



JUDGES *in the* CLASSROOM

Salem Witch Trial

Source:

Adapted by Deborah Genzer from Adapted from Judge Joan Weber's Salem Witch Trial Mock Trials. For more information visit the [California Courts website](http://www.courts.ca.gov) or contact judicialoutreach@jud.ca.gov

Objectives:

1. Students will identify and explain the three branches of government, with a focus on the judicial branch
2. Students will compare and contrast an historic court case with and without the Bill of Rights
3. Students will apply and analyze the Bill of Rights, with a focus on Amendments 6 and 7

Grade Level:

Grades 5-8

Time:

One class period (approximately 50 minutes)

Materials

One copy per student of the Three Branches of Government (handout 1)

One copy per student of the Salem Witch Trial Script (handout 2)

One copy per students of the The Bill of Rights (handout 3)

Procedures:

1. **Who am I?** (5 min.)

Present: Briefly introduce yourself, and say you are going to locate yourself in the three branches of government.

Ask: Raise your hand if you know the three branches and people in them. As if they can name the people in each branch. Point to where you are on the tree. (Handout 1)

Present: Within this branch (pointing to the Judicial) there 3 components.

Ask: Can someone tell me what the 3 levels are?

Present: As a judge I am in this level (point to trial) we are looking at a case in this level. The case we are looking at today is the Salem Witch Trial.

2. Salem Witch Trial I: 1692 (10 min)

Ask: Does anybody know what the Salem Witch Trials are?

Present: The case occurred in 1692 in Salem Massachusetts. The accused is Sarah Good.

Ask: Can I have 2 volunteers to read the transcript from the case? Judge allows one students to be judge and one student to be the accused. After the 2 volunteers are don't reading the transcript the judge thanks them for participating.

Present: That was a short trial wasn't it? It was only the judge and the accused.

3. Salem Witch Trial: if it were to take place today (30 min)

Ask: If this had happened 100 years later? Would it be different? For the people who think it would be different, please tell me why?

Present: (if students don't mention Bill of Rights) The biggest difference is right here (shows Bill of Rights)

Ask: Can someone tell me what this is? The Bill of Rights was passed in 1791 and it is the document that guarantees you many rights and some of them specially have to do with being accused of a crime like Sarah Good was.

Present: For the Salem Witch Trial, we are going to be looking at Amendment 6 and 7. Read 6 and 7.

Ask: We need 5 volunteers. (Students select roles and have script ready) You all have the script, during the case you are going to highlight or take notes when you see the Bill of Rights in Action. Let's start with page one for an example. As a Judge, it is your job to introduce the case. Volunteer, (name) please read the first line. (stop) There in the first line we see that the Judge is talking to who? (members of the jury). The right to a jury is guaranteed in the Bill of Rights, Amendment 6 and 7. Can someone read Amendment 6? Can someone read amendment 7? Once the case is over we will review your observations for how the Bill of Rights is reflected in this case.

(Volunteer students read the script aloud, in "reader theatre" style – i.e. standing/sitting in the front of the room.)

Present: Thank you volunteers for reading.

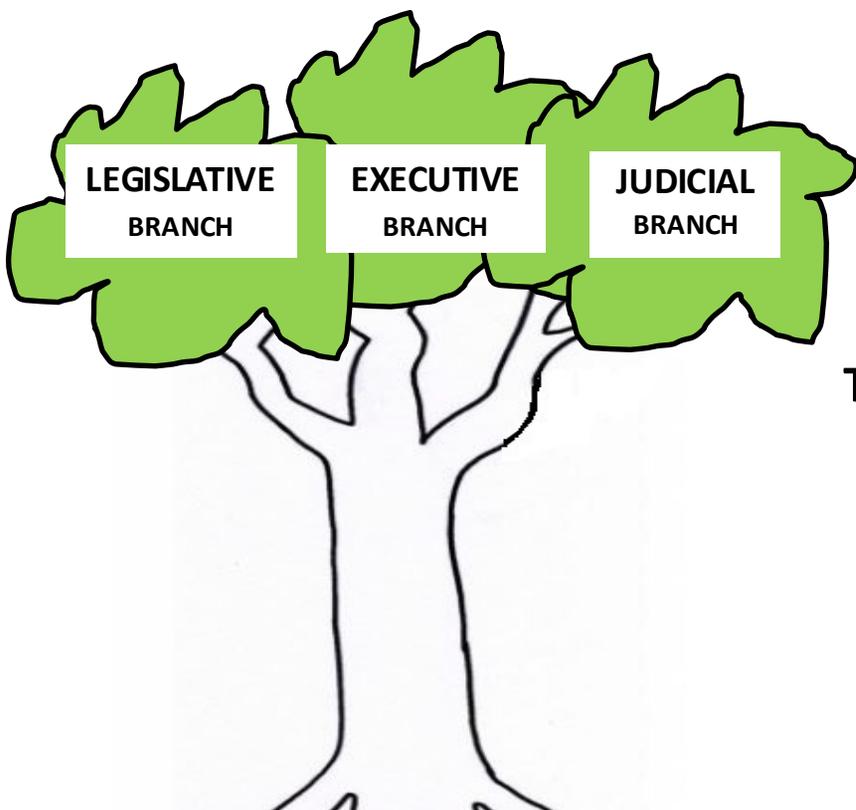
Ask: What differences did you see between the two trials, once the Bill of Rights is introduced?
(write some student answers on the board)

