

**Overview: Was Bias A Factor? Make an Argument**

This lesson is excellent practice for analyzing arguments. It asks students to read a court case and the testimonies of the accused and the arresting officer. After reading four interpretations of the evidence presented, student use their understanding of logical appeals to argue the validity of the interpretations.

Standards Covered:

- **RI.11-12.1.** Cite strong and thorough evidence to support analysis of what the text says explicitly as well as inferences drawn from the text, including determining where the text leaves matters uncertain.
- **RI.11-12.2.** Determine two or more central ideas of a text and analyze their development over the course of the text, including how they interact and build on one another to provide a complex analysis; provide an objective summary of the text.
- **RI.11-12.3.** Analyze a complex set of ideas or sequence of events and explain how specific individuals, ideas, or events interact and develop over the course of the text.
- **RI.11-12.4.** Determine the meaning of words and phrases as they are used in a text, including figurative, connotative, and technical meanings; analyze how an author uses and refines the meaning of a key term or terms over the course of a text.
- **W.11-12.1.** Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.
- **W.11-12.2.** Write informative/explanatory texts to examine and convey complex ideas, concepts, and information clearly and accurately through the effective selection, organization, and analysis of content.

Objectives:

- Employ close reading skills in comprehending and analyzing a nonfiction document
- Identify the varying points of view presented
- Evaluate the integrity of the facts as they are presented
- Analyze the credibility of statements in light of facts presented
- Strive to maintain objective perspective in considering facts
- Identify any contradictory statements or facts
- Analyze credibility of the facts as reported
- Identify bias or verify that no bias is presented in the actual evidence
- Draft a coherent, well organized essay in which prove your argument using the data presented

Materials:

- Class sets the handouts with the facts of the case (in this document)
- Class sets of the assignment (in this document)
- Instructor cheat sheet for Caufield case



Procedure:

- Students should already be familiar with the language of argument. (See “What is Rhetoric?” in the Reading Information Folder for power point on rhetorical strategies.
- First have students read and discuss the Caulfield Case.
- They then read the four perspectives and teacher assigns different perspective to individuals or groups of students.
- Students should not argue whether or not they think Caulfield is guilty; rather they should analyze and argue for or against the validity of one of the four perspectives given at the end of the court case.
- Finally students write an argument examining whether or not the interpretation was biased. ***Student handout on next page***

Instructor cheat sheet for Caulfield case:

1. A police chief defending allegations that Nighthorse is biased: *Officer Nighthorse acted in this case just as any officer should have.*
 - Officer’s statement that this is what happened
 - Clear evidence of wallet on the table belonging to Cooper Chase
 - Jesse matched the description given by the clerk and by Cooper Chase
 - Nighthorse himself is a racial minority and might be less likely to discriminate based on race
 - Jesse’s behavior in each incident was suspicious in and of itself
 - Experienced officer
2. Liberal civil rights leader in Bent: *The only reason Jesse Caulfield was arrested is race.*
 - Completely ignored the other customer in the store. Race?
 - Cross-racial ID’s difficult
 - Nighthorse *was* punished before, and specifically for harassing Jesse
 - Says people hide behind race
 - Said Jesse has a “real attitude” in the prior incident
 - Totally ignores Jesse’s account of why he was peering into cars, just believes the clerk
 - “Kids like *that*” and specifically mentions they were black
 - Matched the description given by the clerk, who did not even see Jesse do anything wrong.
 - Cooper’s use of the word “negro”
3. A defense psychologist: *I do not know if Jesse committed this crime, but if he did, it was because he has serious problems with anger management related to his relationship with his parents.*
 - Parents kicked him out at 16
 - Ripping phone book because no one could come pick him up shows disproportionate anger
 - Seems paranoid, thinking that all authority figures dislike him
 - Statement to the clerk
 - Batting at cops with his fists
 - “Serve and protect? Yeah, right.”



4. Prosecution psychologist: *I do not know if Jesse committed this crime, but if he did, it was not because of psychological "issues"; Jesse is a relatively normal 19-year-old with a record, and nothing else. Sure he was mad, but no more than normal for a defendant in a case like this.*
- Jesse has a stable job
 - Jesse goes to college, has a 3.2 GPA
 - Is currently on good terms with parents
 - Statements show anger, but not anything unusual for a guy who has had a record before
 - Jesse's response that police and clerk dislike him is rational based on their behavior
 - His parents wrote a letter defending him
 - 17 should be old enough for a kid to live on his own.

