

PURPOSE - 1

“...God’s angry man...”

Mention the name John Brown to almost any American and for certain the response will be similar: “martyr,” “terrorist,” “fanatic,” “abolitionist,” “God’s angry man.” Yet how many Americans really know how John Brown carved his name into our history?

This re-creation affords your students the opportunity to role-play the people involved in a trial called by one writer “the most momentous trial in American history.” John Brown, 59, was captured while he attempted to seize a federal armory at Harper’s Ferry, Virginia, in 1859. Already famous for his bloody attack on a pro-slavery community in Kansas Territory three years earlier, Brown was indicted for murder, treason, and conspiracy to start a slave revolt throughout the South. Because he was John Brown of Kansas and because his trial took place just one and one-half years before the opening guns of the Civil War, the legend of John Brown has resulted in countless literary works: articles, novels, biographies, screenplay. Even America’s ultimate epic poem *John Brown’s Body* by Stephen Vincent Benet is named after this troubled idealist.

The purpose of this exercise is to re-create in much of its dramatic detail the trial of John Brown. Specifically, your students will experience the following:

Knowledge

1. The major issues which caused the Civil War
2. How terms such as “fanatic,” “martyr,” “traitor,” “murderer,” and “conspirator” apply to John Brown
3. The rudiments of a jury trial
4. The details of an event which polarized opinions on slavery and sectionalism just months before the Civil War

Skills

1. Developing a General Statement/Specific Details outline from notes taken during the trial
2. Using oral skills to sway people toward one side on a controversial issue or the other
3. Writing questions and summation statements for speeches to be used in the trial
4. Sharpening listening skills by keeping up with the testimony of the important witnesses

PURPOSE - 2

Understanding the "true believer"

Feelings

1. Empathizing with a person who plays a vital role in a court trial
2. Developing a feeling of guilt or innocence for a defendant
3. Understanding the emotions and the motivations which might explain John Brown's actions or the other fanatics on either side of the slavery issue
4. Sensing what it must have been like to have lived and been a part of a trial which increased national tension in an already explosive era

OVERVIEW

The trial of John Brown unquestionably is one of the most momentous in our history. It came at a time when the sections of our nation were tearing themselves apart because of the burning issues of that era—slavery, economic differences, and sectional political power. It may have been accident or luck which led John Brown to his destiny, but the reaction in the country following his trial and death was unparalleled in our history. Never was a man so guilty. His raid on a federal arsenal at Harper’s Ferry was a dismal failure. He and his “rag-tag army” were caught red-handed holding 11 hostages while attempting a task so great—that of freeing the slaves—that it took four years of bloody war, utilizing most of the men and resources of half the nation, to accomplish it.

Even so, Brown’s trial was haunted by controversy, as controversial as the “Old Man” himself. Captured by a marine detachment led by Colonel Robert E. Lee on Monday, October 17, 1859, Brown was left for dead on the floor of a cold building until Tuesday, when people were astonished that he was well enough to hold a “press conference” and present a forum for his actions and behavior. Healthy or not, Brown and his men were indicted one week later on charges of treason, murder, and conspiracy to start a slave rebellion. On Wednesday, October 26, the trial began, to the shock and amazement of the defense lawyers, who felt they had an inexcusably short time to prepare their case. By Wednesday, November 2, the judge had sentenced Brown to hang on December 2, one month later.

Needless to say, questions and doubts linger about this trial. Despite Brown’s obvious guilt, his ridiculous outbursts during the trial, and the public view that he might be insane, John Brown’s trial was not a textbook version of a fair trial. (Your students will likely perceive this during and after their re-creation of the trial.) To help develop this perception, you will stage the trial with a prejudiced jury, with a judge who wants a very speedy and public trial, with the damning testimony of the witnesses, and with the foolish example of Brown trying to defend himself with lofty ideals. Detailed student role handouts and the Student Guide will help you set up your class for this experience. However, the more you strive to make the trial seem realistic, the more your students will respond and play their roles dramatically.



