

The Treason Trials of Aaron Burr and Jefferson Davis— A Comparative Activity

Prepared by Charlotte C. Anderson

For use in conjunction with “The Aaron Burr Treason Trial,” by Charles F. Hobson, available at <http://www.fjc.gov/history/home.nsf>. A unit in the Teaching Judicial History Project, developed by the Federal Judicial Center in partnership with the American Bar Association’s Division for Public Education.

Activity Objectives

By studying and comparing the treason trial of Aaron Burr and the treason prosecution of Jefferson Davis, students will gain an understanding of the constitutional restrictions on treason prosecutions and political contexts for the trials. In their examination of these cases, students will analyze how defendants, attorneys, and judges balanced constitutional, political, and national security objectives.

Essential Questions

- Why was treason the only crime specifically defined by the U.S. Constitution?
- What effect might John Marshall’s opinion in the Burr trial have had on the government officials who debated possible charges against Jefferson Davis?
- What similar problems did government prosecutors face in their efforts to convict Aaron Burr and Jefferson Davis?

Legal Issues Raised by the *Burr* and *Davis* Trials

To what extent did the Constitution permit the treason prosecution of individuals who did not directly participate in the act of levying war but were “constructively” present in the organization and planning of treasonous activities?

Estimated Time Frame

Two to three 50-minute class periods.

Recommended Prep Work

Teachers should review “The Aaron Burr Treason Trial,” by Charles F. Hobson, available at <http://www.fjc.gov> and the short narrative on the Jefferson Davis prosecution, by Jonathan W. White (below).

Review with students the historical context of each of these cases, with a special emphasis on the national security threats present at the time of each trial.

Prepare copies for student review of the Burr and Davis indictments and the other documents identified on the worksheets.

Description of the Activity

This activity uses a variation of the “jigsaw” strategy, which gives every student the opportunity to learn key information that they then share with other students. In this way, every student is empowered as an “expert.”

Introduction

Review the constitutional and judicial backgrounds of these cases. How does the Constitution define treason? What is required for conviction of treason? How do these constitutional provisions protect both national security and defendants’ rights?

Article III, Section 3, of the Constitution: “Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.”

Amendment VI: 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 Assistance of Counsel for his defense.

If students are unfamiliar with basic trial procedures, review especially the function of grand juries, indictments, and motions. Students may well wonder about the role of Supreme Court justices in these trials. The Judiciary Act of 1789 established a system of circuit courts to serve as trial courts for most federal criminal cases. Justices of the Supreme Court sat on these trial courts, which were abolished in 1911.

Group Work and Discussion

Begin by studying and comparing the two indictments. Distribute copies of both indictments. Note that these are excerpts. You may wish to refer to the entire Burr indictment on pp. 46–47, *The Aaron Burr Treason Trial*. (Note: All page citations refer to the PDF version of the unit, available online at <http://www.fjc.gov>.) Focus on the introduction to the Burr indictment that provides background relevant to both documents as well as information specific to the Burr trial. Spend a little time considering the style and language of these indictments noting the standard-

ized formal language. Below are terms that may need to be defined prior to reading the documents:

- allegiance
- arrayed
- compassing
- dirk
- multitude
- insurrection
- instigation
- maliciously
- grand inquest

As students read each indictment, have them look for answers to the following questions, which you may wish to put on the board or distribute as a handout:

1. In what court was the indictment issued?
2. What was the alleged crime?
3. With whom was it committed?
4. How many others were alleged to have participated?
5. When was the alleged crime committed?
6. Where was it committed?

When they have had time to study both indictments, put two columns on the board or overhead with “Burr” at the top of one and “Davis” above the other. Go through each question in turn recording the students’ responses for each trial. Ask students what similarities and differences they see in these two indictments and record their responses.

Divide the class so that half are responsible for becoming “experts” on the Burr case and the other half on the Davis case. Distribute a copy of the appropriate worksheet and documents to each student. After students in each group are informed about their respective trial, they will exchange information.

Developing the Trial Stories

So that students in each group will be able to tell a common story, the following procedure is recommended. Have students begin working in groups of three to develop their story. Then, these groups of three should merge with another group to share and develop a consensus story. Repeat the process of merging small groups until students responsible for each trial have a consensus story to tell students responsible for the other trial.

