



History Through The Arts

In Re: Andy a Slave, or a Free Iowa Citizen?

Andy lives in Iowa. When he lived in Missouri, he was a slave, owned by Don. Don let Andy go work in Iowa. Andy agreed to pay for his freedom. He did not send Don all the money he owed. Now Don wants Andy to return to Missouri as a slave. He sued Andy in Iowa. The jury will decide whether Andy returns to slavery, or stays in Iowa as a free citizen.

A Mock Trial

SLAVE OR FREE? MOCK TRIAL SCRIPT

Cast:

Judge:	The Honorable Judge Smith
Plaintiff's Attorney:	Attorney Potter
Defense Attorney:	Attorney Powers
Plaintiff's Witness:	Don
Plaintiff's Witness:	Sam
Defense Witness:	Andy
Defense Witness:	Bud

About this case (Moderator reads or summarizes the following):

Before Iowa became a state in 1846, people could not be owned in the Iowa territory. In Missouri, during that time, slaves could be owned. In 1834 Andy, a slave in Missouri, made a deal with his owner, Don. They agreed that if Andy paid \$550 to Don, then Andy could leave Missouri to go live and work in Iowa. Andy left Missouri for Iowa, and got a job. Then, Andy did not pay Don all of the money he owed. Don wants Andy to return to Missouri and to slavery. Andy claimed he was now a free citizen of Iowa. Don says he still owns Andy, and has a contract proving Andy owes him money. The jury will decide whether Andy returns to slavery, or stays in Iowa as a free citizen.

(Note: This is not an actual lawsuit. This script has been created for this mock trial, although the situation is based on actual events.)

Moderators use as needed following the mock trial:

Discussion Questions and Vocabulary

1. Should people be able to have contracts about employment? Should they have a contract for the ownership of each other?
2. Does Andy still owe money he promised on this contract? Should he be able to buy his freedom?
3. Should Andy have to go back to Missouri? As a free person or a slave? If he is still a slave, for how long? Can he (or someone else) buy his freedom?
4. Does the trial seem fair? Why or why not?
 - a. Did the trial leave out important information? What else did you want to know?
 - b. Should this case be decided by a judge alone? Or by a jury? Do you think the result would be the same? Why or why not?
5. *Moderator's Note: women were not allowed to serve on juries in Iowa until 1921, after they got the right to vote with the 19th Amendment.

Vocabulary:

Defendant: The person who has to go to court to respond to Plaintiff's claims and try to solve a problem in a trial.

Honorable: Used as the title of respect for certain people, such as a judge. The judge decides what the law of the case is, the jury decides the facts.

Plaintiff: The person who has a problem with someone else, and files a lawsuit to have a trial, so a jury or judge will decide how to fix the problem.

Verdict: The jury's decision, solving the problem, based on the facts and law in the case.

Contract: An agreement between people to do something, usually in exchange for money. Usually contracts are written, and state the terms (who is going to do what, when, and how).

Clerk: [Hits gavel 3 times] All rise, the United States District Court is now in session for the case of *Don v. Andy*, the Honorable Judge Smith presiding.

Judge: Andy lives in Iowa. When he lived in Missouri, he was a slave, owned by Don. Don let Andy go work in Iowa. Andy agreed to pay for his freedom. He did not send all the money he owed. Don wants Andy to return to Missouri as a slave. He sued Andy in Iowa. The Jury will decide whether Andy returns to slavery, or stays in Iowa as a free citizen.

Plaintiff will now give an opening statement.

OPENING STATEMENTS

Plaintiff's Attorney Potter: May it please the Court; opposing counsel. Ladies and Gentlemen of the Jury, we are here today because Don wants his former slave, Andy, to return to Missouri since Andy never paid his debt for freedom, as he promised to. We have a signed contract! If a man's word is not good, he does not deserve to be free. Andy tricked Don into letting him move to Iowa, and now is trying to get his freedom without paying for it. He is a liar and a cheat, and should be returned to Don and live as a slave in Missouri.

Judge: Thank you. Defense counsel will now give an opening statement.

Defense Attorney Powers: May it please the Court; opposing counsel. Ladies and Gentlemen of the Jury, I represent Andy. In Iowa, a man is not a slave. Don was not tricked! Don knew that Andy would owe him money on the contract. He also knew that Andy was going to Iowa and that the contract was for money, not an agreement for Andy to be his slave forever! Andy has had trouble finding steady work, but will pay Don when he can. In Iowa, our motto is "Our

liberties we prize, our rights we will maintain!" We do not own people like we own our land or livestock. Andy is not a slave. He is a free Iowa citizen. That is all.

Judge: Thank you. Plaintiff may now call the first witness.

DON – DIRECT EXAMINATION

Plaintiff's Attorney Potter: Plaintiff calls Don to the stand.

Clerk: Raise your right hand. Is this testimony you are about to give the truth?

Don: Yes.

Clerk: You may take the stand.

Plaintiff's Attorney Potter: Please state your name and why you are here today.

Don: My name is Don, and I believe Andy should return to Missouri as my slave, or pay the money right now that he promised to pay me for his freedom. He signed a contract!

