

Why Black Lives Matter

*A Socio-Historical Contextualization of the
Lives of Blacks In America, 1857-2023*

By

Blanchard Onanga Ndjila

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Abbreviations

ACMHRAlabama Christian Movement for Human Rights
BLM Black Lives Matter Movement
BLMG Black Lives Matter Grassroots Movement
BLMGNF Black Lives Matter Global Network Foundation
BLM PAC Black Lives Matter Political Action Committee
CORECongress Of Racial Equality
LGBTQIA2SLesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, Two Spirit
M4BL Movement For Black Lives
SCLCSouthern Christian Leadership Conference
NAACP National Association for the Advancement of Colored People
NOINation Of Islam

Introduction

The killing of Trayvon Martin led to the Black Lives Matter movement being created in 2013. Yet, upon its creation and implication in denouncing Michael Brown's and George Floyd's deaths, critics started to vigorously question the relevancy as well as the credibility of such a movement, especially given that for some, the movement's slogan—Black Lives Matter—seemed to be non-inclusive, and thus, divisive, because other races' lives matter as well, as it should. However, given that for centuries, the lives of African Americans did not matter, this historical fact gives moral authority and legitimizes the movement's slogan. I contend that the understanding of these emotionally loaded three words—Black Lives Matter—can only be realized through a comprehensive knowledge of the history of America as it relates specifically to African Americans. And that the history of Black people in America has been unique since the beginning of their African ancestors' journey on the American continent in 1619, first as enslaved people whose life conditions were almost nonexistent. Life conditions rendered to a state of dehumanization characterized by different moments that have always spoken to their previous lack of status, even denied to them within the U.S. Constitution. This legal document failed to consider enslaved Africans and African free persons as humans when it was signed in 1787 by thirty-nine delegates present after the Constitutional Convention in the state of Philadelphia. To acquire their status as American citizens, after being freed, three Reconstruction Amendments had to be passed to attempt to recognize their humanity as individuals in America fully. The *Dred Scott Case* of 1857, the Emancipation Proclamation, the Thirteenth, Fourteenth, and Fifteenth Amendments, the *Plessy v. Ferguson Case* of 1896, and the *Brown v. Board of Education Case* of 1954 are all examined to highlight how Black Americans—not any other race or group of people—are the sole group whose change of status had always been done through legislative laws and amendments to the U.S. Constitution. These legislative battles and

alterations, which background history has given legitimacy to the Black Lives Matter movement, have always been held in black communities through social movements led by charismatic leaders. Therefore, these movements, such as the Abolitionist, the Civil Rights, and the Black Lives Matter movements, will be revisited to establish the commonality of the issues addressed by these movements and their leaders.

The Abolitionist movement led by Frederick Douglass will be examined first. His unique relationship with President Abraham Lincoln will be analyzed to highlight how, during the 1860s, Douglass championed the cause of slaves, the vast majority of whom were Black people whose lives did not matter to America. It will then be contended that regardless of the legislative gains that occurred during Abraham Lincoln's presidency, the plight of the enslaved Black people did not change. To further reduce the effectiveness of the Emancipation Proclamation as well as that of the Reconstruction three Amendments, it will be demonstrated how Southerner politicians legislated Black Codes and Jim Crow laws to prevent former enslaved Black people from fully taking advantage of their newly acquired civil rights and liberties. Because of these Southern tactics, it will be contended that the lives of African Americans, which did not matter to mainstream Americans, did not improve as years and centuries progressed. The Black Codes and Jim Crow Laws were reinforced and strictly implemented in the deep South during the 1950s and 1960s as well.

To challenge these Black Codes and Jim Crow laws, another social movement emerged during the 1950s and 1960s. It will be shown how the fight relative to improving the life conditions of the African American people continued. The Civil Rights Movement, under the leadership of the Reverend Dr. Martin Luther King Jr., continued in the footsteps of the Abolitionist movement. It challenged the status quo and brought about some socioeconomic and political changes to the lives of Black people. To show that the lives of Black people still did not matter during the 1950s and 1960s, however, it will be examined certain cases and historical incidents linked to Black young men being savagely