Exchanging Trial Stories

Pair original groups of three from each set of “experts.” Provide time for these groups of six to exchange their stories, give their perspectives on their respective

cases, and respond to each other's questions. Student should then write as homework an essay on the similarities and differences presented by the cases

Comparing Trials

Bring the class together to compare and discuss the cases. On the board or overhead, make two columns headed with the words "similarities" and "differences." Begin by reviewing the similarities and differences the students found in studying the indictments. Now that everyone has been introduced to both trials, what similarities and differences do they find? Record their responses.

Debrief and Wrap-up

Review, discuss, and clarify the similarities and differences that the students have written about the two cases, focusing on these questions:

- What were the national security threats associated with each of these indictments? How did they differ?
- Did these trials succeed or fall short in protecting both national security and defendants' rights as provided in Article III and the Sixth Amendment?

Finally, review student understanding of the essential questions and legal issues raised by the trials as described at the beginning of this curriculum.

Assessment

Select questions from the worksheets to develop a quiz to assess individual learning.

Assess the written essays on the differences and similarities presented by the two treason cases.

Alternative Modalities and Enrichment Activities

- Develop scripts and enact scenes from each trial.
- Ask students to review the Sixth Amendment and write an essay on the role of the jury in sustaining civil liberties and constitutional government.
- Prepare a report on the founding generation's debates on treason law and the constitutional regulation of treason prosecutions.

Involving a Judge

Invite a judge to discuss how the Constitution and federal law balance the protection of civil liberties with the need to prosecute criminal threats to national security.

Standards Addressed

U.S. History Standards (Grades 5–12)

Era 3—Revolution and the New Nation (1754–1820s)

Standard 3: The institutions and practices of government created during the Revolution and how they were revised between 1787 and 1815 to create the foundation of the American political system based on the U.S. Constitution and the Bill of Rights.

Era 4—Expansion and Reform (1801–1861)

Standard 3: The extension, restriction, and reorganization of political democracy after 1800.

Era 5—Civil War and Reconstruction (1850–1877)

Standard 2B: Evaluate the Union’s reasons for curbing wartime civil liberties.

Standards in Historical Thinking

Standard 2: Historical Comprehension

- C. Identify the central question(s) the historical narrative addresses.
- D. Differentiate between historical facts and historical interpretations.

Standard 3: Historical Analysis and Interpretation

- A. Compare and contrast differing sets of ideas, values, etc.
- B. Consider multiple perspectives.
- C. Analyze cause-and-effect relationships and multiple causation, including the importance of the individual, the influence of ideas.

Standard 5: Historical Issues-Analysis and Decision-Making

- A. Identify issues and problems in the past and analyze the interests, values, perspectives, and points of view of those involved in the situation.

Documents

Aaron Burr—Indictment for treason, U.S. Circuit Court, Virginia, June 24, 1807

In criminal law, the person accused of a crime must first be indicted by a grand jury before being tried by a petit jury. An indictment is a written accusation framed by the prosecutor upon the grand jury's "presentment" that a crime has occurred. In Burr's case the grand jury was composed of sixteen members, at least twelve of whom had to concur that the facts alleged were true. Foreman John Randolph's endorsement of "a true bill" signified that this minimum number agreed to Burr's indictment. The indictment below follows a set form and contains much standardized language. Certain terms of art were required in treason indictments, as for example wording to the effect that the accused acted "treasonably" (or "traitorously") and against his "allegiance." Also endorsed on this indictment is the petit jury's verdict, as entered by foreman Edward Carington, implying that the jury might have voted to convict if it had heard additional evidence. Burr protested against this irregular verdict, but Chief Justice Marshall allowed it to stand as the jury wished, while noting that the entry on the official record would be "not guilty."

[Document Source: United States v. Burr, U.S. Circuit Court, Va., Ended Cases (Restored), Library of Virginia.]