Expect capable students to be troubled by what they perceive as “an unfair trial.” You can build an interesting discussion on this concern during your debriefing.

HISTORICAL ACCURACY

How accurate is this re-creation?

The author has worked to make this re-creation as accurate as possible. The vast amount of historical literature allowed the author to easily research and write this trial with a minimum of “literary license.” No characters are fictitious; no composite witnesses were created to balance or even out the two sides. The questions and answers, of course, are not always the exact ones spoken at the trial. However, the witnesses in the trial, the attorneys, and each issue and sub-issue are historically accurate. Yet no mock trial or re-creation can be staged in a secondary school classroom without some license or liberties being taken. Be aware of the following:

1. John Brown’s speeches have been shortened to an outline of main ideas to facilitate the trial and to smooth out the proceedings.
2. Only six witnesses are listed in this re-creation—three for each side. In reality, there were several more, mostly for the prosecution. (Most of these were hostages who gave similar testimony.)
3. The sequence or procedure is as close to what transpired as research reveals. Of course, what words the judge, bailiff, or other participants speak will not be the exact words spoken. Hopefully, however, what is given to your students will help them capture the essence of the actual proceedings.
4. John Brown spent most of his time at the trial lying on a cot in the middle of the courtroom. On occasion, he would startle everyone by rising and speaking eloquently for several minutes. Then he would lie back down on his side to moan frequently or to sleep.
5. John Brown was found guilty and sentenced to hang. Your students may—if the prosecution presents a shaky or ineffective case—find him innocent. It could happen in spite of the fact that never was a man so guilty of a crime, a crime so botched or blundered that it adds to the theory of Brown’s insanity. If the verdict is “not guilty,” be sure you as the teacher review the reasons for the jury’s decision.

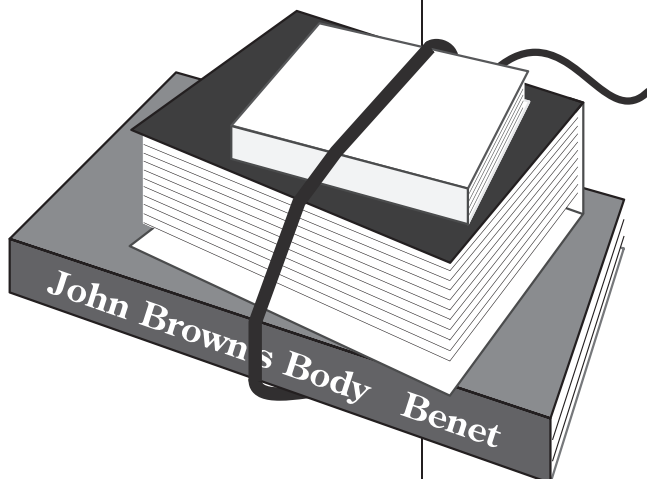
BIBLIOGRAPHY

We can't emphasize enough that if you have a capable student playing John Brown, you should encourage him/her to get Benet's magnificent epic poem in order to study Benet's characterization.



Books and articles

- Benet, Stephen Vincent, *John Brown's Body*, New York, Holt, Rinehart, and Winston, 1927.
- Brumbaugh, Robert S., editor, *Six Trials*, New York, Thomas Crowell Company, 1969.
- Fleming, Thomas, "The Trial of John Brown," *American Heritage*, Vol. XVIII, No. 5 (August 1967), 28-33, 92-100.
- Iger, Eve Marie, *John Brown: His Soul Goes Marching On*, New York, Young Scott Books, 1969.
- Morris, Richard, *Fair Trial: Fourteen Who Stood Accused, From The Trial of John Brown to Alger Hiss*, New York: Alfred A. Knopf, 1952.
- Nelson, Truman, *The Old Man: John Brown at Harper's Ferry*, New York, Holt, Rinehart and Winston, 1973.
- Oates, Stephen B., *To Purge This Land With Blood: a Biography of John Brown*, New York, Harper and Row, 1970.
- Stavis, Barrie, *John Brown: The Sword and the Word*, New York, A.S. Barnes and Company, 1970.



