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Lesson Plan – Examining the fairness of trial by jury through the Emmett Till Case. I plan to teach this lesson as a cross-curricular connection when students finish reading To Kill A Mockingbird.

## ***2 Day Lesson***

Overarching Objectives:

- To have students consider issues that affect the fairness of jury trials
- To have students consider the influence of government laws that affect the make-up of jury pools.
- To have students consider the importance of civic participation by all members of the community in their role as jury members when called.

Materials:

- Packet with: Day 1 bell ringer, Mississippi registration sheet and space to brainstorm, homework sites to read and questions.
- Video (see below)

### **Day 1**

Bell ringer – questions on a hand out for students as they enter.

1. Why do we as Americans value the idea of trial by jury?
2. What moments that we've already studied influenced our belief in trial by jury [Magna Carta 1215, English Bill of Rights 1269, Colonial legal traditions]
3. How does the Bill of Rights guarantee defendants a trial by jury? [5<sup>th</sup> Amendment – indictment by Grand Jury in capital cases, 6<sup>th</sup> Amendment – trial by jury in criminal cases, 7<sup>th</sup> Amendment – trial by jury in law suits].

Review bell ringer with class. Notes on board / overhead. For more advanced classes, it may also be a moment to review the 14<sup>th</sup> Amendment – all citizens guaranteed due process and equal protection under the law.

Follow up questions:

1. Does a trial by jury always provide justice?
2. What issues would prevent a just, or fair trial result?
3. How would you evaluate the fairness of the jury in To Kill A Mockingbird?

Mississippi jury selection in 1950's – introductory information:

1. Juries in Mississippi in the 1950's were selected from male registered voters (women were not allowed to serve on juries until 1966.)
2. What was the make-up of the TKAM jury?
3. Why do you suppose there were no black men on the jury, despite the large African American population of Mississippi?
4. Black men and women were limited in their ability to vote by intimidation and the voter registration process. There was a systematic effort to prevent black people from being able to vote and otherwise participate in the political process.

1950's Mississippi voter registration form. [ <http://blueshighway.org/nehvoterreg.htm> ]  
Have students work with a partner to evaluate the form and create a list of the skills and / or knowledge a potential applicant would need in order to successfully apply.

Share with class – come up with class list. Discuss how the list of skills and knowledge would preclude most African Americans from successfully registering to vote (thereby also excluding them from the jury pool). Consideration should be given not only to the challenges of the form, but the opportunity for interpretation of the registrar to decide the outcome of the application, further providing opportunity to reject African American applicants. Further, notice of application was forwarded to employers, adding an opportunity to pressure black people to withdraw their application.

Day 1 Wrap Up:

3 documents that have shaped our belief in trial by jury

2 ways that jury trials can be unfair

1 reason that juries in Mississippi in the 1950's were made up of white men

Introduce homework: Read the following sites regarding the Emmett Till murder and trial. Post sites on-line.

1. [http://www.pbs.org/wgbh/amex/till/peopleevents/p\\_till.html](http://www.pbs.org/wgbh/amex/till/peopleevents/p_till.html) -- introduces Emmett Till and his upcoming trip to Mississippi.
2. <http://www.pbs.org/wgbh/amex/till/timeline/timeline2.html>, -- read events of **1955** which provides an overview of the murder and the subsequent trial.
3. [http://www.pbs.org/wgbh/amex/till/peopleevents/p\\_strider.html](http://www.pbs.org/wgbh/amex/till/peopleevents/p_strider.html) -- the sheriff of Tallahatchie County.
4. [http://www.pbs.org/wgbh/amex/till/peopleevents/p\\_defendants.html](http://www.pbs.org/wgbh/amex/till/peopleevents/p_defendants.html) -- the defendants in the trial.

Questions after reading the various sites:

1. What factors contributed to Emmett Till's murder?
2. What major evidence did the prosecution introduce?
3. What major evidence did the defense present?
4. Who made up the jury?
5. What was the verdict? What factors do you think influenced the jury?

## **Day 2**

Bell ringer

- Discuss homework questions with a partner.

Review Emmett Till case with the class. Use images as appropriate (Google images). Include information regarding Jim Crow laws and unwritten social rules.

Video – tbd – if I can get it, I plan to use:

[http://www.pbs.org/wgbh/amex/eyesontheprize/story/01\\_till.html](http://www.pbs.org/wgbh/amex/eyesontheprize/story/01_till.html)

I believe the segment covering Emmett Till is about 15 minutes long.

[Possible use of song about Emmett Till by Joan Baez or Bob Dylan.]

Class discussion: This could be a fishbowl discussion, or whole class.

- what forces affected the outcome of the Till murder trial?
- Did the jury provide justice or prevent it?
- Compare the outcome of the Till trial to that in TKAM

Day 2 Wrap up

- How does a government improve or undermine the fairness of the jury system?
- How do individuals improve or undermine the fairness of the jury system?

Homework: ask parents about their experiences on juries. Have they been called? Did they attend? Did they serve on a jury? Write a brief summary.