Virginia District:

In the Circuit Court of the United States of America in and for the fifth Circuit and Virginia district: The grand inquest of the United States of America, for the Virginia district, upon their oath do present that Aaron Burr, late of the City of New York, and state of New York, attorney at law, being an inhabitant of and residing within the United States, and under the protection of the laws of the United States, and owing allegiance and fidelity to the same United States, not having the fear of god before his eyes, nor weighing the duty of his said allegiance, but being moved and seduced by the instigation of the devil, wickedly devising and intending the peace and tranquillity of the said United States to disturb and to stir move and excite insurrection, rebellion and war against the said United States, on the tenth day of December, in the year of Christ one thousand eight hundred and six at a certain place called and known by the name of Blannerhassetts island in the County of Wood and district of Virginia aforesaid, and within the jurisdiction of this Court, with force and arms, unlawfully falsely, maliciously and traitorously did compass imagine and intend to raise and levy war, insurrection and rebellion against the said United States, and in order to fulfil and bring to effect the said

traitorous compassings imaginations and intentions of him the said Aaron Burr, he the said Aaron Burr, afterwards to wit on the said tenth day of December in the year one thousand eight hundred and six aforesaid at the said island called Blennerhassetts island as aforesaid in the County of Wood aforesaid in the district of Virginia aforesaid and within the jurisdiction of this Court, with a great multitude of persons whose names at present are unknown to the grand inquest aforesaid, to a great number, to wit to the number of thirty persons and upwards, armed and arrayed in a warlike manner, that is to say with guns, swords and dirks, and other warlike weapons . . . in pursuance of such their traitorous intentions and purposes aforesaid, he the said Aaron Burr with the said persons so as aforesaid traitorously assembled and armed and arrayed in manner aforesaid most wickedly, maliciously, and traitorously did ordain prepare and levy war against the said United States, contrary to the duty of their said allegiance and fidelity, against the constitution peace and dignity of the said United States and against the form of the act of the Congress of the said United States in such case made and provided.

. . .

the said Aaron Burr with the multitude last mentioned at the island aforesaid, in the said County of Wood, within the Virginia district aforesaid and within the jurisdiction of this Court, did array themselves in a warlike manner, with guns and other weapons offensive and defensive, and did proceed from the said island down the river Ohio, in the County aforesaid within the Virginia district, and within the jurisdiction of this Court, on the said eleventh day of December in the year one thousand eight hundred and six aforesaid, with the wicked and traitorous intention to descend the said river and the river Mississippi and by force and arms traitorously to take possession of a City commonly called New Orleans, in the territory of orleans belonging to the United States: contrary to the duty of their said allegiance and fidelity, against the Constitution peace and dignity of the said United States and against the form of the act of the Congress of the United States in such case made and provided.

Hay. Attorney of the United States for the Virginia district [Endorsed: “A true bill / John Randolph.”] [Endorsed jury verdict: “We of the Jury find that Aaron Burr is not proved to be guilty under this Indictment by any evidence submitted to us. We therefore find him not Guilty. / E. Carrington/ foreman.”]

Jefferson Davis—Indictment for treason (excerpt), U.S. Circuit Court, District of Virginia, May 1865

[Document Source: Excerpted from *Jefferson Davis Constitutionalist: His Letters, Papers and Speeches*. Collected and edited by Dunbar Rowland, LL.D. Vol. VII, Jackson, Mississippi, printed for the Mississippi Department of Archives and History, 1923, pp.150–52.]

The United States of America, District of Virginia, to wit: In the Circuit Court of the United States of America in and for the District of Virginia, at Norfolk; May Term, 1866.

The grand jurors of the United States of American, in and for the District of Virginia, upon their oaths and affirmations respectively, do present that Jefferson Davis, late of the city of Richmond, in the county of Henrico, in the district of Virginia, aforesaid, yeoman, being an inhabitant of, and residing within the said United States of America, and owing allegiance and fidelity to the said United States of America, and owing allegiance and fidelity to the said United States of America, and not having the fear of God before his eyes, nor weighing the duty of his said allegiance, but being moved and seduced by the instigation of the devil, and wickedly devising, intending the peace and tranquillity of the said United States of America to disturb and the government of the said United States of America to subvert, and to stir, move and incite insurrection, rebellion and war against the said United States of America on the fifteenth day of June, in the year of our Lord one thousand eight hundred and sixty-four, in the city of Richmond, in the county of Henrico, in the district of Virginia aforesaid, and within the jurisdiction of the Circuit Court of the United States for the fourth circuit in and for the district of Virginia aforesaid, with force and arms, unlawfully, falsely, maliciously, and traitorously did compass, imagine, and intend to raise, levy, and carry on war, insurrection, and rebellion against the said United Stated of America, and in order to fulfill and bring to effect the said traitorous compassings, imaginations, and intentions of him, the said Jefferson Davis, . . . with a great multitude of persons whose names to the jurors aforesaid are at present unknown, to the number of five hundred persons and upward, armed and arrayed in a warlike manner, that is to say, with cannon, muskets, pistols, swords, dirks, and other warlike weapons
...

