

# Immigration Mock Trial



**Trial Introduction:** Immigration is one of the most serious issues facing American society today. The issues of freedom, equality, justice, rights, diversity, power, identity, authority, community and tolerance are all raised by the presence in American society of illegal immigrants (or undocumented workers). This mock trial seeks to provide students with a structured forum for many diverse and opposing arguments. It also seeks to explain complex issues by examining their impact on real people. Students will participate as lawyers, witnesses and jury members.

**Background:** The United States is in the midst of its fourth and largest wave of immigration. With approximately one million new immigrants entering the country each year, more than ten percent of Americans are foreign-born. Most of today's newcomers are Latino in origin, from Mexico, Central America and the Caribbean. Others come from many different countries in Asia, the Middle East, Africa and Europe. While the majority settle in traditional gateway cities with large immigrant communities and a history of employing foreign workers, a growing number are moving into smaller metropolitan areas, rural towns and the suburbs of long-established gateways.

Regardless of their numbers, ethnic origin, or destination, immigrants often arrive at America's front door to find the welcome mat missing. The National Immigration Forum reports that, while 50% of native-born Americans think immigration levels are acceptable, 40% think they should decrease and 10% think immigration should stop altogether. These well-worn sentiments have forged a long trail of anti-immigrant policies and legislation that spans the four hundred years of America's history. Even when newcomers are welcome, their presence can challenge the communities where they settle with extra demands on schools, housing, law enforcement and social services. Local governments, particularly in the newer destinations, often lack the basic institutional tools and experience to deal with the infrastructure needs created by the new population, and nongovernmental organizations are either overburdened or simply nonexistent.

Immigrants face challenges as well, struggling to find housing, jobs and a sense of community. In suburban and rural settlement areas, the receiving immigrant populations are small or non-existent and offer few resources for the newcomers. In places such as Farmingville, New York, working conditions in construction, landscaping and other low-skill service jobs are often poor. To make matters worse, non-English-speaking laborers, are often the focus of animosity and resentment from anti-immigrant factions, who believe they weaken the "social fabric" of American communities and threaten American jobs. In spite of this, and the difficulties encountered by immigrants and the communities where they live and work, both parties benefit in many ways as well.

Employers need laborers. Without new immigration, the nation's labor force, which has declined steadily since the 1970s, would have grown by only five percent over the past decade and would have experienced seriously constrained job and economic growth. A recent article in *The Economist* summarized the situation as, "The truth about America's immigration muddle is that it suits most people most of the time. Employers — from semiconductor firms to orange growers — get the workers they need, usually fairly cheaply; immigrants make a living and get an education for their children. An illegal farm worker is paid around \$7 an hour, half the rate for a legal one, but double what the same worker could get in Central America."

**Historical Background:** The roots of today's new settlement patterns are complex. The construction booms and the proliferation of hotels and restaurants that accompanied the 1990s economic boom increased the demand for low-wage labor. US employers encouraged the migration of foreign workers, and immigrants responded. During 1996–2000, the US labor force expanded by 6.7 million people. Foreign-born workers comprised nearly half of the labor force increase. Male foreign-born workers accounted for almost two-thirds, and female foreign-born workers accounted for more than a third of the increase.

**Trial Resolution:** Roughly twelve million illegal immigrants reside in the United States. The prosecution will argue for a **change** in the laws that exist, while the defense argues for the **enforcement** of laws those laws. Both sides will cite American immigration history, policies and laws, and personal stories and statistics from witness testimony. A jury will deliberate on the facts presented in the trial and decide the fate of the immigration question in the United States.

## Lawyer Grading Rubric

**A**

Lawyers conduct extensive research and present copies of their findings (in their own words, typed) to the judge. Lawyers present their case by beginning with a clear, well written and well practiced opening statement. This opening statement uses background information on current immigration issues, previous immigration laws, relationships between immigration and global politics, world economics and international multiculturalism, as well as civil and human rights. The cross-examination questions asked of each witness are extremely thoughtful and planned in advance. Copies are submitted to the judge. Their concluding remarks use historical references, tie in statements made by witnesses, and present a clear factual and ethical argument for their case for or against immigrant rights and law in the United States. Lawyers also present hypothetical questions to the witnesses in addition to their provided testimony.

**B**

Lawyers present their case by beginning with a clear, well written and well practiced opening statement. This opening statement uses background information on immigration laws and current issues as well as the impact on civil and human rights. The cross-examination questions asked of each witness are very thoughtful and planned in advance. Their concluding remarks use historical references, tie in statements made by witnesses, and present a clear factual and ethical argument for their case for or against immigration rights and law in the United States. Lawyers also present hypothetical questions to the witnesses in addition to their provided testimony.

