

# The Case of a Mother's Love or a Mother's Murder? Bertie Lee Wrather v. State of Tennessee



**GRADES:** 9-12

**LESSON DURATION:** 2 SESSIONS

**LESSON INTRODUCTION:**

This lesson is a great way to understand the process of a criminal trial by jury in Tennessee. It examines the case of a mother accused of killing her son by poisoning him with arsenic. The case was tried several times. Circumstantial evidence pointed to her guilt and Bertie Wrather was convicted of murder. The case was appealed to the Tennessee Supreme Court, which ruled in her favor. This case is a good case with numerous primary sources for student analysis.

**GOALS:**

- Understand the process of a jury trial and the appeals process
- Build core skills of primary source analysis, reading non-fiction text, critical thinking, using evidence to support conclusions.

**OBJECTIVES:**

- The students will (TSW) analyze primary sources related to the case to come to their own conclusion on the guilt or innocence.
- TSW construct arguments and attempt to convince others of their point of view
- TSW contemplate the evidence and evaluate based on evidence and how it is presented as to the guilt or innocence.
- TSW learn how the criminal trials work.

**CURRICULUM STANDARDS:**

Common Core Standards:

History/Social Studies

[CCSS.ELA-Literacy.RH.9-10.1](#) Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

[CCSS.ELA-Literacy.RH.9-10.2](#) Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

[CCSS.ELA-Literacy.RH.9-10.3](#) Analyze in detail a series of events described in a text; determine whether earlier events caused later ones or simply preceded them.

[CCSS.ELA-Literacy.RH.9-10.8](#) Assess the extent to which the reasoning and evidence in a text support the author's claims.

[CCSS.ELA-Literacy.RH.9-10.9](#) Compare and contrast treatments of the same topic in several primary and secondary sources.

Writing

[CCSS.ELA-Literacy.WHST.9-10.1a](#) Introduce precise claim(s), distinguish the claim(s) from alternate or opposing claims, and create an organization that establishes clear relationships among the claim(s), counterclaims, reasons, and evidence.

CCSS.ELA-Literacy.WHST.9-10.1b Develop claim(s) and counterclaims fairly, supplying data and evidence for each while pointing out the strengths and limitations of both claim(s) and counterclaims in a discipline-appropriate form and in a manner that anticipates the audience's knowledge level and concerns.

Content Standards:

GC.56 Explain the hierarchy and functions of the Tennessee court system, including the distinction between Chancery and circuit courts and identify the current chief justice of the state supreme court. (P, TN)

**HOOK/SET:**

Write on the board:

Trial by Jury:

“The right of trial by jury shall remain inviolate, and no religious or political test shall ever be required as a qualification for jurors.” *Tennessee Constitution, Article I, Section 6.*

This provision guarantees the right to trial by jury as it existed by common law at the time of Tennessee's 1796 Constitution. The right applies to criminal trials for felonies, but not to petty offenses. It also applies to many but not all civil cases. The right to a trial by jury means that a litigant has the right to have all issues of fact decided by a jury if there is a conflict in the evidence.

Today we will discuss a trial by jury in Tennessee.

**PROCEDURE:**

1. Read the case description.

Self-Reflection:

2. Write down your presumptions. Write down what questions you want answered. Write down three prejudices you might have.

3. Select a student as the defendant, or the teacher might be the defendant.

Introduction of Evidence:

4. Divide the class into groups of 4 students.

5. Pass out printed out copies of primary source evidence related to the trial. Each group will get a few minutes with each piece of primary source evidence. They should discuss how best to interpret each piece of evidence and prepare to give reasoning for each.

a. Arsenate of Lead container (3.75 x 3.75 x 2.5)

b. St. Thomas Hospital Record (11 x 8.5)

c. Aetna Insurance Policy (14 x 8.25)

d. National Spiritualist Union chart (12.5 x 8.5)

6. Assign groups of 4 into teams: one team as Prosecution (District Attorney), one team as Defendant's Counsel, and the jury of 12

7. Each group must analyze and interpret the evidence in light of the trial.

8. Allow time for each group to build and write down their arguments.

Prosecution's Arguments (Team of 4):

The Prosecution must use the primary source materials as evidence to support their case. How does the evidence support your contention that Mrs. Wrather did indeed kill her son? What questions do you think the jury wants answered by you? Motives?

Defendant's Arguments (Team of 4):

Analyze the primary source evidence and try to show how it doesn't prove your defendant's guilt. How does the evidence support your contention that Mrs. Wrather is innocent of killing her son? What questions do you think the jury wants answered by you?

Jury Evidence Analysis (Group of 12):

While the Defendant's attorneys are preparing their arguments, the Jury should be reading the case description, reviewing the evidence, and writing the questions they want answered.

#### 9. Presentation of Arguments

Each individual in the group will present the arguments they constructed either for conviction or acquittal.

Prosecution's Closing Arguments

Defendant's Closing Arguments

10. Jury deliberation period:

Combine Jury team into a group of 12 or however large the actual jury pool was. Arrange student's desk into a circle so that all can discuss the case and evidence and give their conclusions as well as support their claims.

11. Jury deliberates together out loud for 10 minutes. During this time, the Prosecution and Defense must listen carefully and take notes.

12. Take a silent vote using guilty or not guilty written on slips of paper.

Students then spend time writing their judgments. Students must use evidence to support their conclusions.

#### Class Discussion and Student Participation

13. Students must speak and tell why they came to the conclusion of guilt or innocence.

14. Designate a student to write common themes and conclusions.

If the jury trial ends in a hung jury then the case will be re-tried by the next class.

TEACHER NOTE: For your next class, set up the story as the trial played out with a retrial.

**The Case of a Mother's Love  
or a Mother's Murder?  
Bertie Lee Wrather v. State of Tennessee (1943)**

**CASE DESCRIPTION**

Poor Enoch finally gave up the fight on September 17, 1939. After five excruciating months of a mysterious illness, twenty-three year old Enoch Wrather died. He had been in and out of St. Thomas Hospital with complaints of nausea, vomiting, diarrhea and the inability to use his arms and legs. Many were suspicious. After all, these symptoms were the tell-tale signs of arsenic poisoning. Enoch was soon laid to rest along with his grandfather and uncle. However, he didn't stay in the ground long, because less than a month later Enoch, his grandfather, and his uncle's bodies were all exhumed and tested. All three men had died of arsenic poisoning.

On October 13, 1939, Enoch mother Bertie was arrested for the triple murders. She stood trial four separate times for her the murder of her son.

Now it's your turn to try her. Review the evidence of primary sources provided. As a class come to your best conclusion of what really happened to poor Enoch and his mother Bertie...