killed as a result of their lives not being deemed necessary to America. Despite the significant gains of the Civil Rights movement, in terms of the movement being able to challenge and bring one Republican and two Democrat presidents —Dwight D. Eisenhower, John F. Kennedy, and Lyndon B. Johnson— to initiate and sign legislative proposals into laws, namely the 1957 Civil Rights Act, the 1964 Civil Rights Act, and the 1965 Voting Act, the lives condition of the Black people were not improved when it came to police brutality. As the years and centuries passed, something had to be done. It will thus be contended that due to the dissatisfaction of the youngest activists, the sons and daughters of the baby boomers generation of African Americans, who have been hungry for change, the torch of advocating for social change is being passed to leaders of organizing social movements such as the Black Lives Matter movement. Thus, it will be argued that as the generation changes, the issues confronting Black America remain the same. In the 2000s, America witnessed a new generation of young Black activists, mainly composed of women, demanding radical reforms. To enhance their society and their communities, they created the Black Lives Matter movement, an inclusively decentralized movement to prevent and eliminate the random killings of Black people, in particular. I rely on the Federal Bureau of Investigation-FBI Hate Crime Statistics for the years 2009 and 2013 to highlight the plight of African Americans in terms of most hate crimes being committed against them due to their skin color. I also use two Reports by the Equal Justice Initiative (EJI) to underscore the severity of Black lives lost due to Black people's being "lynched" by white mobs. The Southern Poverty Law Center provides me with essential statistics discussing the increase of hate groups started in 2009 upon the Inauguration of President Obama, the first American president who happened to be Black. The New York University School of Law 2020 Policing Project on Policing and its subsequent Report provide statistics and percentages establishing a correlation between police officers killing individuals and the increased militarization of American police departments. The Gallup Poll provides statistics and percentages about the state of the Black Lives Matter movement, highlighting the American perception of this movement. All these

statistics and many more being used in this work reinforce the importance and the urgency for the American public to realize that “Black Lives Matter.” This work will interchangeably use African Americans, Black Americans, and Black people. On the other hand, Whites, White people, Caucasians, and the phrase “those part of the Majority Group” will be used interchangeably as well to mean white people.

Of all the excellent books on the Black Lives Matter movement, this book would be among the first to use a scientific method to conduct this research. In addition, I use references from well-balanced sources to support the central arguments of this work. Most importantly, I use inductive and deductive reasoning to present the work’s main arguments. I contextualize and analyze my work through a socio-historical approach precisely because the issues addressed by the Black Lives Matter movement seem similar to those addressed by both the Abolitionist and the Civil Rights movements, though the perspectives somehow have changed.

The book contends that because African Americans’ lives have not always mattered to America (considering the evidence examined in Part I and II linked to slavery, social status changes through the 13th, 14th, and 15th Amendments, Black Codes, Jim Crow laws, racial segregation, lynchings of African Americans, incarceration or police brutality on Black people), these different sufferings and instances, I argue, have not only given a moral authority but have legitimized the usage of the phrase “Black Lives Matter” by the movement’s co-founders. I also contend (considering the evidence presented in Part I, II, and III) that, given the uniqueness of the African Americans’ suffering as enslaved people, for instance, it appears almost immoral and historically misleading to attempt juxtaposing the Black Lives Matter movement to either, “All Lives Matter,” “Blue Lives Matter,” or “White Lives Matter,” precisely because not only African Americans’ lives have not always mattered to America but, Native Americans’ lives have not always mattered to America, as well, to some extent. I further

argue that it is precisely because all lives “SHOULD” matter that it seems appropriate to affirm that “Black Lives Matter.”

Of all the excellent books I have read about the Black Lives Matter movement, this would be the only one incorporating the writings from the three co-founders’ books and online statements. Combining the co-founders’ writings has allowed me to better render the real reasons, from their perspectives, as to why the movement was founded. This would also be the first book on the subject that discusses three (3) Supreme Court cases to underscore how their rulings impacted the lives of Black Americans. In addition, this would be the first book on this issue, with an entire part- Part III- discussing the immediate birth of the Black Lives Matter movement while examining the movement’s activism on the ground and from socioeconomically, politically, and legislatively perspectives. This would likely be the first book debating the movement’s main objectives and what it hopes to accomplish in the long run as years and maybe decades pass. In doing so, it would be one of the first books analyzing the different legislative initiatives and proposals the Black Lives Matter movement has made since its creation in 2013. Furthermore, this book would be the first to discuss how the Black Lives Matter movement has collaborated with Democrat Congresswomen, in particular, to pass legislation important to the movement. To sum up, this book would be the first “comprehensive” book on the Black Lives Matter movement that gives a clear overview of the true origin of the movement while presenting its legislative initiatives. Thus showing the seriousness of this movement and how determined it intends to leave its prints on America. Furthermore, this book would be the first to assess some of the accomplishments of the Black Lives Matter movement in ten years. Given that the movement was founded in 2013, it celebrated its tenth anniversary in 2023, which marks the end of the period covered by this work. Roughly speaking, my book would be the first one to assess what the Black Lives Matter movement has accomplished socially, politically, legislatively, organizationally, and globally in ten years.

