Mock Trial of Andrew Jackson - Toolkit

Mock Trial Format

1. The prosecution followed by the defense team gives an opening statement.
2. Presentation of Evidence. The prosecution followed by the defense presents no more than three forms of evidence from documents that support their argument.
3. Questioning of Witnesses. Witnesses will be called to the stand to answer three questions by the prosecution and the defense. (Andrew Jackson will be asked five questions by each team.) All witnesses must use a minimum of three quotations during their questioning and provide a citation for each quotation used.
4. Closing Statements. Each team will drive home their arguments and reiterate their strongest points, and possibly bring up weaknesses of their opponent.
5. Jury Deliberation.

Responsibilities of Role Players

Prosecution and Defense Teams
Analyze evidence/documents in order to develop an argument/case either for or against Andrew Jackson as a common man. Create witness questions, a rebuttal, and a closing statement.

Judge
Oversees the trial. (That will be me.)

Jury*
Listens, deliberates, and comes to a ruling on whether or not Andrew Jackson is a true common man. The jury will be responsible for researching their roles.

Role Players
The role players—Andrew Jackson, “Two Moons,” and Davy Crockett—will research and fill out bio worksheets. You will be required to answer in character during the trial.

Witnesses for the Prosecution:

“Two Moons”: representing all Native American tribes removed from the Southeast, he is a fictional, well-educated member of the Cherokee Nation. You are a witness for the prosecution.

Davy Crockett: representing citizens from Tennessee who benefitted from the expansion of universal male suffrage to all white men, detested the National Bank, and supported squatters’ rights—yet did not agree with the Indian Removal Act. You are a witness for the prosecution.

Witnesses for the Defense:

Andrew Jackson: defending his title as the first “common man president.” You are, obviously, a witness for the defense.

Matthew Rashauer will be an expert on Jackson. You are an historian, and you have written on Andrew Jackson. You will be called as an expert witness for the defense.

Daniel Feller will be an expert on Jackson. You are an historian, and you have written on Andrew Jackson. You will be called as an expert witness for the defense.

Media Present at Trial*
You will be asked to jot down notes during the trial and following the trial (during jury deliberation) be ready to discuss what was noteworthy and/or memorable about the trial. Who gave the strongest or most memorable testimony? What kind of story would you have written?
**Andrew Jackson Bio Sheet** - As Andrew Jackson you are required to have a detailed understanding of his background to support his claim to be a “common man” president. You are going to eventually collaborate with the defense team to formulate questions and responses. As in reality, the defendant is allowed to legally be coached by his/her defense lawyers. But first, research the below events in preparation for your role in trial:

<table>
<thead>
<tr>
<th>Event</th>
<th>Andrew Jackson’s Action</th>
<th>How does this reflect my title as a “common man” president?</th>
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<tbody>
<tr>
<td>Battle of New Orleans</td>
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<td>Indian Wars w/ Creek and Seminole</td>
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<tr>
<td>Presidential Elections of 1824, 1828, &amp; 1832</td>
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<tr>
<td>Removal Of Native Americans</td>
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<td>National Bank Veto</td>
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<td>Maysville Road</td>
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<td>Development of the Democratic Party</td>
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<td>Specie Circular</td>
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<tr>
<td>Spoils System/Rotation of Office</td>
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Trial Cheat Sheet

You need to be able to provide a bio of yourself in response to the opening questions from the prosecution. Use the back if needed.

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Post Conference Notes: (After conferencing with your defense team, and being told of their questions, jot down notes for your responses.)

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____________________________________________________________________________________
Davy Crockett, the famed war hero, frontiersman, and backwoods statesman from Tennessee, fought under Andrew Jackson during the Indian wars. The inspiration for your character can be based on your research of Crockett (I have several links on the class website) and your conclusions regarding how he would have felt about several of Jackson’s actions. You are going to discuss your “taking the stand” for the prosecution, but be careful not to “be coached.” You simply ensure that their facts about you are accurate and complete, and they can give you an idea of the questions they will ask – nothing else. You can then jot down notes for your testimony.

