



Lesson Plan: The Trial of Abraham Lincoln

Grade Level: 11

Context of the unit: This 11th grade unit focuses on the founding of the nation and the eventual emergence of the United States as a world power. Students will understand how the court system interprets the Constitution and how the conflict between federal and state authority shaped the nation.

Context of the lesson: This lesson is near the end of the unit. Students will have covered the relevant history through Reconstruction including several of the federal court cases pertinent to federal versus states rights. This lesson is designed to integrate what the students have learned concerning the presidential powers defined in Article II of the U.S. Constitution and the use of those powers by Abraham Lincoln during and immediately following the Civil War. Specifically, this lesson focuses on the standards by examining the effects of the Civil War and addressing the actions of President Lincoln during the war and the growing federal power over state authority.

This lesson is preceded by a drama lesson focusing on the development of *character*, an element of theatre.

Standards Addressed:

Grade Eleven

History-Social Science Content Standards

11.1 Students analyze the significant events in the founding of the nation and its attempts to realize the philosophy of government described in the Declaration of Independence.

11.1.3. Understand the history of the Constitution after 1787 with emphasis on federal versus state authority and growing democratization.

11.1.4. Examine the effects of the Civil War and Reconstruction and of the industrial revolution, including demographic shifts and the emergence in the late nineteenth century of the United States as a world power



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Visual and Performing Arts Content Standards

2.1. Make acting choices, using script analysis, character research, reflection, and revision through the rehearsal process.

Common Core State Standards for ENGLISH LANGUAGE ARTS & Literacy in History/Social Studies, Science, and Technical Subjects

College and Career Readiness Anchor Standards for Reading Grades 6-12

Key Ideas and Details

1. Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.
3. Analyze how and why individuals, events, and ideas develop and interact over the course of a text.

Craft and Structure

4. Interpret words and phrases as they are used in a text, including determining technical, connotative, and figurative meanings, and analyze how specific word choices shape meaning or tone.

Integration of Knowledge and Ideas

7. Integrate and evaluate content presented in diverse formats and media, including visually and quantitatively, as well as in words.
8. Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning as well as the relevance and sufficiency of the evidence.
9. Analyze how two or more texts address similar themes or topics in order to build knowledge or to compare the approaches the authors take.



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Range of Reading and Level of Text Complexity

10. Read and comprehend complex literary and informational texts independently and proficiently.

College and Career Readiness Anchor Standards for Writing Grades 6-12

Text Types and Purposes

1. Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

Research to Build and Present Knowledge

7. Conduct short as well as more sustained research projects based on focused questions, demonstrating understanding of the subject under investigation.
8. Gather relevant information from multiple print and digital sources, assess the credibility and accuracy of each source, and integrate the information while avoiding plagiarism.
9. Draw evidence from literary or informational texts to support analysis, reflection, and research.

Objective (s):

Students will deepen their understanding of the persons and events of the Civil War as well as the role of the courts and the dispensation of the presidential powers outlined in Article II of the U.S. Constitution.



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Big Ideas/Essential Questions

- **The strength of a democracy is equal to the strength of its citizens.** (*We must understand, participate in, and further develop our system of government to ensure democracy.*)
- **E Pluribus Unum: out of many, one.** (*From a variety of sources and experiences, we have developed a successful government and legal system.*)

Essential Questions/Issues:

1. How is the Constitution a living document?
2. Is citizenship a right or a responsibility?

Higher Order Thinking Questions:

1. In your opinion, what are the implications today of Lincoln's expansion of the emergency powers? (evaluation)
2. How would you modify the Emancipation Proclamation to not exceed Lincoln's presidential powers as defined in Article II of the Constitution? (analysis)
3. Why did Lincoln pursue a hands-off policy towards his generals during the Civil War? Why was this policy significant? (application)



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Assessment:

Students will be evaluated through informal checks for understanding, teacher observation, self-reflections, and performing an authentic task (GRASP) evaluated by a rubric. (See rubric and GRASP)

GRASP:

GOAL	Your task is to take on the character of a key figure from the Civil War and based on student performance, decide whether Abraham Lincoln exceeded his presidential powers as outlined in Article II of the U.S. Constitution for his acts during the Civil War.
Role	You will take on the character of a witness, a juror or an attorney during the impeachment trial of Abraham Lincoln.
Audience	A jury of your peers who will evaluate the guilt or innocence of the defendant based on student witness performance.
Situation	Abraham Lincoln faced many obstacles during the Civil War and creatively handled them to the eventual success of the Union. Opponents of his policies have brought him to court to face charges for exceeding his presidential powers.
Purpose	To deepen student understanding of the important figures and events of the Civil War and help define the powers listed in the articles of the Constitution.



