

“Law and Freedom” Lesson Plan

Grade: Middle and High School (6 – 12)

Topics: Civics, U.S. Constitution, Founding Government, Supreme Court

Duration: 30 – 45 minutes

Lesson Overview

Students will complete an unscramble activity on laws pertaining to slavery and a reading about freedom petitions connected to Marietta House Museum history in order to grasp the paradox of liberty espoused by the founding government.

Learning Objective

- Students will identify how local and federal laws impacted the experiences of enslaved people and upheld the institution of slavery
- Students will discuss the ways enslaved people used the court system to assert their freedom.

Vocabulary

- **Paradox:** a situation, statement, or person that combines contradictory features or qualities
- **Liberty:** the state of being free within society from oppressive restrictions imposed by authority on one’s way of life, behavior, or political views
- **Civil Rights:** the rights of citizens to political and social freedom and equality.
- **Freedom Suit/Petition:** lawsuits filed by enslaved people against their enslavers to assert claims to freedom, often based on descent from a free maternal ancestor, or time held as a resident in a free state or territory.
- **U.S. Constitution:** the first major law that serves the citizens by protecting their rights and who represents them in the government.
- **Amendment:** addition or alteration made to a constitution, statute, or legislative bill or resolution.
- **Manumission:** the formal act of freeing from slavery

Lesson Steps

- I. Introduction (10 minutes)
 - a. Review knowledge about the Declaration of Independence and the U.S. Constitution in relation to slavery.
 - b. Activity: Unscramble the state and federal laws that relate to slavery and put them in a chronological timeline
 - i. The answer sheet includes the dates and correct order, for the activity cut them into strips and have students rearrange accordingly.



- ii. Think about how the laws written in founding documents affected the lives of enslaved people

II. Reading Activity (15-25 minutes)

- a. Students will complete the activity in groups of 4. Assign one group member one section of the reading to complete and answer corresponding questions.
 - i. Thomas Butler
 - ii. Gabriel Duvall
 - iii. Relationship between Jefferson and Madison
 - iv. Equal Under the Law
- b. After they complete their sections, discuss with the rest of the group the other sections.

III. Conclusion (5 minutes)

- a. Come up with 2 questions for the Marietta House Museum visit or 2 things you want to learn more about.

Slavery Shaped by Law Unscramble

Colonial Maryland Slave Law	The Maryland Assembly ruled that the condition of slavery was for life and it was to be passed on to their children. In specifying “all [Blacks] and other slaves” it indicated a race-based system of enslavement for people of African descent.
Colonial Maryland Fugitive Slave Law	Free persons found guilty of “enticing” a slave to run away would be liable for the full monetary value of the enslaved person.
Maryland Ban on Manumission	The Maryland Assembly passed a law that prohibited any slaveholder from manumitting their enslaved people independently without legislative approval.
Declaration of Independence	Thomas Jefferson wrote “all men are created equal” at a time when the colonies had hundreds of thousands of enslaved people. There was also a section denouncing slavery that was removed before the final draft.
Three-Fifths Clause of the U.S. Constitution	Article I, Section 2, Clause 3, declared that any person who was not free would be counted as three-fifths of a free individual for the purposes of determining congressional representation.
Federal Fugitive Slave Act (1)	This act authorized the government to capture and return self-liberators to their enslavers even if they were in a free state. It imposed penalties on anyone who aided in the fleeer’s flight. The act disallowed the alleged fugitive enslaved people the right to trial by jury and the right to testify on their own behalf.
Ban on Slave Importation	This federal law prohibited the importation of enslaved people into any port or place within the jurisdiction of the United States. This did not end the domestic slave trade within the U.S.
Federal Fugitive Slave Act (2)	This was enacted to reinforce the 1793 act. It increased the role of the federal government in returning escaped enslaved individuals, including the ability for slave catchers to demand help from U.S. Marshalls. It also imposed harsher penalties on those who provided aid.

Dred Scott Decision

Dred Scott sued for his freedom, but the Supreme Court ruled against him. Chief Justice Roger Taney ruled that people of African descent “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.”

Emancipation Proclamation

President Abraham Lincoln issued this proclamation declaring “that all persons held as slaves” within the rebellious states “are, and henceforth, shall be free”. This did not include enslaved people in Maryland because it was a border state.

