

Lemmon Case – Activities for Middle School Students

Prior to beginning, students should review information that sets up some context for the case.

Constitution:

They should specifically be familiar with the three branches of government, in particular the work of the judiciary branch and its evolving role in setting judicial review.

Another key piece of information for students are the references to slavery in the Constitution.

A good site to review this is:

http://www.njstatelib.org/research_library/new_jersey_resources/digital_collection/slavery/

Here is the text from the site:

Article I, Section 2, Clause 3 [Legislative Branch]

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other persons.

Article I, Section 9, Clause 1[Legislative Branch]

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight; but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

Article IV, Section 2, Clause 3 [States, Citizenship, New States]

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Article V [Amendment Process]

The Congress whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

You can use the National Constitution Center's site: <http://constitutioncenter.org/interactive-constitution/>, which offers simplified interpretations of each section of the Constitution.

Suggested Activity: Text Explosion:

- As homework, have students read through the articles.
- They should underline (a) any phrases they do not understand as well as (b) any phrases that hint at the Constitution's stand on slavery.
- In class, you read each article.
- Students revisit what they underlined (they may find something new).
- Give them a few minutes to write down any thoughts about questions they had or how their phrases might hint at slavery.
- **Review Questions:** Why do you think the word slavery is never mentioned? What might that omission tell you about the Founding Fathers' views/ conflicts about slavery?

Judicial Review: *Gibbons v. Ogden*

You may choose to review this case, as it deals with the Courts' decision on interstate commerce as something controlled by the federal government – not individual states. As slaves were considered property, the Lemmons' attorney argued that New York did not have the right to "control" their property (<https://www.oyez.org/cases/1789-1850/22us1>).

Missouri Compromise:

- Compare & Contrast an excerpt from each of the following:
 - Senator (NY) Rufus King's protest against the Missouri Compromise
 - Anonymous Southern protest document for slavery

New York and Its History with Slavery:

The website and exhibition *Brooklyn Abolitionists: In Pursuit of Freedom* (<http://pursuitoffreedom.org/>) is also a great resource for setting the scene. This exhibition takes into account the role slavery played in building the wealth of Brooklyn (and New York City) in the 19th century. Consider activities in Sections I - IV of the Educators page: (<http://pursuitoffreedom.org/for-educators/>). These activities will give students an idea of the kind of agency and activism practiced by both Black and White. This includes such topics as the opening of schools, churches and communities for freed African-Americans. Also, lessons cover the use of propaganda and voting rights for landowners as a way to fight against the reliance on the products of slavery.

Fugitive Slave Act (1850):

You may choose to review this because it specifically excludes the return of non-fugitive slaves – which the State of New York argues the Lemmon slaves are.

This will also help in a discussion regarding westward expansion and the tensions between slave states and non-slave states in the concurrent expansion of slavery.

Scott v. Sandford (This might be done *after* examining the Superior Court case to show how wide a shadow this case cast)

There is a great summary of this decision on <https://www.oyez.org/cases/1850-1900/60us393>.

After reading a summary of the case, ask them what they notice in the ruling, as well as what questions still are present for them.

Consider then doing a series of writing prompts (Think-Pair-Share) to examine how people in the United States Courts as well as in the public reacted to the case.

You may have to give some feedback regarding Frederick Douglass and Justice Taney.

- Have students write a response to the following: Do you think that the Constitution should always be interpreted word for word? Why or why not?
- **They will concentrate on the Preamble, so project this or hand out a copy:** “We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”
- Consider having students read an excerpt of Justice Taney’s majority opinion. Using the key words “no rights,” I have included a section where the Constitution is mentioned and where Taney discusses the lack of rights that enslaved Africans historically have had in America. What is highlighted might be of best use.

We proceed to examine the case as presented by the pleadings.

The words "people of the United States" and "citizens" are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty and who hold the power and conduct the Government through their representatives. They are what we familiarly call the "sovereign people," and every citizen is one of this people, and a constituent member of this sovereignty. The question before us is whether the class of persons described in the plea in abatement compose a portion of this people, and are constituent members of this sovereignty? We think they are not, and that they are not included, and were not intended to be included, under the word "citizens" in the Constitution, and can therefore claim none of the rights

and privileges which that instrument provides for and secures to citizens of the United States. On the contrary, they were at that time considered as a subordinate [p405] and inferior class of beings who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the Government might choose to grant them.