Plaintiff's Attorney Potter: How long ago did you two make this agreement?

Don: About two and a half years ago.

Plaintiff's Attorney Potter: In your opinion, did you both agree that the amount in the contract was fair?

Don: Yes, we thought it was fair, because I had to turn around and buy another slave to replace Andy.

Plaintiff's Attorney Potter: What is Andy doing in Iowa?

Don: He said he would find work in a coal mine. He said he'd pay me the money. So far he has only paid \$15.

Plaintiff's Attorney Potter: And has he made regular payments on the contract?

Don: Well, 10 cents a week. That's \$15 in over two years. He owes me \$535! He should keep his word.

Plaintiff's Attorney Potter: No further questions.

DON- CROSS EXAMINATION

Judge: Defense Counsel, do you have any questions for Don?

Defense Attorney Powers: Yes, Your Honor. Did you know Andy was going to Iowa?

Don: Yes.

Defense Attorney Powers: Did your contract have a deadline, or a time limit, for you to be paid?

Don: No, but we thought he could pay it off in a couple of years. I brought a copy of our original contract today. (Attorney shows the contract, marked as Exhibit A, to the jury).

Defense Attorney Powers: So, Andy may be planning to pay you back?

Don: Yes, I guess so, and maybe pigs will fly! But he should keep his word! He signed a contract!

Defense Attorney Powers: So you just want things to go back to how they were before Andy left?

Don: Yes, I've waited too long to get money, or help for the farm.

Defense Attorney Powers: No further questions.

Judge: You may return to your seat. Plaintiff may call the next witness.

SAM – DIRECT EXAMINATION

Plaintiff's Attorney Potter: Plaintiff calls Plantation Owner Sam to the stand.

Clerk: Raise your right hand. Is the testimony you are about to give the truth?

Sam: Yes.

Clerk: You may now take the stand.

Plaintiff's Attorney Potter: Please state your name and why you are here today.

Sam: My name is Sam, and I am here because I am Don's neighbor and know the agreement between him and Andy.

Plaintiff's Attorney Potter: Do you think Don and Andy's agreement seemed fair?

Sam: Yes. It's the going rate slaves pay to get freedom.

Plaintiff's Attorney Potter: Did you think Andy was trying to trick Don into letting him move to Iowa, a free territory?

Sam: I was never sure Andy would pay, since most slaves are just itching to become free.

Plaintiff's Attorney Potter: Here's a copy of Don and Andy's contract, marked as Exhibit A.

(Hand contract to witness). Have you seen this before? Or a contract like this?

Sam: It looks like the kind of contract Don told me he had with Andy. I've seen other contracts like this with other slaves.

Plaintiff's Attorney Potter: Did you know Don to treat his slaves fairly?

Sam: Absolutely. Don just farms and raises crops and cows.

Plaintiff's Attorney Potter: Did Don have to hire more help after Andy left?

Sam: He couldn't because Andy was greedy, and kept the money for himself.

Plaintiff's Attorney Potter: Do you know if Andy has paid Don any of the money?

Sam: Not that I know. Certainly not enough so Don could hire help, or buy another slave.

SAM – CROSS EXAMINATION

Judge: Defense Attorney, do you have any questions for Sam?

Defense Attorney Powers: Yes, Your Honor. In the contract, was Andy allowed to work in Iowa?

Sam: Yes.

Defense Attorney Powers: So, why should Don take Andy's freedom back?

Sam: Andy did not pay on the contract! So why should he get freedom for free?

Defense Attorney Powers: But Don knew Andy was going to Iowa? And Andy's been in Iowa for over two years?

Sam: Yes.

Defense Attorney Powers: So, this is really about money, right?

Sam: I guess so, but how is Don going to keep his farm without help?

Defense Attorney Powers: No further questions.

Judge: You may return to your seat. Does Plaintiff have any more witnesses?

Plaintiff's Attorney: No, Your Honor, the Plaintiff rests.

Judge: Defense may call his first witness.

ANDY- DIRECT EXAMINATION

Defense Attorney Powers: The Defense calls Andy.

Clerk: Raise your right hand. Is the testimony you are about to give the truth?

Andy: Yes.

Clerk: You may take the stand.

Defense Attorney Powers: Please state your name and why you are here.

Andy: My name is Andy. I believe I am a free person, and no longer owned by Don. I am an Iowan!

Defense Attorney Powers: Do you believe the contract between you and Don was fair?

Andy: No.

Defense Attorney Powers: Why is that?

Andy: I asked Don for permission to leave and go work in Iowa. I did not just run away like other slaves did. Plus the amount in the contract was too high. I thought I could talk to Don later about that, once I started to pay it back.

Defense Attorney Powers: Why did you think that?

Andy: He wanted me to pay the contract money right away. We agreed that it would take a long time to earn \$550, when I also need to pay for other things. I make \$2 a week now. After two years, I still haven't made enough money. I send Don 10 cents a week.

Defense Attorney Powers: Did the contract have a deadline for when the money was to be paid?

