

The People v. Jackson -- Teaching notes

Grade level: 8-12

Before you pass out the actual trial

- Students should have a working understanding of the Westward Expansion and the concept of Manifest Destiny.
- Mary Ellen Carter's lesson on the "Cherokee Trail of Tears" includes a number of excellent introductory activities and an alternative method of conducting the mock trial. The pdf is available at www.wvpt4learning.org/lessons/pdf04/cherokee.pdf.
- Consider a "role play" during which students will learn about the disparate perspectives presented in the case: President Jackson, Governor Lumpkin, a white Georgia settler, a Cherokee who support the signing of the Treaty of New Echota, and a Cherokee who don't accept the Treaty of New Echota.

The charge

When I first taught this mock trial President Jackson was charged with genocide. During the course of the trial we discovered that it would be nearly impossible to find the defendant guilty of the charge. A law professor with expertise in international law explained to me that genocide is nearly impossible to prove in general, so modern-day prosecutors usually try defendants who may have engaged in genocide with "Crimes Against Humanity" or other more specific charges. For instance Slobodan Milosevic was charged with one count of violations of the laws or customs of war (Article 3 - murder), and four counts of crimes against humanity (Article 5 – deportation; murder; persecutions on political, racial or religious grounds; other inhumane acts). He was not charged with genocide. ("MILOSEVIC Case Information Sheet(IT-02-54) "Bosnia and Herzegovina, 5 April 2005." United Nations. 25 July 2006. <http://www.un.org/icty/glance/milosevic.htm>.)

To reach a "guilty" verdict for "Crimes Against Humanity," the prosecution must prove that:

- the act was committed,
- it was part of a widespread or systematic attack
- the act was carried out against a civilian population
- the defendant had knowledge of the attack, AND
- the defendant is guilty of one or more of the 11 specific counts (see "statute")

End of trial discussion

In addition to the more obvious questions regarding Indian removal, federalism, separation of powers, consider moving the discussion into current events by evaluating the usefulness of trials for international crimes.

- *Many recognize that trials are not always perfect justice, but does a trial for international crimes serve additional purposes? Some possibilities: deterrence, peace building and stability of a region, creation of a historical record, some measure of justice for victims, etc.*
- *What value do you see in proceeding with such trials for contemporary bad guys, even if there is a chance that the prosecution will not be able to prove their case?*