It is not the province of the court to decide upon the justice or injustice, the policy or impolicy, of these laws. The decision of that question belonged to the political or lawmaking power, to those who formed the sovereignty and framed the Constitution. The duty of the court is to interpret the instrument they have framed with the best lights we can obtain on the subject, and to administer it as we find it, according to its true intent and meaning when it was adopted.

In discussing this question, we must not confound the rights of citizenship which a State may confer within its own limits and the rights of citizenship as a member of the Union. It does not by any means follow, because he has all the rights and privileges of a citizen of a State, that he must be a citizen of the United States. He may have all of the rights and privileges of the citizen of a State and yet not be entitled to the rights and privileges of a citizen in any other State. For, previous to the adoption of the Constitution of the United States, every State had the undoubted right to confer on whomsoever it pleased the character of citizen, and to endow him with all its rights. But this character, of course, was confined to the boundaries of the State, and gave him no rights or privileges in other States beyond those secured to him by the laws of nations and the comity of States. Nor have the several States surrendered the power of conferring these rights and privileges by adopting the Constitution of the United States. Each State may still confer them upon an alien, or anyone it thinks proper, or upon any class or description of persons, yet he would not be a citizen in the sense in which that word is used in the Constitution of the United States, nor entitled to sue as such in one of its courts, nor to the privileges and immunities of a citizen in the other States. The rights which he would acquire would be restricted to the State which gave them. The Constitution has conferred on Congress the right to establish an uniform rule of naturalization, and this right is evidently exclusive, and has always been held by this court to be so. Consequently, no State, since the adoption of the Constitution, can, by naturalizing an alien, invest him with the rights and privileges secured to a citizen of a State under the Federal Government, although, so far as the State alone was concerned, he would undoubtedly be entitled to the rights of a citizen and clothed with all the [p406] rights and immunities which the Constitution and laws of the State attached to that character.

It is very clear, therefore, that no State can, by any act or law of its own, passed since the adoption of the Constitution, introduce a new member into the political community created by the Constitution of the United States. It cannot make him a member of this community by making him a member of its own. And, for the same reason, it cannot introduce any person or description of persons who were

not intended to be embraced in this new political family which the Constitution brought into existence, but were intended to be excluded from it.

The question then arises, whether the provisions of the Constitution, in relation to the personal rights and privileges to which the citizen of a State should be entitled, embraced the negro African race, at that time in this country or who might afterwards be imported, who had then or should afterwards be made free in any State, and to put it in the power of a single State to make him a citizen of the United States and endue him with the full rights of citizenship in every other State without their consent? Does the Constitution of the United States act upon him whenever he shall be made free under the laws of a State, and raised there to the rank of a citizen, and immediately clothe him with all the privileges of a citizen in every other State, and in its own courts?

The court think the affirmative of these propositions cannot be maintained. And if it cannot, the plaintiff in error could not be a citizen of the State of Missouri within the meaning of the Constitution of the United States, and, consequently, was not entitled to sue in its courts.

It is true, every person, and every class and description of persons who were, at the time of the adoption of the Constitution, recognised as citizens in the several States became also citizens of this new political body, but none other; it was formed by them, and for them and their posterity, but for no one else. And the personal rights and privileges guaranteed to citizens of this new sovereignty were intended to embrace those only who were then members of the several State communities, or who should afterwards by birthright or otherwise become members according to the provisions of the Constitution and the principles on which it was founded. It was the union of those who were at that time members of distinct and separate political communities into one political family, whose power, for certain specified purposes, was to extend over the whole territory of the United States. And it gave to each citizen rights and privileges outside of his State [\[p407\]](#) which he did not before possess, and placed him in every other State upon a perfect equality with its own citizens as to rights of person and rights of property; it made him a citizen of the United States.

It becomes necessary, therefore, to determine who were citizens of the several States when the Constitution was adopted. And in order to do this, we must recur to the Governments and institutions of the thirteen colonies when they separated from Great Britain and formed new sovereignties, and took their places in the family of independent nations. We must inquire who, at that time, were recognised as the people or citizens of a State whose rights and liberties had been outraged by the English Government, and who declared their independence and assumed the powers of Government to defend their rights by force of arms.

