

Jesse James and the Effects of the Missouri Border War Lesson Plan
By Ruthie Caplinger

Winner, 3rd Place, 2012-2013 Civil War Trust Best Lesson Plan Contest

Grade Level: Middle School

Approximate Length of Time: Two - Three 50-minute class periods

Goals: Students will participate in a reader's theater "The Trial of Jesse James," in order to understand the conditions in western Missouri during the American Civil War.

Objectives: Through oral discussion and formal writing, students participating in "The Trial of Jesse James," will be able to analyze James' behavior in light of the conditions that existed in western Missouri during the American Civil War.

Materials Used:

Web access and projector for websites

<http://shs.umsystem.edu/historicmissourians/name/j/jamesj/index.html>.

http://upload.wikimedia.org/wikipedia/commons/thumb/0/05/NRHP_Missouri_Map.svg/300px-NRHP_Missouri_Map.svg.png

<http://invisiblechildren.com/videos/who-is-invisible-children/>

"The Trial of Jesse James" by Ruthie Caplinger

Jesse James Writing Assignment

<http://www.youtube.com/watch?v=1kQBIO-VdQQ>

Anticipatory Set/Hook:

Use the following link to project the Governor's Proclamation offering a reward for Jesse

James: <http://shs.umsystem.edu/historicmissourians/name/j/jamesj/index.html>.

Have students read the poster and discuss the crimes listed. Ask students what they believe may have caused Jesse James to become a criminal. Discuss.

Procedure:

1. Use the following link to show students a map of Little Dixie. http://upload.wikimedia.org/wikipedia/commons/thumb/0/05/NRHP_Missouri_Map.svg/300px-NRHP_Missouri_Map.svg.png
Explain that Jesse James' family lived in Clay County, Missouri. Why do they think so many people were slaveholders in the middle counties of Missouri, which was

known as Little Dixie? Explain the migration of people from Kentucky and Tennessee and point out the proximity of the counties to the river.

2. Explain that the class is going to conduct a mock trial as a reader's theater in order to understand the difficulty of living in Missouri during the 1860's. For the purpose of the class, James will only be tried for one crime, the murder of Captain Sheets. The characters in the play are real, except for the expert witness Dr. McGeorge. The names of the judge and attorneys are fictional. Emphasize to the students that in reality, Jesse James was never tried for his crimes. Return to <http://shs.umsystem.edu/historicmissourians/name/j/jamesj/index.html> in order to show the section "Wanted Dead or Alive." By clicking on the word "killed," the students can see an engraving of Bob Ford shooting Jesse James. Students will be interested to learn that Bob Ford re-enacted the shooting in a traveling stage show and was eventually shot and killed in Colorado.

3. Randomly assign student parts. After students have had a few minutes to review their parts, offer them the chance to trade with each other. Ask students to find their parts and circle any words they don't understand/know how to pronounce. Help clarify those words before beginning.

4. Explain to the students that after the play is over, each of them will become a juror and will have to write an opinion as to whether Jesse James was responsible for his behavior or whether he had a mental defect due to the circumstances in his life. Suggest that students may want to underline important facts as they read through the script.

5. Rearrange the classroom as a courtroom and show students where to sit.

6. Read through the mock trial.

7. After the trial, cover the following in your class discussion:

a. In the Missouri border wars, what were the opposing sides and what ideas did they represent?

b. What were Zerelda's beliefs regarding slavery?

c. How did the actions of the Jayhawkers compare to those of the Bushwackers?

d. For what event did Bill Anderson seek revenge?

e. What were the steps in the "violentization" of Jesse James?

f. Why were some churches in Missouri forced to close during the Civil War?

g. Do you feel the Constitutional rights of those Missouri citizens with Southern sympathies were violated? Why or why not? Were the actions of the government justified?

9. Organize students into a circle. Act as the jury foreman and help the students discuss the case. Poll the jury several times allowing students to state their opinion as to why Jesse James should or should not be held accountable for the crime. If not, stop when the students have all had a chance to voice their opinion and the discussion has run its course.

Closure:

Explain that in a murder trial, the jury must be unanimous, but in this case, the majority will rule. Take a final vote to determine the outcome of the trial. Announce the results.

