**Choosing to Participate bridge to Judgment and Legacy**:   
**“Individuals make choices and choices make history” *Facing History and Ourselves***

**Essential Question: *What choices do individuals and institutions have in the face of an unjust society?***

Entire group establishes a baseline understanding of the citizens who were involved in the events from the source material in source material

Activity: Research of individuals involved in the case

Students select or are assigned an individual (as some will be less popular one might use a random method: names in a bowl, etc.) . They research, then create posters with a bio, (potential) portraits, and a few quotes from the individuals for presentation to the class.

Presentations of their posters:

BRIEFLY describe the role your individual(s) played in the Ed Johnson case or trial

Strategy:[Fishbowl](https://www.facinghistory.org/resource-library/teaching-strategies/fishbowl)/Jigsaw/ Group/Poster/ Gallery

Students can further track their individuals as their understanding of events progresses

[**Biographies of some of the key Figures in the Shipp Case**](Biographies%20of%20Key%20Figures%20in%20the%20Shipp%20Case) <https://www.famous-trials.com/sheriffshipp/1110-biographies> **Judgment and Legacy**

**Judgment and Legacy**

Activity: **Respond to Judge Learned Hand’s Quotation on the Nature of Liberty[[1]](#footnote-1)**

Share the following quotation from a 1944 speech by Judge Learned Hand, a federal judge and one of the most significant American legal thinkers of the twentieth century (also included on [*Teaching Mockingbird* **Handout 5.2**](https://www.facinghistory.org/mockingbird)):

“I often wonder whether we do not rest our hopes too much upon constitutions, upon laws, and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there, it needs no constitution, no law, no court to save it.”

Ask students to reflect in writing, then in a Socratic Circle/group discussion on the meaning of Hand’s statement*.*

***To what extent does the Ed Johnson trial and its verdict illustrate Hand’s belief? What do students think is a more powerful force in society: the law or the hearts and mind of citizens?***

**Judgment and Legacy**

**Discussion questions on Social Justice*[[2]](#footnote-2)***

* Was the law upheld in the Ed Johnson trial?
* What effect do the “unwritten rules” of a society have on the law and the way that it is upheld?
* What happens when these unwritten rules are in conflict with the law?
* What is justice?
* What factors limit the legal system’s ability to deliver justice for Ed Johnson?

Activity: **Analyze the causes of Ed Johnson’s guilty verdict and his lynching**

* Use [Iceberg diagram activity](https://www.facinghistory.org/resource-library/teaching-strategies/iceberg-diagrams)
* Students can write the details of the Ed Johnson case in the tip of the iceberg. Questions they should answer include: What happened? What choices were made in this situation? By whom? Who was affected? When did it happen? Where did it happen?

Students can then think about the outcome of the trial and its causes. In doing so, they should consider the following question: What factors influenced the particular choices made by the individuals and groups involved in this event? They can record their answers on the iceberg below the water line. Answers should include historical factors, such as Jim Crow laws, or aspects of human behavior such as racism and conformity.

1. Adapted from *Facing History and Ourselves Mockingbird Guide, p 139.* [↑](#footnote-ref-1)
2. *Facing History Teaching Mockingbird*, p 148 [↑](#footnote-ref-2)