

Literacy and the Law

Lesson Title: Lesson 7: Civic Action!

The Compromise of 1850 and the Fugitive Slave Act are introduced. As law clerks for Praiseworthy, students write persuasive opinion essays that could be used in court to argue for the freedom of the Jackson family. In addition, the prosecuting attorneys will argue that Cut Eye Higgins is guilty of kidnapping. This is the GRASP, or authentic assessment for the overall unit. Extra sessions for the writing process will be necessary (**Podcast D brings this lesson to closure and further prepares students for their writing.**)



California History Social Science Content Standards

4.5 Students understand the structures, functions, and powers of the local, state, and federal governments as described in the U.S. Constitution.

1. Discuss what the U.S. Constitution is and why it is important (i.e., a written document that defines the structure and purpose of the U.S. government and describes the shared powers of federal, state, and local governments).
2. Understand the purpose of the California Constitution, its key principles, and its relationship to the U.S. Constitution.
3. Describe the similarities (e.g., written documents, rule of law, consent of the governed, three separate branches) and differences (e.g., scope of jurisdiction, limits on government powers, use of the military) among federal, state, and local governments.
4. Explain the structures and functions of state governments, including the roles and responsibilities of their elected officials.

Common Core State Standards Reading Craft and Structure

4. Determine the meaning of general academic and domain-specific words or phrases in a text relevant to a *grade 4 topic or subject area*. (See grade 4 Language standards 4–6 for additional expectations.) CA

Common Core State Standards for Writing Text Types and Purposes

1. Write opinion pieces on topics or texts, supporting a point of view with reasons and information.
 - a. Introduce a topic or text clearly, state an opinion, and create an organizational structure in which related ideas are grouped to support the writer's purpose.
 - b. Provide reasons that are supported by facts and details.

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- c. Link opinion and reasons using words and phrases (e.g., *for instance, in order to, in addition*).
- d. Provide a concluding statement or section related to the opinion presented.

California English Language Development Standards: Part 1: Interacting in Meaningful Ways

A. Collaborative

P1.4.1 Exchanging information and ideas with others through oral collaborative discussions on a range of social and academic topics

11. Supporting opinions

a. Support opinions by expressing appropriate/accurate reasons using textual evidence (e.g., referring to text) or relevant background knowledge about content, with substantial support.

12. Selecting language resources

a. Use a select number of general academic and domain-specific words to create precision while speaking and writing.

Essential Questions:

Is the Rule of Law necessary for peaceful coexistence? Explain
Do rules protect freedoms? If so, in what ways?

Does a democracy require the participation of the people? Explain.
In what ways are people challenged to work together?

Does the structure of the government help to solve issues?

Objective(s):

Students will analyze Compromise of 1850, specifically as it structures the Fugitive Slave Act and demonstrate understanding by writing opinions related to a specific “case”.

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Students will further synthesize their understanding of the charge of kidnapping as it relates to the actions of “bloodhounds” and the Fugitive Slave Act.

Students will understand the need for and the application of the Rule of Law.

Assessment: These objectives will be assessed through the essays from the students and teacher observation of student discussion. This is the authentic assessment and end of the unit assessment.

GRASPS

Goal: To create persuasive/opinion essays based on facts and details of the case in order to help Praiseworthy with his arguments in court.

Role: Law clerks for Praiseworthy.

Audience: Citizens of California in 1850.

Situation: People in California do not understand the new government structure, they have only witnessed and lived under “vigilante” justice. Free African Americans are often kidnapped by “Bloodhounds” and sold off to slavery. There are challenges to face in regard to helping the Jackson family in court. The public is not aware of the Compromise of 1850 or the rules guiding the Fugitive Slave Act.

Problem: Friends of Praiseworthy and family, have been kidnapped. They have been told they cannot testify in court because they are African Americans. The family, (even though in reality are “free”), will be taken away and sold off as slaves if Praiseworthy and the children do not do something to help them.