The purpose of this research book appears to be twofold: to educate and to inform. My primary objective in researching and writing this contribution is to help the American public (1) understand the history behind these three words — Black Lives Matter. I also would want Americans, regardless of race, gender, sexual orientation, social status, political affiliation, or origin, to be (2) informed so that they have facts that should help them have objective, unemotional debates whenever discussing the Black Lives Matter movement. The historical understanding of the origin behind these three words should also make critics of the movement become more conciliatory and open-minded and soften their rhetoric to appropriately address the socio-economic and political issues facing the Black Community in addition to the problems of police brutality tied to the incarceration of Black men, women, and young men. So, in a sense, this book is for anyone critical of the Black Lives Matter movement, anyone who has not been able to fully accept and understand the true origin of the terms used to coin the movement's phrase "Black Lives Matter." In the final analysis, the purpose of the book is to bring back and re-center the debate about the Black Lives Matter movement where it should be, and that is to address the issues highlighted by the movement effectively. Americans should understand that these issues are real, exist, are not fabricated, are not lies, and their recurrence is centuries old. That the time fits to correct them, maybe, once and for all, hopefully.

Because Black Americans' lives have not mattered for centuries, and during centuries, going from the seventieth century up to the twenty-first century, their unique sufferings in America, moving from enslaved to freed people, have given the Black Lives Matter movement not only the moral authority but also the legitimacy to claim that "Black Lives Matter consciously." Because African Americans' lives have not always mattered in America, as well as Native Americans' lives, to some extent; it appears, therefore, historically incorrect and almost morally wrong to attempt juxtaposing the #Black Lives Matter movement to the "All Lives Matter," "White Lives Matter," or "Blue Lives Matter" movements. Though I contend that all lives "SHOULD" matter, I insist

that it is precisely because all lives “SHOULD” matter that “Black Lives Matter,” given the evidence resulting from the socio-historical approach under analysis. However, I also argue that claiming “Black Lives Matter” by the co-founders of a decentralized movement is neither a rejection nor a lack of acknowledgment on their part that “All Lives Matter.” In this perspective, I stress the importance of understanding that “Black Lives Matter” and “All Lives Matter” are far from antithetical movements. In the final analysis, my thesis is to examine, from my socio-historical approach, some of the significant instances during which, from 1857 to 2023, Black Lives have not mattered to grant legitimacy to the existence of the # Black Lives Matter movement.

Socio-historical facts that will be contextualized and examined throughout this work will show that, in America, Black Americans are the sole group of people whose life and social status changes have always been done through numerous legislative laws and amendments. Those legislative changes have always been possible due to the activism of Black leaders through movements on behalf of the majority of Black people who have no official voice that can be heard by those who hold power in their hands. It will further be demonstrated that Black Americans are the sole group of individuals whose enslaved ancestors were considered non-humans whose rights could not be respected by any “white” person. To better understand the historicity associated with these three words—Black Lives Matter, it will be shown how Black people are the sole ethnic group in America whose bodies were lynched and hung on trees while being savagely killed by slave patrollers or the Ku Klux Klan; on the one hand. And on the other hand, how Black Codes and Jim Crow Laws legally upheld these atrocities. Based on historical facts, it will be demonstrated why a movement such as #Black Lives Matter has been consciously claiming its legitimacy. Historical incidents pointing to how, over the past, America has shown a disregard for the lives of Black people will also be analyzed. It will, once more, be explained how intentionally claiming that “Black lives matter,” considering American history as it is linked to African

Americans, is neither opposing nor refusing to acknowledge that all lives should matter. It will be argued and shown that it is precisely because all lives should matter that Black lives that have been stolen, enslaved, merchandized, subjugated, lynched, rejected, racialized, segregated, degraded, and shamed over time should matter. This work uses a well-measured tone with careful language so that all the audiences can feel satisfied after reading it.

This work has three distinct parts. The first, entitled “The Abolitionist Movement,” discusses the prominent role played by abolitionist Frederick Douglass and how, thanks to his activism, he influenced, to some extent, President Abraham Lincoln to issue the Emancipation Proclamation. The passage of the Reconstruction three Amendments is also examined in this part to demonstrate that Black Americans, not any other group, have had their status go from being enslaved people to being free individuals and from being freed individuals without any social status to being “granted” citizenship. This first Part examines the foundation of Black American activism. It stresses the origin of Black movements advocating for Black lives. It will also be emphasized how Supreme Court Justice Roger Taney’s ruling in the *Dred Scott* Case of 1857 set a precedent inferring that enslaved Blacks and free Black people’s lives did not matter to America. That they were not American citizens and that they would never be American citizens. Thus, African Americans had to claim their rights and consciously find ways to protect themselves and their rights and civil liberties. This first Part would, however, show, given that Black people were the only individuals who were enslaved and whose lives could not be respected by a single “white” man, that their lives did not matter. Therefore, the lives of the other groups were the only ones that mattered. This part will address the issue of slavery as it lays the foundation for the start of African Americans’ suffering on American soil. The 13th, 14th, and 15th Amendments to the U.S. Constitution will be examined to highlight some of the backlash that resulted from their implementation. This part, I will argue, is where Black American activism started. From this perspective, I contend that the Civil Rights and Black Lives Matter

movements originate from the Abolitionists' activism. The fight they started continued throughout the twentieth century to twenty-first-century America.