<table>
<thead>
<tr>
<th>Event</th>
<th>Andrew Jackson’s Action</th>
<th>How does this influence Andrew Jackson’s title as a “common man” president?</th>
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<tbody>
<tr>
<td>Military Background</td>
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<td>Spoils System</td>
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<td>(the NY Times article)</td>
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<tr>
<td>Handling of Native Americans</td>
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<tr>
<td>Elections of 1824/1828</td>
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<tr>
<td>National Bank Veto</td>
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<tr>
<td>(Jackson’s Banking policies)</td>
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<tr>
<td>Jackson’s insistence</td>
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<td>that Democrats “toe the party line.”</td>
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<td>Nullification Crisis</td>
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<td>(There is no direct source that indicates Crockett’s feelings. What do you believe he would think?)</td>
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Trial Cheat Sheet

You need to be able to provide a bio of yourself in response to the opening questions from the prosecution. Use the back if needed.

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Post Conference Notes: (After conferencing with the prosecution, and being told of their types of questions, jot down notes for your responses.

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Two Moons Bio Sheet

You represent all Native American tribes forcibly removed from the southeast. The inspiration for your character can be based on your knowledge of the Cherokee, Seminole, Indian Removal, and your conclusions regarding how Two Moons would have felt about several of Jackson’s actions.

<table>
<thead>
<tr>
<th>Event</th>
<th>Andrew Jackson’s Action</th>
<th>How does this influence Andrew Jackson’s title as a “common man” president? What would Two Moons say about Jackson?</th>
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<tbody>
<tr>
<td>Military Background</td>
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<tr>
<td>(treatment of natives by Jackson in his capacity as a military officer)</td>
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<td>Handling of Native Americans (as president)</td>
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<td>Court Cases involving Native Americans</td>
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<tr>
<td>White Manhood Suffrage (what do you think he would say?)</td>
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Trial Cheat Sheet

You need to be able to provide a bio of yourself in response to the opening questions from the prosecution.

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Post Conference Notes: (After conferencing with the prosecution, and being told of their types of questions, jot down notes for your responses.)

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Daniel Feller Bio Sheet – As a history professor from the University of Tennessee, and an expert on Andrew Jackson you are being called by the defense to testify in support of Jackson, yet in your capacity as an academic (and because you are under oath) you are obligated to answer questions honestly. You are required to have a detailed understanding of his background to support his claim to be a “common man” president. You are going to eventually collaborate with the defense team to discuss your knowledge areas, and what types of questions you might encounter. You are not allowed to be coached by the defense lawyers. But first, research the below events in preparation for your role in trial:

<table>
<thead>
<tr>
<th>Event</th>
<th>Andrew Jackson’s Action</th>
<th>How does this reflect my title as a “common man” president?</th>
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<tbody>
<tr>
<td>Battle of New Orleans</td>
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<td>Spanish Florida</td>
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<td>Relationship with the Supreme Court</td>
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<td>Removal Of Native Americans</td>
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<td>Bank Veto</td>
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</tbody>
</table>
You need to be able to provide a bio of yourself in response to the opening questions from the prosecution. Use the back if needed.

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**Post Conference Notes:** *(After conferencing with your defense team, and being told of their questions, jot down notes for your responses.)*

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Matthew Marshauer Bio Sheet – As a history professor from the Central Connecticut State University, and an expert on Andrew Jackson you are being called by the defense to testify in support of Jackson, yet in your capacity as an academic (and because you are under oath) you are obligated to answer questions honestly. You are required to have a detailed understanding of his background to support his claim to be a “common man” president. You are going to eventually collaborate with the defense team to discuss your knowledge areas, and what types of questions you might encounter. You are not allowed to be coached by the defense lawyers. But first, research the below events in preparation for your role in trial:

<table>
<thead>
<tr>
<th>Event</th>
<th>Andrew Jackson’s Action</th>
<th>How does this reflect my title as a “common man” president?</th>
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<tbody>
<tr>
<td>Military Success</td>
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<td>Nullification Crisis</td>
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<td>Image</td>
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<tr>
<td>Removal Of Native Americans</td>
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<td>Foreign Policy</td>
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<tr>
<td>Bank Veto (i.e. his attack on corporate privilege)</td>
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Trial Cheat Sheet

You need to be able to provide a bio of yourself in response to the opening questions from the prosecution. Use the back if needed.