In the opinion of the court, the legislation and histories of the times, and the language used in the Declaration of Independence, show that neither the class of persons who had been imported as slaves nor their descendants, whether they

had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument.

It is difficult at this day to realize the state of public opinion in relation to that unfortunate race which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence and when the Constitution of the United States was framed and adopted. But the public history of every European nation displays it in a manner too plain to be mistaken.

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics which no one thought of disputing or supposed to be open to dispute, and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion.

*And in no nation was this opinion more firmly fixed or more **[p408]** uniformly acted upon than by the English Government and English people. They not only seized them on the coast of Africa and sold them or held them in slavery for their own use, but they took them as ordinary articles of merchandise to every country where they could make a profit on them, and were far more extensively engaged in this commerce than any other nation in the world.*

The opinion thus entertained and acted upon in England was naturally impressed upon the colonies they founded on this side of the Atlantic. And, accordingly, a negro of the African race was regarded by them as an article of property, and held, and bought and sold as such, in every one of the thirteen colonies which united in the Declaration of Independence and afterwards formed the Constitution of the United States. The slaves were more or less numerous in the different colonies as slave labor was found more or less profitable. But no one seems to have doubted the correctness of the prevailing opinion of the time.

The legislation of the different colonies furnishes positive and indisputable proof of this fact.

[https://www.law.cornell.edu/supremecourt/text/60/393#writing-USSC CR 0060 0393 ZO](https://www.law.cornell.edu/supremecourt/text/60/393#writing-USSC%20CR%200060%200393%20ZO)

- After reading this, have students write an answer to this question: In his decision, how did Justice Taney interpret the phrase “We, the People?” Did he agree with your opinion?

- In light of continuing to show the agency that abolition activists had, you may also



include an audio file that reenacts **Frederick Douglass's Response:** FDouglasII.mp3

- **Transcript of audio file:**

Neither in the preamble nor in the body of the Constitution is there a single mention of the term *slave* or *slave holder*, *slave master* or *slave state*, neither is there any reference to the color, or the physical peculiarities of any part of the people of the United States. Neither is there anything in the Constitution standing alone, which would imply the existence of slavery in this country.

"We, the people"—not we, the white people—not we, the citizens, or the legal voters—not we, the privileged class, and excluding all other classes but we, the people; not we, the horses and cattle, but we the people—the men and women, the human inhabitants of the United States, do ordain and establish this Constitution, &c.

I ask, then, any man to read the Constitution, and tell me where, if he can, in what particular that instrument affords the slightest sanction of slavery?

<http://www.lib.rochester.edu/index.cfm?PAGE=4399>

- After reading this, have students write an answer to this question: In his response, how did Frederick Douglass interpret the phrase "We, the People?" Why did he feel the need to express his opinion?
- Judging from his reaction, how might this case push the country closer to Civil War? Do you feel that there might have been a way for the country to avoid conflict at this point? Why or why not?

Sources: <http://teachushistory.org/dred-scott-decision/resources>

- Frederick Douglass II: <http://teachushistory.org/files/dredscott/15.mp3>

Lemmon Case:

The Historical Society of the Courts of the State of New York's newsletter featuring the Lemmon Case is key to younger students feeling more grounded as they read this difficult text.

- **Suggestion:**
 - Have all students read the whole text for homework.
 - In class, have student work in small groups with partners to come up with the most important points to remember.
 - Each group will present their ideas to the class.
 - Class members might also suggest other pieces of information to remember as well.
 - Consider creating a Google Doc where students can post their groups' findings.
 - This can then serve as an ongoing resource for students as they read the primary source.

Timeline (through 1860 - Secession): (Additions to timeline)

1781 – NY State Legislature freed slaves who fought in the Revolution

1788 – NY Gov. George Clinton signed "An Act Concerning Slaves," which ended the slave trade in NY. Slaves brought into the state could not be sold, nor could slaves from NY be sent out of state to be sold.

Fugitive Slave Act of 1793

1799 – NY granted gradual freedom to all children born of slaves after July 4, 1799.

1817 – A second Gradual Emancipation Act was passed allowing for all slaves born after 1799 to be freed on July 4, 1827 (Slaves born 1817-1827 would remain slaves until 21 years of age).

1835 – Gag Rule

1841 – NY State Legislation repealed the provision permitting slave owners passing through NY from residing in the state for up to 9 months. This banned slavery in NY and made it a truly free state.