Assessment:

Have students complete the Jesse James writing assignment. Writing will be scored using a rubric.

Modifications:

Tie in a discussion of child soldiers in Africa, if appropriate to your class. Many will be familiar with the Kony 2012 program. The link below will help the class discuss the problems in Uganda and comparisons can be drawn to the US Civil War and its effects on the families of Missouri. Be sure to compare the length of the US Civil War to that of the civil war in Uganda.

<http://invisiblechildren.com/videos/who-is-invisible-children/>

Use this mock trial as beginning point for a research project in which students write their own mock trials for other historical characters such as John Wilkes Booth or John Newman Edwards.

Bring in a trial attorney or judge to discuss questions the students have about criminal trials, punishment and particularly about the use of insanity as a form of defense.

Tie in "The Ballad of Jesse James" reportedly written by minstrel Billy Gashade after James' death. Use the ballad to discuss yet another perspective on the life of Jesse James.

<http://www.youtube.com/watch?v=1kQBIO-VdQQ>

Sources:

Stiles, T.J. Jesse James: Last Rebel of the Civil War. New York: Alfred K. Knopf, 2001.

<http://www.daviesscountyhistoricalsociety.com/index.php>

**The People vs. Jesse James
In The Trial for the Murder of Captain Sheets**

Characters:

Jesse James	Bloody Bill Anderson	General Jim Lane	Dr. McGeorge
Frank James	Judge	Bailiff	Zerelda Samuels
Defense Attorney Wilson		Edward Clingan	
Prosecuting Attorney Summers		William McDowell	

Bailiff: Please stand! (All in the courtroom stand) Hear Ye! Hear Ye! This Honorable Court is in and for the great state of Missouri is now in session, the Honorable Judge Richard Renick presiding! All parties having business before this Court, draw nigh and ye shall be heard.

(Judge enters and sits.)

Judge: You may be seated. (Everyone sits.) This is the trial of Jesse James. He is charged with the murder of Captain Sheets. You have previously pled Not Guilty. Did you wish to change your plea?

Jesse: (stands) No, your honor.

Judge: Who is representing the people in this case?

Attorney Summers: I am, your honor.

Judge: Are you ready to proceed with this case?

Attorney Summers: Yes, your honor.

Judge: Who is representing the defendant?

Attorney Wilson: I am, your honor.

Judge: If you are ready to proceed, Mr. Summers. We shall begin the case of The People versus Mr. Jesse James. The charge is murder. Ladies and gentlemen of the jury, you have previously taken an oath to faithfully and diligently carry out your duties in this case. It is up to you, and you alone, to decide what happened, and at the end of the trial I will instruct you on the law regarding the consequences of the facts you find. In deciding the facts, listen to the questions and answers carefully, observe the witnesses to see whom you think is telling the truth or if they have a motive to lie. Most importantly, you must realize that Mr. James **doesn't have to prove anything!** The burden is entirely on Mr. Summers to prove Mr. James's guilt beyond a reasonable doubt. If he fails, if, at the end, you have a reasonable doubt of guilt based on the evidence, you must acquit; even if you

“think” he did it. This case is about evidence and not hunches or beliefs. Mr. Summers, you may proceed.

Mr. Summers: (rises and speaks to the jury) Thank you, your honor. Men and women of the jury, you are here today to hear arguments in the case of Jesse James. A victim? No. A killer. A murderer of many, but today we are here for justice for the lost life of Capt. Sheets. This was not an act of war. This was purely and simply an act of greed. Jesse James wasn't fighting for honor when he entered the Gallatin bank. He was looking for money. Ladies and gentlemen, war is a terrible thing and this country has suffered. Many people have witnessed violent acts. Over 600,000 US citizens have died in the conflict that wrenched apart neighbors and families. I ask you, are all the veterans of this great conflict out robbing banks and shooting bank tellers? No. Haven't they witnessed violence? Haven't they lost friends and family? Of course. Why should we excuse this man because he witnessed violent acts? Many violent acts were witnessed in the 1860s, but only one man is responsible for the death of Captain Sheets. That man sits before you. His name is Jesse James. Give him the punishment he deserves. Give the family of Captain Sheets justice. Thank you.