Fact Situation: State of Oregon v. Jesse Caufield

On August 3, 2002, Jesse Caufield, a 19-year-old African-American male got off work at Krispy Kreme Donuts at half past midnight. Krispy Kreme, Caufield's house, and the Qwiki Mart are situated in a triangle, with each half a mile away from the others. All are located in the small town of Bent, Oregon.

At 1 am the same night, Cooper Chase, a 38-year-old white female had just finished a late-night workout. She pulled into the parking lot of the Bent Qwiki Mart. Cooper grabbed her wallet and cell phone from the passenger seat of her Honda Civic and walked into the store. At the counter, Jesse Caufield, wearing a Blazers cap backwards, was trying to borrow some money from the clerk. Ignoring Jesse's pleas about not wanting to be caught in the horrible weather, the clerk, a 71-year-old white male, told Jesse to leave. He did; a loud beep at the door signaled his departure.

Another customer purchased some breath mints and departed. Cooper Chase selected a bottle of Evian water and went to the counter. At the register, Cooper emptied her pockets, placing the cell phone, keys, and wallet on the counter. Cooper paid with a \$20 and put the change in her pocket. She left carrying the other items. A few steps out the door, she dropped her keys and bent to pick them up. By this time, rain was pelting hard against the glass doors of the store, and starting to turn to hail.

Inside her car, Cooper put the key in the ignition. She felt a cold object pressed against her neck. A figure wearing a baseball cap backwards, sat in the back seat, hidden in the shadows. Cooper saw the flash of a gun in the rearview mirror and caught a quick glance at the intruder. The intruder smacked Cooper on the right side of the head with the gun, pushed her out of the car, and sped off in the Civic.

At 1:30 pm, Cooper staggered back into the store, soaking wet. The right side of Cooper's face was cut and badly bruised. The clerk called the police from the phone behind the counter.



Officer Jasiri Nighthorse, a 28-year-old Asian male, arrived at 1:50 pm. Nighthorse first inquired into the condition of the victim, and determined that Cooper was coherent enough to give a statement. The officer then took a description of the vehicle and the assailant. Cooper said, "It was a black Negro teen wearing a baseball cap. I had seen the kid in the store earlier. I think he was the one." Cooper reported that her wallet, containing four \$20 bills, had been in the vehicle. The officer put an all-points bulletin out on the car.

At 7 am the following morning, Cooper's car was located by Officer Nighthorse on Magnolia Drive, less than a mile from the convenience store. Nighthorse knocked on several doors in the neighborhood to ask residents if they had any knowledge of the car. No one was home at the first residence; at the second residence, an elderly woman answered and said she knew nothing about the vehicle. At the third residence, the door was opened by Jesse Caufield, who matched the description given by the clerk. Nighthorse asked if he could step inside the house and Caufield consented. The officer noticed a soggy wallet on the table and opened it. Seeing that it belonged to Cooper, Officer Nighthorse Mirandized and arrested Caufield.

Later at the precinct, Caufield gave the following statement:

I'm a freshman at Bent Community College and I am 19 years old. On the night of August 3, I got off work and was going home to do some homework, but I was hungry from smelling donuts all night, so I decided to walk to the Qwiki Mart for ice cream. It looked like it was going to storm, but I thought I could beat it. It only takes 10-15 minutes for me to walk half a mile. Once I got there, I knew I couldn't make it home without getting pounded by that storm. It had been raining, but the rain was getting really cold and hard and turning to hail. In the Qwiki Mart, I asked if I could borrow some cash for a cab, because I spent the last of my money on the ice cream. The clerk got all pissed, so I said, "Screw off, old man," and left. I tried to make a collect call from a phone next to the parking lot, but none of my friends were home, so I had to walk. I was so mad I tore the phone book off its hook and threw it on the ground.

As I cut through the lot, I stepped on something soft, and when I bent down, I saw it was a wallet. I didn't see anyone around, and I sure wasn't going to deal with that mean clerk, so I picked it up and figured I'd call whoever's it was in the morning. Then I jogged home fast as I could through the hail.

