

Dred Scott Decision

Simulation One: Dred Scott Inner-Outer Circle Discussion

STANDARDS

I. Culture

- b. Explain how information and experiences may be interpreted by people from diverse cultural perspectives and frames of reference.

II. Time, Continuity, and Change

- f. Use knowledge of facts and concepts drawn from history, along with methods of historical inquiry, to inform decision-making about and action-taking on public issues.

IV. Individual Development and Identity

- e. Identify and describe ways regional, ethnic, and national cultures influence individuals' daily lives.
- f. Identify and describe the influence of perception, attitudes, values, and beliefs on personal identity.
- g. Identify and interpret examples of stereotyping, conformity, and altruism.
- h. Work independently and cooperatively to accomplish goals.

V. Individuals, Groups, and Institutions

- a. Demonstrate an understanding of concepts such as role, status, and social class in describing the interactions of individuals and social groups.
- b. Analyze group and institutional influence on people, events, and elements of culture.
- f. Describe the role of institutions in furthering both continuity and change.
- g. Apply knowledge of how groups and institutions work to meet individual needs and promote the common good.

VI. Power, Authority, and Governance

- a. Examine persistent issues involving the rights, roles, and the status of the individual in relation to the general welfare.
- b. Describe the purpose of government and how its powers are acquired, used, and justified.
- e. Identify and describe the basic features of the political system in the United States and identify representative leaders from various levels and branches of government.
- f. Explain conditions, actions, and motivations that contribute to conflict and cooperation within and among nations.
- h. Explain and apply concepts such as power, role, status, justice, and influence to the examination of persistent issues and social problems.
- i. Give examples and explain how governments attempt to achieve their stated ideals at home and abroad.

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Simulation One: Dred Scott Inner-Outer Circle Discussion *(cont.)*

STANDARD

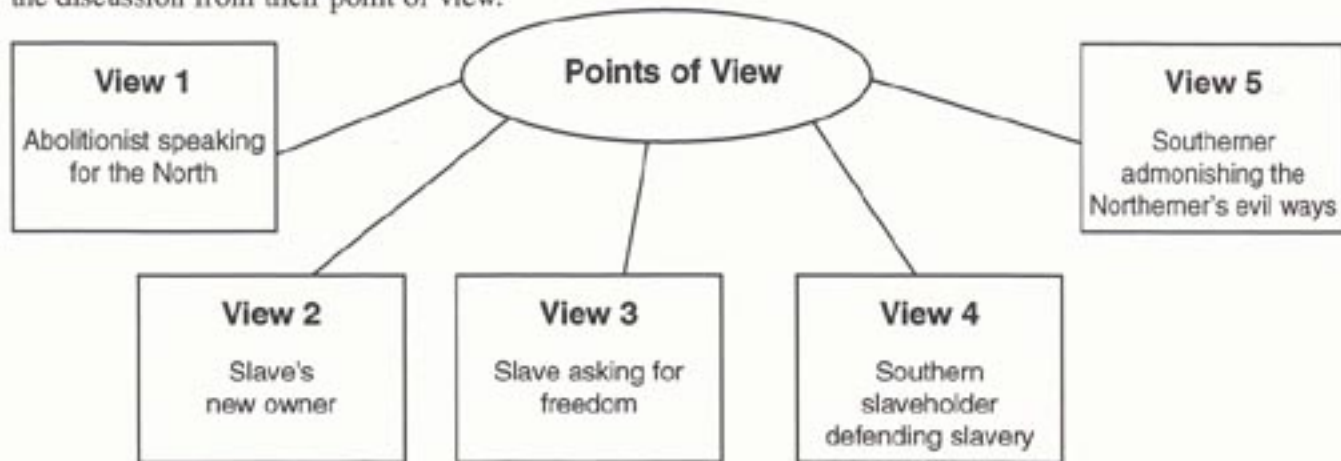
X. Civic Ideals and Practices

- c. Locate, access, analyze, organize, and apply information about selected public issues—recognizing and explaining multiple points of view.
- d. Practice forms of civic discussion and participation consistent with the ideals of citizens in a democratic republic.
- e. Explain and analyze various forms of citizen action that influence public policy decisions.
- f. Identify and explain the roles of formal and informal political actors in influencing and shaping public policy and decision-making.
- g. Analyze the influence of diverse forms of public opinion on the development of public policy and decision-making.