Defense Attorney Wilson: (rises and speaks to the jury) Ladies and gentleman of the jury, no one is denying that my client, Jesse James, has led a violent life. In fact, turmoil has been a steady part of his existence since he lost his father at the age of three. At a young age, his mother left him with relatives so she could join a new husband. Yes, as a small boy, he was abandoned to relatives. It is true that his mother made the best choice she could for her starving family, but the trauma to Jesse and his brother Frank was great. After his stepfather died, Jesse was fortunate to have the kindly Dr. Samuel Ruebens become his mother's third husband. The treatment of whom was just one of the violent acts Jesse was to witness at an early age. As Jesse grew up, Clay County, Missouri became a dangerous place. Jayhawkers roamed the nights taking vengeance on those who supported the Confederate cause. His brother Frank joined the Missouri Guard, was captured by the Union and released, but then joined the bushwackers in May of 1863. This action was to have terrible consequences for the family. While Frank and his fellow guerrillas camped close to the family farm, the local Union sympathizers stole upon Jesse while he worked in the fields. They beat him and dragged him back to the house where he saw his father Reuben Samuels repeatedly hung from a tree because he wouldn't tell where Frank James was hiding. He experienced fear and humiliation while he watched the torture of Mr. Samuels. Finally, Jesse could stand no more and joined Frank and his bushwacker companions. At the tender age of 16, he saw cold-blooded murders committed by those he was taught to respect. As he began to commit these acts of war himself, he began to be respected by those he admired. His feelings of helplessness were gone, and Jesse James no longer thought of life and death in the terms we do today. Has he taken life? Yes. Did he murder Captain Sheets? Yes. Should he be held to the same level of responsibility as that of a sane man for the crimes he committed? No. I suggest to you today that Jesse James is just another victim of the Missouri border wars and should be treated as such. Thank you.

Judge: Mr. Summers, would you call your first witness to the stand?

Mr. Summers: The prosecution calls Edward Clingan.
(Clingan comes forward and stands in front of the witness chair, facing the audience)

Bailiff: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Clingan: I do.

Judge: Please be seated.

Mr. Summers: Mr. Clingan, were you present in Gallatin, Missouri on December 7, 1869?

Mr. Clingan: I was.

Mr. Summers: Could you tell us your memories of that day regarding the bank robbery at Gallatin Bank?

Mr. Clingan: Certainly. I was 16 years old at the time. School had been dismissed at noon and I had gone to the post office to pick up the mail. I heard shots fired and ran out of the building. I saw William McDowell coming out of the door of the bank. A man appeared in the doorway of the bank and shot at him. McDowell hollered, "Captain Sheets has been shot." The man in the doorway ran out of the bank and down the street. I ran into the bank and saw Captain Sheets my sister's husband lying on the floor. I asked him, "Are you hurt?" But he never answered me. He was dead.

Mr. Summers: Can you identify the man you saw leave the bank that day?

Mr. Clingan: Yes. He is sitting at that table right there. Jesse James.

Mr. Summers: Thank you, Mr. Clingan. No more questions.

Judge: Do you have any questions for the witness, Mr. Wilson?

Mr. Wilson: (standing) Yes, I do. Mr. Clingan, could you tell me the location of the bank from the post office?

Mr. Clingan: Yes, it is right across the street.

Mr. Wilson: When Mr. James ran from the bank. Did he say anything?

Mr. Clingan: Yes. He said, "I have taken revenge for the death of Bill! I have shot Major Cox!"

Mr. Wilson: Thank you. No more questions.

Judge: Mr. Clingan, you may take your seat. Call your next witness, Mr. Summers.

Mr. Summers: I would like to call Mr. William McDowell to the stand.

Bailiff: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Mr. McDowell: I do.

Judge: Please be seated.

Mr. Summers: Would you please tell the jury what you do for a living?

Mr. McDowell: I'm a lawyer.

Mr. Summers: Will you please tell the court where you were on December 7, 1869 around noon?

Mr. McDowell: Yes. I was at the Gallatin bank doing business.

Mr. Summers: Who else was present in the bank?

Mr. McDowell: Just Captain Sheets.

Mr. Summers: Tell us what happened in the bank.