At the crack of dawn the next morning, someone pounded at my door. I live alone; my parents kicked me out when I was seventeen, at the beginning of my senior year in high school. It was Officer Nighthorse. When I let Nighthorse in, he saw the wallet on my table and arrested me. I go to that store fairly often, but the clerk hates me. Maybe he hates kids in general. Once I was there a few months ago and I saw someone in the parking lot had left his car lights on. It was daylight so it wasn't that noticeable. I peered in to see if the door was locked; it wasn't. I was just about to open the door and flip off the lights when the clerk came out screaming. I just left. He's such a jerk.



Officer Nighthorse still dislikes me from an incident a few years ago when he got in trouble for putting me in a headlock. That was the beginning of a time in my life, sophomore and junior year of high school, when I was in with a bad crowd. I didn't know what to do with my life. Months later, I was drinking a lot and these guys one time challenged me to rob someone.

So I pretended I had a gun and robbed someone in a Sears parking lot. I got caught later that night. That woke me up. I spent time in a rehab center and made a commitment to turn my life around. Last fall, I started college and am studying to be a social worker. I have a 3.2 GPA and am on good terms with my parents now.

Officer Nighthorse gave the following statement:

I have been a member of the Bent Police Force for eight years. On the night in question, I received a call from the Qwiki Mart about a carjacking. When I arrived, the victim, Cooper Chase, had a severe head injury but was able to give an account of what had happened. Cooper said she was about to start her car when she was struck on the side of the head by a gun and pushed out. The perpetrator then took her car. Cooper said her wallet had been in the car, and she believed the person who stole the car had been in the store earlier. In the store, Cooper had only seen the youth from behind; she said it had appeared to be an African-American male wearing a baseball cap.

I talked to the clerk next. The clerk had seen the youth from the front and was able to give a full description of the individual. The clerk described the youth as being 19 or 20 years old, of medium height and a thin build. He also said he'd seen the same youth before, staking out cars in a parking lot, looking into them like he was getting ready to steal something.

At 6:30 the next morning, I found Cooper Chase's car. A container of bottled water was on the passenger seat, the cell phone was between the seats, and the keys were in the ignition. I began to knock on doors in the neighborhood, and at the third door, Jesse Caufield answered. Caufield matched the description I'd gotten from the clerk and the victim. I recognized the defendant from previous field contact and asked if I could search. Caufield said, "Yeah, whatever, I got nothing to hide." I knew he was bluffing. As I entered the house, I noticed a somewhat soggy wallet on the coffee table. I picked it up, opened it, and saw it belonged to Cooper Chase. I arrested Jesse. He tried to resist arrest by batting at my hands with his fists, but I was eventually able to cuff him. In the course of my search of the house, I found soggy clothing next to the coffee table, including a wet Blazers cap. I am aware that cross-racial identifications are less reliable than those within races, but this resemblance was too striking to ignore.

I first met Jesse Caufield a few years ago. I was walking my beat and had stopped to get a cup of coffee, when I noticed black two kids loitering in front of the Qwiki Mart.



(This was a different day from the day the clerk saw Jesse peering into cars.) Since it was a school day, I wanted to know why they were not in school. I started talking to them but Jesse had a real attitude. He tried to hit me, but using Mandt self-defense, I got Jesse in a headlock quickly.

As I walked away, he muttered, “Serve and protect? Yeah, right.” These kinds of kids have no respect for the law. A few days later, I was called before the Police Board because Jesse’s parents had written a letter stating I had harassed the two youths. It was crap—just people hiding behind race. I see that a lot. I was put on desk job for a while. I was angry at the time, but that incident was a long time ago. I treated Jesse as I would have treated any suspect.

Assignment: Write a few paragraphs arguing from your assigned perspective. Be sure to include a minimum of 4-5 pieces of evidence. Start your writing with the italicized statement.

- A police chief defending allegations that Nighthorse is biased: *Officer Nighthorse acted in this case just as any officer should have.*
- Liberal civil rights leader in Bent: *The only reason Jesse Caufield was arrested is race.*
- A defense psychologist: *I don’t know if Jesse committed this crime, but if he did, it was because he has serious problems with anger management that are related to his relationship with his parents.*
- Prosecution psychologist: *I don’t know if Jesse committed this crime, but if he did, it wasn’t because of psychological “issues;” Jesse is a relatively normal 19-year-old with a record, and nothing else. Sure he was mad, but no more than normal for a defendant in a case like this.*

Note that you are not arguing for Jesse’s guilt or innocence; you’re using textual evidence to argue an interpretation.