

Townsend v. Townsend 1821

Lesson Plan Developed for the Tennessee Judiciary Museum

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Rationale: This lesson plan has been developed to aid high school students as they experience a tour of the Tennessee Judiciary Museum. The activities should be facilitated before, during and after the visit to the museum in conjunction with the presentations by the docents leading the tour. The *Townsend* case offers a number of cross-disciplinary topics, including the development of checks and balances in Tennessee and American government, the role of currency, credit and banks in an economy, and family relationships.

Audience: Students in grades 9-12 with prior exposure to a basic outline of U.S. history and the basic structure of American government with its system of checks and balances.

Curriculum standards: Common Core [CCSS.ELA-Literacy.RH.6-8.1-9; ELA-Literacy.RH.9-10.1-9; ELA-Literacy.RH.11-12.3-9]; course standards in U.S. Government 9-12, Criminal Justice I

Goals: students will be able to

- demonstrate an understanding of the interaction of the branches of Tennessee state government
- demonstrate an understanding of the role and powers of the Tennessee state judiciary
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Materials: *Townsend* worksheet (attached); relevant classroom materials (textbook readings on US History, US Government, Criminal Justice); Tennessee State Constitution (available online <http://www.tennessee.gov/sos/bluebook/07-08/47-Constitution,%20Tennessee.pdf> now available online at TSLA <http://teva.contentdm.oclc.org/cdm/ref/collection/tfd/id/90> in handwritten version that can be downloaded or printed and <http://www.tncrimlaw.com/law/constit/> (individual articles and clauses linked)

Activities (before tour):

1. Students should review the basic system of checks and balances among the three branches of government in the U.S. and in Tennessee. Students should be able to demonstrate an understanding of *jurisdiction* and *judicial review* among other terms. A scavenger hunt or guided discovery of the Tennessee State Constitution might be a useful prelude to the following activities.
2. Topics for class/group discussion: advantages and disadvantages of an independent judicial branch; role of courts, especially appeals and Supreme Court; relationship between

the courts and other parts of state government. Prepare questions about the judicial branch in Tennessee for the docent.

3. Divide students into trios or groups divisible by three. For the terms of the *Townsend* case, each student in a trio should be assigned the viewpoint of one of the branches of government: executive, legislative, judicial. The members of each trio should collaborate to answer the questions on *Townsend* worksheet during and after the tour.

4. (optional) Assign students to review or research the following topics: state banks in the early 1800s (why have them?), the Panic of 1819 (causes and effects), 'family life' for wealthier property-owners in the early 1800s (expectations for parents, children and managing properties).

Activities (after the tour):

1. Allow the trios/groups to work together to clarify their answers to the worksheet questions and to formulate their responses.
2. Facilitate class discussion by soliciting student responses to worksheet questions and exercises. Answers to worksheet questions will vary, but the questions themselves can be tailored to prepare the students for a specific assessment opportunity.

Assessment possibilities:

1. Write an essay that compares and contrasts the *Townsend* case with *Marbury v. Madison* as examples of the Tennessee and US judicial branches exercising their power of judicial review. Appropriate topics might include the jurisdictions of the courts, the rights of individuals, and the powers granted (or implied) to the branches and institutions of government. Students could cite or link to Article V, sections 1-12 (establishing judicial power) and Article XI (Declaration of Rights) in 1797 Constitution; Article VI, section 1 (establishing judicial power) in 1835 Constitution.
2. Assign additional research into the *Townsend* case and reactions to it in Tennessee at the time. Facilitate a debate between two teams in which students role-play as legislators, judges and executives responding to the *Townsend* decision; how should the rest of the government respond to the decision? Should they attempt to overturn the justices' decision through legislation, or to respect the decision and look for other ways to help the state banks at the time?
3. Assign a research project resulting in an essay, poster or presentation that compares and contrasts the documentation of the *Townsend* decision as shown by the museum exhibit with a TN Supreme Court decision since 1995. What would Judge Haywood recognize and understand from a current-day decision? How have court decisions and the way they are documented and published changed since 1821?
4. Assign a group presentation in which each trio of students presents their evaluation of the *Townsend* decision as an example of "checks and balances" in action.

Tennessee Judiciary Museum: *Townsend v. Townsend* display worksheet

Name: _____ Partners?

Which branch of government's perspective will you follow? Judicial Legislative Executive

As you listen to the docent and read the text in the displays, keep track of important words and remember to ask for, or find their definitions so you can develop your own vocabulary.

1. Read the Introductory text in the Supreme Court alcove, then write down one change in the TN Supreme Court(s) between 1796 and 1835. From the perspective of the powers of your branch, was that change good or bad? Why?
2. In your own words, list the powers and responsibilities of the Tennessee Supreme Court.
3. Read the description of the *Townsend v. Townsend* case in the alcove. Why would a father selling land to his sons result in a lawsuit? What role did your branch of government play in the situation that led to this case coming to the TN Supreme Court?
4. Read the resolution of the case and the description of Judge Haywood's decision. If we have courts to help us settle arguments between people, how did Haywood settle this particular argument? How did his decision affect each branch of Tennessee government?
5. Look over the display items in the *Townsend* case. Write down three things about Tennessee's government in 1821 and the people in it that you can deduce from these documents and other objects.