Mr. McDowell: Well, a man came in and walked up to Captain Sheets. He had money and he wanted change for it. Then another man walked in and told Captain Sheets to write down a receipt. When Captain Sheets began writing Jesse James shot him. As I started to run from the bank, I was shot in the arm. I made it outside, though.

Mr. Summers: Thank you, Mr. McDowell. Can you identify the gunman you saw at the bank?

Mr. McDowell: He's right there, sir. (points at Jesse James)

Mr. Summers: No further questions.

Judge: Mr. Wilson, do you care to question this witness?

Mr. Wilson: I would like to do so, your honor.

Judge: Proceed.

Mr. Wilson: Mr. McDowell, when my client pointed his gun at Captain Sheets, did he say anything?

Mr. McDowell: Yes, he said, "You killed my brother Bill Anderson and I'm going to take revenge." Then he shot Captain Sheets.

Mr. Wilson: Thank you Mr. McDowell. No further questions.

Judge: You may take your seat Mr. McDowell. (McDowell sits) Do you have any more witnesses, Mr. Summers?

Mr. Summers: Yes. I'd like to call Frank James to the stand.

Bailiff: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Frank James: I do.

Judge: Please be seated.

Mr. Summers: Mr. James, is it true that you rode with Quantrill's raiders during the war?

Frank James: Yes, I did.

Mr. Summers: And did you ride with Bloody Bill Anderson?

Frank James: Yes, I did.

Mr. Summers: Is it true to say that you respected, even loved these men?

Frank James: In times of war, men who fight together become like brothers.

Mr. Summers: So you looked up to these men?

Frank James: Yes.

Mr. Summers: Is it also true that while your brother Jesse wanted to continue to rob and kill, you were ready to settle down to a quieter life?

Frank James: Well, I wouldn't exactly put it in those words, "rob and kill."

Mr. Summers: Please answer the question "yes" or "no."

Frank James: Yes. I suppose I was ready to lead a more normal life, seein' as I had a wife and children.

Mr. Summers: Thank you, Mr. James.

Judge: Your witness, Mr. Wilson.

Mr. Wilson: You are older than Jesse, aren't you Frank? May I call you Frank?

Frank James: You may and yes, I am.

Mr. Wilson: How much older are you than Jesse?

Frank James: Well now, I was born in 1843 and Jesse came along in 1847.

Mr. Wilson: When the war came, you were able to join up right away and fight for your beliefs. Is that right?

Frank James: Yes. I rode with Sterling Price at the Battle of Wilson's Creek. The Yanks paroled me. I came on home after I was captured and took sick with measles.

Mr. Wilson: Thank you, that is all.

Judge: You may be seated, Mr. James. (Frank James returns to his seat.) Do you have any more witnesses, Mr. Summers?

Mr. Summers: The prosecution rests.

Judge: Mr. Wilson, are you ready to call witnesses for the defense?

Mr. Wilson: Yes. I'd like to call Zerelda James.

(Zerelda comes forward and stands in front of the witness chair, facing the audience)

Bailiff: Do you swear to tell the truth, the whole truth and nothing but the truth?

Zerelda: I swear.

Judge: Please be seated.

Mr. Wilson: Mrs. Samuels, tell us how you feel about the Confederate cause.

Zerelda: Long live the South. That's what I say. Yankees! Pah! Good for nothing scoundrels! We were farming. Minding our own business. Then that man Lincoln was elected. He wanted to take our slaves. Why they cost good money! How would you like it if someone ordered you to get rid of your horses or your cattle?

Mr. Wilson: Well, we are talking about human beings here, Mrs. Samuels.

Zerelda: So you say. Anyway, minding our own business when those Yankees showed up and tried to change everything. They ordered us around. Well, my boy Frank, he wanted to fight against them and he signed up right away. Now, Jesse also wanted to go, but he was too young at first. But then he showed those bluebellies who was boss.

Mr. Wilson: Is it true that you named your daughter after one of the most famous and brutal bushwackers in Missouri?

Zerelda: Why, yes! I named her Susan Quantrell Samuels. Now, I think that is a right pretty name, don't you?

