



Lesson Plan: The Trial of Abraham Lincoln

The Trial of Abraham Lincoln

Witness List

Salmon P. Chase –

(Prosecution) Appointed by Lincoln as Secretary of the Treasury and helped to create a National Banking system which supported paper money. He later, while sitting as Supreme Court Justice, declared his earlier actions making paper money as unconstitutional. He also presided over the first reading of the Emancipation Proclamation.

(Defense) Mr. Chase was appointed by Lincoln as Secretary of the Treasury and helped to institute the National Banking system. Lincoln later appointed him as the Supreme Court Justice and he served with distinction through the periods of Reconstruction. He also presided over the first reading of the Emancipation Proclamation.

Lambdin Purdy Milligan –

(Prosecution) Lincoln allowed the suspension of habeas corpus and established military courts in areas where civilian courts were still in session. This was later found to be unconstitutional, however the possibility that this was an emergency power allowed to the President has never been addressed.

(Defense) The President's ability to suspend habeas corpus with emergency powers, as in war, has never been addressed. Lincoln suspended habeas corpus and established military courts in areas where civilian courts were still in session.

Edwin M. Stanton –

(Prosecution) Appointed Secretary of War under Lincoln, Stanton was a sharp critic of the President's choices of generals and often refused to issue certain orders that he and the President disagreed.

(Defense) Although Stanton and Lincoln disagreed often, Stanton eventually grew to respect and even like the President.



Ulysses S. Grant –

(Prosecution) Although the President repeatedly promoted General Grant, many times the President let Grant do his own thing without attempting to keep a “handle” on the general.

(Defense) The most celebrated general of the Civil War, Grant brought success after success and is probably the best example of military appointments the President made.

George B. McClellan –

(Prosecution) Often referred to as the “Slows”, General McClellan was chastised by Lincoln for failing to advance or chase confederate forces in route. Probably the best example of Presidential interference with the military during the Civil War.

(Defense) Although slow in moving, General McClellan was often praised as the greatest General for organizing an army or fighting a defensive campaign.

William H. Seward –

(Prosecution) With the support of Lincoln, Secretary of State Seward brought ill feelings between Europe and the Union by not allowing them to sell supplies or munitions to the Confederacy. Further, Seward advised Lincoln to resupply Fort Dickens, and not Sumter, but the President was adamant. The first shots in the Civil War were at Fort Sumter.

(Defense) The attrition of the South was in no small part due to Seward threatening war with Europe if they tried to sell supplies or munitions to the Confederacy.

Charles Sumner –

(Prosecution) Sumner read the message concerning compensated emancipation before Lincoln sent it, and was opposed to Lincoln's view of Reconstruction.

(Defense) With the backing of Lincoln, Sumner was able to soften the impact of U.S. policy in England, especially during the Trent Affair.

Dorothea Dix –

(Prosecution) Dix was head of the Union Army Nurses but because of her inability to deal with the large administrative task, she was gradually relieved of real power.

(Defense) Dorothea Dix served as the Superintendent of Union Army Nurses during the Civil War and was honored in both the North and South for helping soldiers of both sides.



CALIFORNIA ON MY HONOR

Curricula for K-12 Civics Education

Clara Barton –

(Prosecution) Clara Barton, a nurse and eventual president of the American branch of the Red Cross, was initially denied by the government to venture into battlefields to assist soldiers that were wounded.

(Defense) Clara Barton was given access to ambulances to care for soldiers and eventually allowed by Lincoln to venture into the battlefields to assist soldiers that were wounded.

Major Robert Anderson –

(Prosecution) Union Army officer in command of Fort Sumter. Major Anderson failed to protect the fort and surrendered after just 2 days of battle without killing a single Confederate soldier. It is of note that the only Union soldier to die was killed during the 100 gun salute when the flag was lowered.

(Defense) The Union Army officer in command of Fort Sumter, Major Anderson lost no one in the battle and while undersupplied and outgunned, held the fort for 2 days.

Frederick Douglass –

(Prosecution) Douglass was an early critic of President Lincoln and was once kept from seeing him by a ban placed on the White House to not allow people of color inside.

