

All Men Are Created Equal ??
by Darrell Erickson

The following is a multicultural, gender fair three day lesson designed for middle level aged students. Cooperative groups are used to analyze the concepts of perspective and equality. The lesson centers on two court cases - Dred Scott and Standing Bear.

Students will:

- 1.** Understand the reasons why and how the American concept of democracy developed and recognize how groups enjoying the rights and responsibilities of American democracy have expanded over time (African Americans, Native Americans)
- 2.** Explore how the United States has not always acted according to democratic ideals
- 3.** Understand that most events in American history have multiple causes that can develop from cultural, religious, social, racial or economic factors
- 4.** Understand that the U.S. is a multicultural society where diverse groups have contributed to the development of American culture.

Materials needed: Copies of: **Student Handout 1: PERSPECTIVES**
Student Handout 2: THE DRED SCOTT DECISION
Play - *The Trial of Standing Bear* (NOT INCLUDED)

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Student Handout 3: I, TOO

Time needed: 3 days

Grade level: 6th - 8th grades

Procedure:

- 1.** Break class into cooperative groups. Six students per group. Have students read **Student Handout 1: PERSPECTIVES** and role play what probably happened at the accident scene.

After each group has had time to roleplay, discuss with the entire class. "What seemed to affect each person's view (perspective)?" (location, previous experience, possible loss, etc.) Discuss "Do you think one individual had the correct perspective? Why, why not?"

While in cooperative groups write on the board "*All men are created equal.*" Have the

RIGHTS OF THE ACCUSED
ALL MEN ARE CREATED EQUAL ??

Procedure cont.

groups discuss what they think this quotation means. Have each group report its consensus decision. (**NOTE TO TEACHER:** Be sure students are aware that the "men" exclusion would not meet today's standards.)

Discuss with the entire class what the phrase meant to the Framers of the Constitution. Write answers on the board.

2. Using cooperative groups tell students to read **Student Handout 2: THE DRED SCOTT DECISION** and decide:

- a. The facts of the case.
- b. The "points at issue."
- c. What they would have decided.
- d. What the court decided.
- e. What were the consequences/implications of the case?

Discuss with the entire class "What do you think affected Justice Taney's perspective on this case?"

How would the following groups/individuals feel about the decision at the time:

- a. slaves
- b. freed blacks
- c. abolitionists
- d. members of Congress
- e. women's rights groups
- f. others

3. Review the decision in the Dred Scott case. Consider what has happened in American history since that decision, i.e., Civil War, 13th, 14th, 15th Amendments.

Explain to the class that they are going to see a play about another court case concerning the 14th Amendment and *equal protection* of the law.

Tell the class to keep notes on the following:

- a. facts of case
- b. the points at issue
- c. what they would have decided
- d. what the court decided
- e. what were the consequences/implications of the decision

RIGHTS OF THE ACCUSED
ALL MEN ARE CREATED EQUAL ??

Procedure cont.

- 4.** Present the play, *The Trial of Standing Bear*

- 5.** Discuss student answers to questions 1-5. Break back into previous cooperative groups. Distribute **Student Handout 3: I, TOO**. Have students read the poem and discuss the questions provided.

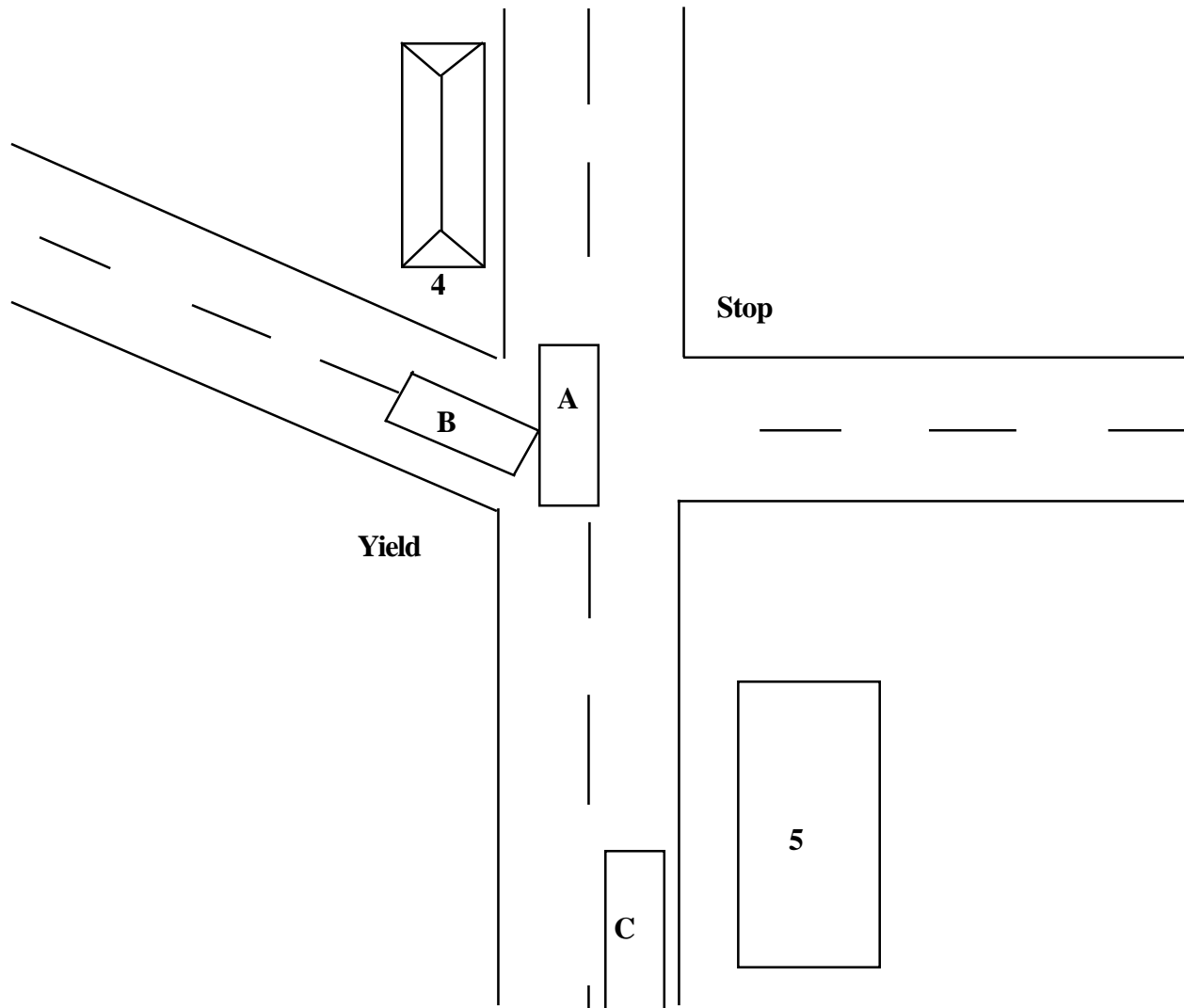
**RIGHTS OF THE ACCUSED
ALL MEN ARE CREATED EQUAL ??**

