

Nichols, Chloe – Period 3

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Dred Scott v. Sanford Opinion Essay

The court's decision in the Dred Scott v. Sanford case was a devastating loss to abolitionists and slaves all across America. In March of 1857, Dred Scott filed a lawsuit against John Sandford, believing that, because of his residency in a free state, he should be granted freedom. The court ruled against Scott and denied him his freedom and citizenship, but this decision was unconstitutional.

Chief Justice Roger B. Taney's opinion that said African American slaves could never be citizens and the Missouri Compromise is unconstitutional gained the majority of the Justice's agreement. Although Dred Scott thought that he would be a free man because he lived in the free state of Illinois¹, Chief Justice Taney with his originalist view says "We think [people of African ancestry] are not, and that they 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..."² Clearly, based on the words "intended to be included" Taney came to this decision based on what he thought the original writers of the constitution meant when it was being written, which by definition is the original meaning mode of interpretation.³ This reasoning shown by Taney is wrong because the Constitution never explicitly stated who was a citizen of the United states⁴, therefore he has no way of

¹ <https://www.britannica.com/event/Dred-Scott-decision>

² <https://shcp.ashp.cuny.edu/items/show/865>

³ Congressional research Service- Modes of Constitutional Interpretation

⁴ <https://www.microblife.in/how-does-the-constitution-define-national-and-state-citizenship/>

proving who the founding fathers intended to be a citizen. Taney also had bias in that he was a “supporter of slavery and intent on protecting southerners from northern aggression”.⁵ Showing that he may not have even wanted to fairly interpret the Constitution, in favor of keeping slavery alive.

The two judges with dissenting opinions were Justice Benjamin R. Curtis and Justice John McLean, with Justice Curtis being the author. The dissenting view was that African Americans indeed were citizens of the United States according to the Constitution.⁶ One method Benjamin Curtis used when writing the dissent was taking reference from historical practices that were used during the writing of the Constitution. While Justice Taney used original meaning and wrote only about what he believed to have been the original meaning of the word citizen in the constitution without much to back up this claim, Justice Curtis used actual evidence when looking at what people thought and did at the time of the Constitution. “He pointed out that blacks were citizens with voting rights in at least five states when the Constitution was adopted. They had the power to vote on ratifying the Constitution...”.⁷ The fact that during the drafting of the Constitution African Americans had voting rights proves that the founding fathers had intended for African Americans to be citizens of the United States. It’s evident that Justice Curtis used the historical practice methodology when coming up with the most constitutional opinion for the Dred Scott case.

⁵ <https://sage-advice.com/what-reasoning-did-taney-give-on-why-dred-scott-could-not-be-a-citizen/>

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https://repository.uhastings.edu/cgi/viewcontent.cgi?article=1628&context=hastings_constitutional_law_quarterly

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https://repository.uhastings.edu/cgi/viewcontent.cgi?article=1628&context=hastings_constitutional_law_quarterly

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It is safe to say, the final decision made by the majority court was unconstitutional. Justice Curtis and McLean had the most sound and reasonable opinion, and Dred Scott should have been granted his freedom at the end of this case. Unfortunately that was not the case and he was not set free until he was eventually purchased by supporters.⁸ Dred Scott v. Sanford has been the precedent for many cases involving freedom in the United States and should be talked about.

⁸ <https://www.historycrunch.com/dred-scott-and-the-dred-scott-case.html#:~:text=While%20Dred%20Scott%20had%20lost%20his%20legal%20battle,later%2C%20on%20September%2017th%20in%201858%20from%20tuberculosis.>