Standards for Success: Praiseworthy’s family are able to research the issues related to the law and this case. The children write effective persuasive essays detailing the law and facts to be used in court to free the Jacksons and convict Cut Eye Higgins of kidnapping.

Rubric

Quality Criteria:	Absolutely!	Almost!	Not Yet
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Essay supports student point of view with reasons and details.

The opinion is clearly stated using the organizational structure provided, and related ideas are grouped to support purpose.

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Reasons are supported by facts based on the law and details of the case including the Compromise of 1850, Fugitive Slave Act, and the California Code for kidnapping.

Linking words are used to support opinion such as (for instance, in order to, in addition)

A conclusion statement related to the opinion is included.

Materials and Resources Needed: Power Point, Handout for Compromise of 1850 and Fugitive Slave Act, Handout for Gathering Facts, Graphic organizer for persuasive/opinion writing, Process Piece format handout (to help with the persuasive writing if desired). Optional: "Support" Power Point on persuasive writing, teacher edition of "cake" written persuasive essay.

Learning Activities: (40-50 minutes, with extra writing sessions as needed)

Hook: 5 minutes

Slide 31: What is Compromise?

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Hook: What does it mean to *compromise*? *Talk to your partner.* Can you think of an example of a way these individuals on this slide could *compromise* in a situation where they both have a problem but want this bridge to work?? Look at the picture, imagine what they would be saying. (Example, "You put your rock in first." "I want credit for this bridge." ("What about if we both take credit and lodge our rocks together at the same time?"))

How might they *compromise*, both giving up something they wanted, but figuring out a way to make the issue work for both sides?

Compromise! *Find something in common or that you agree upon. Each side has to give up something, but at least there is at least one part that will work for everyone.*

Federal Government Actions: (15 minutes)

Slide 32: We are going to learn about a very important compromise that took place in the United States involving California, that will have an important impact in the case of Thomas's family being taken away, The Compromise of 1850. Look at this map: Turn to your partner and discuss what the difference is between the bright green states, and the yellow states, and the purple areas.

Do you know what this means? (*Free, Slave states.*) *Utah and New Mexico are not states yet, they are territories.*

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Why do you think the states needed to find a compromise? What was the argument? *There was a big argument about whether or not the US should have slavery. The Africans were bought and sold like property. Many people in the North and the South bought slaves and used them to work on their plantations and in their homes. The southern states were very much pro slavery– or for slavery.*

Against Slavery: Some people felt slavery was wrong, that people should not be bought and sold as property. Others, including those in California, did not want California to be a slave state for other reasons, mostly involving money. Partner Talk: Can you think of a reason miners in California would be against slavery? (Probe: Again, it involves money...) *If California became a slave state people who had enough money to own slaves could use their slaves to find more gold than the other people.*

For Slavery: Partner Talk: Can you think of reasons why mostly southern states would want to keep slavery? *They could have free labor to work their plantations and serve them in their homes.*

Another reason pro slavery states were afraid that if more states became free states, is that they would be outnumbered within the United States. There would be more free states than slave states. The pro-slavery states were afraid that slavery could be voted against as a nation, and would eventually become illegal in the United States.

In addition, many people were prejudiced against Africans and did not feel that they were equal to whites or Caucasians. They had paid money for them, they believed they were their property and should not be taken away from them.

At the same time as California was about to become part of the United States and the war ended, there were already about the same number of free and slave states in the United States, so the legislators had to figure out a compromise when they brought California into the U.S.

Slide 33: This is why a compromise was needed by the United States ~ the balance of power between free and slave would be upset if California entered as a free state without anything to make the slave states happy.