Student Handout 1: PERSPECTIVES

Look at the drawing of the auto accident below. **Auto A** and **Auto B** both received damage to the front end of their autos. **Auto A** had just turned on to the main street from a stop sign. **Auto B** had approached the main street from the side road. There was not a stop sign for **Auto B**, but a sign that said *Yield Right of Way*. Neither driver was seriously injured.

Other people witnessed the accident. The driver of **Auto C** was on the opposite side of the main street driving to lunch at 12:30 p.m. A homeowner at *point four* was sitting in the living room but could see the accident. There have been twelve accidents in one year at or near this spot. The person at *point five* also saw the accident from the third story window of her work place.

The police arrive on the scene and must find out what happened. They interview all the witnesses and make a judgment as to who was responsible for the accident.



Student Handout 2: THE DRED SCOTT DECISION

Slavery had long caused conflicts in the United States. In the Congress of the United States, the balance between "*slave states*" and "*free states*" had led to many laws and compromises. For example, in 1819 Congress passed a law (the Missouri Compromise) that said Missouri would enter the United States and allow individuals to own slaves but no slavery would be allowed north of Missouri or in any of the new territories that would become states.

In 1957, a case was heard by the Supreme Court of the United States in which a man asked for the Supreme Court's help in ending his condition of slavery and granting his full rights as a U.S. citizen.

Dred Scott was a slave owned by a surgeon who was in the military. In 1833, Scott's master took him from Missouri to Illinois. In 1836, they moved again to Fort Snelling in the territory near the city of St. Paul that would later become the state of Minnesota. At Fort Snelling, Scott married Harriet, a slave of another military officer. Both slaves then lived with Dred's master. In 1846, the couple was taken back to Missouri. In 1846, Dred sued in court for his and his wife's freedom. It took 11 years for his case to reach the Supreme Court in 1857.

Dred Scott's attorneys argued that since Dred and Harriet had been taken to a part of the U.S. where slavery was forbidden they had lived and married as "free" individuals. They were not just passing through Illinois or Minnesota but had lived there for 3 years. The Congress of the United States had passed the law saying slaves were not allowed in that part of the country. If slavery was forbidden, they were free, and once free you could not be made to go back to slavery.

The main opponents of Dred Scott were slave owners who argued that slaves were their property and that the Constitution protects the right to own property. If Dred Scott was granted his freedom, many slaves would also qualify to be free. This would cause slave owners to lose a lot of money.

The Decision: In a 7-2 decision, the court ruled against the Scotts. Chief Justice Roger Taney wrote the opinion for the court and explained:

1. "*Negroes*" were not considered citizens of the United States at the time the Constitution was adopted. Therefore, they had "*no rights which the white man was bound to respect.*" Neither Dred Scott nor any other African-American including any people who thought they were "*free,*" were actually citizens of the United States. Therefore, African-Americans could not use any United States courts to try and get help for their problems.
2. Congress's law that forbids slavery north of Missouri was in fact illegal because it went against the Constitution. Congress had no right or power to prevent slavery anywhere in the United States at any time.

RIGHTS OF THE ACCUSED
ALL MEN ARE CREATED EQUAL ??

Student Handout: THE DRED SCOTT DECISION cont.

3. The Constitution does protect the right of people to own property. Slaves are actually property and not citizens. All property rights are to be equally protected. Because government cannot take away or restrict owning other property, it has no right or power to restrict owning slaves and is legally bound to protect that right. For example, if a slave runs away to any place in the United States the government must help return that property to its owner.

Student Handout 3: I, TOO

I, Too, sing America.
I am the darker brother.
They send me to eat in the kitchen
when company comes,
but I laugh,
and eat well
and grow strong.

Tomorrow I'll be at the table
when company comes.
Nobody'll dare
say to me
"eat in the kitchen,"
then.

Besides,
they'll see how beautiful I am
and be ashamed -

I, too, am America

by Langston Hughes

Questions:

1. What are the emotions expressed by the poem?
2. How does the poem relate to the cases of Dred Scott and Standing Bear?
3. What would you say about the future in American to Langston Hughes?