1846 – 1848 – Mexican American War – Texas annexed to U.S.

Fugitive Slave Act of 1850

1854 – Kansas-Nebraska Act

1856 – Rise of the Republican Party; includes a number of abolitionist supporters.

1856 – “Bleeding Kansas” – “Beecher’s Bibles” sent from Brooklyn to Kansas to help the abolitionist effort.

1857 – *Scott v. Sandford* decision

1859 – John Brown’s Raid in VA. Funded, in part, by abolitionists from New York.

1860 – Election of Abraham Lincoln; Secession of South Carolina and other southern states.

Lemmon Case – Background

In November 1852, Jonathan Lemmon and his wife Juliet, who were residents of Virginia, took the steamer City of Richmond from Norfolk, Virginia to New York with eight slaves belonging to Mrs. Lemmon; for the purpose of catching a follow-on boat to Texas where they planned to reside. The slaves were Emiline (age 23); Nancy (age 20); Lewis, brother of Nancy (age 16); Edward, brother of Emiline (age 13); Lewis and Edward, sons of Nancy (age 7); Ann, daughter of Nancy (age 5); and Amanda, daughter of Emiline (age 2). While waiting for the boat the slaves were placed in a boarding house at No. 3 Carlisle Street in Manhattan.

Upon their discovery at Carlisle Street, a free black man named Louis Napoleon immediately obtained a writ of habeas corpus on November 6, 1852 against Mr. Lemmon and the owner of the house (whose name was unknown). The writ was obtained on behalf of the eight persons who Mr. Napoleon was advised and believed were “not slaves, but free persons, and entitled to their freedom.” The writ was based on an 1817 New York law that stated No person held as a slave shall be imported, introduced, or brought into this State on any pretense whatever. Every such person shall be free. Napoleon’s writ demanded the release of the enslaved persons. He also stated in the writ that he did not have access to the persons enslaved by the Lemmons and therefore they could not sign the petition but they desired their freedom.

On November 13, 1852, Judge Paine of the Superior Court of the City of New York held that necessity did not require the Lemmons travel to Texas via New York. Thus, the slaves were free according to New York state law. Paine relied on the English precedent set in *Somerset v Steward* (1772), where the Court of King’s Bench declared that only positive law could uphold slavery and that since England had no laws upholding slavery, slaves entering English territory became free.

Although overshadowed by the *Scott v. Sandford* Supreme Court case, the *Lemmon* case is of particular interest to New Yorkers seeking to understand the history of slavery within the state. The case also serves to add context to the battles over slavery across the country in the years leading up to the Civil War. The *Lemmon* case tested whether slavery could indeed be legal under any circumstance within the state. Although New York had banned slavery a few decades before the case, in 1852 the question of the fate of slaves who enter New York from other regions was still in question.

Students will explore various primary and secondary sources to explore the arguments for the events that happened in and around this case and why.

Vocabulary – 19th Century Legal Concepts and Glossary:

Petitioner: A person who makes a formal application to a court for a writ, judicial action in a suit, etc.

Respondent: A defendant in a lawsuit

Writ of Habeas Corpus: [Latin – “You may have the body”]. A legal action requiring anyone named in the document to appear before a judge.

Positive Law: Anti-slavery proponents argued that according to the law of nature, all men and women were free. In order for slavery to be recognized by a state or nation, a positive law had to be enacted, which stated that slavery was legal and permissible.

Comity: This concept is based on the U.S. Constitution, Article IV, Section 2, Clause 1, known as the Privileges and Immunities Clause. Comity prevents one state from discriminating against the residents of another state.

Somerset v. Stewart (1772): A British case that set the precedent for the legal emancipation of slaves. The judgment claimed that chattel slavery was unsupported by British common law (cases/ judgments of past trials).

Writ of Certiorari: [Latin – “inform, or show”]. In the Lemmon case, this writ was granted to Jonathan Lemmon by the Supreme Court. The Court agreed to hear his appeal, and reconsider the lower court’s decision.

Eloign: To remove or take away.

Replevin: To recover property.

Trover: A common law action to recover the value of goods.