Preparation for the Case

The following example will serve to clarify for teachers how a discussion can be held. The decision rendered by Chief Justice Roger Taney and the Supreme Court in the Dred Scott case was explosive, to say the least. This was especially true in the North. In 1857 the United States was only three years away from civil strife. Here is a suitable topic for discussion, with many differing points of view to be aired. What should be done with Dred Scott? Five different points of view can be established. There should be a balance so that no single point of view feels it is at a disadvantage, outnumbered, or overwhelmed by the opposing views.

In this case, one view can be an abolitionist who speaks for the North, a voice calling for all men to be free. Another view is the plea of the slave's new owner. Another view is the plea of the slave, asking for freedom and loudly proclaiming the evils of slavery. In opposition is a fourth view, that of the Southern slaveholder who defends slavery and speaks of the benefits bestowed on poor, helpless souls by the patriarchal slave system. A fifth view is another Southerner who speaks about the South's way of life and lashes out at the evils that exist in the North. In this manner, no point of view need feel isolated, as there is an equal balance of pro and con viewpoints. Now it is time for the students to research and prepare for the discussion from their point of view.



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Simulation One: Dred Scott Inner-Outer Circle Discussion (cont.)

Preparation for the Case (cont.)

1. After reading the background information provided in the student handbooks (EA-6 and EA-7, EB-5), ask students to find the personal anecdotes in their student handbooks (EA-8 through 17, EB-6 through 15). (Caution the students to read the anecdotes carefully, for they supply the facts that will be argued by the judges.)

All students read Dred Scott, a slave.

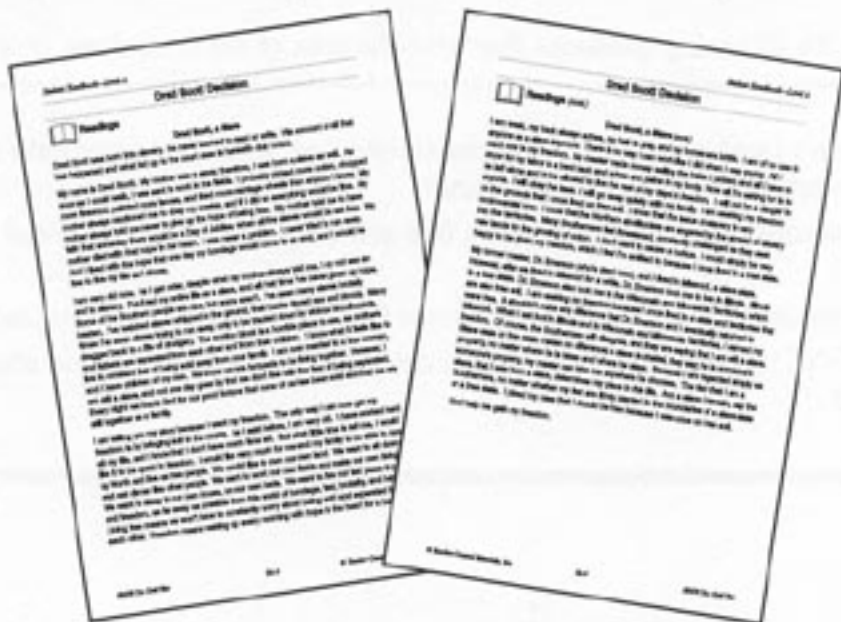
Point of View #1: J. F. A. Sanford, abolitionist and new owner of Dred Scott

Point of View #2: Marcus Brutus Thompson, from the South

Point of View #3: Ellis Wilson, from the North

Point of View #4: An Open Letter to Birmingham Sentinel 1, October 4, 1857,
Submitted by Roland Throttle, Esq.

2. Ask students to read all points of view.
3. A different point of view will be assigned to each cooperative group, and they will highlight what they consider relevant information in their personal anecdote for the debate. (In large classes two and three cooperative groups might have the same point of view. However, be sure to divide the class evenly so that approximately the same number of students is assigned to each point of view.)
4. All of the students are also required to use the inquiry approach when they perform their own reading and research. They should list and highlight every major point they will use to bolster their argument in the discussion.
5. With other students who share or are assigned the same point of view, they all establish the goals they seek to attain in presenting their case during the discussion period.



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Simulation One: Dred Scott Inner-Outer Circle Discussion (cont.)

Preparation for the Case (cont.)

6. Hold a class discussion and give the following questions to the students for their consideration after they complete reading the personal anecdotes for homework.

