

Grade 11

In 1857, a decision was made by the U.S. Supreme Court that changed America, and the fate of every African American living there at the time. Dred Scott, slave, sued for his freedom, but when the case finally got to the Supreme Court, not only was he denied this opportunity, but all blacks alike were denied freedoms and rights all together (Remembering Dred Scott). Looking back, we may be confused, because this court ruling clearly seems unconstitutional to people today, but unfortunately the 13<sup>th</sup> and 14<sup>th</sup> amendments had not yet been put into place. It wasn't until 1865 when the rulings of this case began to be invalidated by the U.S. constitution.

The 13<sup>th</sup> amendment states that "neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in the United States, or any place subject to their jurisdiction." This shuts down a few of the ideas instituted by Chief Justice Taney, who in his decision stated that slaves, regardless of their territory, would remain slaves. Slave owners were given permission to move slavery out into the West, ignoring popular sovereignty. Taney also stated that Congress did not have the power to ban slavery, making the Missouri Compromise now unconstitutional. It is clear that the 13<sup>th</sup> amendment directly opposes these beliefs, and gives African Americans the freedom that they longed for.

The 14<sup>th</sup> amendment, ratified in 1868, reads as follows: "All persons born on naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property...". This must have been a huge relief for African Americans living at that time, because they were finally granted the rights that the Dred Scott case had taken away. Taney had ruled that no blacks, not even freed slaves or their descendants could ever be U.S. citizens, which was clearly opposed by the 14<sup>th</sup> amendment. He also had shut out the idea that slaves could expect any legal protection from the government, which this new amendment

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declares that they should not be denied this right. Taney dismissed the idea we had as a nation that "all men created equal", and took away rights and citizenships from the African Americans. Thankfully, the 14<sup>th</sup> amendment changed things, and started a new and better looking future for all Americans.



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Imagine being born today and not being considered a citizen of the United States. During the times of slavery in the 1800s, the African American slaves weren't even considered citizens. In 1846, an African American couple, Dred Scott and his wife Harriet, decided to sue for their family's freedom. The Dred Scott case lasted around ten years with a final outcome of the Supreme Court saying that they could not be free citizens. About ten years after that, in 1868, the 14<sup>th</sup> Amendment was ratified stating that, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." Changing the direction of the Supreme Court's decision on the Dred Scott case, the 14<sup>th</sup> Amendment made it possible for the Scott family to be free citizens.

One of the arguments the Supreme Court made to back their decision was that slaves couldn't rely on any legal protection from the federal government and that slaves would remain slaves wherever their owners took them. This problem was also solved in the 14<sup>th</sup> Amendment. The Amendment also states, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." That statement

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within the Amendment made it so no state can make laws that take away rights from anyone, especially the African Americans. Wherever they now were, they could be free.

After the Supreme Court had made their decision on the Dred Scott case abolitionists were shocked and furious. They argued that Supreme Court Chief Justice Roger Brooke Taney's decision broke the country founders promise that "all men are created equal". The current Maryland Court of Appeals chief judge, Robert Bell, said that the distress of the decision by Taney could only be cured by the abolition of slavery. In the article, "Remembering Dred Scott" it says, "The nation at that time was becoming increasingly divided over the issue of slavery." More and more people were becoming against slavery and supported abolition. This issue was finally fixed when slavery was finally abolished. In 1865, the 13<sup>th</sup> Amendment was ratified stating, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." The only way that all the distress and tension about slavery in the country could be relieved was abolishment, and the 13<sup>th</sup> Amendment did that for the nation.

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English 11

### Dred Scott

It took a long time for African Americans to earn the freedom and respect they have today. They fought long before the Civil War and long after. One of the most important cases in this long fight was the Dred Scott v. Sanford case. This case played an important role in leading to the Civil War. Dred Scott was a slave his whole life, but when his owner moved to Missouri, a free state at the time, he believed he had the right to be set free, so he went to court. Unfortunately, he was told that he could not be set free no matter where he was. He didn't stop there though; he wouldn't give up until he was free.

There were many arguments about whether African Americans were citizens or not. Early in the case, it was ruled that they were not citizens of the United States. It was said that

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"the enslaved African race were not intended to be included" in the Constitution (Remembering Dred Scott par. 4). This meant that African Americans had absolutely no rights at all, which was completely unfair as they helped to build this country just as much as white settlers did. Later on, abolitionists were upset because Supreme Court Justice Roger Taney dismissed the country's promise that "all men are created equal". The court was largely in favor of slavery. The court made what was called the "Dred Scott Decision" which got rid of the Missouri Compromise.

Later on, the decision was overturned by the 13<sup>th</sup> and 14<sup>th</sup> Amendments. The 13<sup>th</sup> ended slavery, which was all Dred Scott wanted in the first place, he only wanted to free himself and his family, but the court made him suffer for ten years only to tell him he could not be free. Eight years later, he finally got what he wanted when the 13<sup>th</sup> Amendment was passed. Then, another three years later, the 14<sup>th</sup> Amendment was passed and gave all African Americans the right to citizenship. That was only the beginning, there was another long battle ahead.

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"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The 14<sup>th</sup> Amendment. Passed by Congress June 13, 1866. Ratified July 9, 1868. Dred Scott had his rights to be a human. Everyone is the same, regardless of their skin color or their hair color. He had the right to be free if he went to a free state. Taney was

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being bias.

Taney stated that "Blacks had been bought and sold, and treated as an ordinary article of merchandise and traffic. It is clear from the Constitution that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration." Scott had the same rights as the whites. They were not just some piece of clothing.

Dred Scott waited 10 years for disappointment and failure. No one should have to wait that long just to be let down. Taney was being selfish. Robert Bell said Taney made "the ultimate bad decision." He made things worse for the whites because blacks would rebel. Former federal judge Kenneth Starr stated "This is an enduring lesson for judges to be humble, because Chief Justice Taney was anything but humble. Quite apart from its immorality as a matter of natural justice and fairness, it also showed the arrogance on the part of the Supreme Court." Taney made everything worse than it was in the beginning.