

TRIAL

Program Segments:

Clip Length: 30:57 thru 32:20= 1:23 and 35:03 thru 36:12= 1:15 Total= 2:38

National Standards and Themes:

Adler, Susan A. National Curriculum Standards for Social Studies: A Framework for Teaching, Learning and Assessment. Silver Spring, Md: National Council for the Social Studies, 2010. Print.

Theme 6: Power, Authority and Governance p. 46-47

Theme 10: Civic Ideals and Practices p. 62-63

Sources used for curriculum standards:

1. NCSS Standards for Social Studies (Teaching Social Studies Skills)

Adler, Susan A. National Curriculum Standards for Social Studies: A Framework for Teaching, Learning and Assessment. Silver Spring, Md: National Council for the Social Studies, 2010. Print.

2. Partnership for 21st Century Skills (Teaching Media Literacy) <http://www.p21.org/>

Skills:

Group interaction and role play

Rationalizing decision making (especially decisions that are not yours)

Identifying cause/effect

Classroom Objectives/Outcomes:

I can describe conflicts in principles and values of constitutional democracy when social issues are present.

I can describe how individual rights are protected within the context of majority rule.

Digital Learning Objective:

Q: What is the essential question of this trial?

Vocabulary:

habeas corpus

14th Amendment

verdict

Resources:

Waaxe's Law (for education use only-please contact the author for any replication or reproduction outside of this particular curriculum)

14th Amendment Link: <http://www.loc.gov/rr/program/bib/ourdocs/14thamendment.html>

Dred Scott v. Sanford Link: http://www.oyez.org/cases/1851-1900/1856/1856_0/

<http://www.loc.gov/rr/program/bib/ourdocs/DredScott.html>

Brown v. Board Link: <http://www.archives.gov/education/lessons/brown-v-board/>

Griswold v. Connecticut Link: http://www.pbs.org/wnet/supremecourt/rights/landmark_griswold.html

Roe v. Wade Link: http://www.pbs.org/wnet/supremecourt/rights/landmark_roe.html

Activities:

Role Playing:

- Enact a 5-10 minute scene from the play “Waaxe’s Law.”

For this chapter, some of the pages below

p. 56-57, 74-78, 92, 94-95

- Make a list of people in support of Standing Bear during his trial--and a list of people in support of the U.S. government position.

Vocabulary & Connections:

- Define verdict. What was the verdict in this case?

Extension Activities:

- Examine the 14th Amendment

Make a cause and effect chart for the 14th Amendment--time of passing, intended effect, and what still needed to be done to ensure equal rights under the law

*what other times in history were the rights of habeas corpus suspended?

- Examine similar cases to Standing Bear v. Crook

Dred Scott v. Sandford

Brown v. Board

Griswold v. Connecticut

Roe v. Wade

Assessment Tasks:

1. What was the purpose of this court case? What is “habeas corpus?”
2. Out of all U.S. people, who were the only ones to not have any rights under the law? How did the U.S. Government get away with this? (sovereignty, dual citizenship)
3. Who were the two top attorneys in Nebraska and why did they take this case for free?
4. What is a “council blanket?” Why is Standing Bear wearing this (what does it represent?)
5. At what cost did Standing Bear win his case?
6. At the end of the trial, Standing Bear addressed the court. What did he say? What was he essentially saying?

Answers:

1. The purpose of this court case was to establish that Native Americans had the right of habeas corpus, or that they were indeed people that deserved protection under the law (in this case, Standing Bear could not be arrested without trial). Ultimately were Indians persons within the meaning of the law.
2. African Americans had received rights with the 13th, 14th and 15th Amendments. Mexican Americans had citizenship under treaties between the U.S. and Spain. Other races/ ethnic groups were all covered under the 14th Amendment (1868) except Native Americans because they were not considered persons within the eyes of the law. Rather, they were considered citizens of their Tribes, not the U.S. government.
3. Andrew Poppleton & John Webster took on this case pro bono (free) because they believed in the case and the message it would send.
4. He wore the council blanket whenever he was speaking officially for his people.
5. Standing Bear won his case, but it meant he could not return to Indian Territory with the other Poncas. He had no home of his own (their old land had been given to the Lakota).
6. “My hand is not the same color as yours if I pierce it I shall feel pain if you pierce your hand, you too will feel pain. The blood tha flows will be the same color. I am a Man. The same God made us both.” He was essentially saying, “I’m a human being, respect me.”