- Are your sympathies with the Southern slaveholders, or do you sympathize with the Northern abolitionists?
- For what reasons is your side important?
- What do you find that is not important?
- What are you trying to express?
- What do you want people to know about your side?
- What is your objective? (What are you aiming for?)
- What is the outcome you desire?
- What do you want the verdict to be?
- What are you going to do or say to win that verdict?
- How are you going to get your points across?
- How are you going to persuade people to take your side?
- What facts are important?
- How are you going to present these facts?

7. Explain to the students that they will be part of an inner-outer center discussion. In this forum students in the inner circle will discuss the issue while students in the outer circle will serve as their clerks who provide them information by passing notes. Every five to ten minutes, the teacher will rotate the roles so that everyone will have the opportunity to sit in the inner circle for active discussion.

They can focus on the following questions that were the crux of the Dred Scott case:

- Was or wasn't Dred Scott a citizen of the United States, and did he or didn't he have the right to bring suit in the federal courts?
- For what reasons did or didn't living on free soil (free territory) make Dred Scott a free man?
- For what reasons was or wasn't the Missouri Compromise of 1820 constitutional?
- Did or didn't Congress have the power to determine if a territory should allow slavery or be free?

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Simulation One: Dred Scott Inner-Outer Circle Discussion (cont.)

Preparation for the Case (cont.)

8. Negotiate the rubric criteria.

Ask students to place themselves in the position of the teacher. Now that they have a good idea of the task, what criteria should be used for grading the discussion? Allow students to brainstorm criteria in the cooperative groups. The teacher lists the results on large chart paper as a reference guide. The following are sample guidelines ideas:

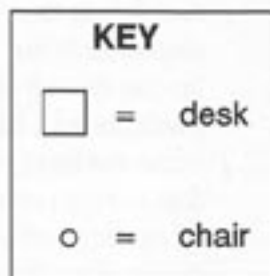
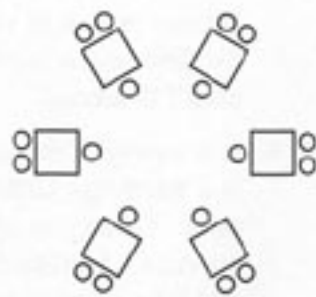
- Address key issues while speaking.
 - Speak persuasively and to the point.
 - Listen well so that one student responds to another.
 - Make good eye contact.
 - Be active but don't dominate the discussion.
 - Be courteous at all times.
9. Determine how much each section is worth for the entire grade. Let the students know that you will be grading them during the discussion. Use the sample guidelines above or create your own.

Setup

Materials: small 2" x 3" (5 cm x 8 cm) pieces of scrap paper (Multiply the number of students by 8 to determine how many sheets should be prepared.)

Preparation

1. Place one third of the chairs in an inner circle.
2. Behind each chair, place a desk.
3. Behind each desk, place two chairs. All chairs should be facing toward the center of the circle. This will create an inner and an outer circle.
4. Cut 2" x 3" (5 cm x 8 cm) scraps of paper. Place a small pile of scrap paper on top of each desk.
5. Students should place bookbags against the wall away from the simulation area. Ask students to bring their information sheets, handouts, and notes from the case that they read last night as well as a pen or pencil.
6. For each group or cluster, assign every student a letter: *A* for the inner-circle person and *B* and *C* for the two students sitting behind the desk. Tell the students that from time to time they will be asked to rotate so that all students will have the opportunity to sit in the inner circle. Ask all *A*'s to raise their hands, *B*'s to raise their hands, and *C*'s to raise their hands before you begin. This will ensure that each student knows his or her role before you begin the simulation. On the board, draw a diagram of how they will rotate so that the students have a guide to refer to when needed.



