

## THOMAS JEFFERSON MOCK TRIAL

### I. Rationale/Purpose:

Since I do not teach a traditional U.S. History class, I decided to develop a project for my high school Law course—but one that American history, government and civics teachers can use as well. I employ mock trials regularly in my Law class, as it serves as a helpful model of litigation and is generally an activity that students are excited about. It is the interactive nature of mock trials that stimulates enthusiasm and cooperation. Students utilize a diverse array of skills, including verbal communication, role-playing, legal knowledge, and historical research.

The mock trials I participated in during high school (involving John Brown and Harry Truman, respectively) were critical in enhancing my appreciation for history. That is why I have incorporated them so actively in my current curriculum. Trials lend themselves naturally to Law, where we have debated the merits of Title IX in regards to gender equity in student athletics, and tackled the teen issue of negligent distribution of alcohol to minors. In my Current Events class, we have put dictators Saddam Hussein and Slobodan Milosevic on trial for crimes against humanity, both of which were facilitated by the real-life trials (and charges) that were occurring at the time.

Putting Thomas Jefferson on trial is more of a whimsical endeavor. Essentially, the trial revolves around the question: *Did he live up to the fantastic ideals that he set forth in the Declaration of Independence?* Jefferson was obviously not tried in real life, and probably committed no crimes in the technical sense. Rather, this trial is about his legacy—not just as President, but as a man for whom we have perhaps unreasonable expectations. A larger than life political and revolutionary figure, his words in the Declaration and other documents establish him as an American icon—but at the same time, any person held under increasingly great scrutiny over two hundred years will reveal certain blemishes, and Jefferson is no different.

Obviously, this is not a neat, tidy trial. Jefferson is clearly not an unblemished icon, nor is he a nefarious villain. The answer lies somewhere in between, and I am certain that different classes will hand down different verdicts for this trial. It is not so much a matter of whether Thomas Jefferson is guilty or not—the real treasure lies in the type of dialogue that will be raised when both sides of the issue are evenly debated.

Finally, there is simply something to be said about students portraying real-life historical figures and resurrecting them in front of our eyes. One can argue that there is no better way to learn about a person than to channel them through role-play. This is where the real magic happens—when students inhabit a famous character and bring history to life.

## II. Setting:

My Law class is one of the more heterogeneous courses at my high school. It is labeled an Honors/Advanced class like most other semester-long electives, but from prior experience, the students that enroll are far-ranging in terms of skills and motivation. Juniors and seniors alike can take the course.

## III. Objectives:

Students will:

- 1) Debate the complex historical legacy of Thomas Jefferson, weighing his achievements against the apparent contradictions of his bedrock principles.
- 2) Utilize knowledge of courtroom procedure and rules of litigation to conduct a successful trial.
- 3) Cooperate and collaborate with team members to put forth a logical, coherent argument for their respective position in the trial.
- 4) Develop communication and public speaking skills.

**IV. Instructional Resources** (all Jefferson documents taken from Merrill D. Peterson's *Jefferson: Writings* unless otherwise noted):

### Rights of Man:

*Declaration of Independence* by Thomas Jefferson

### Gender:

"Female Education," pp. 1411-1413

*A Vindication of the Rights of Women* by Mary Wollstonecraft

### Race:

"Notes on the State of Virginia," pp. 288-289; 264-270

"A Plan of Emancipation," pp. 1484-1487

"On American Degeneracy," pp. 799-802

"The White Jeffersons" by Jan Lewis

### Religion:

"Notes on the State of Virginia," pp. 283-287

"A Bill for Establishing Religious Freedom," pp. 346-347

## V. Instructional Process:

*Prior to mock trial:* Students should be briefed on the historical context of the trial, and significance of studying Thomas Jefferson, particularly in non-U.S. history courses.

*Day 1:* Introduce trial and distribute accompanying handouts (**Student Handout A**). Roles will be selected by students through drawing of priority numbers; students with higher priority numbers will select their role and side (prosecution or defense) earlier. Once teams are established, students will have the remaining time to meet in their groups to strategize, exchange

contact information, and delegate responsibilities. Witnesses will select their characters, and a lawyer will be paired with each witness to prep for direct examination.