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Post Conference Notes: (After conferencing with your defense team, and being told of their questions, jot down notes for your responses.

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Role Player Quotation Sheet

Role Player:
Each role player must provide 3 quotations and attempt to use them during the course of the trial.

<table>
<thead>
<tr>
<th>Quote</th>
<th>Document</th>
<th>What event does the quote relate to?</th>
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<td>Title of Document/Crisis/Event:</td>
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<tr>
<th>Brief summary of event with a focus on actions of Jackson:</th>
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<tr>
<th>Significance (how does this support or denounce Andrew Jackson’s status as a “common man” president?):</th>
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<tr>
<th>Value to your case. Will you use this (i.e. a document from this event) as an exhibit? Why or Why not?</th>
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Suggested dialogue:

**Opening Statement:**
Attorney (Prosecution, defense) introduces himself or herself and states what their side hopes to prove.

“Your Honor, members of the jury, my name is ________ and I and my classmates are representing __________________ in this case. We intend to prove ____________________. We ask that you find ________.

**Direct/Cross Examination:**
Prosecution calls its first witness to the stand and asks clear and simple questions that allow the witness to tell his or her side of the story in his or her own words.

Suggested opening questions:

Tell us about yourself.
How do you know the defendant?
What do you know about the defendant?

Then proceed to ask questions that support your case. The defense follows the prosecution.

**Closing Argument:**
Each side summarizes the testimony presented during the questioning in a way that will convince the jury to believe his or her side of the case. The prosecution will ask for a guilty verdict, while the defense will ask for the opposite.

“Your honor, members of the jury, today you have heard testimony about ______________. I would like to remind you of some important information that you should consider in your decision. These facts include _________. Please find ____________.”
Helpful Hints for Mock Trial Participants

Opening Statement: Prosecution or Plaintiff

1. **Purpose** To inform the jury of the nature and facts of the case.
   a. Include:
      i. Name of the case.
      ii. Your name
      iii. Client’s name
      iv. Opponent’s name.
      v. A description or story of the facts and circumstances that led to the case.
      vi. A summary of the key facts each witness will bring out in testimony and the importance of any documents to be introduced.
      vii. Conclusions and request for the verdict to be in your favor.

2. **Avoid**:
   a. Too much detail. It may tire and confuse the jury.
   b. Exaggeration and overstatement. Don’t use such phrases as “prove it to a mathematical certainty” or “prove it absolutely beyond question.”
   c. Argument. It violates the function of the opening statement (which is to provide the facts of the case from your client’s viewpoint), and you risk rebuke from the bench.
   d. Anticipating what the defense attorney will say.
   e. Walking or pacing. It distracts juries and irritates judges.

Opening Statement: Defense

1. **Purpose** To deny that the prosecution or plaintiff has a valid case and, in a general way, to outline the facts from the standpoint of the defendant. Interruptions by prosecution or plaintiff are not permitted.
   a. Include:
      i. Your name and your client’s name.
      ii. General theory of defense.
      iii. Facts that tend to weaken the plaintiff’s case.
      iv. A rundown of what each defense witness will testify to.
      v. Conclusion and a request for the verdict to be in the favor of your client.

2. **Avoid**:
   a. Repetition of facts that are not in dispute.
   b. Exaggeration and argument.
   c. Strong points of the plaintiff’s case.
   d. Walking or pacing. It distracts juries and irritates judges.

Direct Examination of Witnesses

1. **Purpose**
   a. To present the evidence necessary to warrant a verdict favorable to your client. All the elements of a law or criminal charge must be brought into evidence by witness testimony or documents.
   b. To present the facts with clarity and understanding; to convince the jury of the soundness of your client’s case.
c. To present your witnesses to the greatest advantage; to establish their credibility.

