



DRED SCOTT V. SANDFORD

LANDMARK SUPREME COURT CASES LESSON PLAN

C-SPAN

NATIONAL CONSTITUTION CENTER



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Grade Levels: 9th –12th

Number of class periods: 3 (approximately 55 minutes each)

ABSTRACT

Using C-SPAN's *Landmark Cases* website and programs, students will simulate the Supreme Court hearing of *Dred Scott v. Sandford* (1857), otherwise known as the *Dred Scott Case*. Students will read the case scenario and take on roles of either an attorney or Supreme Court Justice as if they lived in the 19th century. After studying the case, both teams of attorneys will present their cases in written and oral form and receive questions from the justices. Afterwards, the justices will facilitate oral argument and offer written opinions. Finally, the class will debrief the experience and read and discuss the actual decision.

MATERIALS

- ★ Issue-Rule-Analysis-Conclusion (IRAC) Worksheet (provided)
- ★ Rubric (provided)
- ★ C-SPAN *Bell Ringer* video segments (links provided)

STANDARDS

CCSS.ELA-Literacy.RH.9-10.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

CCSS.ELA-Literacy.RH.9-10.3

Analyze in detail a series of events described in a text; determine whether earlier events caused later ones or simply preceded them.

CCSS.ELA-Literacy.RH.11-12.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-Literacy.RH.11-12.1

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

ESSENTIAL QUESTIONS

What process was followed by the Court in *Scott v. Sandford*?

How were the arguments before the Court reflected, or not reflected, in the Court's opinion?

LEARNING OBJECTIVES

- ★ Identify historical and case facts of the *Dred Scott Case*
- ★ Analyze how federal and state policy affected the institution of slavery and abolition
- ★ Discuss the immediate and long-term outcomes of the *Dred Scott* decision



INTRODUCTION

In 1857, the United States was fiercely divided over the question of slavery. After the country expanded westward and acquired new territories, pro-slavery and anti-slavery forces leveraged legal and other means—namely, violence—to advance their causes by making territorial expansion a means for gaining more power in government. New states created in recently acquired territories fought to become “Free states” or “Slave states.” The greater the number of “Free” or “Slave” states, the greater representation for those forces in the U.S. House, the U.S. Senate, and the Electoral College. In turn, their Representatives and Senators could influence the national debates about slavery. Two recent, highly controversial legislative actions tried to strike a balance between the competing sides: the Fugitive Slave Act of 1850 (which required that all escaped slaves, upon capture, be returned to their masters, and that officials and civilians in Free States had to cooperate in the capture and return of enslaved people) and the Kansas-Nebraska Act of 1854 (which included a clause of “popular sovereignty,” letting residents of a territory decide whether to become a Free State or Slave State).

Enter Dred Scott. Dred Scott was purchased by U.S. Army Surgeon Dr. John Emerson in Missouri. Emerson then moved to Illinois, a Free state, and then on to Wisconsin, a free territory. There, Scott married Harriet Robinson, even though only free persons could enter into legal unions. Ultimately, Emerson moved back to Missouri where eventually Irene Emerson became owner of the Scotts after John Emerson’s death and leased them out as hired slaves. In 1846, Scott attempted to purchase his family’s freedom, but Irene Emerson refused, prompting Scott to sue Emerson, arguing that he and his family were free and falsely imprisoned because they had taken up residence in a free state (Illinois) and a free territory (Wisconsin). Emerson argued that Missouri was not obligated to honor other states’ abolition laws. Scott won in the St. Louis County Court, a ruling that was then overturned by the Missouri Supreme Court, because, as the court argued: Scott should have sued for freedom while living in a free state.

In 1857, the case of *Dred Scott v. Sandford* was heard by the United States Supreme Court. In this lesson, the class will be divided into three groups: Supreme Court Justices, Sandford’s attorneys, and Scott’s attorneys. Attorneys will write and deliver oral arguments and take questions from the Justices. Justices will participate in oral argument, ask clarifying and investigative questions, and decide on the case and write majority and dissenting opinions.

