

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

### 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.

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### Preparation for the Case

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

### 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?