Present: (in closing) This document (show Bill of Rights) is used everyday in my courtroom. It guides everything we do and. (show 3 branches) There are even more protections that you don't see in the Bill of Rights. If in today's case, Sarah is found guilty, she has the right to appeal the ruling and go to the Court of Appeals (show pyramid) where new judges will review the case. AND if the judges in the Court of Appeal agree with the Trial Courts that Sarah is guilty, then she has the right to appeal one more time and take her case to the Supreme Court.

Present: Thank you for participating in this case. Are there are any questions.

The Three Branches of Government

Focus on the Judicial Branch



Supreme Court



Court of Appeal

If you are dissatisfied with the verdict of your trial, you can ask for an **appeal**, and a new court to review the case.

Trial Court



By the people, for the people.

Salem Witch Trial

Handout 2

Mock Trial Script #1

Judge: Bailiff bring out the accused, Sarah Good.

Bailiff brings out defendant in handcuffs.

Judge: Sarah Good, thou art here accused that not having the fear of God before thine eyes thou hast had familiarity with Satan the grand enemy of God and man, and that by his instigation and help thou hast in a preternatural way afflicted and done harm to the bodies and his Majesty's subjects, Elizabeth Parris and Abigail Williams, for which by the law of God and the Colony of Massachusetts thou deservest to die by hanging. Sarah Good, thou hast heard the complaints against you. Is it true that you are a witch?

Sarah: Certainly not, Your Honor.

Judge: Have you seen the Devil, Sarah Good?

Sarah: Never, Your Honor!

Judge: If you are not a witch, how do you explain the contortions that young Elizabeth Parris and Abigail Williams go into in your presence?

Sarah: It must all be fake, Your Honor!

Judge: Did you visit John Putnam's farm two weeks ago?

Sarah: I did, Your Honor.

Judge: How do you explain the fact that a baby calf was born the day after your visit and that calf had a grossly deformed leg?

Sarah: I can't explain it, Your Honor. I had nothing to do with it, I swear!

Judge: Isn't it true Sarah Good that you have a witches' mark on your neck?

Sarah: Your Honor, I have had a small mole on my neck my entire life. It is NOT a witches' mark!

Judge: Silence! I have heard enough. I find that you are guilty of witchcraft and sentence you to be hanged in the town square next Saturday. Bailiff, take her away!

Salem Witch Trial

Mock Trial Script #2

The Court: Members of the Jury: The Defendant, Sarah Good, is charged with committing acts of witchcraft. The people of the Colony of Massachusetts are represented by the prosecutor, (Name). Ms. Good is represented by her lawyer, (Name).
Prosecutor – You may call your first witness.

Prosecutor: The people of the Colony of Massachusetts call Abigail Williams.

Clerk swears in Abigail Williams.

Prosecutor: How old are you, Abigail?

Abigail: I am 11 years old.

Prosecutor: Do you know the defendant, Sarah Good?

Abigail: I do.

Prosecutor: How do you know Sarah Good?

Abigail: She lives down the lane.

Prosecutor: What happened to you and your friend, Elizabeth Parris on January 20, 1692?

Abigail: Elizabeth and I were playing in the town square when that woman (pointing to defendant) came up and started chanting nonsense at us. She started pinching us and biting us. We got so scared, we ran away.

Prosecutor: What happened to you after this meeting with the defendant?

Abigail: It was the strangest thing. I started shaking and screaming uncontrollably. My mother and father could not get me to stop! I would go into these weird trances where I was almost unconscious for minutes at a time. It was so frightening I would. . . .
(witness goes into trance and stares off in to space)

Prosecutor: Abigail, Abigail, can you hear me? Your Honor, may the record reflect that the witness has gone in to a trance?

The Court: The record may reflect that the witness has not answered your question.

Prosecutor: No more questions, Your Honor.

The Court: Defense Counsel, you may cross-examine.

Defense Counsel: Abigail, are you with us?

Abigail: Yes, I am.

Defense Counsel: You can bring on those trances whenever you want, can't you, Abigail?

