# Thomas Jefferson vs Andrew Jackson vs. Henry Clay

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| Image result for andrew jackson SCOTUS meme | Due to recent advances in historical and scientific technology, (*WE CREATED A TIME MACHINE*!) we have been able to bring Presidents Thomas Jefferson Andrew Jackson, Henry Clay, and several other historical figures, back to life to settle a matter of extreme historical importance. We seek to pass judgement on who did more to transform America: Thomas Jefferson, Andrew Jackson, or Henry Clay. |

**The Plaintiff in the case, Thomas Jefferson, has filed a lawsuit alleging that:**

**Due to the "Revolution of 1800", War with the Barbary Pirates and the Louisiana Purchase, his presidency did more to transform America then anyone else.**

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| **Useful Definitions and Frameworks When Drafting Your Legal Arguments:** |
| On the ideals of the "Revolution of 1800", the expansion of presidential power and the Louisiana Purchase:    The Election of 1800 is often referred to as the "Revolution of 1800" because it was the first time there was a transfer in power from one political party to another. Despite the contentious nature of the campaign and election, it was a peaceful transfer of power.  Thomas Jefferson’s willingness to use his power as commander and chief signal a shift in the role of the president. It may be argued that it set a precedent for future presidents  The Louisiana Purchase, while doubling the size of the nation, also signaled a seismic shift in Jefferson's views on Constitutional Interpretation. Some historians also argue that it helped speed up the demise of the Federalist Party. |
| **On the idea of transformation:**  Merriam Webster's Dictionary defines transform as "to change in composition or structure, or to change the outward form or appearance of or to change in character or condition". When viewing Jefferson's presidency, you, regardless of your role in the trial, must decide how to apply that definition to the historical facts. So determining the vision of or for America--remember that conflict we talked about in Unit 2?--and what the nation was or looked like before and after his presidency is key. |

**President Andrew Jackson has filed a counterclaim, alleging that**:

**Due to the expansion of suffrage, War against the Second Bank of the US, and his protection of the Five Civilized Tribes, his presidency did more to transform America.**

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| **Useful Definitions and Frameworks When Drafting Your Legal Arguments:** |
| **On the idea of the expansion of suffrage, reshaping the presidency and protection of the Five Civilized Tribes:**  As a result of the Election of 1824, with the so-called "corrupt bargain," there was a call for the expansion of suffrage. Ultimately, by the 1850s there was universal white male suffrage in America.  Andrew Jackson’s war against the bank a shift in the role of president as a representative of the people. It may be argued that it set a precedent for future presidents  Andrew Jackson's presidency is noted for the passage of the Indian Removal Act, which led to the removal of the Five Civilized Tribes to areas west of the Mississippi River. One reason Jackson gave for the Act was to protect the tribes from contact--and conflict--with American citizens. |
| **On the idea of transformation:**  Merriam Webster's Dictionary defines transform as "to change in composition or structure, or to change the outward form or appearance of or to change in character or condition". When viewing Jackson's presidency, you, regardless of your role in the trial, must decide how to apply that definition to the historical facts. So determining the vision of or for America--remember that conflict we talked about in Unit 2?--and what the nation was or looked like before and after his presidency is key. |

**Henry Clay has filed a counter claim, alleging that:**

**Due to the American Plan, the Missouri Compromise, and the Nullification Crisis he did more to transform America.**

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| **Useful Definitions and Frameworks When Drafting Your Legal Arguments:** |
| As a result of the victory in the War of 1812 a single political party and new nationalism led to the Era of Good feelings. In this era some wanted to the government to support economic growth in America with a new bank, internal improvements, and protective tariffs to help the new industries compete with British ones.  The addition of Missouri as a state threaten to break the Union over the issue of slavery. Clay’s compromise saved it and set a “rule” that lasted over 30 years.  The Tariff of Abominations and Nullification crisis again threaten to break the union. Again, Clay’s compromising saved the union. |
| On the idea of transformation:  Merriam Webster's Dictionary defines transform as "to change in composition or structure, or to change the outward form or appearance of or to change in character or condition". When viewing Jackson's presidency, you, regardless of your role in the trial, must decide how to apply that definition to the historical facts. So determining the vision of or for America--remember that conflict we talked about in Unit 2?--and what the nation was or looked like before and after his time in congress is key. |