SETUP DIRECTIONS - 1

Before the trial

1. Duplicate the number in parentheses, using the masters in this Teacher Guide.

Prosecution

- LEGAL PLAN FOR THE PROSECUTION (two: one for Andrew Hunter; one for Charles Harding—four pages, back to back)
- PROSECUTION WITNESS: George Phelps (three: one for witness, two for prosecutors—one page)
- PROSECUTION WITNESS: Lewis Washington (three: one for witness, two for prosecutors—two pages, back to back)
- PROSECUTION WITNESS: Armsted Ball (three: one for witness, two for prosecutors—two pages, back to back)

Defense

- LEGAL PLAN FOR THE DEFENSE (five—one each for Botts, Green, Hoyt, and, later, Griswold and Chilton—four pages, back to back)
- DEFENDANT: John Brown (six—one for Brown, five for defense attorneys—three pages, back to back)
- DEFENSE WITNESS: Joseph Brewer (six: one for witness, five for defense attorneys—one page)
- DEFENSE WITNESS: Archibald (A.M.) Kitzmiller (six: one for witness, five for defense attorneys—one page)
- DEFENSE WITNESS: Harry Hunter (six: one for witness, five for defense attorneys—one page)

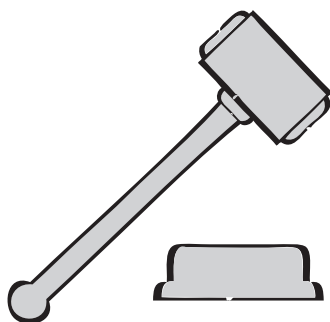
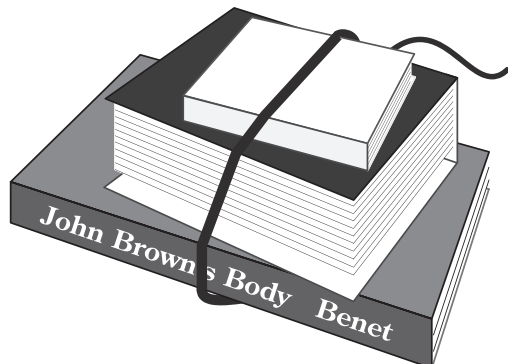
Optional

- * HISTORICAL AFTERMATH (class set—two pages, back to back)
2. Build enthusiasm days before the trial by teasing your students with chalkboard quotes (colored chalk if you have it). Examples: “*John Brown speaks ... and acts for all of us!*” ... “*Death to Old Man Brown!*” ... “*Hang John Brown!*” ... “*Execute the Mad Man!*” You might even want to hang a small noose in class and staple a tape on it saying, “*John Brown’s necktie.*”
 3. No later than four days before the trial is scheduled, select students for the various roles. (See the Brief Summary of Major Roles in the Student Guide.) Your dictation of roles is recommended for Judge Richard Parker, John Brown, and the attorneys. Give these students their role-playing instructions immediately.

SETUP DIRECTIONS - 2

Encourage students who will be role-playing key persons sitting down in the courtroom to make themselves name tags.

Judge Richard Parker



4. A word about your student who will play John Brown. He/she should be encouraged to read widely on Brown in advance. (For example, see Brown's speeches in Stephen Vincent Benet's epic poem, *John Brown's Body*.) Talk with this student about "really getting into the part": wearing a long, white beard; alternately playing a wild-eyed fanatic and a sharp, rational spokesman for the abolitionist cause;

working on body language that conveys age, physical injury, and sense of historical importance.