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Activity

1. The inner circle may be considered the Supreme Court justices, a panel of senators assembled for a hearing, or any other group that bears the burden of deciding an issue rendering a judgment. They will debate the issue of whether or not Dred Scott is entitled to be set free. Set the guidelines for being good participants: listen well, try not be repetitive, try not to dominate the discussions, try to be an active member of the discussion. Let students know that you will be grading them on how well they participate. Also, describe how this is a discussion group and how it is unnecessary to raise their hands or look at the teacher while speaking. They should pretend that this experience is actually happening in 1857.
2. As a sample, use the “judges and clerks” scenario. The outer circle consists of the court clerks or advisors. They are not allowed to speak. They must listen carefully and write down ideas that they want to suggest to their judge or legal decision-maker. After they have written a suggestion, they should tap their “judge” on the shoulder lightly. The judge, not turning around, should raise and open his or her hand. The clerk should place the note carefully into the palm of the judge’s hand. This way, the judge is not taken away from the discussion. Tell clerks that they are not allowed to pass a note while their “judge” is actively speaking. They should wait until that person is finished speaking before tapping the shoulder. Ask the students to initial their notes. At the end of the lesson, ask students to drop the notes into a basket on the way out so that you can view how each student actively participated.
3. Begin the debate by stating, “You are now in the chambers of the Supreme Court. What do you want to point out to your colleagues about this case? What was of interest to you concerning the various points of view in this case?” Often times, it helps to select a highly verbal student to get the discussion moving. If you choose to do this, warn those students ahead of time so that they aren’t flustered.
4. It is strongly recommended that you model the strategy for two minutes. Tell the students that it is a warmup. Critique their performance so that the students have a clear understanding as to their roles. Once you are satisfied, then let the discussion begin. It is important that the teacher remains a facilitator and does not intervene in the process. The teacher may sit on the sidelines and take notes or tally how often his or her students participate. A teacher may, on the other hand, encourage students to speak or ask some students not to monopolize the conversation. The way that this is done is by crouching next to the student and whispering your advice. This way, the discussion is not disturbed. Most students will participate regardless. However, there will always be one or two students who will not participate, no matter how much they are encouraged. Students will find the activity valuable and a learning experience. You will be surprised how some students, whom you thought would not participate, actually will become involved. This is due to two reasons. One, the clerks are assisting them with suggestions. Two, since the number of students who sit in the inner circle is small, their participation or lack thereof is more noticeable. However, since the lesson is so student-oriented, students feel a sense of freedom using this approach.

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Activity *(cont.)*

5. Allow the inner circle a certain amount of time for their discussion. Alert or notify them when there is one minute left. At the end of the time, rotate the students and allow the next group a turn. You may say, "All A's please move to the clerk's desk and all B's move to the inside circle." Be sure to give each group the same amount of discussion time. Eight to ten minutes per group is recommended. After all groups have had a turn, ask the inner circle to turn their chairs toward the desk in preparation for the post-activity.
6. After all groups have had the opportunity to sit in the middle, ask anyone who has not spoken to now sit in the middle. The dynamics of having shy students sit with others who are not verbally extroverted often allows them to feel comfortable enough to speak.
7. **Accountable Talk**
 - Discuss with the students what accountable talk means. Accountable talk is when one student assesses another in terms of his or her ability to speak. In this activity, students who are actively participating will be graded by their partners on how well they do in the negotiating process. Have students complete the accountable talk observation activity sheet (EA-18 and EA-19, EB-16 and EB-17). Partners should listen carefully to assess their fellow participants when the simulation begins.

Post-Activity

1. Use your discretion as to whether or not you want to continue with the post-activity on the same day of the simulation or during the next time class meets.
2. Students in the same cooperative groups write down as many solutions to the case as possible. For each of the solutions, they are requested to explain in detail from their perspectives why it is either good or bad. Then they should determine who in the actual historical case would have approved of this solution.
3. After brainstorming as many solutions as possible, students should star their favorite solution.
4. On a separate piece of paper, each student is asked to write an essay on why it is his or her favorite choice.
5. Once the students have completed this task (for homework or in class), the teacher charts the varying responses. After all solutions have been heard, the teacher then reads the actual decision to the class.

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Post-Activity *(cont.)*

6. The following day, the teacher compares the students' verdicts to the actual verdict of the Supreme Court.

- a. The Supreme Court ruled against Dred Scott.
- b. It ruled that his temporary stay on free soil (free territory) had not made him a free man.
- c. The Court ruled that Dred Scott did not have the right to bring suit since he was not a citizen.
- d. Furthermore, and more importantly, the Court stated that Congress did not have the right or the power to prohibit slavery in the territories.
- e. Therefore, the Court ruled that the Missouri Compromise of 1820, prohibiting slavery in parts of the Louisiana territory, was unconstitutional.
- f. And finally, the Court could not take away a person's property without the due process of the law, which is protected under the Fifth Amendment of the Bill of Rights.

7. Now the discussion begins: What is the role of a judge? Is it to find a middle ground between two parties or to take a side on a given issue? Obviously, it depends on the case; however, a judge will try to find a middle ground when appropriate. Describe your reaction to the actual decision. For what reasons were you surprised? For what reasons did the judge take this course of action? For what reasons do you or don't you agree with what he did?