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Quality Criteria: Teacher/Peer Scoring Guide/Rubric

Level of Understanding demonstrated	4 – Advanced	3 – Proficient	2 – Approaching Proficiency	1 – Basic
<p>Based on their paper and performance, students demonstrate understanding.</p>	<p>Strongly demonstrates a thorough understanding of the impeachment process and the development of the Presidential emergency powers as applied to the Civil War.</p>	<p>Demonstrates an understanding of the impeachment process and the development of the Presidential emergency powers as applied to the Civil War.</p>	<p>Some understanding of the impeachment process and the development of the Presidential emergency powers as applied to the Civil War.</p>	<p>Understanding of the impeachment process and the development of the Presidential emergency powers as applied to the Civil War is unclear and/or incomplete.</p>



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Lesson Activity Steps: This lesson should be divided into 2 class periods per teacher discretion and student need.

Purpose	Teacher	Students
<p>Hook Engage students</p> <p>5 minutes</p>	<p>“Can you think of an instance where you might have to break the law to do something right?”</p> <p>Explain to students the concept of impeachment. Ask the students what would have happened if Abraham Lincoln had not been assassinated? Explain that they will be performing an impeachment trial of Abraham Lincoln based on witness testimony that they will give from their research papers and their ability to create effective characters.</p>	<p>Attend to a formal introduction.</p> <p>Take notes as needed</p>
<p>Into</p> <p>Review research material for trial.</p> <p>15 minutes</p>	<p>Review the Presidential emergency powers as provided for in the articles of the Constitution</p> <p>Choose prosecution and defense attorneys and pass out student research papers.</p> <p>Hand out Statement of Charges and How to Reach a Verdict to the jurors.</p> <p>Observe and contribute as needed to group progress. (assessment)</p>	<p>Take notes as needed.</p> <p>Students review their characters from the research papers.</p> <p>Attorneys choose their witnesses and prepare for trial.</p> <p>Jurors review the handouts and prepare for trial.</p>



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Materials and Resources Needed: Handouts of the various materials covered, research papers for witnesses, costumes for the witnesses and attorneys.

References:

www.ustreas.gov/education/history/secretaries/spchase.shtml

Site including biographical information for all of the Secretaries of the Treasury

www.tulane.edu/~latner/Chase.html

Biographical information about Salmon P. Chase

www.mrlincolnwhitehouse.org/inside.asp?ID=86&subjectID=2

Notes about Salmon P. Chase from Lincoln's white house.

http://en.wikipedia.org/wiki/Ex_Parte_Milligan

Wikipedia review of the Lambdin Purdy Milligan case.

www.mrlincolnwhitehouse.org/inside.asp?ID=96&subjectID=2

Notes about Edwin M. Stanton, Secretary of War, from Lincoln's white house.

www.mrlincolnwhitehouse.org/inside.asp?ID=133&subjectID=2

Notes about Ulysses S. Grant, General of the Union Army, from Lincoln's white house.

www.mrlincolnwhitehouse.org/inside.asp?ID=137&subjectID=2

Notes about General McClellan from Lincoln's white house.

www.mrlincolnwhitehouse.org/inside.asp?ID=93&subjectID=2

Notes about William H. Seward, Secretary of State, from Lincoln's white house.

www.webster.edu/~woolfm/dorotheadix.html



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Biographical information about Dorothea Dix.

http://en.wikipedia.org/wiki/Dorothea_Dix

Biographical information about Dorothea Dix.

http://en.wikipedia.org/wiki/Clara_Barton

Biographical information about Clara Barton.

www.civilwarhome.com/bartonbio.htm

Biographical information about Clara Barton.

http://en.wikipedia.org/wiki/Major_Robert_Anderson

Account of Major Robert Anderson during the battle of Fort Sumter.

www.civilwarhome.com/anderson.htm

Correspondence between Anderson and the Confederate commander for the surrender of Fort Sumter.

www.mrlincolnwhitehouse.org/inside.asp?ID=38&subjectID=2

An account of Frederick Douglass from the White House.

http://en.wikipedia.org/wiki/David_Goodman_Croly

Biographical information on David Goodman Croly.

www.museumofhoaxes.com/hoax/Hoaxipedia/Miscegenation_Hoax/

The story behind the miscegenation hoax.



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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 Presidents 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.



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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.



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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.

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*.



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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.



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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

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.



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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.