Compass Life Adult Sunday School

Pastor Pete

February 9, 2020

**“Slavery and Racism Endorsed by the Court”**

**I. Worcester v Georgia (1832)**

[In the 1820’s](https://i1.wp.com/sustainatlanta.com/wp-content/uploads/2015/04/cherokee-map.jpg)Georgia sought to remove the \_\_\_\_\_\_\_\_\_\_\_ Indians from the northern part of the state. They enacted laws that acquired tribal lands, and attempted to redistribute that land to non-native residents. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ was elected president in 1828 and joined Georgia in its quest to \_\_\_\_\_\_\_\_\_ the Cherokees. In 1831 the Cherokee Nation challenged the Georgia laws in the US Supreme Court. In Cherokee Nation v. Georgia, the Court held that the Cherokee Nation was a “domestic, dependent nation” and not a foreign nation, the Court lacked \_\_\_\_\_\_\_\_\_\_. Samuel Worcester, a native of Vermont, was a \_\_\_\_\_\_\_\_\_ assigned to the Cherokee national capital of New Echota, in Georgia. Upon his arrival Worcester began to translate the \_\_\_\_\_\_\_ into the Cherokee language. Worcester befriended Cherokee leaders and advised them about their \_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_. Georgia saw that Worcester was influential in the Cherokee resistance movement and enacted a law that prohibited "\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_" from residing within the Cherokee Nation. Georgia ordered the missionaries to obtain a license of residency or leave the Cherokee Nation. Worcester decided to challenge the law and refused to leave the state. On March 12, 1831, Georgia authorities arrested Worcester and several other missionaries and teachers for violating the new law. In September the missionaries were tried, convicted, and sentenced to four years in prison at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The missionaries, represented by lawyers hired by the Cherokee Nation, appealed to the U.S. Supreme Court. In Worcester v. Georgia, the court \_\_\_\_\_\_\_\_\_\_\_\_ Georgia's extension laws. In the majority opinion Marshall wrote that the Indian nations were "distinct, independent political communities retaining their original natural rights" and that the United States had acknowledged as much in several \_\_\_\_\_\_\_\_\_\_\_ with the Cherokees. Although it had surrendered sovereign powers in those treaties with the United States, he wrote, the Cherokee Nation remained a separate, sovereign nation with a legitimate title to its national territory. Marshall harshly rebuked Georgia for its actions and declared that the Cherokees possessed the right to \_\_\_\_\_\_\_. Georgia \_\_\_\_\_\_\_\_\_\_ the Supreme Court's ruling, refused to release the missionaries, and continued to press the federal government to remove the Cherokees. President Jackson \_\_\_\_\_\_\_\_\_\_\_ enforce the decision against the state and instead called on the Cherokees to relocate. In 1838 the U.S. Army entered the Cherokee Nation, forcibly gathered almost all of the Cherokees, and marched them to the Indian Territory in present-day Oklahoma (\_\_\_\_\_\_\_\_\_\_\_\_\_). Governor Lumpkin persuaded the Georgia legislature to repeal the law the state had used to convict Worcester.

**II. Roger Taney, Chief Justice Supreme Court (1836-1864)**

He was born in Calvert County, \_\_\_\_\_\_\_\_\_ on March 17, 1777, to \_\_\_\_\_\_\_\_ tobacco plantation owners. Taney attended Dickinson College in Carlisle at the age of 15 where he was elected class valedictorian. After his graduation, Taney moved to Annapolis, where he studied law under Judge Jeremiah Chase of Maryland’s General Court for three years before being admitted to the bar in 1799. A few years later, Taney married Anne Phoebe Carlton Key, the sister of Taney’s long-time friend, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. As a member of the Federalist Party, Taney served for one year in the Maryland House of Delegates. In 1816, Taney was elected to the Maryland Senate. After serving a 5-year term, he settled in Baltimore in 1823 and was elected \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_ of Maryland in 1827. At this point in time, Taney underwent a huge political shift and abandoned the Federalist Party. Because he became a staunch supporter of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the Democratic Party, Jackson appointed Taney as the US Attorney General in 1831. Due to Jackson’s aversion towards the National Bank, he fired his Secretary of the Treasury and appointed Taney, who helped Jackson \_\_\_\_\_\_\_\_\_\_ the Bank. Despite serving in the position for nine months, Taney became the first cabinet nominee ever to be \_\_\_\_\_\_\_\_\_ by the Senate. Jackson nominated Taney to replace Gabriel Duvall on the Supreme Court in 1835 but, the senate \_\_\_\_\_\_\_\_\_\_ him again. Jackson successfully nominated him again 10 months later to succeed Chief Justice John Marshall. Taney, the first \_\_\_\_\_\_\_\_\_\_\_\_\_ to serve on the Court, was confirmed on March 15, 1836. While serving on the Court, Taney introduced new traditions that are still followed today. First, despite his refined upbringing, Taney began the custom of wearing \_\_\_\_\_\_\_\_\_\_\_\_\_\_ under his judicial robes. He also started the practice of assigning opinions to associate justices. Taney’s most infamous decision was the Dred Scott v. Sanford opinion. Ironically, Taney \_\_\_\_\_\_\_\_ the slaves that he had inherited; however, he believed that the federal government had no right to limit slavery. He mistakenly thought he could save the Union when he ruled that the Framers of the Constitution believed slaves were so \_\_\_\_\_\_\_\_\_\_\_\_ that they possessed no legal rights. He held the Missouri compromise unconstitutional, claiming that as property, slaves were protected under Article V. Taney became even more disliked when he challenged \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ constitutional authority to apply certain emergency measures during the Civil War. Despite his critics, Taney served until he died on October 12, 1864, at the age of 87, after being Chief Justice for 28 years.