*Day 2:* Student-witnesses will meet in the computer lab to begin research on their characters. Lawyers will collectively brainstorm their trial strategy, while helping their respective witness with their research. Jurors will begin work on their first assignment: a paper on the history, role and responsibility of the jury. Witnesses affidavits are due the following day (bring 3 copies to give to me, your lawyer, and the other team's lawyer).

*Day 3:* A second day in the computer lab. By the end of the day, lawyers should finalize any changes to the witness list or the order in which witnesses will be presented. Lawyer and witnesses will then meet in pairs to go over the affidavit, make changes if necessary, and then create direct examination questions based on the affidavits. Jury papers are due the following day.

*Day 4:* Back in the classroom, we will go over trial procedure, objections, and courtroom demeanor. Students will have the remaining time to rehearse testimony in their lawyer-witness pairs. Lawyers are also encouraged to help their witnesses prepare for cross-examination by anticipating the other team's questions. At some point during class, all lawyers should show me their questions for feedback/assessment. Finally, lawyers should collaborate on the opening statements in the remaining time.

*Day 5-6:* Mock trial begins with: 1) opening statements, 2) the calling of prosecution witnesses (both direct and cross examinations), 3) the calling of defense witnesses (both direct and cross examinations), and 4) closing statements.

*Day 7:* Time is set aside for jury deliberation. While the jury is deliberating, lawyers and witnesses will fill out a self- and group evaluation form (**Student Handout B**) to assess their individual and peer contributions. The jury will return with their verdict, and we will end the class with a debriefing session on how the trial went.

Name: \_\_\_\_\_

## THOMAS JEFFERSON MOCK TRIAL



### INTRODUCTION:

The third president of the United States, author of the Declaration of Independence and Virginia Statue on Religious Freedom, and founder of the University of Virginia certainly has a lot of notable achievements to his name. Yet today historians still debate the legacy of Thomas Jefferson. He was undoubtedly a flawed man, but should these flaws diminish his grand accomplishments? For this mock trial, we will attempt to judge the *entirety* of Thomas Jefferson's career—not just one incident, but his overall legacy. Just as Jefferson believed the Creator would judge each according to his works, we will strive to do the same.

This activity requires a vast amount of enthusiasm, cooperation, research and effort from every member of the class. As a result, the assignment will carry a major grade. The effort, however, will be rewarded with a lively and entertaining class activity.

### THE CHARGE AGAINST THOMAS JEFFERSON:

*Thomas Jefferson is charged with not living up to the ideals he himself proclaimed in the Declaration of Independence—that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”*

### GUIDELINES FOR GUILT OR INNOCENCE:

- a. To convict Thomas Jefferson, it must be demonstrated that his racial and gender beliefs, actions as a slaveholder, and actions against the press during his presidency formed an *undeniable pattern of hypocrisy* that undermined his message regarding liberty and equality.
- b. To acquit Thomas Jefferson, it must be demonstrated that his flaws were simply an unfortunate byproduct of his time—and that his contributions to religious freedom, fighting the Sedition Act, anti-slavery efforts, and expanding civil rights to his countrymen were more than enough to offset his inconsistencies.

## ROLES:

Each role in the trial is worth 30 points. Read the description of each role carefully to understand your specific responsibilities. The **prosecution team** is attempting to prove the guilt of Thomas Jefferson of the aforementioned charges, while the **defense team** is attempting to acquit Jefferson of the charges.

**YOUR ROLE:** \_\_\_\_\_

(example: prosecution lawyer, defense witness, juror, etc.)

**LAWYERS:** Lawyers have the tremendous responsibility of arguing the case, including opening and closing statements. Each lawyer must develop a plan or theory to explain the facts in the case in order to gain a conviction or acquittal. In addition, lawyers will prep a witness on their side for direct examination, while cross-examining another team's witness. Therefore, the lawyer must construct—based on the witness affidavits—a logically reasoned series of questions which suggest the guilt or innocence of the defendant. For our trial, each lawyer must **create and submit 8-12 questions** to be asked of each witness.