The second Part, which discusses the “Civil Rights Movement,” highlights the fights led by Dr. Martin Luther King Jr. and his colleagues to try to make it so that the lives of Black people matter during the 1950s and 1960s. Dr. King’s social activism and the type of collaboration he and his lieutenants from the Southern Christian Leadership Conference (SCLC), as well as other leaders from other organizations part of the Civil Rights movement, such as Malcolm X of the Nation of Islam (NOI), John Lewis of the Student Nonviolent Coordinating Committee (SNCC), Fred Shuttlesworth of the Alabama Christian Movement for Human Rights (ACMHR), Medgar Evers, or attorney Thurgood Marshall both working on behalf of the National Association for the Advancement of Colored People (NAACP) and many more had directly or indirectly, in different capacities with the Kennedy and Johnson administrations will also be examined. I stress how doctrines such as the “separate but equal” affected Black people during the 1950s and 1960s.

The goal that is intended to be achieved is to demonstrate that Black lives were not a priority for either administration. Black people were subject to not only racism but also abuse of different kinds. The South illustrated itself in murdering, dehumanizing, and killing innocent young Black men, women, and children, as it will be shown. It will further be demonstrated, once again, that regardless of the passing of the three Reconstruction Amendments, Black lives did not change, that their socioeconomic and political conditions almost remained unchanged and that it was only through Black activism that Dr. King, his colleagues, and their followers made Black lives taken seriously by Presidents Kennedy and Johnson.

The third and last Part examines the “Black Lives Matter Movement.” This part focuses on some of the killings of African Americans by police

officers. Here, I discuss why these killings were the basis for the creation of the #Blacklivesmatter movement. The activism of its members is linked to the activism of previous movements to explain that the leaders of the #Blacklivesmatter movement are pursuing the activism left off by the Civil Rights movement's leaders. It will be argued that African Americans had been, have been, are a group set apart mainly because of the way their ancestors unwillingly arrived in America. Due to the uniqueness of their experience, there has always been a need for community members to emerge from the group and be the voice of those who cannot speak for themselves. Therefore, it will be demonstrated that when Patrisse Khan-Cullors, Alicia Garza, and Opal Tometi consciously claim that Black lives matter, they call for an awareness and acknowledgment that all lives "SHOULD" matter. And that for all lives to matter Black lives "MUST" matter. This is not a rhetorical argument. These are historically-based facts indicating that for centuries, from 1857 to 2023, Black lives have seemed not to matter. Most specifically, the killings of Trayvon Martin in 2012, Michael Brown in 2014, and George Floyd in 2020 are examined to establish the commonality of these three killings. The examination of these killings aimed at facilitating a discussion on the ongoing issue of police brutality in America. This issue also leads to examining the complicated relationship between law enforcement and the Black communities. Although examined from the #Blacklivesmatter movement's perspective, analyzing this complex relationship would lead to socio-economic reasons behind the movement's "Defund the police" campaign. Apart from the issue of police brutality, a review of the different organizations created out of the #Blacklivesmatter movement will be conducted. These other organizations include the Black Lives Matter Global Network Foundation, the Black Lives Matter Grassroots Movement, the Black Lives Political Committee PAC, and the Movement For Black Lives. Each of these organizations will be briefly reviewed to determine their role within the Organization. Given that social organizations are likely to have internal budgetary issues, yet to only focus on the central questions of this work, it has been purposely decided not to address the internal financial allegations that surfaced in

2021 against some members of the movement's leadership. In this third part, in addition to examining the grassroots direct actions and activism on the ground, the movement's political involvement and its political and legislative proposals, aimed at improving the lives of Americans from all walks of life, will also be examined. In this manner, the relationship between Congressmen and women from the Democratic Party will be assessed. The purpose is to highlight the type of grassroots actions conducted by the #Blacklivesmatter movement while endorsing some candidates on the one hand. On the other hand, this assessment aims to demonstrate the type of legislative proposals initiated by the #Blacklivesmatter movement in collaboration with Democrat legislators, most of whom are Black Congresswomen.