. . . in pursuance of such their traitorous intensions and purposes aforesaid, he, the said Jefferson Davis, with the said persons so as aforesaid traitorously assembled and armed and arrayed in the manner aforesaid, most wickedly, maliciously, and traitorously did ordain, prepare, levy and carry on war against the said United States of America, for the subversion of the Government of the said United States

of America, contrary to the duty, allegiance and fidelity of the said Jefferson Davis, against the constitution, government, peace and dignity of the said United States of America, and against the form of the statute of the said United States of America, in such case made and provided.

This indictment, founded on testimony of James F. Milligan, George P. Searbury, John Good, Jr., J. Hardy Hendren, and Patrick O'Brien, sworn in open court and sent for by the grand jury.

L. H. Chandler, United States Attorney for the district of Virginia

The Treason Trial of Jefferson Davis—A Short Narrative

Prepared by Jonathan W. White, Federal Judicial Center

As the Civil War was coming to a close, Confederate President Jefferson Davis fled the rebel capital at Richmond. On May 10, 1865, Davis was captured in Georgia, and the Union military transported him back to Virginia, where he was confined at Fortress Monroe.

Many in the North called for a swift military trial and execution, believing that Davis had helped orchestrate the assassination of Abraham Lincoln. Trials of civilians by military commission had become commonplace during the Civil War, and at the time of Davis's arrest, the Lincoln assassination conspirators were themselves before a military tribunal that would ultimately sentence four of them to death.

In July 1865, President Andrew Johnson convened his cabinet to discuss whether Davis should be brought before a civil court or tried by a military commission. The Radical Republican members of the cabinet favored a military trial, but the majority believed that a conviction in a federal court would be a more effective way of establishing the illegality of secession. The Supreme Court eliminated the military commission option in April 1866 when it declared in *Ex parte Milligan* that civilians could not be tried before military tribunals when the civil courts were open.

At least four criminal indictments were brought against Davis between 1865 and 1868. The first, brought in May 1865 in the federal court in Washington, D.C., charged Davis with being constructively present during the Confederate raid on Washington during the summer of 1864. "Constructive treason," in old English law, had been a means by which judges would construe, or interpret, a person's acts to be treasonable, even if they did not violate an actual treason law. Constructive presence, in turn, interpreted Davis as being present during the rebel raid on Washington even though he was in Richmond at the time.

President Johnson's Cabinet rejected the notion of constructive presence and decided to try Davis in the U.S. Circuit Court for the District of Virginia, where Davis had actually served as president of the Confederacy. Presiding over the case would be U.S. District Judge John C. Underwood and Chief Justice Salmon P. Chase, both of whom had been appointed by President Lincoln. Instituting the proceedings in the circuit to which the Chief Justice was assigned would lend added weight to the court's decision. Chief Justice Chase indicated to President Johnson, however, that he would not preside in the circuit court in Virginia until peace was declared and the state was no longer under martial law. So in April and

August 1866, Johnson issued presidential proclamations declaring an official end to the Civil War.

In May 1866, in Norfolk, Virginia, a federal grand jury, one of the first in Virginia to include black and white citizens, indicted Davis of charges of assembling a hostile army and, in connection with the rebel raid on Washington, levying war against the United States.

Over the next two years Davis's trial was postponed for various reasons, but Davis continued to sit in a military prison. On May 1, 1867, Davis's attorneys petitioned Judge Underwood for a writ of habeas corpus to have him released from military captivity. Two weeks later, Davis was brought into court and released on \$100,000 bail. The courtroom erupted in "deafening applause."

After repeated delays in the start of the trial, a federal grand jury in Richmond, on March 26, 1868, found a new indictment against Davis, charging him with committing treason as the commander-in-chief of the rebel armies and linking him to numerous battles of the Civil War. But the trial was delayed when Chase was called to preside over the impeachment trial of President Johnson. Finally, on June 3, 1868, Chase appeared in Richmond ready to hear the case, but the lawyers on both sides had previously agreed to postpone the case, and the court had to concur in that decision.