Key People and Organizations:

Louis Napoleon (1800-1881): Free Black man who petitioned the New York Superior Court for the release of the Lemmon slaves:

Louis Napoleon was born free in New York City, April 1800 to a father of Jewish heritage and an enslaved mother. At the age of 14 he was apprenticed to “Mrs. Miller’s Tobacco and Snuff Warehouse.”

In one account, Mr. Napoleon is believed to have altered the spelling of his name and transposed first for last and vice versa in “compliment” of the French emperor Louis Napoleon. Soon after entering the tobacco trade he was befriended by Gerritt Smith, Arthur and Lewis Tappan, Horace Greeley, Henry Ward Beecher, George William Curtis and Sydney Howard Gay. The cultivation of these relationships assuredly launched his career as a principal member of the antislavery movement and agent of the Underground Railroad.

He was arrested on several occasions but was able to avoid convictions based on the aid provided by his many influential friends and good legal counsel. Mr. Napoleon assisted many

freedom seekers fleeing slavery but two that are particularly noteworthy are the important cases for emancipation he initiated by writs of habeas corpus.

Louis Napoleon's involvement in Fugitive Slave Cases: George Kirk (1846)

George Kirk was a freedom seeker from Savannah Georgia who was discovered by Louis Napoleon chained inside a ship on a New York dock at the foot of Maiden Lane in October 1846. In an attempt at self-emancipation, George Kirk had concealed himself in the fore steerage of the Brig Mobile while it had been in moored in the port of Savannah and covered himself with a sail in hopes of securing his freedom in New York. Unfortunately, he was discovered by the ship's captain Theodore Buckley and questioned as to whether or not he was a "fugitive slave."

Kirk eventually admitted that he had fled slavery and was promptly confined by Buckley. Buckley made the decision to return George Kirk to his owner Charles Chapman in Georgia when the vessel returned to Savannah and began preparations to do just that.

The same day that Mr. Napoleon discovered George Kirk, he went to the courthouse and obtained a writ of habeas corpus that required Captain Buckley to produce Kirk before a New York court. Buckley responded to the writ based on a Georgia law which allowed the return of fugitive slaves by a ship's captain if the fugitive is found aboard the vessel without the knowledge of the Captain. Buckley stated that he had fully intended to return George Kirk to his "proper" owner and thereby had the legal right to detain him.

News of the case spread amongst the New York abolitionists and John Jay was secured as the lawyer for George Kirk. He argued that the "common law of all non-slaveholding is, that foreign slaves are no longer such after their removal into a non-slave-holding state" and cited the Somerset case as legal precedence. Jay conceded that George Kirk was the property of Charles Chapman and because Kirk was such, he argued that the defendant Buckley had no legal right to custody of him. Finally, Jay argued that if Buckley was acting as the agent of Chapman, he would have to be considered a general agent and therefore he must have willingly brought Kirk into the state and that Kirk was ipso facto free.

After hearing the arguments of John Jay for Kirk and the lawyers for Buckley, Judge J.W. Edmonds rendered a ruling that the "Georgia law could not operate beyond her territory" and also stated that Captain Buckley had no authority to act on the Georgia law. According to Judge Edmonds, New York could not authorize the captain to hold the fugitive, because to do so would have required New York executing the laws of Georgia. Kirk was set free and was secreted out of the courthouse. A new writ was issued for Kirk to appear before the mayor based upon a law that gave the captain the right to seek a hearing if a fugitive was found on his vessel. Again, Kirk appeared before Judge Edmonds; and again Judge Edmonds set him free.

New York Manumission Society: Founded in 1785 by white men from Manhattan's elite including Alexander Hamilton and John Jay. The society included many members who were also slaveholders. Many believed that their reform work with the N-YMS addressed their sin of slaveholding and would eventually result in the moral and economic collapse of slavery. The N-YMS was responsible for (1) establishing the African Free School on Cliff Street in Manhattan in 1787, (2) persuading the legislature to prevent the importation and exportation of enslaved people via the international slave trade in New York in 1788 (U.S. participation in the

international slave trade finally ended in 1808), and (3) assisting in thousands of court cases for people entrapped in slavery, over a hundred of whom came from Long Island.