Mr. Wilson: Um...Mrs. Samuels is it true that you encouraged your boys to take revenge on local neighbors for supporting the Union?

Zerelda: Of course.

Mr. Wilson: No more questions your honor.

Judge: Would you like to cross-examine the witness, Mr. Summers?

Mr. Summers: No questions, your honor.

Zerelda: Good. I didn't want to talk to you anyway. Yankee!

Judge: That is enough, Mrs. Samuels. You will have to be polite if you wish to stay in the courtroom.

(Bailiff escorts Mrs. Samuels to her seat) You may call your next witness, Mr. Wilson.

Mr. Wilson: The defense calls General Jim Lane to the stand.

Bailiff: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Jim Lane: I do.

Judge: Please be seated.

Mr. Wilson: Is it true that you were considered the leader of the Jayhawkers, a group of guerrilla fighters from Kansas?

General Lane: Yes.

Mr. Wilson: Is it true that you led raids into Missouri and committed violent acts of war against Missouri citizens?

General Lane: Yes.

Mr. Wilson: Is it true that on a raid in Osceola, Missouri, you killed at least nine men?

General Lane: They were Southern sympathizers, Mr. Wilson, enemies of our great United States and slaveholders to boot. Yes, I killed them and I'd do it again!

Mr. Wilson: One more question, General Lane. In real life, didn't you commit suicide?

General Lane: What?? This isn't real life?? Oh. That's right... I shot myself in 1866, as I recall.

Mr. Wilson: Sorry to remind you of it. But it is important to my client's defense. Would you say that the violence you witnessed and acted upon during the war contributed to your mental instability and suicide?

General Lane: Yes, definitely. Being brought back from the dead is so confusing...who is your client anyway?

Mr. Wilson: Jesse James. He's right in front you.

General Lane: Jesse James?! That murdering, thieving bushwacker! I wouldn't help defend him if he was the last person on earth. Let me at him!

Judge: Bailiff, please escort Mr. Lane back to the afterlife. He's out of order.

Bailiff: Come with me, General Lane. (Bailiff escorts Lane from the courtroom and out the door)

Judge: Did you wish to question the witness, Mr. Summers?

Mr. Summers: No questions, your honor!

Judge: Please call your next witness, Mr. Wilson.

Mr. Wilson: I'd like to call William Anderson to the stand.

Bailiff: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Anderson: I do.

Judge: Please be seated.

Mr. Wilson: Mr. Anderson, would you please tell the court your nickname?

Anderson: Surely. It is "Bloody Bill."

Mr. Wilson: Would you care to tell us how you got this rather disturbing name?

Anderson: It is what it is. I never hesitated to spill blood in the name of the cause I believed in!

Mr. Wilson: What drove you to be so merciless, Mr. Anderson?

Anderson: Well, I will tell you. The Federals took our womenfolk to Kansas City and locked them up in a jail there so that they could no longer help feed and hide us. That jail collapsed and my sister and some other women were killed. I always believed the Federals knew it wasn't safe. My poor sister didn't deserve to die like that. Afterwards, I took my revenge. I am not sorry for it.

Mr. Wilson: Could you tell me if Jesse James was present with you on September 27, 1864?

Anderson: Yes, we showed 'em that day all right!

Mr. Wilson: Please tell the court what happened that day, but keep in mind there are ladies and children present.

Anderson: We rode into Centralia, Missouri that day to get the news. We stopped the train there and boarded it. To our surprise, there were twenty-three Union soldiers aboard. We ordered them out of the train, took their sergeant as hostage, lined up the enlisted men, and shot them down like dogs in the dust. We raced out of Centralia with the sergeant in tow. Mind you, he slipped away before the battle. Now here's how we licked them Yankees some more. Imagine a rectangular field, like your modern day football field. Imagine down the long sides of that field are ditches and trees. My men,

and Jesse and Frank James among them, mostly hid in them ditches and trees. Then I sent a small party of men down to the opposite goal. When the Yanks showed up, they chased my men down to about the middle, that's when the rest of us rushed out of them trees. We had them surrounded. Why little Jesse, he shot their commander Ave Johnston dead as a doornail! Only a few of them Yanks got away that day.

Mr. Wilson: So Jesse James watched you kill those Union soldiers from the train? Some of them were wounded, were they not?

