
- the information relates to the planning, preparation, implementation and evaluation process of each experiment.

The 19th Alaska Science Conference. Proceedings...Symposium on the Educational Process and Social Change in a Special Environment. Occasional Publication No. 4. Alberta University Boreal Institute. Whitehorse, Yukon: 1968.

- discusses four papers on language, curricula, teacher training and education of Northern people in Canada.
- very useful observations and comments.

Waubageshig. (edt.). The Only Good Indian. Essays by Canadian Indians. Revised edition. New Press. Don Mills, Ontario: 1974.

- is a mixture of poems and articles by native people.
- illustrates authors' and poets' feelings and attitudes.
- particular attention was given to their comments on education.

Valentine, V.F. and F.G. Vallee. (edts.). Eskimo of the Canadian Arctic. The Carleton Library, No. 41. McClelland and Stewart Limited. Toronto, Ontario: 1968.

- is a series of articles written mainly by anthropologists.
- discusses the background in Eskimo linguistics, religion and customs.
- fairly heavy reading but quite interesting.