I am an interdisciplinary scholar of American culture who has taught French, English, American Studies, and Communication Studies at several Universities, namely, Omar Bongo University, the University of Iowa, and William Penn University. I am the lead instructor for AP English Language and Composition, Pre-AP African American, and the AP- African American that will be offered in 2024-2025, at Rivermont Collegiate. I have authored, so far, three published books: - *Onkere-An African Boy's Story of Struggle, Resilience, and Determination* (2019), a fictionalized memoir based on the author's life; *Nkani-An African Prophecy* (2021), a fictionalized novel; and a poetry book – *Grief & Glee-Seasonal Storytelling Poetry* (2023). I have written a few scholarly published articles:- "*Reforming the Electoral College*," published on June 10, 2018, in *The Exchange Review*, Volume 2: Literature, ISS: 2310-3329; -"*Why Oprah Winfrey Will Never Ascend To The US Presidency*," published on June 10, 2018, in *The Exchange Review*, Volume 2: Literature, ISS: 2310-3329. I still have several non-published articles, among which- "*Dolly Parton's Lyrics As Embodiment Of The American Working-Class Values*" or "*The UN Failure To Stop The Ukrainian Invasion, and Why Africa Must be Conferred Permanent Membership on A Reformed Security Council*" to name a few. My interdisciplinary Ph.D., defended while the Black Lives Matter movement was being created (2013), focuses on the Civil Rights movement's historical contribution to the

2008 U.S. Presidential election of Barack Obama. My scholarly interests are in the intersection of American politics, the Civil Rights Movement, Obama's presidency, African American studies, American government, American political institutions, and the race issue.

I am also a former diplomat who's worked at the United Nations in New York City. During my tenure, I delivered several speeches on minorities, eliminating racism, racial discrimination, xenophobia, and related intolerance; social development; the Advancement of Women, Human Rights issues; and many more. Most of my speeches can be accessed following this link: (<https://digitallibrary.un.org>) by typing my name in the search engine.

This research book could appeal to specialists as well as general readers. Most specifically, this book could appeal to anyone interested in social movements that discuss issues facing minorities, especially African Americans. The book is most likely intended for Americans of any race who do not understand at this juncture what Black Lives Matter stands for. Anybody who needs to know what this movement stands for should be interested in it, be it students, scholars, or general readers. The book does not contain tables or charts that could require special knowledge. The only knowledge required here is to be open-minded and be willing to distinguish facts from non-facts-or fiction. Likewise, anyone interested in Black Lives Matter should be interested in it as it would likely provide factual elements that help them sustain an objective and unemotional discussion during debates among peers from different backgrounds. The events examined in this work will not be conducted in chronological order as they historically occurred, even though doing so would have been preferable.

The two hundred eighty-one (281) quotations in my book are carefully referenced. As I have researched, most books I found on the Black Lives Matter movement seemed to be experience-based books written by non-specialists in American Studies, and more specifically in African

American Studies, thus lacking the rigor needed to be applied to such an examination. My book attempts to remedy this.

Part I
The Abolitionist Movement

Chapter 1

The *Dred Scott v. Sandford* Case (1857)

It should not be imagined by any American that, by consciously claiming that “#Black Lives Matter”, the movement’s co-founders are refusing to acknowledge that “all lives” should matter. All lives should be taken into account, including Black people’s. Most importantly, the lives of Black individuals who have had the burden of leading social movements, such as the Abolitionist Movement centuries ago, *should* have mattered. Similarly, the lives of leaders who emerged from the Civil Rights Movement during the 1950s and 1960s, or even the lives of the new generation of women activists who have come of age under the Black Lives Matter movement, should equally matter. The plight of the lives of twenty-first-century Black people, it must be stated, had not changed much from that of their ancestors who came to America around the seventeenth century. Those first Black people who resided in America’s original thirteen colonies - coming directly from Africa - were enslaved. Centuries later, the institution of slavery flourished while being maintained by Southerners for whom slavery was a way not only of life but a source of significant economic wealth. Slavery, which was a practice that had at its core the dehumanization,¹ the rendering and treating of enslaved Black people like “irrational animals,”² was legalized in most parts of America. The highest court of the land, the U.S. Supreme Court, through its Chief Justice and several other judges, would be complicit, to a certain extent, in perpetuating what appeared to be an inhumane practice. The *Dred Scott Case* (1857) was one of the cases brought to the attention of the U.S. Supreme Court for its consideration.

¹ DeGruy, Joy. *Post Traumatic Slave Syndrome -America’s Legacy of Enduring In Jury & Healing* (USA: Uptone Press, 2005), 40.

² *Ibid.*, p.36.

Dred Scott was born into slavery as a Black man. As such, he was the “property”³ of his white owner, Master Peter Blow. Given that his master was a farmer whose primary agricultural activity was raising and merchandising cotton, Dred Scott would frequently travel with his master to territories where slavery was legally nonexistent. Upon the death of Dred Scott’s master, he was sold to a new master, Dr. John Emerson. As a medical doctor, Scott’s new owner would frequently travel to treat patients in the neighborhood free states accompanied⁴ by Dred Scott. During Dr. Emerson’s tenure as a physician, he relocated numerous times. This allowed Scott to enjoy freedom in inaccessible towns and states such as Wisconsin Territory or Rock Island, which are located within the boundaries of Illinois, a free state. Because Dred Scott enjoyed spending his life as a free man, he married a Black lady named Harriet Robinson. As tragedy strikes for the second time with Scott’s owner dying while residing in Davenport, Iowa, a free state, Scott, who did not move with his owner, initiated a lawsuit, first in 1846. That initial lawsuit was filed in the Missouri state court in St. Louis. Its primary objective was to “grant”⁵ freedom to Scott, his children, and his wife. The judge who reviewed this initial case rejected it. Unrelayed by the ruling, Scott and his lawyers took the case to the next level up to the U.S. Supreme Court.