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| **Historical context in which to judge Jefferson's and Jackson's claims:** |
| Our scientific technology has also allowed us to also master time travel, we have traveled back in time to 1848 for this trial. In making your arguments and presenting evidence, you must confine yourself to the events which occurred before 1848; e.g. you may not argue the present day impacts of the Trail of Tears on Cherokee, Choctaw, Creek, Seminole or Chickasaw tribes. You should also be mindful of the T.A.S. values in presenting your arguments as we are not judging the character of either president. |

Every person in class will participate in the trial (see roles below). *If you are absent the day of the trial, you will complete a five paragraph essay supporting or refuting the charges. Don't be absent, that won't be nearly as fun!*

### Roles for the Trial of Jefferson vs Jackson vs Clay

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| **Roles for Jefferson** | **Roles for Jackson** | **Roles for Clay** |
| Attorney(s)  Thomas Jefferson  John Adams  Jams Madison  Meriwether Lewis  \*Sacagawea | Attorney(s)  Andrew Jackson  John Marshall  Chief John Ross  Nicholas Biddle  \*William Crawford | Attorney(s)  Henry Clay  Daniel Webster  John Q. Adams  John C. Calhoun  \*James Monroe |
| \*Optional extra characters | | |

### What are the Specific Tasks that Each Role Will Fulfill?

* **Lawyers** 
  + **Responsibilities include:** Organizing a case for either Jefferson or Jackson. That means the lawyers are the team leaders of all witnesses in that case.
  + **What’s Handed in to Dr. Maguire?**
    1. Your Prepared Opening Statement
    2. Your Prepared Direct Examination Questions (i.e. the questions for each of your witnesses).
  + **Delivered in Court by Lawyers:** Opening Statement, Closing Remarks, Planned Questions for each of your witnesses to deliver a supportive testimony for your case (i.e. open-ended questions that have the witness presenting historically relevant evidence to support your side), cross examination questions for each of the opposing side. These questions may be anticipated and drafted prior to cross examination, or thoughtfully delivered on the spot as you listen to the witness testimony of the opposing team in court. *Dr. Souble*t strongly encourages the preparation of cross-examination questions before trial and refining them during testimony as this stress preparation and active-listening skills. You must include properly formatted Chicago footnotes and a works cited list.
* **Witnesses**
  + **Responsibilities Include:** 
    1. Working with your team lawyers to develop direct examination questions that they will ask of you. That means you must know your character inside and out and discuss ideas of what to ask you with your lawyer. Remember, your testimony should help prove the argument for whichever side has called you as a witness. Planning and discussing testimony is key to your case. Part of your planning will include the completion of your ***Witness Bio Sheet (attached below).***  You must include properly formatted Chicago footnotes and a works cited list.
    2. During trial you will also complete a ***trial reflection sheet (attached below)***. Each witness need only complete one of these during the 2-day proceedings. Witnesses will complete this sheet on the opposite day of their testimony, i.e. plaintiff witnesses will reflect on defense day and vice versa.
  + **What Handed in to Dr. Maguire?**
    1. Your Completed ***Witness Bio Sheet (attached below).***
    2. Your Completed ***Trial Reflection Sheet (attached below).***

### How the Trial will work

1. Plaintiffs will make opening statements (3 minutes each) on the day of trial. The same lawyer must deliver all of the opening statement.
2. Jefferson: calls witnesses
   1. Plaintiff has 3 minutes of Direct Examination questions
   2. Defense has 2 minutes of Cross-Examination
3. Jackson: Defense calls witnesses
   1. Defense has 3 minutes of Direct Examination
   2. Plaintiff has 2 minutes of Cross-Examination
4. Clay: Defense calls witnesses
   1. Defense has 3 minutes of Direct Examination
   2. Plaintiff has 2 minutes of Cross-Examination
5. Closing statements for Plaintiff and Defense (3 minutes each) at the end of the trial.
6. Judge Maguire’s delivers her verdict.

We only have 80 minutes to complete the trial, Judge Maguire will hold you to strict time limits.

Show up to trial on time. Showing up late WILL deduct points from your overall project grade ***(1 point for every 10 seconds the class must wait for you).***

### Preparation

* Plaintiff and defense teams will meet to plan strategy, divide up responsibilities, prepare questions for each witness.
* Witnesses will prepare for parts by taking notes from textbooks, primary sources, and other secondary sources and be prepared to answer questions during the trial. All responses given must embody the POV of their witness character.
* On the day of the trial, all students will be prepared to act out their role. **All students may come DRESSED in an appropriate costume for their character** (both attorneys and witness). Please note that at NO point should anyone add make-up to change the complexion of their skin to assume any sort of identity.
  + Individual Project Points will be awarded for dressing up.