*Grading:*

- 1) Trial questions. (5 points)
- 2) Trial performance: delivery, persuasiveness, knowledge of content, witness examinations. (20 points)
- 3) Peer evaluation. (5 points)

**WITNESSES:** A witness in our trial will be assigned the role of a historical figure who can testify to Jefferson's legacy. Both the prosecution and defense teams will call witnesses. A student assigned the role of a witness must research the role of his/her character and then create an **affidavit**. An affidavit is a sworn statement from the witness that gives a brief autobiography along with his/her testimony concerning the defendant. When it is time for the witness to testify, the student in that role must know his/her affidavit well enough so as to answer questions easily and without having to stop to remember particular statements. *Witnesses must commit their answers to memory*. Remember, a well-prepared and rehearsed witness increases his/her team's chance of winning the case—as well as students who dress the role or assume the personality and mannerisms of their character

*Grading:*

- 1) The witness must create a 1-2 page typed affidavit (sworn testimony of your character)—**BRING 3 COPIES TO CLASS!** (10 points)
- 2) Trial performance: ability to answer the attorney's questions including cross-examination. (15 points)
- 3) Peer evaluation. (5 points)

**JURORS:** The juror must listen intently and objectively to witness testimonies during the trial, taking notes throughout and eventually deliberating with other jurors to reach a verdict.

*Grading:*

- 1) The juror must create a 2-page typed report on the history, role and responsibility of the juror. (10 points)
- 2) 1-page written group verdict and rationale upon completion of the trial. (5 points)
- 3) 2-page typed summary and analysis of the trial, explaining the arguments from both sides that helped to determine the verdict. (10 points)

4) Trial notes. (5 points)

## WITNESS LIST:

Please fill in who is responsible for each role. Witnesses should read all topical handouts associated with their character.

	<b>PROSECUTION TEAM</b>	Who's doing what
Opening statement		
Witnesses	<p>1. <b>Mary Wollstonecraft</b>, British writer and feminist who advocates that women are equal to men but are deprived of education.</p> <p>2. <b>James T. Callender</b>, a controversial journalist that Jefferson previously funded in secret, who later raised allegations of the Sally Hemings scandal and can testify to President Jefferson's attempts to censor the press under the guise of "seditious libel."</p> <p>3. <b>Sally Hemings</b>, an American slave and most likely Jefferson's mistress who never publicly revealed the alleged affair. She can attest to the treatment of slaves at Monticello.</p> <p>4. <b>Historian on Jefferson documents</b>, who can analyze Jefferson's views of blacks and Native Americans.</p>	
Closing statement		

	<b>DEFENSE TEAM</b>	Who's doing what
Opening statement		
Witnesses	<p>1. <b>James Madison</b>, 4<sup>th</sup> President of the United States and close friend of Jefferson who shared many of Jefferson's ideals, including separation of church and state.</p> <p>2. <b>Martha Jefferson Randolph</b>, daughter of Jefferson who can attest to her father's domestic virtues and treatment of women.</p> <p>3. <b>Historian on the cultural context of Jefferson's time</b>, to establish that Jefferson's racial and gender beliefs were commonplace for his generation, and he should not be held to today's standards.</p>	

	4. <b>Thomas Jefferson</b> , Defendant and 3 <sup>rd</sup> President of the United States.	
Closing statement		

## RESOURCES:

All Jefferson documents taken from Merrill D. Peterson's *Jefferson: Writings* unless otherwise noted.

### Rights of Man:

*Declaration of Independence* by Thomas Jefferson

### Gender:

"Female Education," pp. 1411-1413

*A Vindication of the Rights of Women* by Mary Wollstonecraft

### Race:

"Notes on the State of Virginia," pp. 288-289; 264-270

"A Plan of Emancipation," pp. 1484-1487

"On American Degeneracy," pp. 799-802

"The White Jeffersons" by Jan Lewis

### Religion:

"Notes on the State of Virginia," pp. 283-287

"A Bill for Establishing Religious Freedom," pp. 346-347

Name: \_\_\_\_\_

## SELF AND PEER EVALUATION FORM

1. List all of your individual contributions to this project:

2. What grade do you think you deserve for this project? Explain.

3. Evaluate your group members for their contributions, work ethic and cooperation, using a scale of 1-10 (1 being extremely unproductive, 10 being extremely productive). Please give specific comments for each person.

Name	Grade	Comments