Once the case was brought to the U.S. Supreme Court, one of the main fundamental questions under consideration by the nine U.S. Supreme Court Justices was— as Scott’s defense lawyers had been intentionally claiming—whether all states legally practicing slavery within their borders should honor a conscious claim to freedom by the mere fact that an enslaved person, such as Scott, had been living in free states for a considerable number of years.

³ Ibid., p.36.

⁴ Maltz, Earl M. *Dred Scott and the Politics of Slavery* (Kansas: University Press of Kansas, 2007), 61.

⁵ Ibid., p. 61.

The enslaved Black people working as animals under the slavery system had no rights whatsoever. The acknowledgment of formerly enslaved people as non-humans whose bodies could be mistreated was constitutionalized by Supreme Court Justice Roger Taney's ruling in what is known as the *Dred Scott v. Sandford* case of 1857. In that landmark decision, the fifth Chief Justice of America, Roger Brook Taney, a white Judge of Catholic obedience, born in the territory of Maryland, a pro-slavery state, delivered his majority opinion on March 6, 1857. This occurred a year after the case was brought to the U.S. Supreme Court. He essentially argued that Dred Scott— the plaintiff who in 1846 unsuccessfully tried to buy his family's freedom— was still enslaved of African descent. Because of the plaintiff's societal status, the *Dred Scott* case should not even have been brought to the U.S. Supreme Court, for it did not have jurisdiction over the case. In addition, because Scott's ancestors were sold as slaves to America, he was not entitled to all the rights, privileges, and immunities guaranteed by the U.S. Constitution to American citizens. To Judge Taney, Scott was not an American citizen and would never be. Therefore, he contended that Scott and the rest of the enslaved Black people "had no rights which the white man was bound to respect."⁶ Thus indicating that Black people's lives did not matter, as they were properties merely viewed as commodities. Judge Taney explained his reasoning and the thought process that led him to such a conclusion. He asserted that enslaved Black people were not granted any rights whatsoever when the U.S. Constitution was adopted.

The second question, under consideration by the U.S. Supreme Court, was related to citizenship and whether Scott was a U.S. citizen. As indicated, the Chief Judge did not consider him a U.S. citizen. As for the rationale behind the Judge's ruling, he argued that " while a state could declare anyone whom it pleased to be a citizen for its purposes, the states lacked authority to introduce a new member into the political community created by the Constitution of the United States. Two

⁶ Maltz, Op.cit., p.19.

groups determined that status: (1) -every person, every class and description of persons, who were at the time of the adoption of the Constitution recognized as citizens in the several states, (2)-those foreigners whom Congress might choose to naturalize under the authority granted to it by the Constitution."⁷ Neither case applies to Scott, given that he was a slave of African descent. In a 7-2 ruling, the U.S. Supreme Court, through its highest-ranking Judge, by refusing to grant citizenship to Scott or confirm his citizenship, established a precedent that constitutionally argues in favor of not granting any person of African descent American citizenship even if they were born in America. The proslavery ideology and anti-African sentiment formulated by Judge Taney should not have been a surprise given his previous stances on the issue of slavery, particularly when he served as the U.S. Attorney General.

Speaking on the issue of slavery, as it was related to the Scott case, one of his legal team lawyers, a man by the name of Blair, argued over the reasons why Southerners and those white people who were proslavery held onto this institution and why this issue had engendered serious tensions between Northerners and Southerners:

Whenever born, this natural division among men is into those who sympathize with power and dread the people, on one side, and those who dread tyranny and fear the people less, on the other hand. The power party naturally associates itself with property interests and institutions, which create political privileges. Slavery is an institution that invests political power in the few by the monopoly of the soil, wealth, and knowledge it produces. This is the most apparent effect on the society or States where it exists, and an obvious consequence is the concentration of power in the hands of those to whom the authority of such

⁷ Ibid., p.119.

societies or States is entrusted in the confederacy of which they form part.⁸

It was important to Scott's legal team to contend that the institution of slavery needed to be put an end to. And those with the "authority" to make decisions had the right to have it right. One of the "obvious" reasons Judges such as Taney needed to perpetuate this institution had to do with the evidence that slavery was a peculiar institution that was generating "wealth," particularly for Southerners. It should be noted that in Southern states, there was a consensus that the institution of slavery must be maintained and, if necessary, extended into newly acquired territories. Enslaved Black people were of an inferior and subordinate race. Therefore, they could not be compared to white people. It is apropos that Brian Kilmeade, the author of *The President and the Freedom Fighter* (2022), criticizes Judge Taney's ruling:

In 1857, when the United States Supreme Court handed down the Dred Scott decision, he made it clear that the whole simmering stew of American politics was about to bubble over. The ruling in Dred Scott v. John F.A. Sandford found that the plaintiff, Dred Scott, a man born into slavery, remained the legal property of John Sandford despite having spent years living in free states. The broad strokes of Chief Justice Roger Taney's opinion further angered abolitionists because it asserted that the "negro African race" was "of an inferior and subordinate class." Blacks wrote Taney, " had no rights which the white man was bound to respect." In the eyes of the most powerful Justice in the land, people of African descent were not and could not be citizens.⁹

One could argue that this distorted view of interpreting the U.S. Constitution by Judge Taney took root in his understanding that such terms as "slave" or "Blacks" were, indeed, not included, not intended to be included under the word "citizens" contained within the U.S.

⁸ Ibid.,p.110.

⁹ Kilmeade, Brian. *The President, and the Freedom Fighter* (USA: Sentinel, 2022), 74-75.

Constitution. And therefore, they - Black people - could not intentionally claim any of the rights and privileges which that instrument provides for and secures to citizens of the United States. Judge Taney's ruling completely contradicted the principles on which the American nation was founded. These tenets had something to do with the fundamental rights enshrined within the American Declaration of Independence of July 1776, whose Preamble states, "We hold these truths to be self-evident, that all men are created equal, that their Creator endows them with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."¹⁰ In the Declaration of Independence, apparently, and considering the Judge's ruling, the term "ALL Men" did not apply to enslaved Black people when, indeed, it should have, and it had. Yet Judge Taney's ruling reinforced the idea that African Americans were not humans but either commodities¹¹ or properties that could quickly be commercialized. As such, they had neither rights nor civil liberties. They were regarded as a subhuman group far below the white race. Judge Taney's ruling reflects the long tradition of disparity of judgment between different races within the American judiciary system. Nowhere in the U.S. Constitution was explicitly marked such terms as "slave"¹² or "slavery."¹³ The crafters of the U.S. Constitution maintained ambiguity on this issue. However, slavery might have been indicated in other places as a "person held to service or labor"¹⁴ or in the phrase "the three-fifths of a person."¹⁵

For having been appointed by President Van Buren, a Democrat, and for presiding over a Court whose Judges were appointed by Democrat presidents, Judge Taney's ruling should not have been a surprise.

¹⁰ *The Declaration of Independence and the Constitution of the United States. U.S Citizenship and Immigration Services.* M-654 (rev. 07/2008), 1.

¹¹ Vorenberg, Michael. *Final Freedom the Civil War- the Abolition of Slavery, and the Thirteenth Amendment* (New York: Cambridge University Press, 2001), 9.

¹² Allen, William B. *The State of Black America* (New York: Center for Urban Renewal and Education, 2022),76.

¹³ *Ibid.*,p.76.

¹⁴ Vorenberg, Op.cit., p. 9.

¹⁵ Maltz, Op.cit., p.7.

Democrats were today's conservatives. Thus, they were vehemently opposed to the abolition of slavery. Five of the nine Supreme Court Judges at the time of the Dred Scott Case shared the Democrat ideal and stance on the slavery issue. Four shared the Republican's stance on the same problem. Judge Taney, being a Democrat and an acquaintance of President-elect Buchanan, made his decision no surprise to those familiar with some of his rulings before this case. His decision affirmed the Southern Democrats' position on the issue of slavery. In the meantime, it scared the Republican party and its allies. They understood that something needed to be done to circumvent Judge Taney's ruling and ensure that the issue of slavery was resolved.

Although Judge Taney, as the Chief Justice, bears the historic responsibility for ruling as he did in the Scott case, it is essential to understand that he was not the only Judge who expressed his views on this issue. One may argue that Judge Daniel, the Chief Justice's colleague, was as passionate as his colleague on this case. Similarly to the ruling in this case, he even went so far as to suggest that worldwide, and particularly in Europe, wherever Black people have established themselves, they have always been viewed as "slaves," an inferior race, a "property," or commodities possessing no civil rights. All they know has always been used, misused, and abused:

The African negro race have never been acknowledged as belonging to the family of nations; that as amongst them never has been known or recognized by the inhabitants of other countries anything partaking of the character of nationality, or civil, or political polity; that this race has been by all the nations of Europe regarded as subjects of capture or purchase; as subjects of commerce; and that the introduction of that race into every section of this country was not as members of civil or political society, but as enslaved people, as property in the strictest sense of the word.¹⁶

¹⁶ Maltz., *Op.cit.*, p. 125.