Anderson: They were. Some wounded. All unarmed. It didn't matter to me!

Mr. Wilson: You referred to Jesse James as "little Jesse." How old would Jesse have been on the day of the Centralia Massacre. Do you know?

Anderson: I reckon so. He would have been... right about 17, I reckon.

Mr. Wilson: Thank you, Mr. Anderson.

Judge: Mr. Summers, do you have any questions for Mr. Anderson?

Mr. Summers: Yes. Thank you. (standing and approaching the witness) Mr. Anderson, had you survived the war, do you think you would have gone on killing and robbing banks?

Mr. Anderson: IF I survived? You mean I didn't?? You mean... I'm DEAD?

Mr. Summers: Of course, Mr. Anderson. You were shot and killed by Major Cox just a month after the massacre of Centralia. Haven't you been paying attention?

Mr. Anderson: (wailing) Oh...I'm dead. I'm dead!!!

Judge: Please escort Mr. Anderson from the courtroom. Mr. Summers and Mr. Wilson, in the future, please inform your witnesses of their deaths BEFORE the trial and spare us the drama!

Mr. Summers: Sorry, your honor.

Mr. Wilson: Absolutely, your honor.

Judge: Do you have any more witnesses, Mr. Wilson? And if they are dead, have they been informed?

Mr. Wilson: Yes, your honor, and yes, everyone is aware of their... mortality.

Judge: Thank heavens. Proceed.

Mr. Wilson: I'd like to call the defendant to the stand.

Judge: Mr. James, please come forward.

Bailiff: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Jesse James: I do.

Judge: Please be seated. Mr. James, you are aware that since you are the defendant, you do not have to testify?

Jesse James: I do know, your honor.

Judge: Fine. Ask your questions, Mr. Wilson.

Mr. Wilson: Mr. James, please tell the court what it was like to be a teenaged boy in Missouri in the 1860's.

Jesse: Well, it was a hard time. I expect it couldn't be much worse. Neighbors were turning against neighbors. Churches was closed by the government if they thought the preacher was preachin' out about the cause of the South. My brother rode off to war, but I was too young to go. I was stuck home. The day those Yankees came into my field and beat me 'cuz I wouldn't tell 'em the whereabouts of my brother Frank, I guess that was about the worse day of my life. I couldn't do nothin' against 'em and I couldn't do nothin' when they hung my daddy. They cut him down, but it was a terrible sight to see. I was angry down to the very bottom of my heart. I think my heart turned black in me that day. Soon after, I took my place with Frank. I joined up with the bushwackers and I felt powerful then, let me tell you. I had my pistols, my horse, my knife, and my gang of friends. Nothin' could stop me.

Mr. Wilson: Thank you, Jesse. That is all.

Judge: Would you like to question the witness, Mr. Summers?

Mr. Summers: (to judge) Yes, sir. (to Jesse) Did you enter the Gallatin Bank on December 7, 1869?

Jesse James: I did.

Mr. Summers: What was your purpose that day?

Jesse James: To take revenge for the murder of my friend, Bill Anderson.

Mr. Summers: And did shoot and kill Captain Sheets?

Jesse James: I did. I was just sure it was that Major Cox. Well, Sheets was a Yankee, anyway, so I reckon he deserved it.

Mr. Summers: Thank you, Mr. James. No more questions.

Judge: You may step down, Mr. James. Call your next witness, Mr. Wilson.

Mr. Wilson: The defense calls Dr. McGeorge.

Bailiff: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Dr. McGeorge: I do.

Judge: Please be seated.

Mr. Wilson: Would you explain your qualifications as a doctor, please?

Dr. McGeorge: Yes. I have doctorate degree in psychology from the University of Missouri and I have been in private practice now for 10 years.

Mr. Wilson: Could you explain your area of specialty to the court?

Dr. McGeorge: I have a particular area of interest in violent behavior.

Mr. Wilson: And are you familiar with this particular case?

Dr. McGeorge: Yes. I have spent many hours reviewing the facts.

Mr. Wilson: Please tell the court your opinion on the behavior of Mr. James and the murder of Captain Sheets.