By the spring of 1868, President Johnson had issued two proclamations granting amnesty to the vast majority of former rebels. On June 30, 1868, Secretary of State William H. Seward proposed that Johnson issue an amnesty proclamation on the Fourth of July pardoning all former rebels except for those under indictment, which would have excluded only Jefferson Davis and John Surratt, an accomplice in the Lincoln assassination who had escaped to Italy after the war. Johnson's Cabinet was divided over whether to include the exception or offer a blanket amnesty to all former rebels, but Johnson ultimately decided to exclude Davis from the pardon. So on July 4, 1868, Johnson issued his proclamation granting "a full pardon and amnesty for the offence of treason against the United States" to all rebels "excepting such person or persons as may be under presentment or indictment in any court of the United States . . . upon a charge of treason or other felony."

On November 6, 1868, three days after Republican Ulysses S. Grant won the presidential election, Johnson's Cabinet met to discuss the Davis trial. Attorney General William Evarts stated that a trial date was set for November 25, but that he believed the case should be dismissed because nothing good could be gained from a conviction, and that at this point he did not believe that Davis should be punished. If Johnson would issue a final proclamation of amnesty—one with no exceptions—Evarts would order a *nolle prosequi* in the case, ending the prosecution against Davis.

In the meantime, the Fourteenth Amendment was ratified on July 9, 1868. Section 3 of the amendment disqualified certain rebels from holding office in the United States, unless Congress, by a two-thirds vote, removed the disability. Chief Justice Chase let it be known to Davis's lawyers that he considered this disability a punishment for treason so that any further prosecution would be a violation of the Fifth Amendment's double jeopardy clause.

For several days in late November and early December 1868, Chase and Underwood sat at the U.S. circuit court in Richmond, hearing arguments from both sides regarding the applicability of the Fourteenth Amendment to Davis's case. Davis's attorneys argued that the court should quash the indictment, claiming that Davis had already been punished under the Fourteenth Amendment, while the government maintained that the Constitution did not impose a criminal penalty but merely defined the qualifications for holding office in the United States. The two judges disagreed over whether the amendment barred further proceedings. On December 5, 1868, they issued a certificate of division so that the matter could be decided by the Supreme Court.

Before the Supreme Court could decide the case, the lame duck President intervened. Taking the Attorney General's advice, Johnson issued his final presidential proclamation on Christmas Day, 1868, offering "full pardon and amnesty for the offence of treason" to "all and to every person who directly or indirectly participated in the late insurrection or rebellion." The proclamation effectively ended all prosecution against the former rebel commander-in-chief, and in February 1869 the federal government entered a *nolle prosequi* in the case.

Chronology of the Jefferson Davis Trial

May 10, 1865

Davis fled Richmond on April 10 and was captured by Union troops one month later near Irwinsville, Georgia. Shortly thereafter he was imprisoned at Fortress Monroe, in Virginia.

May 26, 1865

A federal grand jury in Washington, D.C., found indictments for treason against Jefferson Davis and former United States vice president and Confederate General John C. Breckinridge.

Summer/Fall 1865

A grand jury for the U.S. Circuit Court for the District of Virginia, meeting at Norfolk, returned an indictment for treason against Jefferson Davis, but the indictment was misplaced and has never been recovered.

July 1865

President Andrew Johnson, after consulting with his cabinet, decided to try Davis for treason in a civil court rather than before a military tribunal.

April 2, 1866

President Johnson issued a proclamation declaring the rebellion to be ended, but Chief Justice Chase refused to sit at the circuit court in Virginia since the military still occupied the state.

May 8, 1866

A federal grand jury in Norfolk, Virginia, handed down an indictment for treason against Davis in the U.S. Circuit Court for the District of Virginia.

June 5–6, 1866

Judge Underwood convened the U.S. circuit court at Richmond but decided that the trial would not proceed at that time since the Chief Justice was not present and Davis was still held as a military prisoner.

June 7, 1866

Davis's attorneys asked Chase to issue a writ of habeas corpus, but Chase declined since Davis was still a military prisoner and Virginia was under martial law.

June 11, 1866

Judge Underwood refused to release Davis on bail since he was a military prisoner and not under the jurisdiction of the U.S. marshal.