## Completed Prior to the Start of the Trial

#### Attorney

* Prepare opening or closing statement for your side
* Assist team with preparation of three questions for each witness you intend to call
* Assist team with preparation for opposition cross-examination questions for each opposition witness. Remember you want your witnesses to not only survive cross-examination, *but to come out looking good*.
* ***To be turned in****: written copy of your opening, Your Direct Examination Questions (for your witnesses).*

#### Witness

* Research your role and understand how you fit into the larger picture of the trial
* Anticipate three opposition cross examination questions that you might be asked.
* ***To be turned in****: Witness Role Biography, Trial Reflection Sheet*

## Completed On the Day of the Trial

#### Attorney

* Deliver opening/closing statement
* Either call your witnesses for direct examination, or cross-examine opposing witnesses

#### Witnesses

* Deliver your testimony and answer questions by both legal teams.
* Complete the Trial Reflection Sheet. *Witnesses will complete this sheet on the opposite day of their testimony, i.e. defense witnesses will reflect on prosecution day and vice versa.*

## After the Trial – The Verdict Will Be Delivered the class after the trial.

# "How do I submit my work?"

All final work should be submitted to the all-class access Google folder. Dr. Maguire has already created a folder entitled "**Jefferson vs. Jackson vs. Clay Final Work**". For each section, each team (plaintiff and defendant) must create a Google folder to keep their team’s work organized. Within this team folder there should be one file for the lawyers’ work, and a file for each witness. Please be sure to include your name and your character name in the title of your work (e.g. Dr. Maguire – Jefferson Trial). **If your lawyers wish to keep their team’s witness questions a secret for the sake of strategy, please be sure to submit your questions AFTER you ask them in court!**

# Witness Role Biography

### Role: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, witness for the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

As a witness, you must research your role and be able to answer any questions that the attorneys ask you. Before the trial, complete your role biography below. This will be turned in on the day of the trial (you will be able to use these notes during your testimony). In addition, anticipate 3 questions that the opposing side may ask you, and prepare your responses. You must include properly formatted Chicago footnotes and a works cited list.

**Briefly describe the significance of your role. (In other words, why were you invited to testify?)**

**What was your life like during the time of the Jefferson's or Jackson's presidency or Henry Clays time in government? (Be specific to your character)**

**Where are you from? What social class are you a part of? What things are important to you?**

**How did the presidency of either Jefferson or Jackson or Henry Clays time in government impact your life? How did the presidency of either Jefferson or Jackson or Henry Clays time in government transform America?**

**How did your role’s life change because of the presidency of either Jefferson or Jackson or Henry Clays time in government? Was it positive or negative, and why?**

**Consider the facts of your historical character, do they suggest that Jefferson or Jackson's presidency or Henry Clays time in government did more to transform America? Explain.**

**Considering who you are and the case at hand, what is one question that you predict the opposing team will ask of you?**

**Attorney Responsibilities**

You are responsible for creating both an opening statement and a closing statement. These statements should outline what arguments for/against you and your team will develop in court. Please keep in mind that Judge Maguire will be listening carefully to your arguments and the quality of your historical reasoning. Your opening remarks should be prepared ahead of time and delivered in 3 minutes. Your closing remarks may be adapted in light of court proceedings and should be delivered in 2-3 minutes. ***You must include properly formatted Chicago footnotes and a works cited list.***

**Suggestions for the Opening Statement:**

* A little decorum and formality to open your speech would be appropriate. After all you **are** a respected lawyer in the court of history.
* Explicitly state the arguments of your case. You have 3 minutes to do so, which is enough time to address 3-4 central points that you will develop over the course of the trial. Your statements should clearly address the evidence you will introduce to help you prove that either Jefferson or Jackson's presidency did more to transform America.
* Write out your opening statement and practice reading it before delivering it in the courtroom. Reading it will give you a sense of pacing and the amount of time that you have. Also, practice makes for a more convincing performance!

**Suggestions for the Closing Statement:**

* You have 2-3 minutes to conclude your team’s case. This is your last chance to explicitly remind the judge of your arguments. Allow time for this.
* A secondary purpose should be to perhaps rebut the ideas of the opposing legal team. Remind the judge of their thoughts but emphasize why their thoughts should be dismissed in favor of your assertions about the facts of the case.
* It is expected that you will have prepared for your closing statement, i.e. made yourself familiar with the arguments presented by your legal team. However, rebuttals aren’t always planned ahead, so a certain degree of extemporaneous speaking is not unheard of in closing statements.