**Maryland Constitution
Abolition of Slavery**

Article 24 of the Declaration of Rights of the Maryland Constitution abolished slavery in the state.

13th Amendment

It abolished slavery federally, stating that “neither slavery nor involuntary servitude, except as punishment of crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

14th Amendment

It granted citizenship to all persons born or naturalized in the United States, including formerly enslaved people, and provided all citizens with “equal protection under the laws”.

15th Amendment

This amendment granted African American men the right to vote.

Slavery Shaped by Law Answer Sheet

Colonial Maryland Slave Law (1664)

Colonial Maryland Fugitive Slave Law (1751)

Maryland Ban on Manumission (1753)

Declaration of Independence (1776)

Three-Fifths Clause of the U.S. Constitution (1787)

Federal Fugitive Slave Act 1 (1793)

Ban on Slave Importation (1808)

Federal Fugitive Slave Act 2 (1850)

Dred Scott Decision (1857)

Emancipation Proclamation (1863)

Maryland Constitution Abolition of Slavery (1864)

13th Amendment (1865)

14th Amendment (1868)

15th Amendment (1870)

Guided Reading Questions

Instructions: Read the assigned passage and answer the corresponding questions. Discuss with your group to complete the other sections.

Thomas Butler

1. How did Thomas and Sarah Butler use the court system to their advantage?
2. What do you think this story reveals about Thomas and Sarah Butler's character?

Gabriel Duvall

1. What is a freedom suit or petition? Can you think of any examples?
2. Why do you think Gabriel Duvall contested the Butler family's plea for freedom?

Duvall's Relationship with Jefferson and Madison

1. What was Gabriel Duvall's relationship to other Founding Fathers?
2. How do you think they reflected or did not reflect the ideas they espoused?

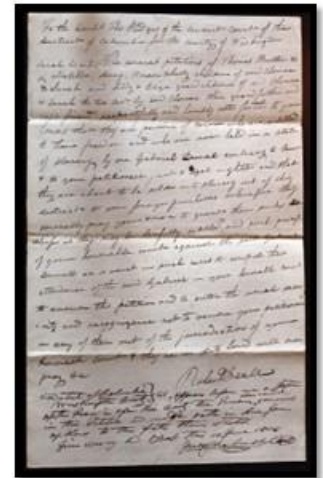
Equal Under the Law

1. What is the difference between human and civil rights?
2. What does freedom mean to you?

Thomas Butler

Thomas Butler was once an enslaved man and this is his story of how he became a free man in 1831 with his family. He was enslaved by different families and lived in Maryland, Virginia, and Washington D.C. He worked in a grocery store in Washington D.C. under his enslaver John Dells, which is where he first met Judge Duvall in 1805. Judge Gabriel Duvall owned Marietta, a tobacco plantation in Maryland. He enslaved 30 to 40 people to work his crop.

Gabriel Duvall purchased Thomas, his wife Sarah, and their infant Sally and sent them to Marietta. Thomas and Sarah had two other daughters, but they were sold away from them before coming to Marietta. Family separation was central to the story of slavery in America. It's unlikely that Thomas and Sarah ever saw Lydia and Jane again. The Butlers were held enslaved at Marietta for over 20 years. They had three more children by then and two grandchildren too. During this time, perhaps they learned about the law and found they had a case to be made for their freedom - that Duvall had in fact violated a law by holding them in bondage at Marietta. In 1828, they filed a suit against Gabriel Duvall for their freedom. They went to court and argued that they were illegally enslaved because of transportation laws between Maryland and Washington D.C. and therefore they should be free. They were represented by an attorney named Francis Scott Key, the same man who wrote the Star-Spangled Banner. The Butlers and their lawyers filed the case in Washington D.C. instead of Maryland. Possibly they knew that a court in Prince George's County would be more sympathetic to Gabriel Duvall. Even though Gabriel Duvall fought the case for three years in court, they won their freedom in 1831.