August 20, 1866

President Johnson issued a second proclamation declaring that "the insurrection is at an end, and that peace, order, tranquility, and civil authority exist throughout the whole of the United States." Chief Justice Chase agreed to sit at the circuit court in Virginia.

October 2, 1866

Chase did not attend a scheduled session of the circuit court because Congress had reorganized the federal circuits in July without reassigning the justices to their respective circuits (Congress corrected this oversight in March 1867).

May 1, 1867

Davis's counsel petitioned Judge Underwood for a writ of habeas corpus. Underwood granted the writ, making it returnable on May 13.

May 13, 1867

Davis appeared in court before Judge Underwood, who set bail at \$100,000. Davis posted bond and was released.

November 26, 1867

Judge Underwood convened the circuit court at Richmond, but the government asked to have the case postponed until March 1868 since the chief justice was unable to attend because of his duties with the Supreme Court. This was the second and final time that Davis would appear before the court.

March 26, 1868

A federal grand jury returned a new, much longer, indictment against Davis based on the testimony of Confederate General Robert E. Lee and others, but the trial was again delayed.

March 23–May 16, 1868

Chief Justice Chase presided over the impeachment trial of President Johnson in the U.S. Senate. Johnson was acquitted by a single vote.

June 3, 1868

Chief Justice Chase, sitting as circuit judge in Richmond, granted another postponement of the case.

July 9, 1868

The Fourteenth Amendment was ratified.

November 30–December 5, 1868

Davis's attorneys entered a motion asking the government to show why the indictment against Davis should not be quashed. Chief Justice Chase and Judge Underwood, sitting as circuit judges in Richmond, heard arguments from both sides regarding whether the Fourteenth Amendment barred further proceedings against Davis. On December 5, the two judges announced that they could not agree whether the indictment should be quashed and sent a certificate of division to the Supreme Court.

December 25, 1868

President Johnson issued his "Christmas Pardon," granting full pardon and amnesty to all persons who had previously engaged in the rebellion.

February 1869

The government entered a *nolle prosequi* in the circuit court and the Attorney General informed Davis's counsel that his office would no longer pursue any prosecutions for treason arising from the Civil War.

Amendment XIV, U.S. Constitution (Ratified July 9, 1868)

Section 3

No person shall be a Senator or Representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such

Worksheet for Experts on the Aaron Burr Trial

Assignment

Your task is to work together to become experts on the Aaron Burr trial. Review the documents listed here to answer the essential questions. With this information be prepared to tell the story of the Burr trial to other students.

Documents

- The Aaron Burr Treason Trial: A Short Narrative (pp. 1–8)
- The Law of Treason (pp. 1–2)
- Indictment for treason (attached) OR original (from pp. 46–48)
- Lawyers' Arguments and Strategies (pp. 18–19)
- Defense argument, Wickham, Aug. 20–21, 1807 (pp. 50–53)
- Prosecution argument, Wirt, Aug. 25, 1807 (pp. 53–56)
- Marshall's opinion, August 31, 1807 (pp. 56–60)

Questions

1. What did government prosecutors believe was the goal of Burr's alleged conspiracy? Why was the definition of treason so important to both the defense and the prosecution?
2. Why was the issue of constructive treason raised?
3. What was President Jefferson's interest in the case?
4. What was Burr's motion regarding the admission of testimony?
5. How did his motion affect the course of the trial and its outcome?
6. What was the verdict of the jury? Why was it so carefully worded?

Worksheet for Experts on the Jefferson Davis Trial

Assignment

Your task is to work together to become experts on the Jefferson Davis trial. Review the documents listed here to answer the essential questions. With this information be prepared to tell the story of the Davis trial to other students.

Documents

- The Treason Trial of Jefferson Davis—A short narrative
- Chronology of the Treason prosecution of Jefferson Davis
- Davis Indictment for treason, U.S. Circuit, Virginia, May 1866
- Fourteenth Amendment, Section 3

Questions

1. What was the goal of the prosecutors of the treason charges against Jefferson Davis?
2. What was President Andrew Johnson's involvement and interest in the case?
3. What were the implications of the Fourteenth Amendment for the prosecution of Jefferson Davis?
4. What was the final defense motion?
5. How did this motion affect the outcome?
6. Was Davis brought to trial? Why?