PROCEDURE

DAY ONE

- 1. (10 minutes)** Watch the *Dred Scott* “[Timeline](#)” video in order to provide a background on the course, as well as present the essential question of this lesson.
- 2. (10 minutes)** Lead a discussion on the importance of the case. Discuss the background of the case, and explain the roles that the students will take on. Explain the reasoning of why certain students will defend the slave state position, as well as Dred Scott’s case.
- 3. (30 minutes)**(ongoing with step 4) Divide the majority of the class into two teams of attorneys who will each produce a written argument using the worksheet provided and will deliver it orally during the simulated Supreme Court hearing of *Dred Scott v. Sandford*. Attorneys will use historical and legal facts from before 1857 to support their arguments and answer the Justices’ questions. Each argument must contain the following:



- a. A statement of the facts of the case
 - b. A statement of the legal context of the case: What recent local, state, and national policies should be considered?
 - c. Case Analysis: What do the United States Constitution and previous cases suggest should be done? Why is the opposing side wrong?
 - d. Attorneys should review “**The 4 Central Questions of the Case,**” “**Timeline,**” “**Background,**” and “**Background Continued**” videos in order to fulfill these tasks
4. **(30 minutes)***(ongoing with step 3)* Create a group of nine Justices who will prepare to listen to and question oral arguments. This will eventually lead to the writing of majority and dissenting opinions. Justices should develop their prior knowledge around the following questions:
- a. What was the status of slavery in the states/territories in which Scott resided?
 - b. What was the Missouri Compromise and what impacts did it have on the balance of power (between free and slave states) in Congress?
 - c. What was the Fugitive Slave Act of 1850, and why was it so controversial?
 - d. Justices should also review “**The 4 Central Questions of the Case,**” “**Timeline,**” “**Background,**” and “**Background Continued**” videos in order to fulfill these tasks

Justices will be assigned to write majority (7 students) and dissenting (2 students) opinions that include the following:

- a. Should Dred Scott be freed or remain enslaved?
- b. State the facts of the case.
- c. State the legal context to the case: What recent local, state, and national policies should be considered? What parts of the Constitution should be considered?

VIDEO URLS

“4 Questions”

c-spanclassroom.org/Lesson/2029/Bell+Ringer+Landmark+Cases+Series+Dred+Scott+v+Sandford+4+Central+Questions.aspx

“Timeline”

c-spanclassroom.org/Lesson/2025/Bell+Ringer+Landmark+Cases+Series+Dred+Scott+v+Sandford+Timeline.aspx

“Background”

c-spanclassroom.org/Lesson/2026/Bell+Ringer+Landmark+Cases+Series+Dred+Scott+v+Sandford+Background.aspx

“Background Continued”

c-spanclassroom.org/Lesson/2024/Bell+Ringer+Scott+v+Sandford+Background.aspx



DAY TWO

A few minutes might be needed to wrap up the previous day's preparation.

5. **(50 minutes)** Begin the Simulation and setup the class in the following format:
 - a. Each side should be provided with 15-20 minutes to deliver arguments.
 - b. Dred Scott's attorneys will go first.
 - c. Justices are allowed to interrupt to ask questions in order to understand the arguments of the attorneys.
 - d. After both sides present their arguments and are questioned, an additional 5 minutes each can be used for additional rebuttals and closing arguments. Sandford's attorneys must go first in closing arguments.

DAY THREE

You may need a few minutes to wrap up the previous day's preparation.

6. **(40 minutes)** Justices deliver decision and the accompanying opinions. Class will then discuss the decision and its impact on the nation going forward from 1857.

Debrief/Exit Ticket (10 minutes)

- a. What did the majority rule?
- b. Why did the case result in a 7-2 vote?
- c. What similarities and differences between our simulation and the actual case were there? Explain.
- d. What implications does this ruling have for abolitionists, slaveholders, and enslaved persons?
- e. This case is often considered one of the worst in Supreme Court history. Why do you think this is so?
- f. In what other ways was the *Dred Scott* important?



ASSESSMENT

| CRITERIA | 3 - ADVANCED | 2 - PROFICIENT | 1 -BASIC | 0 - BELOW BASIC |
|--|--|--|---|---|
| Context/ Background of Case | Complete and accurate presentation of background that includes a discussion of the incident, prior legal decisions, and policies informing this case | A presentation of background that includes a discussion of the incident and previous court decisions, but there is an error or necessary missing element such as a discussion of political context | A presentation of background that attempts a discussion of the incident and previous court decisions, but there are a large number of errors or missing elements | Little to no discussion of the incident and previous court decisions |
| Argument | The legal issue is accurately presented in the form of a question or statement; author answers the question | The legal issue is accurately presented in the form of a question or statement, yet may contain a flaw; author answers the question | The legal issue is presented in the form of a question or statement, yet may contain a flaw; author does not answer question directly or accurately | The legal issue is not presented in the form of a question or statement and author does not answer question directly |
| Case Analysis | Author accurately uses facts from the case and previous rulings/policies to support argument | Author only uses facts from the case or previous rulings/policies to support argument | Author only uses facts from the case and/or previous rulings/policies to support argument or there are major inaccuracies | Author does not support argument with facts and previous rulings/policies |
| Oral Presentation | Presenters were organized, prepared, and could field questions. Judges illustrated accurate background knowledge by their comments and questions. | Presenters were organized, prepared, but could not answer all questions. Judges illustrated that they mostly understood the background knowledge by their comments and questions. | Presenters were disorganized and struggled to get through prepared arguments. Presenters read mostly from their paper rather than making eye contact throughout. Prepared. Presenter could not answer most questions or answers contained major inaccuracies. Judges illustrated that they lacked basic background knowledge by their comments and questions. Some did not even participate in the Q&A. | Presenters were disorganized and could not complete oral argument. Presenters could not answer any questions accurately. Judges did not understand the case and did not ask appropriate questions. |

