

Dred Scott Reading Guide Questions

Taney argues that blacks obviously could not have been citizens because southerners would be obligated to give them the same rights in their state constitutions as they gave to white citizens. What rights would these be?

Curtis and Lincoln both argue that even under the strictest definition of citizenship—voting—blacks were clearly citizens in five states of the Union. Which states were these? Does anything jump out at you from the list of states where blacks exercised suffrage?

The dissenting opinions note that women prove that one can be a citizen without voting. How so?

Both sides interpret the Declaration of Independence differently. What evidence from its text does Roger Taney offer for his interpretation that the Declaration of Independence obviously meant to exclude blacks?

What evidence from its text do Curtis and Lincoln use?

Which has a better case?

For all their disagreements, both sides on this agree on the role of a judge: to interpret and enforce the law as written and understood at the time it was passed, rather than decide upon whether a law is just or a policy is sensible. Both Taney and the dissenting justices implicitly accuse the other of making a decision on what they wish the Declaration and Constitution had said, rather than what it does demand. Where do you see these critiques?

Is it accurate in any of these cases?