Andy: No. I knew he wasn't happy with 10 cents a week, but now he shows up and demands all of the money or that I go back to being a slave!

Defense Attorney Powers: Since you don't have the money right now, should you be forced to return to Missouri as Don's slave?

Andy: No, Don gave me permission to go to Iowa. I am now free.

Defense Attorney Powers: No further questions.

ANDY- CROSS EXAMINATION

Judge: Plaintiff's Counsel, do you have any questions for Andy?

Plaintiff's Attorney Potter: Yes, Your Honor. Andy, did you ever plan to pay Don all the money that you owe under this contract? (Show Exhibit A).

Andy: Well, not really. The agreement was unfair. You can't own people. It's wrong!

Plaintiff's Attorney Potter: So, you lied when you signed the contract. You never planned to pay Don the full \$550, even at 10 cents a week, right? At this rate, it would take over 100 years for you to pay Don!

Andy: Well, I thought once I got regular work in the coal mines, I could pay something more.

Plaintiff's Attorney Potter: Yes, but you haven't paid much of the money you owe! \$15 in two years?!

Andy: That's right. 10 cents a week.

Plaintiff's Attorney Potter: Shouldn't things just go back to the way they were before the contract? So you should go back to being a slave.

Andy: No! I am now a citizen of Iowa, and I have been for two years!

Plaintiff's Attorney Potter: Even though you haven't paid what you owe Don, and you tricked him into letting you go to Iowa?

Andy: Yes, Don knew I was going to Iowa. The contract does not have a time limit. Too bad on him. I can't worry about someone who thinks it is right to own a human being.

Plaintiff's Attorney Potter: No further questions.

Judge: You may take your seat, Andy. Does the Defense have another witness?

COAL MINER BUD – DIRECT EXAMINATION

Defense Attorney Powers: Yes, Your Honor. The Defense calls Coal Miner Bud to the stand.

Clerk: Raise your right hand. Is the testimony you are about to give the truth?

Bud: Yes.

Clerk: You may take the stand.

Defense Attorney: Please state your name and why you are here.

Bud: My name is Bud, and I work in the coal mines with Andy.

Defense Attorney Powers: How long have you worked with Andy?

Bud: For about two years.

Defense Attorney Powers: Are you friends outside of work?

Bud: Yes.

Defense Attorney Powers: Do you know about the contract between Andy and his former owner, Don?

Bud: Yes, I told him not to pay the money.

Defense Attorney Powers: Why is that?

Bud: Andy needs the money from work to start a life here in Iowa.

Defense Attorney Powers: You do know that to be free, Andy was supposed to pay Don money under this contract? (Show Exhibit A).

Bud: That contract is not valid in Iowa. It is wrong to own people.

Defense Attorney Powers: But if Andy doesn't pay on this contract, is that fair to Don?

Bud: I don't think Don can change Andy back into a slave. Don let Andy go. That's what is fair.

Defense Attorney Powers: Do you believe that Andy still needs to pay the money he owes Don on the contract?

Bud: No, Andy is free. You can't have a contract to own someone.

Defense Attorney Powers: No further questions.

COAL MINER BUD – CROSS EXAMINATION

Judge: Plaintiff's Attorney, do you have any questions for Bud?

Plaintiff's Attorney Potter: Yes, Your Honor. Is Andy a slave or a free citizen?

Bud: He is free, because he lives in Iowa.

Plaintiff's Attorney Potter: Should Andy pay Don on the contract?

Bud: No.

Plaintiff's Attorney Potter: Why is that?

Bud: Andy came to Iowa with Don's permission. He is now free; there is nothing Don can do about it.

Plaintiff's Attorney Potter: No further questions.

Judge: You may return to your seat. Does the Defense have more witnesses?

Defense Attorney Powers: No, Your Honor, the Defense rests.

Judge: Now that we have heard all the testimony, both sides will make closing arguments. Plaintiff will go first.

CLOSING ARGUMENTS

Plaintiff's Attorney Potter: May it please the Court; opposing counsel. Ladies and Gentlemen of the Jury, Andy had no intention to pay Don the money he owes. In order for Andy to be free, he must pay. It's as simple as that. Since Andy has not paid, and is not planning to pay, he is not free. Andy must be forced to return to Missouri and work as a slave. He's a liar and a cheat and should be treated as such.

Judge: The Defense may now present his closing argument.

Defense Attorney Powers: May it please the Court; opposing counsel; Ladies and Gentlemen of the Jury, Andy did not trick Don into letting him go to Iowa. It is not easy for Andy to make extra money. Don knew that Andy was a free citizen once he got to Iowa. He has not tried to get paid until nearly two years after the contract—a contract for a lot of money, with no deadline for payment! Now that Andy has lived in Iowa for two years, he should not be forced back to

Missouri as a slave. Don is wrong! You must return a verdict for Andy. People cannot be owned!
The debt is illegal. Andy stays free, and does not owe Don.

Judge: This case is now submitted to the jury for a verdict. If you decide that Andy should be forced back to Missouri, you must find in favor of Don. If you decide that Andy is a free citizen, you must find in favor of Andy, and decide that he does not owe Don any money.