**C**

Lawyers present their case by beginning with an opening statement that is clear but uses only a few historical references. Their opening statement also makes arguments that do not fit well with their witnesses' statements. They cross-examine witnesses well and ask probing questions, but fail to take advantage of logical arguments and other opportunities. Their

concluding remarks use historical references, tie in statements made by witnesses, and present a clear factual and ethical argument for their case for or against immigration issues and law.

- D** Lawyers present their case and use background information but don't connect it to their arguments. They question witnesses but don't use their testimony in their concluding remarks. They do some brief research but have gaps of knowledge that the other lawyers exploit.
- F** Lawyers present their case with little background information and nothing to sustain their argument. They poorly question witnesses and make quick introduction and concluding remarks.

### Witness Grading Rubric

- A** Witnesses who want an A as a grade will prepare everything for three different characters. They will also act out each of these during the trial. Witnesses conduct research on their characters, including full details about themselves and their situation. They have an excellent understanding of the events, people and issues affecting immigrants and US law concerning them. Witnesses also do a great job of acting out their specific roles while being questioned and cross examined by the lawyers. They also appear in the dress of their roles. Witnesses submit their affidavits (full biographies) to the judge containing all their information, their positions on the issues (explained fully) and their trial interviews (transcripts) with their lawyers. Witnesses also submit their research on their role in a three page typed report.
- B** Witnesses who want a B as a grade will prepare everything for two different characters. They will also act out both of these during the trial. Witnesses conduct research on their characters, including full details about themselves and their situation. They have an excellent understanding of the events, people and issues affecting immigrants and US law concerning them. Witnesses also do a great job of acting out their specific roles while being questioned and cross examined by the lawyers. They also appear in the dress of their roles. Witnesses submit their affidavits to the judge containing all their information, their positions on the issues (explained fully) and their trial interviews (transcripts) with their lawyers. Witnesses also submit their research on their role in a two page typed report.
- C** Witnesses conduct research on their character, including full details about themselves and their situation. They have a good understanding of the events, people and issues affecting immigrants and US law concerning them. Witnesses also do a good job of acting out their specific roles while being questioned and cross examined by the lawyers. Witnesses submit their affidavits to the judge containing all their information, their positions on the issues (explained fully) and their trial interviews (transcripts) with their lawyers.
- D** Witnesses conduct research on their characters, including full details about themselves and their situation. They have a good understanding of the events, people and issues concerning immigration. Witnesses also do a good job of acting out their specific roles while being questioned by the lawyers.
- F** Witnesses conduct some research on their characters, including brief details about themselves, but only have a basic understanding of the content.

### Jury Grading Rubric

- A** Jury members will study the history of immigration issues, policies and laws within the United States. They will submit a three paged summary of statistics, events and conclusions concerning their research. Research assignments will be assigned by the teacher. Jury members will take superb notes on the opening statements, the testimony and the concluding remarks. They will rewrite these notes into transcripts that tell the whole course of the trial. They will write a three paged opinion of the trial that is closely based on historical content, current circumstances and the events and issues of the trial itself. This opinion of the trial must be in essay form and well explained. They will verify (check) historical facts used in the trial for truthfulness and write a one page report on the use or misuse of such facts in the trial. Jury members will also give an extensive statement to the court on their opinions, explaining each in detail.
- B** Jury members will study the history of immigration issues, policies and laws within the United States. They will submit a two paged summary of statistics, events and conclusions concerning their research. Research assignments will be assigned by the teacher. Jury members will take superb notes on the opening statements, the testimony and the concluding remarks. They will rewrite these notes into transcripts that tell the whole course of the trial. They will write a two paged opinion of the trial that is closely based on historical content. This opinion of the trial must be in essay form and well explained. Jury members will also give a statement to the court on their opinions, explaining each.
- C** Jury members will study the history of immigration issues, policies and laws within the United States. They will submit a one paged summary of statistics, events and conclusions concerning their research. Research assignments will be assigned by the teacher. Jury members will take very good notes on the opening statements, the testimony and the concluding remarks. They will write a one paged opinion of the trial that is closely based on historical content. This opinion of the trial must be in essay form and well explained. Jury members will also give a brief statement to the court on their opinions, explaining each.
- D** Jury members will research and write a one paged summary of immigration issues in United States history. Jury members will take good notes on the opening statements, the testimony and the concluding remarks. They will write an opinion of the trial that is closely based on historical content. This opinion of the trial must be in essay form and well explained.
- F** Jury members will take notes and write an opinion of the trial that is only somewhat based on historical content, the witness's testimony and the arguments of the lawyers.