Abigail: Of course not!

Defense Counsel: Isn't it true that you first made these allegations against my client after your parents caught you going to the town square without their permission?

Abigail: Well, I guess that's true.

Defense Counsel: You and Elizabeth wanted to find a way to get out of trouble, didn't you?

Abigail: No, that's not true. She did pinch us and bite us.

Defense Counsel: Did anyone ever find any marks on you from these alleged pinches and bites?

Abigail: No, there weren't any.

Defense Counsel: That's because you made the whole thing up, didn't you, Abigail?

Abigail: (Crying) No, I didn't. Please believe me.

Defense Counsel: No further questions of this witness, Your Honor.

The Court: Abigail, you may step down. Any additional witnesses on behalf of the people?

Prosecutor: The people of the Colony of Massachusetts rest, Your Honor.

The Court: Defense Counsel, do you wish to present any witnesses?

Defense Counsel: Your Honor, the defense calls the defendant, Sarah Good.

Clerk swears in Sarah Good.

Defense Counsel: Sarah, can you tell us a little about yourself?

Sarah: I am a poor peasant woman. I have to beg for food to support myself and I move around from house to house in Salem. I am a God-fearing woman. I attend church every Sunday.

Defense Counsel: Are you a witch, Sarah?

Sarah: Heavens no! I don't know why these children have falsely accused me. I have hardly ever talked to them in my life! This is so unfair!

Defense Counsel: Did you ever bite or pinch Abigail Williams on January 20, 1692?

Sarah: Of course not! In fact, she says this happened in the town square. I wasn't even at the town square on that day. I was hired by John Putnam to clean out his stables that day. I was at his place the whole day. These charges are false!

Defense Counsel: No further questions, Your Honor.

The Court: Prosecutor, you may cross examine.

Prosecutor: Sarah Good, how do you explain Abigail's uncontrollable trances and contortions?

Sarah: This is nothing more than a childhood prank. Who ever heard of someone who can go into a trance any time she wants! It is the most ridiculous thing I have ever heard of! What kind of a court is this? Where is the real evidence against me?

Prosecutor: Your Honor, I would ask the defendant to stand and show the jury her neck.

Sarah stands and shows the jury her neck which has a small birth mark on it.

Prosecutor: Sarah Good, how do you explain that hideous witches' mark on your neck?

Sarah: If you are talking about this small birth mark, I can assure you I have had this since the day I was born. I can't believe you would try to call that a witches' mark. Half the people in this town probably have a birthmark on some part of their bodies. Are they all witches?

Prosecutor: No further questions, Your Honor.

The Court: Ms. Good, you are excused.

Defense Counsel: The defense rests, Your Honor.

The Court: We will now have the closing arguments of counsel. Prosecutor, you may proceed.

Prosecutor: Members of the jury. You have overwhelming evidence that this woman, Sarah Good, is indeed a witch. You have the testimony of Abigail Williams, a young innocent child who has been stricken with horrible afflictions ever since she came into contact with the defendant. Her body goes into uncontrollable seizures and trances. In fact, you witnessed one of her trances today. You heard that not only has Abigail been inflicted, but also her friend, Elizabeth Parris, has also been attacked by these mysterious illnesses. What other possible explanation is there other than witchcraft? We also showed you the hideous witches' mark on Sarah Good's neck. Again, what other reasonable explanation is there for that obvious sign from the Devil? Help rid Salem of this horrible creature before more of our children are stricken. Find Sarah Good guilty of witchcraft!

The Court: Defense counsel, you may give your closing argument.

Defense Counsel: Members of the jury: What has happened to this community? We have a couple of children who have been caught going to town without their parents' permission. In order to avoid getting into trouble, they make up this ridiculous story about being bitten and pinched by my client. Interestingly enough, there is not one mark on either child. Why? Because it is all a big act. Speaking of big acts, how about that so-called trance Abigail went into. You could see how fake that was, couldn't you? That is what the prosecutor calls evidence. I call it a big joke. Then the only other evidence they have is a birthmark on Sarah's neck. Can you believe it has come to this? If you have a birthmark, you are a witch! Members of the jury, we moved to this colony to get away from the harsh treatment of the royal King. We moved here so that we could practice our religions freely, and we could have our own system of justice. The ONLY justice in this case would be to find my client, Sarah Good, not guilty of this crime.

The Court: Jury instructions.

Bill of Rights

The Conventions of a number of the States having, at the time of adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, and as extending the ground of public confidence in the Government will best insure the beneficent ends of its institution;

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States; all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes as part of the said Constitution, namely:

Amendment 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment 2

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment 3

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment 4

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment 5

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment 6

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment 7

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment 8

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment 9

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment 10

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.