| CRITERIA | 3 - ADVANCED | 2 - PROFICIENT | 1 -BASIC | 0 - BELOW BASIC |
|---|---|--|---|--|
| <p>Written Presentation</p> | <p>Paper includes all required elements, transitions between ideas, and conclusion making the argument cohesive</p> <p>Paper is neat with no spelling or grammatical errors</p> | <p>Paper includes all required elements, but the transitions between ideas and conclusion make the argument inconsistent at times</p> <p>Paper is neat with some spelling and grammatical errors</p> | <p>Paper is missing some required elements necessary transitions, and conclusion does not wrap argument up</p> <p>Paper has many spelling and grammatical errors but the reader can still understand argument</p> | <p>Paper is disorganized and incomplete</p> <p>Paper has a number of spelling and grammatical errors that inhibits reader's ability to understand argument</p> |
| <p>Final Grade and Comments:</p> | | | | |

IRAC WORKSHEET

Issue- what the case is about

Rule- what rules are implicated by the facts and the issues

Analysis- past cases, current facts

Conclusion- what the ruling is

Issue

- ★ First step is to look at the case itself and determine the facts of what happened
- ★ What was the incident that brought this case to court originally?
- ★ Who are the parties? (people, organizations, local/federal governments)
- ★ What facts are important? Unimportant?
- ★ Is any significant information missing?
- ★ Why did the people involved act the way they did?

Rule

Pinpoint and discuss the action and legal issues presented by the case.

- ★ ACTION = public policy, laws and rules, programs
- ★ LEGAL ISSUE = amendment, past court case, procedure

Example: Are locker searches in public schools unreasonable? Example: Are school uniforms a violation of a student's freedom of speech? Example: Is the juvenile death penalty cruel and unusual punishment?

Analysis

Develop and discuss the arguments that can be made for and against each of the various points of view. When discussing the arguments, consider questions such as the following:

- ★ What are the arguments in favor of and against each point of view?
- ★ What decisions did the lower courts/past Supreme Court cases issue prior to its arrival to the Supreme Court?
- ★ What did the majority/dissenting opinion say?
- ★ Is the situation presented different from what was presented in prior court cases? If so, how does that change the analysis?
- ★ Are there practical implications that should be considered?
- ★ What practical options are there if not? (not entirely necessary to make a good case)
- ★ Which arguments are most persuasive? Least Persuasive? What

Conclusion

- ★ What will the decision mean for the parties involved in the case?
- ★ What impact does this decision have on the definition of our rights? Example: What does "unreasonable" now mean? Example: Does freedom of "speech" include a policy for school uniforms?
- ★ What impact might this decision have on society? (new actions)
Example: Does this give administrators power to search more than just lockers?
- ★ Are there any alternatives? Example: Drug prevention programs. Selective drug testing.
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IRAC WORKSHEET

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| What was the incident that brought this case to the courts? | |
| Who are the two sides? Which side did the court rule in favor of? | |
| Why did the people involved act the way they did? | |
| What is the issue before the Court? | |
| What rule/policy is being challenged? | |
| What is this case's constitutional question? | |
| Which amendment is associated with this case? Which right(s)? | |
| Which words are being defined in the amendment? | |



IRAC WORKSHEET

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|---|--|
| <p>How does each side define the words or the application of those words to the situation differently?</p> | |
| <p>What arguments does the petitioner make? What other court cases are mentioned in this case? How do they help?</p> | |
| <p>What arguments does the respondent make? What other court cases are mentioned in this case? How do they help?</p> | |
| <p>Assuming other cases are not exactly the same, do the differences dictate a different result?</p> | |
| <p>What does the decision mean for the parties involved?</p> | |
| <p>How have our rights changed as a result of this decision?</p> | |