**Direct Examination and Cross Examination of Witnesses:**

In addition, you must also generate a list of 2-3 questions to ask your witnesses and a list of 1-2 questions to ask your opponent’s witnesses. **You are not responsible for coming up with answers to these questions**. See the attached witness list and use the chart below to organize your questions. ***Yes, while you can ask impromptu questions of witnesses during cross-examination, those questions should be responsive to something either said during direct or an answer just given to a question you asked.***

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| Witness (Your Team) | 2-3 Questions to Ask |
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| Witness (Opposition) | 1-2 Questions to Ask |
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# Trial Reflection Note Sheet

**TO BE FILLED OUT DURING TRIAL:** Outline the main arguments and evidence discussed during the testimony of each witness. Your notes may be informal and in an outline form. These notes will be used to inform your verdict deliberations. They count as a completion grade.

**Opening Statement Reflection.** *According to the lawyer’s opening remarks what arguments have they outlined?*

**What strengths and weaknesses did each legal team exhibit today?** *Consider all members of the courts (lawyers AND witnesses).*

* **Strengths =** a good argument, a good line of questions, a good witness testimony, etc.
* **Weakness =** a breakdown in arguments or proposed ideas, poor questions, weaker testimony, etc.

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| **Jefferson’s Team Strengths:** | **Jackson’s Team Strengths:** | **Clay’s Team Strengths:** |
| **Jefferson’s Team Weaknesses:** | **Jackson’s Team Weaknesses:** | **Clay’s Team Weaknesses:** |

**Which witnesses did you think had the best testimony and performance today? Why?**

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| **Witness** | **Brief Summary of Their Testimony (What Made It The Best?)** |
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**The rubric is on the following page.**

**Grading Rubric**

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| **Grade** | **A** | **B** | **C** | **D** |
| ***Content & details*** | Your participation in the trial showed a deep and wide understanding of the main ideas. Your participation had some excellent specific historical evidence as support. | Your participation showed a good and fair understanding of the main ideas. You had some good specific details as support, but maybe could have used more details and examples. | Your participation showed an average understanding of the main ideas. Your participation needed substantially more specific details and specific examples as support. | Your participation did not reveal any understanding of the main ideas. Your participation did not include any specific details as support. |
| ***Collaboration and preparation*** | You enthusiastically collaborated with your peers in preparation for the trial. You encouraged and allowed others to share their ideas. You did not dominate the conversation. | You worked with your peers in preparation for the trial but you did not collaborate with them. You allowed others to share their ideas but did not work to reach consensus on how to proceed. Sometimes, you dominated the conversation. | You completed your work in preparation but did not engage with your peers. You did not offer ideas or consider other's viewpoints. You did not voluntarily contribute to the conversation. | You completed your work in preparation for the trial. You did not participate in the conversation. |
| ***Creativity and Performance*** | Your performance during trial revealed a tremendous effort to create an incredible performance. Your performance was consistent with the TAS values. You were actively engaged throughout the trial, encouraged others to do the same, and were not a distraction. | Your performance during trial revealed a good amount of effort to create a very good performance. Your performance was not always consistent with the TAS values. You were not consistently actively engaged in the trial and were sometimes a distraction to others. | Your performance during trial revealed that you needed to put a little more time and effort in the trial. Your performance was not consistent with the TAS values. You checked-out as soon as you were done with your part of the trial. You were a distraction to others. | Your performance during trial revealed that you didn't put any effort into the trial. Your performance was not consistent with the TAS values. You checked-out as soon as you were done with your part of the trial. You were a distraction to others. |
| ***Research and application of historical thinking*** | Subject knowledge is evident throughout the documents and oral presentations. All information is clear, appropriate and correct. There is clear application of historical thinking, with in-depth analysis of the importance of the information. The document contains both Chicago formatted footnotes and a works cited list. | Subject knowledge is evident in most of the statements made in the documents and oral presentations. Most information is clear, appropriate, and correct. There is some application of historical thinking. The document is missing either footnotes or the works cited list. | Subject knowledge is evident, but information is not clear, has error, or all is not appropriate. There is no application of historical thinking. The document does not contain footnotes and a works cited list. | Subject knowledge is not evident. Information is not appropriate or accurate. There is no application of historical thinking. The document does not contain footnotes and a work cited list. |
| ***Maguire factor*** | You do totally Awesome job | You do an impressive job | You do a good job | You don’t impress me at all |