5. The student who plays Dr. Jared Mason should dress the part, carrying a bag and a stethoscope. Whenever Brown moans loudly, as if on cue, the judge should ask Dr. Mason to come in and examine the prisoner to see if the trial can continue. Of course, the doctor always allows the trial to proceed. The judge should obtain a choir robe and a gavel.
6. Obtain a choir robe and a gavel for your judge.
7. Use risers in your trial if your school has them. The author has found 16- to 24-inch risers to be just about the right height. Use the risers for the judge's bench, the bailiff's chair, and the witness stand.
8. Prepare a lesson(s) prior to the trial which deals with events leading up to the Civil War, the emergence of Lincoln, etc. (a film, filmstrip, or lecture).

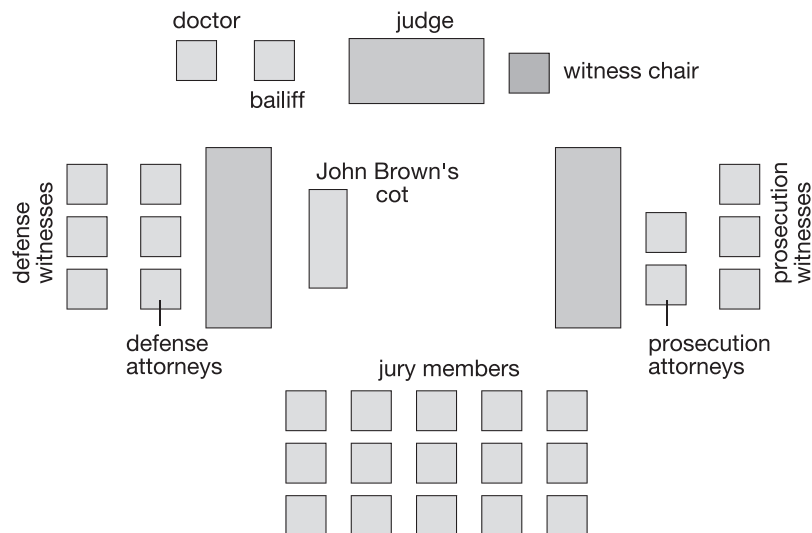
DAILY TEACHING DIRECTIONS - 1

Day 1

1. Hand out the Student Guides and have students read the Purpose and Overview.
2. Now have students examine the bold ink headings in the Background Essay. Comment on them briefly and assign this essay as homework study.
3. After your brief review of pre-Civil War events, introduce the trial's major participants whom you have assigned earlier.
4. Assign minor roles to the remaining students. Make sure the jury members understand they are Virginians and, as such, are prejudiced against Brown and his cause. Of course, the jury may base their decision on what they hear, but that doesn't mean they can't enter the trial being positive that Brown is guilty.
5. Allow 15–25 minutes for the legal teams to meet with their own witnesses to plan strategy for tomorrow. **Note well:** *Attorneys may not meet with the other side's witnesses.* Tell all attorneys and the witnesses that they must carefully study their handouts to maintain verisimilitude during the trial. (*Verisimilitude* is the quality of seeming real.)
6. Remind John Brown and other role-players to “dress up” as per Setup Directions. (Your drama and music departments can likely help you and your students.)

Day 2

1. Before the students arrive, set up your room as shown in this diagram:



Having large tables for your attorneys will help set them apart. Your judge also needs an imposing piece of furniture to sit behind.

DAILY TEACHING DIRECTIONS - 2

Interact authors and purchasers have been pioneering cooperative learning for more than two decades. We all feel that students learn more and feel better about themselves and their classmates as a result of working together. Of course, a participatory class using group experiences often becomes a community.



You may wish to examine carefully the six Debriefing questions before beginning this final activity. Doing so will likely cause you to focus students' attention more intensely on several of the questions.

