

Has Dred Scott risen again?

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Growing up, I learned a lot about the Dred Scott legal decision. The parallels I see between it and the 2012 Supreme Court decision on the Affordable Care Act (ACA) strike me.

For those who need a historical refresher, Dred Scott was born a slave in Virginia between 1795 and 1800. After the death of his first master, Scott was purchased by Army surgeon Dr. John Emerson, and then relocated to Illinois and later Wisconsin.

Both states prohibited slavery. While in Wisconsin, Scott was legally married, a condition unheard of for slaves.

Throughout a series of events that included residing in states prohibiting slavery, Scott and his family remained in the service of Dr. Emerson until Emerson's death in 1843. In 1846, Scott attempted to buy his freedom from Emerson's widow, but was refused. He pursued freedom through the courts.

Issues overshadowed

The technical issues of Scott's states of residence were overshadowed by the larger controversy of citizenship and property rights of slaveholders to maintain the legal status of their slaves. Although other rulings established precedence to the contrary, the Missouri Supreme Court, which governed the case, ruled that a slave in a free state didn't become free by residing in a state or territory that didn't recognize slavery.

The Missouri case was appealed and argued before the U.S. Supreme Court. There, pro-slavery advocates argued that Blacks couldn't be citizens and that the federal government had no right to interfere with the property rights of slaveholders. Writing for the majority, Chief Justice Roger Taney determined that Blacks, free or slave, couldn't be U.S. citizens.

Each justice wrote his opinion, but Taney's was considered "THE Dred Scott decision." Taney wrote that Blacks were "so far inferior that they had no rights which the White man was bound to respect." His ruling was wrongly assumed as the final answer to the question of slavery.

Larger questions

As in *Scott*, the current Supreme Court decision is supposed to render the final answer to a specific legal question, but it gives rise to larger questions of morality and principle. Although Chief Justice Roberts issued a favorable opinion, I realize his opinion was not the final answer.

Like many Supreme Court rulings, a determination of constitutionality does not enact a law in the hearts and minds of the populace. In this case, the acceptance and acknowledgment of healthcare as a human right, and as part and parcel of our “right to life, liberty and pursuit of happiness” is essential for the ACA ruling to have real meaning.

Right or wrong?

The constitutionality of the ACA is debated on its cost and the mechanics of implementation. The real question is whether it's right and just for citizens to be denied adequate and appropriate healthcare solely on the basis of their status and wealth. Is it fair for us to justify needless wars that exhaust the lives of our youth and our national wealth, while we reject remedial involvement with the conditions of health that negatively impact our people?

As nearly every Republican leader threatens survival of the ACA for partisan reasons, we're left with the decision to do what's right because it's right. Can we do less than support the ACA? The measure of our national morality will be determined by the answer we give.

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