**III. Dred Scott v Sandford (1857)**

Dr. John Emerson, a surgeon with the U.S. Army, purchased Dred Scott, a slave, and eventually moved Scott to a base in the Wisconsin Territory. Slavery was banned in the territory pursuant to the \_\_\_\_\_\_\_\_\_\_\_\_ Compromise. Scott lived there for the next four years, hiring himself out for work during the long stretches when Emerson was away. In 1840, Scott, his new wife, and their young children moved to Louisiana and then to St. Louis with Emerson. Emerson died in 1843, leaving the Scott family to his wife, Eliza Irene Sanford. In 1846, after laboring and saving for years, the Scotts sought to \_\_\_\_\_\_\_\_\_\_\_\_\_\_ from Sanford, but she refused. Dred Scott then sued Sanford in a \_\_\_\_\_\_\_\_\_\_\_, arguing that he was legally free because he and his family had lived in a territory where slavery was banned. In 1850, the state court finally declared Scott free. However, Scott's wages had been withheld pending the resolution of his case, and during that time Mrs. Emerson remarried and left her brother, John Sanford, to deal with her affairs. Mr. Sanford, unwilling to pay the back wages owed to Scott, \_\_\_\_\_\_\_\_\_\_\_\_\_ the decision to the Missouri Supreme Court. The court overturned the lower court's decision and ruled in favor of Sanford. Scott then filed another lawsuit in a federal circuit court claiming damages against Sanford's brother. The jury ruled that Scott could not sue in federal court because he had already been deemed a slave under Missouri law. Scott appealed to the U.S. Supreme Court, which reviewed the case in 1856. The Supreme Court, in an infamous opinion written by Roger Taney, ruled that it lacked \_\_\_\_\_\_\_\_\_\_\_ to take Scott's case because Scott was a slave. First, the Court ruled that because Scott was "a negro, whose ancestors were imported into this country, and sold as slaves," and thus "[not] a member of the \_\_\_\_\_\_ community formed and brought into existence by the \_\_\_\_\_\_\_\_\_\_\_," Scott was not a citizen and had no right to file a lawsuit in federal court.  Second, the Court argued that Scott's status as a citizen of a free state did not necessarily give him status as a U.S. citizen. While the states were free to create their own citizenship criteria, and had done so before the Constitution even came into being, the Constitution gives \_\_\_\_\_\_\_\_ exclusive authority to define national citizenship. Moreover, the Court argued that even if Scott was deemed "free" under the laws of a state, he would still not qualify as an American citizen because he was \_\_\_\_\_. Finally, the Court argued that, in any case, Scott could not be defined as free by virtue of his residency in the Wisconsin Territory, because Congress lacked the power to ban slavery in U.S. territories. The Court viewed slaves as "\_\_\_\_\_\_\_\_\_\_\_\_\_\_," and the Fifth Amendment forbids Congress from taking property away from individuals without just compensation.

**IV. Yick Wo v Hopkins (1886)**

As early as 1820, Chinese were immigrating to California, and became nearly \_\_\_\_\_ percent of California's population (\_\_\_\_). Of this Chinese community, 40 percent, or about 30,000 people, lived in the San Francisco Bay area. The general public read many lurid stories denouncing \_\_\_\_\_\_\_\_\_\_ as fronts for immoral activities such as opium smoking and prostitution. A San Francisco ordinance prohibited operating a laundry located in a \_\_\_\_\_\_\_\_ building without the consent of the Board of Supervisors. The law seemed a reasonable exercise of the state's police power, since the wooden buildings were vulnerable to the many fires that plagued San Francisco. Over \_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the 320 laundries in the city were located in wooden buildings, and of these, two-thirds had \_\_\_\_\_\_\_\_ owners. The Board of Supervisors granted permission to operate laundries in wooden buildings to all but one of the non-Chinese owners, but \_\_\_\_\_ to the 200 Chinese applicants. Yick Wo, a Chinese alien who had operated a laundry in the city for many years, was refused a permit. When he continued to run the business, he was arrested and convicted under the ordinance. The Supreme Court \_\_\_\_\_\_\_\_\_ the conviction, not because the ordinance specifically discriminated against Chinese -- it did not -- but because it was administered in a discriminatory fashion. Yick Wo v. Hopkins is the first instance of the Court inferring the existence of discrimination from the law's application, a technique that would be used again in the 1960s to strike down statutes discriminating against African Americans.

**2/16 “Slavery and Racism Endorsed by the Court”**