

Bids for Freedom

Overview and Background:

When California joined the United States as a free state as part of the Compromise of 1850, it entered the nation-wide debate on slavery that sharply divided the North and South. Part of that compromise was the enactment of a national Fugitive Slave Act which compelled citizens to help return fugitive slaves to their owners, denied fugitives a right to a jury trial, and put a fugitive's case in the hands of a federal commission.

Despite the state constitution outlawing slavery, slave-holding persisted within California's borders, and the state legislature passed its own Fugitive Slave Law in 1852 (*Wherever There's a Fight*, p.123-124). Slaveholding migrants to the "Golden State" attempted various ways of holding onto the African Americans they considered to be their property.

In California's early years, two African American freedom seekers, Bridget Mason and Archy Lee sought their freedom through the state judicial system. In contrast to Dred Scott in Missouri, a slave state, they gained their freedom. By comparing and contrasting these three court cases, students will understand how the judicial system could be a route to freedom, albeit risky, treacherous, and not always successful. Students will evaluate the judicial system as a route to freedom based on factors such as location, African American community organizations and networks, and judges' interpretations. Lastly, students will gain a California perspective on African Americans seeking their freedom through the courts. This lesson is best implemented in a unit on African American History prior to the Civil War or causes of the Civil War.

Focus Question and Teaching Thesis:

Focus Question: How successful were African Americans who used the U.S. judicial system as a way to gain freedom prior to the Civil War?

Teaching Thesis: Since the United States was divided in the debate over slavery, the judicial system was also fractured between the North and South in the decade before the Civil War. The road to freedom through the judicial system was risky, treacherous, and not always guaranteed to African Americans seeking freedom, even if their cases were sound; consequently, freedom gained through the courts was dependent on a number of factors, including place, judges' interpretations, and African American community networks.

History-Social Standards:

Three content standards are addressed in this multi-day lesson. By learning about the stories of Bridget Mason, Dred Scott, and Archy Lee, students understand attempts by African Americans to realize the ideals set forth in the Declaration of Independence and how those attempts connected to the compromises regarding slavery.

8.9 - Students analyze the early and steady attempts to abolish slavery and to realize the ideals of the Declaration of Independence.

8.9.4 - Discuss the importance of the slavery issue as raised by the annexation of Texas and California's admission to the union as a free state under the Compromise of 1850.

8.9.5 - Analyze the significance of the States' Rights Doctrine, the Missouri Compromise (1820), the Wilmot Proviso (1846), the Compromise of 1850, Henry Clay's role in the Missouri Compromise and the Compromise of 1850, the Kansas-Nebraska Act (1854), the *Dred Scott v. Sandford* decision (1857), and the Lincoln-Douglas debates (1858).

8.11.2 - Identify the push-pull factors in the movement of former slaves to the cities in the North and to the West and their differing experiences in those regions (e.g., the experiences of Buffalo Soldiers).

Learning Objectives:

- Students will understand the court cases of Bridget Mason, Dred Scott, and Archy Lee in the context of African Americans realizing the ideals of the Declaration of Independence.
- Students will compare and contrast these three court cases on at least three factors.
- Students will evaluate the success or failure of African Americans seeking freedom through the courts based on their analysis of the cases.

Duration: Three to five 45-minute class periods

Materials:

- Excerpt from *Wherever There's a Fight*, Ch. 4, p.123-128 (one copy for each student)
- Textbook excerpt on the *Dred Scott v. Sandford* case (textbook choice dependent on school and district; one copy for each student)
- [Reading Organizer](#) Handout (one for each student)

Prior Knowledge/Context:

- Understanding of the main ideas and effects of compromises regarding slavery on the nation and its people in the first half of the 1800s including the Missouri Compromise of 1820 and the Compromise of 1850
- Understanding of the concepts of three branches of government, checks and balances, and federalism
- Knowledge of the different ways in which African Americans fought for freedom prior to the Civil War, including use of petitions, freedom of speech, etc.
- Basic knowledge of a writ of habeas corpus
- Basic knowledge of how a case is brought to court

Sequence of Activities:

1. Introduce the lesson by posing the question, “Why do people go to court?” Answers should elicit both the motivations and aims of plaintiffs. Answers can also reveal to teachers the level of pre-teaching around law-specific vocabulary that will be necessary for students.
2. Transition into the lesson by telling students that going to court was one way that African Americans fought for freedom from slavery in the early 1800s. Put this statement into historical context by having students brainstorm additional ways that African Americans fought for their freedom from slavery prior to the Civil War, such as organizing the Underground Railroad and writing autobiographies. Briefly discuss the success of the additional examples along with some of the factors that influenced them.
3. Review key vocabulary as necessary.
4. Pass out the [Reading Organizer](#). Model how you would like students to read and analyze Bridget Mason’s case using the excerpt from *Wherever There’s a Fight*, p. 123-125 on Bridget Mason and the [Reading Organizer](#). Using your adopted textbook, complete the [Reading Organizer](#) for Dred Scott. For the third case, read the excerpt from *Wherever There’s a Fight*, p.125-128 on Archy Lee and complete the [Reading Organizer](#). Refer to the [Teacher Key](#) as needed.
5. As a class, discuss which of the cases was successful and the reasons for success.
6. Review the completed [Reading Organizer](#) by asking students to look for similarities and differences among the three cases. Record the similarities and differences in a T-chart on the board as a class. Refer to the [Teacher Key](#) as needed. Then ask students to consider which similarities or differences seem to be most important in determining the success or failure of the court cases. Using the last column of the [Reading Organizer](#), guide students to the three most important factors: location in a free/slave state, interpretations of the judges, and the support of African American networks.
7. Write a thesis that responds to the focus question, “Were African Americans successful in using the judicial system to gain their freedom?”

Modifications:

- For the reading, the excerpts from *Wherever There’s a Fight* may be modified to the reading level of your students or read aloud to students.
- For the assessment, suggest possible thesis statements and have students discuss which thesis statement best responds to the focus question given the court case analysis.

Assessment:

Write a thesis statement that responds to the focus question, “How successful were African Americans who used the U.S. judicial system as a way to gain freedom prior to the Civil War?”

Reflection:

At the bottom of the [Reading Organizer](#), have students reflect on the topic of African Americans fighting for freedom by completing the sentence frame, “I used to think...but now I know...”

Extension Ideas:

Possibilities to extend the learning from this lesson are

- Students can write an essay that compares and contrasts the cases of Bridget Mason, Archy Lee, and Archy Lee.
- Students can step into the shoes of one of the plaintiffs and write a letter of advice for other African Americans seeking freedom through the courts.