



## The Trial Activity – Who's Responsible?

**Time: 30 minutes**

**Materials Needed:** Judges robe/wig (optional), scripts,

**Preparation:**

- Make a copy of each of the character scripts
- Determine who will play each role and provide character scripts.
  - Facilitator
  - Judge
  - Older Brother (defendant)
  - Mother (defendant)
  - Mr. SneezeTar (defendant)
  - Girlfriend (witness)
- Place a chair in the front of the room
- Do a dress rehearsal before presentation

**Instructions/Script:**

**Facilitator:**

Say, "Today we're going to try to answer the question, "Whose responsibility is it when a young person begins to smoke? Today you act as a jury to decide whose responsible in the death of a former smoker named Daniel."

Introduce the victim: "The victim's name was Daniel. He died at age 44 of an advanced form of lung cancer. From Daniel's standpoint, it came on pretty suddenly. The cancer was diagnosed at his annual check-up, two weeks before his 44<sup>th</sup> birthday. He died seven months later.

At the time of his diagnosis, Daniel was smoking from two to three packs of cigarettes a day. He'd begun smoking at age 13, and, except for a period of eight months when he was 21, smoked constantly.

Daniel had seriously tried to quit smoking three times, each time on his own. The first time, when he was 17, lasted three months: He'd started going out with a girl who didn't like him to smoke. When they broke up, he began to smoke again."



*The second time Daniel tried to quit was the most successful: He didn't smoke for eight months when he was 21. He'd had a serious, hacking cough for about two months, and his doctor told him that he should give up smoking if he wanted to get rid of his cough. Eight months later, however, he relapsed, thinking that he was somehow cured.*

*The third time Daniel tried to quit was when he was 22. He got a job working in a place that didn't allow smoking, and, again, he started going out with a woman who didn't approve of smoking. Within a month, however, he was smoking before and after work, during breaks, and after weekends. As a result, his relationship with the woman ended. He kept his job for five years. Eventually, he got another job where he could work outside and keep smoking.*

*That was the last time Daniel seriously tried to quit. Even during the last year of his life, when he was sick and in a lot of pain, Daniel smoked two to three packs a day. He died with a pack by the side of his bed.*

*Daniel never married, but he left behind survivors – his mother, his older brother, and several friends."*

**Judge:**

*Say, "Three people are accused of contributing to Daniel's death – his mother, his older brother, and Mr. SneezeTar. Your job is to determine responsibility – among Daniel and the three people. Daniel, being dead, is unavailable to testify, but the other three people are.*

*Here's how this will work: I'm going to be the judge in this trial. I'm going to call up each defendant and let them testify on their own behalf. I'll then call up one witness.*

*After each testimony, I'll ask a follow-up question or two. Your job is to take notes on everything that happens, because you'll have to make some decisions.*

*After the witness testifies, I'll leave the judgement in your hands: You're the jury. You can talk among yourselves, and you can also write down up to three questions that you want to ask a defendant.*

*After that, I want a verdict, and here's how that goes: Take 100% guilt and divide it among Daniel and the three defendants. Daniel and any of the defendants can receive anything from 0% to 100% guilt. Any questions?"*





## The Trial

Begin the trial by calling the first defendant, the Older Brother. Have each witness sit in a chair at the front of the room, testify, and then respond to your follow-up questions. Consider asking any of the following questions of each person who testifies, or make up some of your own:

### Older Brother

- "What were some of the affects you yourself experienced from smoking?"
- "And you were okay with your brother experiencing those same effects?"
- "What do you think would have happened if you'd refused to give Danny any cigarettes?"

### Mother

- "Did you ever smell smoke on Daniel or in his room, or discover cigarettes around the house?"
- "What do you think a parent's responsibilities are to protect her child?"
- "Did you ever ask Daniel if he was smoking?"

### Girlfriend

- "Did Danny want to break up with you?"
- "Do you think that Danny knew you'd stay with him if he quit smoking?"
- "Which strategies did you use to try to get Danny to quit?"

### Mr. SleezeTar

- "How do you feel knowing that your products kill people?"
- "Do you smoke?"
- "How do you sleep at night?"

After the students have testified, separate them from the rest of the class, and give the "jury" time to deliberate and to write down their questions. Ask them to appoint a spokesperson, who will ask their group's questions to the appropriate defendant.

## The Verdict

When the jury is finished, ask the defendants to stand up and ask the spokesperson to read the verdict. Thank everyone for their roles in the simulation.

## Discussion

Focus discussion, with the entire class, on the following questions:

- "Was it difficult to come to a verdict? Why?"
- "What implications does this simulation have for your life, particularly your relationships with people who use tobacco?"





## Closure

Ask students, *"What level of responsibility should we accept for our friends' health and safety? Although people need to take primary responsibility for their own behavior, they also need the support of their friends. Sometimes we may have to put the health and safety of our friends over the friendship itself."*

## Additional Questions (if time allows)

Ask students to think about anyone they care about who uses tobacco. Have them ask themselves the following questions and then follow through with their responses:

- "Have I given this person all the information about using tobacco that I have access to?"
- "Have I tried to persuade this person to stop using tobacco?"
- "Have I offered my support in helping this person stop using tobacco?"





### The Trial Scripts

**Mother:** "I never knew Daniel smoked. Maybe I wasn't the best mother, but I ever knew he smoked. Well, I knew later, of course, when he got sick. And I guess I knew even before that, when I would see him, you know, as an adult. But as a teenager? No. How was I to know? He'd come home from school and go right to his room. And on weekends he was with his friends. Teenage boys aren't that close to their mothers, you know? All these people who say, well, she should have known this, she should have known that. How could I? I didn't want to smother him. He wouldn't have listened to me, anyway. Maybe if his father would have been around, things would have been different. But I did my best. And I think I did okay, too. It's not my fault he started smoking. He could have started when he was 20 and out of the house, too. Would it still be my fault? Well, would it?"

**Older Brother:** "Look, I admit it. I gave Danny his first cigarette. In fact, I probably bought him his first 10 cartons of cigarettes. You know, he was underage, and I bought them. I admit all that. But am I guilty? Hey, you know what I didn't do? I didn't tie him up and force the cigarettes down his throat. And I didn't sneak into his room while he was asleep and blow smoke up his nose, either. I didn't hook Danny on cigarettes. Danny hooked Danny on cigarettes. Man, I was doing him a favor! I smoked, he wanted to smoke, I gave him the opportunity to smoke. He was my little brother, okay? And I'm really sorry he got lung cancer and died, but Danny enjoyed smoking. He was the one who made the decision to smoke, not me. He knew that."

**Girlfriend:** "I don't like talking about this. I went out with Danny when we were 22. I really liked him – except for the smoking. I mean, he always smelled of smoke. His hair, his clothes, his breath-it didn't matter if he used mouthwash or if he had just brushed his teeth. He still smelled like stale smoke. And maybe that was shallow of me, because he was a really nice guy. But I just figured, you know, I'll meet another really nice guy, one who doesn't smoke. The thing is, we had a lot going for us, and sometimes I wonder if I should have stuck it out, helped him more or something. But I guess he had to want to quit, and I'm not sure he wanted to enough. I guess he thought that smoking was more important than our relationship. Well, maybe he didn't, I mean, he was addicted and all. But that was the bottom line, anyway."

**Mr. Sleaze Tar:** (Sleaze Tar has no script, but plays the role as a confident large business owner who only cares about making money, and after all, it is a legal product. They feel they have zero responsibility, and it's really the families fault.)