(http://pursuitoffreedom.org/wp-content/uploads/resources/section1_lesson5/lesson5.pdf)

American Foreign and Anti-Slavery Society: Original American Anti-slavery Society founded in 1833, with guidance from William Lloyd Garrison. With as many as 200,000 affiliate members, they were able to send petitions to Congress, publish journals and lecture widely to a Northern audience. Participants were drawn from religious and philanthropic backgrounds. In 1839, the group split, and Brooklyn's Tappan brothers founded the more conservative American Foreign and Anti-Slavery Society, which advocated change through political action.

Jonathan and Juliet Lemmon

- **8 Slaves:** Emeline, Robert, Lewis, Amanda, Nancy, Ann, Lewis, and Edward

Justice Elijah Paine, Jr., New York Superior Court judge to whom Louis Napoleon first presented a petition for a writ of *Habeas corpus* to emancipate the Lemmon slaves.

John Jay, Former Chief Justice of the U.S. Supreme Court and Governor of New York.

Erastus Culver, Anti-slavery lawyer who represented the Lemmon slaves in court.

Joseph Blunt, Assisted Erastus Culver in court.

Charles O'Connor, Pro-Southern and pro-slavery lawyer who represented Mr. and Mrs. Lemmon's and the State of Virginia's interests in the appeal to the Supreme Court.

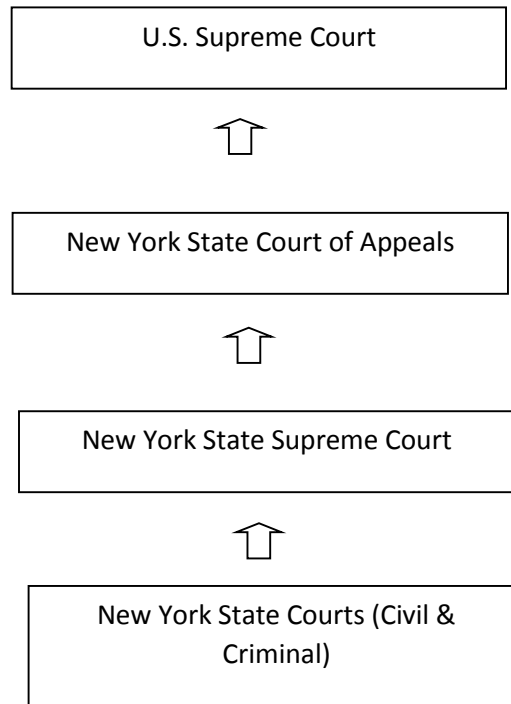
Dred Scott, Beginning in 1847, he sues for his freedom after his master had traveled with him to free territory. After ten years, his case was decided in the Supreme Court in favor of his continued enslavement.

Chester A. Arthur, Represented slaves and New York's position on slavery. He was an anti-slavery attorney who would later become President of the United States.

Judge Denio and Wright, Wrote affirmative opinions in the Court of Appeals case.

Judge Clerke, Wrote a dissenting opinion in the Court of Appeals case.

Hierarchy of New York State and Federal Courts



Breaking Down the Case – General Suggestions:

Readings should be done at home and then reviewed in class. Perhaps the best way to do this is to break up the reading into blocks:

- To start, students should read the newsletter article from the *Historical Society of the Courts of the State of New York* as an overview of the case.
 - **Activity - SIT:** In class, students should note the following about the case:
 - Divide a blank sheet of paper into three columns and then fold in half.
 - In the top half of each column, note the following:
 - What is one fact or idea that you found surprising?
 - What is one fact or idea that you found interesting?
 - What is one fact or idea that you found troubling?
 - Exchange papers with a partner. In the bottom half of the sheet, your partner should pick at least one category to respond back to their partner (**S, I, or T**).
 - Share aloud in small groups and then as a larger group.
 - Students should keep these notes from the discussion, as these may be used for the development of the assessment.
- **Reading Suggestion:** *One suggestion would be to read the Superior Court Case of Lemmon v. The People and/ or its predecessor, The People v. Lemmon. The Appeals Court case would take too long and is summarized in the newsletter that students should also read.*
- A shorter reading will allow more time to spend on reviewing the text and in-class and at-home exercises on breaking down the text.
- For homework, students should annotate the reading, using the CLUES system or however you would like to proceed.
 - **CLUES: A way to annotate your readings**

Label these kinds of annotations within the reading:

Clarifying Statement: Argument – Put it in your own words. How did you find this?

Linking Statement: What is one connection in this text that you can make to other texts you have read?

