

# America brought to the colony of jamestown in

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America is known as the land of the free and the home of the brave to nations across the globe. It is a superpower and is known for its patriotic people. However, many people still struggle to understand the history. 17th, 18th and 19th century America, the foundation of one of the most powerful countries in the world, was built on the backs of slaves. Since the first African slaves were brought to the colony of Jamestown in 1619, America made itself great by taking away the free will of innocent people, many of them not educated enough to speak up for themselves. Frederick Douglass, a former slave, was one of the first to speak up about the pain and suffering that he had endured while in the clutches of slavery.

He paved the way for Dred Scott, a slave who rightfully tried to sue for his freedom after being taken to a free state. Historians see the Dred Scott Decision as one of the biggest mistakes that a court has ever made. The judges let their opinions overcome them, and although they expected the outcome to be great for the South, it expedited the pathway to the unavoidable civil war. Judges today often cite the Dred Scott Decision as the result of an “overly ideological and reactionary” judge. Due to Justice Roger B Taney’s bias and the political unrest it caused in the North and South, the Dred Scott Decision was a catalyst of the American Civil War. Judges are expected to be impartial when assessing a case and to keep an open mind while assessing the facts concerning the case.

However, judicial bias is present in thousands of cases throughout history, amidst judges favoring one party or giving more weight to a party’s claims. Judges are unable to act this way, but Justice Roger B Taney breaks this rule. The US Supreme Court was already pro-slavery, but Taney believed that a

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sweeping decision in this case would lower sectional tensions. Chief Justice Taney used the Dred Scott Decision in an effort to permanently resolve the “slavery problem” in favor of the South (Bell 2).

His approach therefore was explicitly biased. Taney’s path of judicial supremacy and the choice he made in the Dred Scott Decision are constantly criticized. By embracing the mindset that the court alone was the only way of resolving problems, Chief Justice Taney only hastened the demise of the judicial supremacy. He believed that African Americans, whether they were slaves or not, were forgotten by the Constitution and were not entitled to the privileges that citizens enjoy.

Taney articulated frequently that free blacks in the North could not be considered citizens and therefore were barred from federal courts. This decision angered abolitionists, and others who wanted to limit slavery’s expansion into the West. When reading Taney’s opinion, it is evident that he did not want the blame to fall upon the Supreme Court (Sunstein 23). He made it clear that Congress could change the law so that people of African descent could be citizens, but under the current Constitution they could not. Although Taney was the chief judge on the case, other judges like Justice McLean and Justice Curtis disagreed with Taney’s opinion.

McLean believed that “being born under our Constitution and laws, no naturalization is required as one of foreign birth to make him a citizen” (Roessler 12). Curtis took a dissenting view on the issues discussed in the Dred Scott Decision. He was “quite angry at the Southern Justices for their decision to reach the issue of the constitutionality of the Missouri

Compromise” (Roessler 31). McLean and Curtis both found that Scott should be considered free under the laws of the Missouri Compromise (Jager 24).

Since the beginning, Curtis hoped the Scotts’ should win their case. Curtis’s opinion is a prime example of how different forces can have a huge outcome on jurisdictions but cannot do anything without power. Curtis believed that citizenship should not be restricted by race, but the need to protect African-Americans from corruption was not very high on his priority list. The dissenting opinion of Justice Benjamin Curtis and Justice McLean suggests a better mindset and course for the Court that recognized constitutional politics outside of the judiciary. Chief Justice Taney believed his actions would thwart emancipation, but they only stoked the fire of abolitionists because they educated Northerners on the conditions of slavery. With the release of the outcome of The Dred Scott Decision, came the “awakening” of the North.

The greatest backlash to the Dred Scott Decision was from the Northerners. It made northerners more aware of the problem that slavery was causing and how inhumane it was. Opponents of slavery boldly attacked the Dred Scott decision. The Evening Journal of Albany, New York connected two themes and declared the decision as an offense to the liberty on which America was founded and a victory for slave states: “The three hundred and forty-seven thousand five hundred and twenty-five Slaveholders in the Republic, accomplished day before yesterday a great success — as shallow men estimate success.

" The fear of the " next Dred Scott" stunned many in the North who were content with the institution of slavery as long as it was within its borders (Whittington 34). To them, the decision was a declaration of war on the freedoms and values in each state, which were opposed to slavery. Most articles published in Northern newspapers were opposed to the decision, some even saying that " the Court's decision was the result of political corruption and should be regarded, throughout the Free States and wherever the pulse of Liberty beats, only as the votes of five slaveholders and two doughfaces upon a question where their opinion was not asked"(Oswald 21). Northern articles also showed how popular and far-reaching the Dred Scott Decision was as a news article. The Chicago Daily Tribune stated that The Dred Scott Decision " is the first step in a revolution which, if not arrested, nullifies the Revolution of '76 and makes us all slaves again"(Oswald 24). This article acted as a call of action to many other newspapers across the North. While most Northern articles objected to the outcome of the Dred Scott Decision, others expressed moral apprehension.