(Defense) Douglass became a proponent of Lincoln's after the Emancipation Proclamation and went on to help the Union Army recruit black soldiers.

David Goodman Croly –

(Prosecution) An American journalist, Croly wrote the anonymous pamphlet, *Miscegenation*.

(Defense) An American journalist, Croly wrote the anonymous pamphlet, *Miscegenation*.



Form and Substance of a Trial

You will each be given a witness sheet with relevant information concerning the trial. When the trial starts, the statement of charges will be read against Mr. Lincoln. After the charges are read, the prosecution will call their first witness. Each side will be able to call four witnesses with the prosecution calling all four, and then the defense calling all four of their witnesses. The defense may not call a witness that the prosecution already called. However, both sides will be able to question any witness that is called.

When the prosecution calls a witness, they will get to ask that witness questions about who they are and what their involvement is with Mr. Lincoln. It is in your best interest to come up with a few questions for each witness before the trial begins. When the prosecution finishes with their witness, the defense may ask that witness questions as well. When the defense finishes, the witness will be excused and may not be called again. After the prosecution calls their four witnesses, the defense will call their first witness and have the chance to question a witness first. When the defense finishes with a witness, the prosecution will be able to question that witness.

Of the twelve witnesses, only eight witnesses will be called so choose carefully. The prosecution has the burden of trying to prove any or all of the charges against Mr. Lincoln. After all of the witnesses have given their testimony, the jury will decide the verdict as to each of the charges.



Juror Information

The attorneys will present witnesses and ask them questions about their experiences with Abraham Lincoln. During the questioning, you will hear things that relate to the charges brought against President Lincoln. After hearing all of the witnesses, you must decide if the President is guilty of the charges brought against him. If two-thirds of the jurors vote that the President is guilty, he will immediately be removed from office. If less than two-thirds vote guilty, the President will be acquitted and all charges removed. After all of the witnesses have been presented, the jury will deliberate. The jury must choose a foreman and the foreman will explain to the court the verdict.

Article II, sections 2 and 3 define the powers of the President.

Section 2 - Civilian Power over Military, Cabinet, Pardon Power, Appointments

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to Grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3 - State of the Union, Convening Congress



CALIFORNIA ON MY HONOR

Curricula for K-12 Civics Education

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.



The Trial of Abraham Lincoln

Mr. Lincoln is being charged with the following:

1. Exceeding his Constitutional powers as president
 - a. by his actions during and immediately after the siege at Fort Sumter
 - b. by his violations of civil liberties in his suspension of habeas corpus, his establishing military courts in areas where civilian courts were in session, his suppression of dissenting newspapers and other similar actions
 - c. by his establishing a blockade of the Confederacy
 - d. by generally undermining the war effort by selecting poor officers and interfering with their professional military judgment
 - e. by needlessly bringing the war and destruction to the civilian population of the South
 - f. by issuing the Emancipation Proclamation and overreacting to the Draft Riots
 - g. by treating black soldiers as inferior persons
 - h. by preventing women from contributing to the war effort
 - i. by calling for and signing a draft bill
 - j. by putting the Union at risk by mishandling foreign relations with Great Britain
 - k. by caving in to the Confederacy even before their defeat by his plans for Reconstruction and his pocket veto of the Wade-Davis Bill.



Impeachment Process

The impeachment-trial procedure is in two steps. The House of Representatives must first pass "articles of impeachment" by a simple majority. The articles of impeachment constitute the formal allegations. Upon their passage, the defendant has been "impeached."

Next, the Senate tries the accused. In the case of the impeachment of a President, the Chief Justice of the United States presides over the proceedings.

In order to convict the accused, a two-thirds majority of the senators present is required. Conviction automatically removes the defendant from office. Following conviction, the Senate may vote to further punish the individual by barring them from holding future federal office (either elected or appointed). Despite a conviction by the Senate, the defendant remains liable to criminal prosecution. It is possible to impeach someone even after the accused has vacated their office in order to disqualify the person from future office or from certain emoluments of their prior office (such as a pension). If a two-thirds majority of the senators present does not vote "Guilty" on one or more of the charges, the defendant is acquitted and no punishment is imposed.