2. Have role-players refer to the Procedure and Sequence on pages 5-7 in the Student Guide. (Have the judge and John Brown remain outside or in your office.)
3. Start with #1 in the Procedure and Sequence and continue the trial. (To set the proper tone, you may want to read #1 aloud.)
4. Have John Brown enter dramatically—then the judge. Be sure the class shows the judge proper respect from the moment he enters.
5. Five minutes before the class is to end, have the judge declare a recess until the next hour. Remind students of their written responsibilities as given in their Student Guides.

Day 3

1. Continue the trial, following the Procedure and Sequence in the Student Guide.
2. When the jury is instructed to leave for deliberation, you may wish to intercede and have each juror write individually his/her verdict plus whatever justification for that verdict each juror wishes to give. This procedure precludes your having to send them off somewhere for oral deliberation, which might be difficult for you to control (discipline and time).
3. Regardless of the option you use, require only a majority vote to convict or to acquit. (Of course, you must point out the legal inaccuracy of this procedure.) Otherwise one juror could “hang the jury” for too much class time.
4. If time is available, you may want John Brown to explain the contents of the HISTORICAL AFTERMATH handout. Or you may want to give it to everyone as homework.
5. **Optional:** Ask students to write brief answers to the Debriefing questions on page 8 in the Student Guide as overnight homework. We strongly recommend that you divide your students into activity groups of about six students each for tomorrow’s debriefing. Therefore, you might—if time is available—number off your students so that an equal number is in each group. The groups could then briefly circle up and divide the questions among themselves so that they would come to class tomorrow with written preparation.

DAILY TEACHING DIRECTIONS - 3

Day 4

1. If you haven't already done so, divide your class into activity groups of about six students each by numbering them off and having all ones sit together, all twos sit together, and so on.
2. Have each group appoint a chairperson and a recorder within each discussion circle. The chairperson should have students share their written work if writing was done as homework. Otherwise he/she should use a circle response pattern in going through the questions in order to insure that each student participates. The recorder should briefly record the group's feelings on any issue the group feels strongly about.
3. Have all groups' recorders report their groups' deliberations to the class.

LEGAL PLAN FOR THE PROSECUTION - 1

(For Andrew Hunter and Charles Harding)

You are the attorneys prosecuting John Brown, accused of murder, treason (a warlike act against the United States), and conspiracy to start a slave revolt. Over the course of the trial, there will be just two of you. If you and your teacher wish to do so, you may add a legal assistant or a co-equal to help you on the case.

Your strategy is simple: to prove that all evidence presented shows Brown to be guilty of the three charges listed in the indictment.

To build your case, carefully study all the materials given to you. To tighten your case, make an outline of a suggested “plan of attack” such as the following:

Opening statement

Speak forcefully, using language that you hope will anger the jury. Emphasize that Brown—or the men he led—did the following actions:

1. He attempted to rob the citizens of Virginia of their slaves and carry the slaves off by violence.
2. He tried to get the slaves to revolt, though the few he freed rushed back to their masters.
3. He took or kidnapped hostages, thus endangering their lives.
4. He killed, wounded, or maimed several innocent people at Harper’s Ferry.

Examination of your witnesses

Ask your witnesses the following questions plus any others that you think might help your case.)

George Phelps

1. Mr. Phelps, what is your profession?
2. What were you doing on the night of October 16, last?
3. What was your reaction to the shooting of Shephard Hayward?
4. Did you ever see or talk to John Brown on that night?
5. What did Brown say to you?
6. What did you do after leaving Harper’s Ferry in the early hours of Monday, October 17, 1859?
7. Did you return to Harper’s Ferry?
8. What did you hear Brown say at this so-called press conference?
9. When the defendant talked about a provisional government, army, secretary of state, and even a Negro congressman, what was your reaction to Brown and the charges against him?



Consider putting such opening statements and questions for witnesses on 3"x5" or 4"x6" cards. You don't have to write down your information verbatim. Instead, practice giving such statements or asking such questions from sentence fragment notes on such cards.