2. Refreshing memory
   a. Ask “open-ended” questions. Those usually begin with who, what, when, where, or how, or by asking the witness to “explain” or “describe.”
   b. Avoid complex or long-winded questions—questions should be clear and simple.
   c. Be a “friendly guide” for the witnesses as they tell their stories. Let the witnesses be the stars.

Cross-Examination of Witnesses

1. Purpose
   a. To secure admissions from opposing witnesses that will tend to prove your case.
   b. To negate your opponent’s case by discrediting his/her witnesses.

2. Scope:
   a. Witnesses may be cross-examined regarding their direct testimony.
   b. Cross-examination is used to explain, modify, or discredit what a witness has previously stated.

3. Approach
   a. Use narrow, leading questions that suggest an answer to the witness. Ask questions that require “yes” or “no” answers.
   b. Expose lack of sincerity or the existence of bias.
   c. Never ask “Why?” It gives a well-prepared witness a chance to explain.
   d. Generally, don’t ask questions unless you know what kind of answer you are going to obtain.
   e. Be fair, courteous; avoid the “Isn’t it a fact…?” type of questioning.
   f. It may be useful not to insist on an answer.

Closing Argument

1. Summarize the highlights of the testimony and documents as they support your case and undermine your opponent’s case.
2. Use actual examples from the trial that you have written down.
3. Be persuasive.
4. Confidently request the judge or jury to grant you the decision that you want.

Source: Adapted with permission from the Mock Trial Manual of the Law, Youth & Citizenship Program of the New York State Bar Association, www.nysba.org
Mock Trial Judging Form

For mock trial competitions, the performance winner is the side scoring the highest number of points.

Instructions

This rating sheet is to be used score mock trial teams. For each of the 11 standards listed below, indicate a score from the following scale.

1. poor
2. below average
3. average
4. above average
5. superior

Scoring of the presentation should be independent of your decision on the merits of the case. In case of a tie, the team with the highest overall performance score will be declared the winner. Circle the winning team below.

Prosecution:  

THE OPENING STATEMENT
provides a clear and concise description of the anticipated presentation.

ON DIRECT EXAMINATION,
attorneys asked questions that brought out key information for their side of the case and kept the witnesses from discussing irrelevancies.

ON CROSS-EXAMINATION,
attorneys exposed contradictions in testimony and weakened the other’s side case without becoming antagonistic.

IN QUESTIONING OF WITNESS,
attorneys properly phrased questions and demonstrated a clear understanding of trial procedures.

Defense:

THE OPENING STATEMENT
provides a clear and concise description of the anticipated presentation.

ON DIRECT EXAMINATION,
attorneys asked questions that brought out key information for their side of the case and kept the witnesses from discussing irrelevancies.

ON CROSS-EXAMINATION,
attorneys exposed contradictions in testimony and weakened the other’s side case without becoming antagonistic.

IN QUESTIONING OF WITNESS,
attorneys properly phrased questions and demonstrated a clear understanding of trial procedures.
IN THE CLOSING STATEMENT, the attorney made an organized and well-reasoned presentation emphasizing the strengths of his or her side of the case and addressing the flaws exposed by the opposing attorneys.

UNDERSTANDING OF THE ISSUES AND LAW in the case was demonstrated by the attorneys.

SPONTANEITY was demonstrated by attorneys in their ability to respond to witnesses and in the overall presentation of the case.

WITNESSES CHARACTERIZATIONS were believable and witness testimony was convincing.

FAVORABLE TESTIMONY for their side was given by witnesses based upon the record or what could be reasonably implied from the Fact Situation and Witness Sheets. (Deduct points for deviation and embellishment.)

COURTROOM DECORUM and courtesy were observed by team members, and voices were clear and distinct.

ALL TEAM MEMBERS were actively involved in the presentation of the case.
TOTAL SCORE FOR TEAMS