Judge Taney's ruling in the *Dred Scott v. Sandford* case of 1857 is still relevant in twenty-first-century-American discourse. It speaks to issues still affecting the nation: the acceptance or lack thereof of these three words: Black lives matter. Unfortunately, this perception of Black Americans as "slaves," as argued by Judge Daniel, had been enshrined for centuries in the minds of some White Americans and mainly those considering themselves as conservatives. From another standpoint, when referring to the status of Black people, in that same ruling, Judge Taney further embellished his argument by declaring that enslaved Black people:

Had for more than a century before been regarded as beings of an inferior order and altogether unfit to associate with the white race, either in social or political relations; and so far, inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold and treated as an ordinary article of merchandise and traffic whenever a profit could be made by it.¹⁷

This argument, by the U.S. Supreme Court Chief Justice, is still relevant in twenty-first-century America. This perception of Black Americans appears to have not diminished in the mind of some Americans for whom these three words, "Black Lives Matter," seem to be challenging to swallow. The notion of viewing Black people as inferior individuals who had no rights that could be respected by some members of the "white" race, to quote Judge Taney, continues to persist in contemporary America. This perception of Black people, one may argue, is at the core of Black social movements such as the #BlackLivesMatter movement that seek to rectify the wrongs done and still being done to Black America.

¹⁷ Magnusson, Martin. American Constitution Society. "No Rights Which the White Man was Bound to Respect: The Dred Scott Decision." March 19, 2007.

Chapter 2

Abraham Lincoln's Criticism of the Scott Ruling

In response to Judge Taney's ruling, years later, while campaigning for the 1860 presidential election, Lincoln, still in his capacity as a lawyer and an Illinois Legislator, made the Dred Scott ruling a significant part of his campaign. Thus rejecting the institutionalization of slavery. While preparing to debate his immediate opponent, Stephen A. Douglas, Lincoln would spend "uncounted hours in the Illinois State Library, guided by his training as he drafted a legal brief, because he felt he had to reargue the Dred Scott case because, for him, that case had been wrongly decided."¹ Lincoln would go as far as arguing, not believing that slavery was a decent thing and that if it were, he wondered why the Fathers of the Republic, when signing the Declaration of Independence in 1776, affirmed this fundamental principle, "We hold these truths to be self-evidence: that all men are created equal; that their Creator endows them with certain unalienable rights; that among these are life, liberty and the pursuit of happiness."² To him, by affirming "all men" the Founding Fathers did not exclude enslaved Black people. If this were the case, they should have done it. They did not exclude them, mainly because the enslaved Black people were God's children as well and, therefore, were created by God Himself. Following this line of reasoning, the Founding Fathers could not even attempt to exclude or prevent them from enjoying or pursuing the liberties all men are entitled to. During his first debate with his opponent, Stephen A. Douglas, a Democrat, in Galesburg, Illinois, in 1858, Lincoln, who was still questioning Dred Scott's ruling, criticized his opponent. Douglas had endorsed Judge Taney's ruling, "Judge has alluded to the Declaration of Independence, and insisted that negroes are not included

¹ Kilmeade, Op.cit., p. 96.

² Guelzo, Allen C. *Lincoln Speech* (New York: Penguin Books, 2012), 70-71.

in that Declaration and that it is a slander upon the framers of that instrument, to suppose that negroes were meant therein; and he asks you: Is it possible to believe that Mr. Jefferson, who penned the immoral paper, could have supposed himself applying the language of the instrument to the negro race, and yet held a portion of that race in slavery."³ For Lincoln, Juge Taney's ruling contradicted the framers' ideal of including all within the Constitution and thus respecting their God-given rights. And because Douglas had endorsed Juge Taney's ruling, he was not worthy of becoming the U.S. president. Nevertheless, while criticizing Judge Taney's ruling as related to the presumably lack of the authors of the Constitution to have left enslaved people out, Lincoln contended:

I think the authors of that notable instrument intended to include 'all men' but did not intend to declare all men equal in all respects. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness, in what respect they did consider all men created equal —equal in 'certain inalienable rights, among which are life, liberty and the pursuit of happiness.' This, they said, and this meant. They did not mean to assert the blatant untruth that all were enjoying that equality ,nor were they about to confer it immediately upon them.⁴

Lincoln's opinion did not prevent Judge Taney from considering Dred Scott a sub-human. It is this constant denying of African Americans' rights throughout centuries by powerful men that these three words, "Black Lives Matter," should be understood. The consideration of the steps that only the enslaved Black people had to take to acquire their freedom, citizenship, rights to vote, and to be protected by laws should be fully understood to comprehend the concept of #BlackLivesMatter better. It is undoubtedly due to the suffering and feeling of having

³ Ibid. pp. 72-73.

⁴ Allen, William B. *The State of Black America* (New York: Center for Urban Renewal and Education, 2022),79.