Slide 34: The Compromise of 1850: Once again, what does it mean to *compromise*? California finally became part of the United States ~ as a free state, (no slavery), the 31st state in the new nation. The agreement for the compromise was that New Mexico and Utah would remain as territories, not states, and they could decide for themselves whether or not to have slavery. The U.S. had the same amount of free and slave states. The legislators (what is their job? *To write the laws*) Which legislative branch wrote this law? The U.S. (federal) or California legislature (state)? Answer: Federal. Why do you say this? This was a federal law. Which executive branch (federal or state) would have to be sure this was followed?

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Federal and state!

California's executive branch would need to be cooperative as they were now part of the U.S. and their Constitution must also follow the U.S. Constitution, or the federal government. (remember slide 23 and 24).

This is the way the legislators "compromised", or worked it out so that California could be brought into the United States as a free state.

With slavery against the law in California, people could not bring slaves into the state from another state and expect them to continue to be slaves. In California, and all the free states, no one could be held as a slave.

Slide 35: The Fugitive Slave Act: An important part of the Compromise of 1850 was the Fugitive Slave Act. This act was written to help the slave states from losing their slaves. Slaves were not allowed to escape to a free state ~ if they did, they were considered "fugitives". They could be hunted down and taken back to their owners. There were people referred to as "Bloodhounds", "Slave Speculators, or Slavers" who would search for escaped slaves and receive money when they brought them back. This became a problem because in order to make money, some would seize any African American they could find, even if they were free, and sell them at a slave market! Even if a slave was free they were not allowed to testify in court and prove this to a judge. In fact, if anyone tried to help a fugitive, they would be given a fine and put in prison.

Student Investigation (10 minutes)

Slide 36: Teachers: Give students the handout that basically duplicates the slides about the Compromise of 1850 and the Fugitive Slave Act. Ask them to "think out loud" as they talk to a partner about the Compromise of 1850, the Fugitive Slave Act, and how the law relates to the Jacksons being seized by Cut Eye Higgins. They may use this handout to take notes. Have a whole group discussion (Reminder: The first podcast gave information about the Jackson family, and how Praiseworthy had helped them gain their freedom from slavery).

Preparing for Court :(10 minutes)

Slide 37: This is a description of the California Penal Code for kidnapping. You may use it with your other handouts involving the law.

Slide 38: You will be writing persuasive/opinion essays providing facts and evidence that Praiseworthy may be able to use in court as he argues that the Jacksons are free. The prosecution must prove that Cut Eye Higgins is a Bloodhound who kidnapped the family, knowing they were free African Americans. You are writing to support the Prosecution against Cut Eye Higgins. Praiseworthy will be the state attorney for the prosecution.

Slide 39: The defense must convince the jury of all the reasons related to the law,

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that Cut Eye is not guilty of kidnapping. Remember, everyone has a right to a representation at a trial, even Cut Eye Higgins! What might the defense argue? (Examples: *African Americans are fugitives if they escape from a slave state and go to a free state, (California), Cut Eye had a warrant, Cut Eye did not even need a warrant, as they can be taken to court, the Fugitive Slave Act says you may not “rescue” a fugitive*) These arguments by the defense will be used in the trial. How well will you be prepared to help with Praiseworthy’s prosecution?

Slide 40: Teachers: You can hand out the graphic organizer that is basically an outline, or the organizer that is the “process piece” (for extra assistance) for persuasive/opinion writing. Be sure students use details to back up their claims, and that details relate to the laws – the **Rule of Law!**

If this is the beginning of your teaching of persuasive/opinion writing, you may want to do at least part of the essay as a whole group. Or work with half the class as the Prosecution while the others get started, and then switch.

Closure: Podcast D (which further prepares students for their writing challenge.)



Teachers: If your class needs reinforcement with writing persuasive/opinions, an extra power point is available to help, using a different subject ~ a cake! See Materials and Resources at beginning of the lesson plan, including a teacher edition of a written persuasive essay about the cake. In addition, there is a “process piece” with beginning words to help support the writing of this essay if necessary. This will be helpful for differentiation and meeting individual needs.

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Writing: Extra sessions, homework, time for editing, and the writing process.