Understanding Questions: What words do you not understand? What ideas do you not understand?

Exploring Questions: Pick an idea in the reading you understand. What is a further question you have about this idea?

Sudden Insights: What is an idea that you have that suddenly popped into your head about the text?

- **In class, after each homework reading,** the class should work on a summary of the reading. Consider using the exercise, “What it says...what it does....”
 - This exercise will allow students to summarize the words into language that they can understand (“What it says”).
 - It will also allow them to note the action that is happening in that part of the case (What it does).
- If there is a particularly difficult piece of reading, choose one paragraph to review with students in class:
 - Re-read together.
 - Ask students to do a think-pair-share regarding what the text is expressing.
 - Ask what questions they still have.
 - You might want to do a Text Explosion [have students underline a phrase and ask an understanding/ exploring question or a sudden insight/ linking statement. This might help to highlight particular parts of the reading that help students understand or that still hold questions for the class.

Breaking Down the Case – *The People v. Lemmon*:

Readings should be done at home and then reviewed in class. Perhaps the best way to do this is to break up the reading into blocks:

- **Part 1:** To start, students will read pages 681 – 684 at home.
- Students should annotate the reading, using the CLUES system or however you would like to proceed.
 - CLUES: A way to annotate your readings

Label these kinds of annotations within the reading:

Clarifying Statement: Argument – Put it in your own words. How did you find this?

Linking Statement: What is one connection in this text that you can make to other texts you have read?

Understanding Questions: What words do you not understand? What ideas do you not understand?

Exploring Questions: Pick an idea in the reading you understand. What is a further question you have about this idea?

Sudden Insights: What is an idea that you have that suddenly popped into your head about the text?

- **Part 2:** Students will read at the bottom of p.684 – 690 (bottom). Depending on the reading ability of students you may want to break this down into smaller blocks.
- **Part 3:** Students will read at the bottom of p.690 (bottom) - 693.
- **Part 4:** Students will read at the bottom of p.693 – 698 (middle).
- **Part 5:** Students will read at the bottom of p.698 (middle) – 706 (top).
- **Part 6:** Students will read at the bottom of p.706 (top) – 710 (middle).
- **Part 7:** Students will read at the bottom of p.710 (middle) – 714 (top).
- **Part 8:** Students will read at the bottom of p.714 (top) - 718.
- **In class, after each homework reading,** the class should work on a summary of the reading. Consider using the exercise, “What it says...what it does....”
 - This exercise will allow students to summarize the words into language that they can understand (“What it says”).
 - It will also allow them to note the action that is happening in that part of the case (What it does).
- If there is a particularly difficult piece of reading, choose one paragraph to review with students in class:
 - Re-read together.
 - Ask students to do a think-pair-share regarding what the text is expressing.
 - Ask what questions they still have.
 - You might want to do a Text Explosion to note particular parts of the reading that help students understand or that still hold questions for the class.

Assessment:

- **Exhibition:**

- For the exhibition, students will want to develop a focus.
 - One place to start is with the journal entry on the newsletter article on ideas that were surprising, interesting or troubling.
- This should include considering the Lemmon case in light of other events during this time period.
- Consider giving students the timeline in this guide or having them develop a timeline on their own.
- They should do research on a historical newspaper data base to note how the case was covered in different parts of the country.
- Try to have them find at least one article from New York and/ or another part of the Northeast; one from Virginia and/ or another part of the South; and perhaps even one from Texas and/ or another area that is part of contentious western expansion (Missouri vs. Kansas, for instance).
- Revisit the overview of the case from the State Court website.
 - Questions to ask:
 - What is visible? What do you notice in this reading that helps you understand?
 - What is invisible or left unsaid about the case?
 - From this second prompt, come up with some questions to ask as a place of starting research.
- With the case itself, ask students to do the same exercise.
- Each student will share their questions in groups of three – four, depending on the size of your class.
- Each group will pick the best question. That will be their topic for their part of the exhibition. As preparation if you are in or near Brooklyn, NY, you may visit the exhibition *In Pursuit of Freedom*, which covers this time and the events and people living in New York during the course of the case. If you are not close by, visit the exhibition's page to see how they divide up their story into themes.
- The Slavery in New York online exhibition may be helpful in doing this as well.

- In their exhibition, students should have one visual piece and one wall label that helps to answer the group's question.