An article called " The Possible Citizenship of Negroes" depicted that it was sad the Court's ruling denied " the possible right of citizenship of the United States to a particular race, forever excluding the African from the common equality conceded to all others, and even closing the door of national justice to him as an outlaw" (Oswald 36). It also supported the claim that this part of the case that sustained racial prejudices and also went against what the Constitution stood for. Acting on the economic and political tensions that the case caused, Republicans assembled and fought against the slave power of the South, eventually prompting the election of President Lincoln. In contrast

to the reaction in the North, Southerners adored the decision that the Supreme Court came to in the Dred Scott Decision because they felt that it truly upheld and correctly interpreted the Constitution. They saw it as the ultimate justification of their practice of slavery, and as said on the front page of the Daily News in Savannah, Georgia, “ the series of decisions of the Supreme Court of the United States in the Dred Scott case, is of more vital importance in reference to the settlement of the slavery question than any or all the other acts and proceedings upon this subject- legislative and judicial, State or Federal- since the organization of the Federal Government”(Oswald 45). The Dred Scott Decision was the answer to the slavery question for the South, and all southern newspapers made reference to that. Southerners who had become uncomfortable with the Kansas-Nebraska Act disputed that under the federal constitution, they had a right to bring slaves into the territories, disregarding any decision by a sectional legislature on the subject (Roessler 34). The Dred Scott decision endorsed that view.

The expansion of the territories and acceptance of new states would be a loss of political power for the North, as many of the new states would be slave states. In addition to that, slaves would be counted as three-fifths of a person, which would add to the slave holding states’ political embodiment in Congress. An article from the Richmond Enquirer stated that “ the nation has achieved a triumph, sectionalism has been rebuked, and abolitionism has been staggered and stunned.” Southerners also concluded that since the Dred Scott Decision had answered the slavery question, it eliminated the sectionalism between the North and South. While most Northern articles

attacked the validity of the Dred Scott Decision, only a few Southern newspapers actually investigated the decision from a legal view. An article from the Charleston Mercury examined the case and came to the conclusion that "like the Romans, Northern and Southern states should form treaties with each other in order to protect a master's right to his slave if he entered into a slavery free state." The author of the article ended stating that the article was in response to the fact that the contradicting Supreme Court justices used precedents and international law to form their opinions.

Reactions to the Dred Scott Decision not only happened in the North and South, but in the West as well, as newspapers in the West also circulated articles in response to the court's decision. The reactions to the decision were varied in western papers, some convicted the decision, and even a few willingly supported it. By the time the court had already concluded the decision, California had already entered the Union as a free state, while Oregon was planning to enter statehood. One of the most argued topics in the western newspapers, in relation to The Dred Scott Decision, was if Oregon would come into the Union as a slave or free state (Oswald 72). Oregon had a significant slave population, for a territory that was supposed to be slavery free according to the Wilmot Proviso and the Ordinance of 1787. Oregon slave masters believed they could keep their slaves in this free state because according to the Dred Scott Decision, Congress did not have the power to restrict slavery in territories. Despite this, Oregon entered the Union as a free state. The Dred Scott Decision also had a lasting impact on politics and legal cases.

The decision came to in *Scott v Sandford* generated a change in federal policy and consequently affected legal applications. Most important legal implications ruled that blacks, free or enslaved could never be citizens. This was crucial because after the decision was issued, this aspect of the decision was applied in criminal and civil cases, as well as in other legal cases in both the North and South. Much to the Democratic Party's discomposure, the Republican party used the Dred Scott Decision to reinforce their anti-slavery attempts. The Dred Scott Decision focuses on four major aspects: race, status, citizenship and community. 150 years later we are still haunted by the connections of those major aspects described by Dred Scott.

Race and status were connected by the argument that blacks were of lower status and white people should enjoy higher status because of their corresponding races. This argument assumed that blacks could be enslaved solely because of their race. Race was connected to citizenship by the argument that blacks could never be citizens. The final connection, between race and community was anyone who could not be a citizen was forever an outcast to the American political community.

If the Dred Scott Decision is about slavery's importance to the constitution, it is also a case about the constitutional importance of being classified as a negro (Balkin 53). As stated by Dred Scott in the court case, "the members of one race owned the United States; it was their community and their county, and all other races were permitted to remain only on its terms." To whom does America belong? Who were the founders referring to as they wrote "We the People" on the constitution? To Chief Justice Taney, the "We



the people" were white people who migrated from Europe (Balkin 70).

Although Taney never clearly stated whether or not he believed that the 1787 constitution was unjust, if people wanted a better constitution, they could have used amendment procedures to modernize the constitution to fit the current definition of property. Before Dred Scott, Democratic Party officials also sought to invalidate the Missouri Compromise, and were successful in 1854 with the passing of the Kansas-Nebraska Act. This act allowed new states to decide if they were a slave or free state.

With Dred Scott, Taney tried to allow slavery to expand to all territories. These varied reactions led to sectional tension all over America. With moral issues over slavery, states' rights, secession and industry versus farming, the Dred Scott Decision added the final controversy, which pushed America into the Civil War. Dred Scott led the way for slaves to stand up for themselves in court and by doing this, not only did he raise national awareness of his own condition, but he also shined a light on the unjust institution of slavery. According to the laws of the Missouri Compromise, once Scott moved up North he should have been emancipated. Yet as he sued for his freedom, he was labeled as property, something inferior to the privileges that white Americans held, just because of his skin color. Thomas Jefferson declared in the Declaration of Independence, co-signed by 56 of America's founding fathers that "all men are created equal" signaling their desire for equal opportunity.

The efforts to determine what that statement meant have been debated ever since. Chief Justice Taney made a biased decision purely based on his own

opinion and tried settling the question of black citizenship once and for all. Instead, it played a pivotal role in the Civil War and events to come. It also had the ironic effect of accelerating emancipation for the slaves by assisting the start of the Civil War. Chief Justice Taney's bias backfired, and led to a ripple of different reactions all across the country. These reactions inspired people to fight for the cause that they believed was just, and in the end, those who chose not to judge people based on their skin color and social status reigned supreme.