Dr. McGeorge: Well, I believe that Jesse James violent behavior is the direct result of the trauma and violence he witnessed in his teens. We call this “violentization.” This has four parts, all of which were experienced by Jesse James. The first when an authority figure is treated brutally such as the incident when Jesse’s step-father was tortured in front of him. The second part is when a person decides to do something about the brutality. That happened when Jesse joined the bushwackers. The third stage happens when the person commits violent acts himself. For example, when Jesse shot Ave Johnston at the Battle of Centralia. Finally, the violent acts receive positive reinforcement by peers and authority figures. As you could see from Bill Anderson’s testimony, he was quite pleased by Jesse’s performance at Centralia. All of things create a new mindset that allows for the person to violent acts.

Mr. Wilson: If Jesse James was sentenced to time in a mental facility instead of receiving a sentence of death, is it possible that he could be treated and could become a productive citizen?

Dr. McGeorge: I’d like to think it is possible. Of course, there are no guarantees.

Mr. Wilson: Do you think that the violentization of Jesse James created a person who was capable of any other behavior than that which he has displayed?

Dr. McGeorge: No. I think he was incapable of any sympathy toward those who represented the Union side of the conflict.

Mr. Wilson: Thank you.

Judge: Your witness, Mr. Summers.

Mr. Summers: Dr. McGeorge, is it true that Jesse James is currently a danger to others?

Dr. McGeorge: Yes.

Mr. Summers: Did Jesse James run away when he killed Captain Sheets?

Dr. McGeorge: Yes.

Mr. Summers: Did Jesse James understand that he was committing a crime when he thought he shot Major Cox, although he turned out to have shot the wrong man?

Dr. McGeorge: Yes. He knew.

Mr. Summers: Thank you. I'm finished.

Judge: Do you have any more witnesses, Mr. Wilson?

Mr. Wilson: No, your honor. The defense rests.

Judge: Mr. Summers, you may present your closing arguments.

Mr. Summers: Ladies and gentleman of the jury, my comments will be brief because there is little here to say. You have heard testimony from eye witnesses that Jesse James shot and killed Captain Sheets. The defendant himself has not denied this happened. You have heard from an expert witness that Jesse James understood that he committed a crime and ran from that crime to avoid capture. He committed a crime. He took a man's life. He plotted to kill Major Cox and rob his bank. He shot and killed an unarmed man who he took to be Major Cox. He deserves to be punished. Do the right thing. Give Captain Sheets the justice he deserves. Thank you.

Judge: Mr. Wilson, please address the jury.

Mr. Wilson: You have heard the life that Jesse James lived in Missouri in the 1860's. It was full of violence. Neighbors turned against neighbors and sometimes neighbors on different sides of the slavery question attacked and killed each other. Jesse witnessed this. He felt the fear, the powerlessness of a young man who cannot defend his family, but who desperately wanted to do so. After he and his stepfather were bullied and beaten by Unionists, Jesse was finally old enough to join those who offered some protection. You have heard the testimony of Dr. McGeorge that James lost his sense of compassion, his sense of empathy, that ability to feel the pain of others all because of the process of violentization. Ladies and gentleman, what if Jesse James were your brother or your son? Wouldn't you want him to have the chance to be redeemed? To be helped? Do not sentence this man to death. Find him not guilty by reason of insanity. As our fallen president said in his second inaugural address,

“ With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.” Jesse James bore the battle of his home and it changed him. Let us give him a chance to “bind up his wounds.” Thank you.

Judge: Thank you. Citizens of the jury, please think long and hard about this case. Please consider only the facts. Remember your decision has to be unanimous. Your decision must be based on the facts presented in the trial, not on sympathy or on prejudice. You have a clear choice to make. Should you decide that Jesse James has a mental defect that prevents him from following the law, then you must find him not guilty by reason of insanity. If you feel that he is responsible for his behavior, then you must find him guilty. In this case, these are the only clear choices given to you. When you have reached a verdict, the jury foreman will need to report to me and the court will reconvene. Good luck.

Sources: Stiles, T.J. Jesse James: Last Rebel of the Civil War. New York: Alfred K. Knopf, 2001.

<http://www.daviesscountyhistoricalsociety.com/index.php>

