

Grade 11 Informational/Expository Writing Prompt — "Dred Scott"

Using evidence from the "Dred Scott" passages, write a 2-3 paragraph explanation for your history class explaining how the 13th and 14th Amendments to the Constitution nullify or invalidate each of the specific arguments given in the passage about the Dred Scott decision. Your explanation must be based on ideas, concepts, and information from the "Dred Scott" text set.

Manage your time carefully so you can

- Plan your explanation
- Write your explanation
- Revise and edit your explanation

Be sure to

- Use evidence from both sources
- Do not over rely on one source
- Type your answer in a new Word document

On March 6, 1857, the United States Supreme Court issued a decision in the Dred Scott case, affirming the right of slave owners to take their slaves into the Western territories, thereby negating the doctrine of popular sovereignty, and severely undermining the platform of the newly created Republican Party.

At the heart of the case was the most important question of the 1850s: Should slavery be allowed in the West? As part of the Compromise of 1850, residents of newly created territories could decide the issue of slavery by vote, a process known as popular sovereignty. When popular sovereignty was applied in Kansas in 1854, however, violence erupted. Americans hoped that the Supreme Court could settle the issue that had eluded a congressional solution.

Remembering Dred Scott

In 1857, U.S. Supreme Court Chief Justice Roger Brooke Taney made what might have been the single most significant decision in the escalating debate over slavery. In the famous *Dred Scott v. Sandford* case, Taney ruled that freed slaves and their descendants could never be U.S. citizens. The decision would become a major catalyst for the Civil War.

The Dred Scott case had its origin in 1846. That's when Dred Scott and his wife Harriet, both born into slavery, sued for their freedom, and that of their daughters, who were born in free territories. The Scotts were then living in Missouri, a state where slavery was legal. However, they felt they had grounds to sue because their owner, an army doctor, had spent time in Illinois, a free state, and Wisconsin, a free territory at the time of Scott's residence. The Scotts sought emancipation under a Missouri law. The law stated that slaves who were taken to free areas had the right to be freed. This was true, the law said, even if they returned to Missouri. Missouri's law meant, it was said at the time, "Once free, always free."

The Dred Scott case went through 10 years of appeals. Finally, it was brought before the Supreme Court. The nation at that time was becoming increasingly divided over the issue of slavery. It was clear that the outcome of the case would have important political effects. On March 6, 1857, the Supreme Court ruled against the Scotts, denying the legality of black citizenship in America. Chief Justice Taney read the majority opinion of the Court. The opinion stated that slaves were not citizens of the United States. Therefore, the ruling explained, slaves could not expect any legal protection from the federal government. It was clear that slaves would remain slaves wherever their owners took them. It did not matter whether the state or territory was free or not.

In his ruling, Taney, a former slave owner, wrote that since the country's founding, 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." In addition, Taney stated, any person descended from Africans, whether slave or free, is not a citizen of the United States, according to the Constitution.

The decision stunned and enraged abolitionists. Especially troubling for many was Taney's dismissal of the promise of the country's founders that "all men are created equal." Some abolitionists were encouraged by the outrage generated by the decision, however. They saw it as a step toward doing away with what slavery supporters called "our peculiar institution."

As part of the Dred Scott ruling, the Court also ruled that Congress could not ban slavery in new territories. This effectively made the Missouri Compromise unconstitutional. The Missouri Compromise

was passed in 1820. The ruling prohibited slavery in the Louisiana Territory north of the 36° 30' latitude line. The compromise had been reversed in 1854. However, the Dred Scott decision ruled out the chance that a law like it could be put in place again. That's because the Dred Scott decision stated that Congress never had the authority to prohibit slavery in the territories in the first place.

Ultimately, the Dred Scott decision would be overturned by the 13th and 14th Amendments of 1865 and 1868. Today, legal scholars consider the Dred Scott decision the worst ever delivered by the Supreme Court. Robert Bell is the current Maryland Court of Appeals chief judge. Bell called the Dred Scott opinion "the ultimate bad decision." He said the opinion was written by a judge who relied on "weak reasoning." The ruling, Bell added, "left America in shock." The distress, he said, could be cured only by slavery's abolition.

Former federal judge Kenneth Starr said the case has a lesson for today's judges. Besides being racist and immoral, according to Starr, the Dred Scott decision reflected the arrogance of judges like Taney. "This is an enduring lesson... for judges.. to be humble, because Chief Justice Taney was anything but humble," Starr said. "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."

"Remembering Dred Scott." Achieve 3000, with contributions from The Associated Press. 21 January 2015.
http://portal.achieve3000.com/kb/lesson/do_print?lid=15678&c=61&step=11. Edited for classroom use, October 2016.

Amendment XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865.

The 13th Amendment changed a portion of Article IV, Section 2.

Section 1

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.

Section 2

Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

The 14th Amendment changed a portion of Article I, Section 2.

Section 1

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.

Section 5

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.