Thomas Butler v. Gabriel Duvall. Petition for Freedom; June 2, 1828 [Image courtesy of O Can You See Early Washington, D.C. Law & Family]

Gabriel Duvall



Gabriel Duvall, head-and-shoulders portrait, right profile [Image courtesy of the Library of Congress]

Freedom brought new challenges to the Butlers in their desire to have the same benefits of citizenship as all free people. The U.S. Constitution protects the rights of American citizens- the right to vote, own land, obtain an education, assemble, travel. These are just some of the civil rights that are protected by the United States Constitution.

Gabriel Duvall knew the law very well. He started his career as a lawyer for many enslaved people in Maryland who sued their enslavers for freedom. Freedom petitions were a legal way in which enslaved people could fight for their freedom by proving in court they were being held in bondage illegally, often citing a free ancestor. Duvall earned a reputation as a good lawyer, winning many cases and helping over one hundred people gain their freedom. Years later, when he was on the U.S. Supreme Court, one case was brought forward that was familiar to him. Duvall had represented other Queen family members in Maryland, so he supported Mina Queen and her daughter's suit, going against the majority decision. He famously wrote, **"It will be universally admitted that the right to freedom is more important than the right of property."** Yet 15 years later, Duvall argued against freeing the Butler family. Additionally, he continued to enslave families and individuals at Marietta until the end of his life. At the same time as the Butlers sued for their freedom, Gabriel Duvall's sisters manumitted the Black and Buchanan families – a formal and legal process of freeing someone – who were enslaved at Gabriel Duvall's childhood home. When Duvall died in 1844, he bequeathed several enslaved people to his grandchildren and did not free anyone in his will.

Duvall's Relationship with Jefferson and Madison

Gabriel got into politics after the American Revolution and served in Congress to help write laws and support the U.S. Constitution. He was connected to two Presidents and Founding Fathers - Thomas Jefferson and James Madison - who were instrumental in crafting America's founding documents. Jefferson penned the Declaration of Independence, writing "all men are created equal", and Madison was pivotal in the creation of the Bill of Rights. Duvall supported Thomas Jefferson's campaign for the presidency and was one of Jefferson's electors in the electoral college. President Jefferson appointed Duvall to serve as the first comptroller of the U.S. Treasury. Soon after, President James Madison appointed Gabriel Duvall to the U.S. Supreme Court.

These men were colleagues, friends, and enslavers. They received similar Enlightenment educations, which focused on important ideals like rights to liberty and freedom of thought. Their philosophy was that of thinkers like Montesquieu. Duvall described himself as a Jeffersonian Democratic Republican, favoring local government over a strong federal government. They held similar beliefs that slavery would one day die out, but each of these men continued to enslave over one hundred human beings in their lifetime and did not release most of them from bondage upon their death. Think about how their legacies are defined by their ideas and actions.



Portraits of Thomas Jefferson and James Madison
[Images courtesy of the Library of Congress]

Equal Under the Law

What does it mean to be free? The United States Constitution serves to protect citizens' rights under the law and guarantees that all men and women are to be treated equally under the law. We must look at the Constitution as the law of the land where everyone who lives in the United States follows this law that secures their freedom and rights to equality. The U.S Constitution is an ever-changing document, which is the reason for having amendments added to the Constitution that reflect the changing and diverse nation we live in. Today, the U.S. Constitution has twenty-seven amendments.

The rights of citizens can be broken down into human and civil rights, each of which are protected by the U.S. Constitution.



Human rights are fundamental to all human beings, regardless of their gender, nationality, place of residency, ethnicity, religion, and other categorizations. They are non-discriminatory, meaning that all human beings are entitled to them and cannot be excluded from having them. Civil rights are the rights of citizens of a place including a country, state, or other political places that can grant rights. The right to vote in that place and the right to get married, for example, are civil rights.

Three amendments to the U.S. Constitution came years after Thomas and Sarah Butler's family was freed. The 13th amendment (ratified in 1865) abolished slavery in the United States and gave those who were enslaved and subjected to involuntary servitude the right of freedom. The 14th amendment (ratified in 1868) gave the rights of citizenship to people who were born in the United States, stating that no one could deprive any citizen of the United States the rights of life, liberty, or property and were given equal protection of the laws. The 15th amendment (ratified in 1870) gave the citizens of the United States the right to vote. Each of these amendments were designed to protect and maintain the liberation, citizenship, and rights of the enslaved who did not have liberty and the rights of U.S. citizens before the U.S. Civil War (1861-1865).