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Bottom-Up Reasoning and Dred Scott

In some circumstances, the application of laws leads to unacceptable conclusions. In Dred Scott vs. Sandford, the Supreme Court faced a conclusion that the majority of the Supreme Court found unacceptable. One of the main issues in the case was whether a black man, Dred Scott, was a citizen of the United States. The court was particularly concerned with whether any black man could be a citizen of the United States. If he was determined to be a citizen, Dred Scott would be entitled to the same rights as a white man, including the right to bring a case to court. As it stood before the court case, there were black citizens in the several states when the Constitution was adopted. Since a citizen of a state became a citizen of the United States when the Constitution was adopted, it follows that a black man could be a citizen of the United States and have the rights of a citizen. However, the Supreme Court found the equality of black and white men unacceptable and reinterpreted the Constitution, limiting the rights and protections in the Constitution to only white men. The court also concluded that no black person descended from a slave could be a citizen of the United States, even if they were a citizen of a state.[[1]](#footnote-1) In this paper, I will use this court case to argue that the Supreme Court justices should not use reasoning motivated by the conclusion, or in other words, bottom-up reasoning.

In order to argue that Supreme Court justices should not use bottom-up reasoning, I will first explain top-down and bottom-up reasoning. Then I will argue that the courts, especially the Supreme Court, should not reason bottom-up. Next I will explain and respond to an objection to my argument. I will conclude with an explanation of the importance of refraining from bottom-up reasoning in the Supreme Court.

Top-down and bottom-up reasoning are two different methods of making a decision. Top-down reasoning is when the facts and principles motivate the conclusion.[[2]](#footnote-2) In this case, top-down reasoning leads Justice Taney to the conclusion that black men are citizens and have the same Constitutional rights as white men.

Facts: In 1856, when the Constitution was adopted, there were black people with citizenship in several states.

Principle: People who were the citizens of a state when the Constitution was adopted were recognized as citizens of the United States.

Principle: In the Declaration of Independence, citizens of the United States are guaranteed certain rights and protections.

Conclusion: There are black people who are citizens of the United States that have the same Constitutional rights as white citizens of the United States.[[3]](#footnote-3)

On the other hand, bottom-up reasoning is when an unacceptable conclusion motivates the principles or facts. When an unacceptable conclusion is found using top-down reasoning, a judge will change a principle or fact to get a more acceptable conclusion. In this case, Justice Taney found the equality of black and white men unacceptable, so he reasoned bottom-up. He changed the court’s interpretation of the Declaration of Independence to include only white men and limited the legal precedent of giving US citizenship to citizens of a state to white people. When he changed the principle, he was able to deduce another conclusion, that black men do not have the same rights as white men.[[4]](#footnote-4)

Facts: In 1856, when the Constitution was adopted, there were black people with citizenship in several states.

Principles: People who had state citizenship when the Constitution was adopted are not recognized as citizens of the United States if they are black.

Principles: The protections and rights given in the Declaration of Independence do not include black people.

Conclusion: Black people, like Dred Scott, were not the citizens of the United States and are not guaranteed the same constitutional rights as white citizens of the United States.3

Top-down and bottom-up reasoning allows justices to change the conclusion to fit what they deem “acceptable.” The arbitrary nature of “acceptable” means that Supreme Court justices can make decisions motivated by whatever is the best for them or their social group. For instance in Dred Scott vs. Sandford, Justice Taney circumvented the law to benefit his own social group. He likely found it unacceptable that black people could have the rights of a US citizen in part because the white slave owners in his social group would suffer a significant loss if black people were given more rights.3 So Justice Taney did some creative legal work. He reinterpreted the phrase “all men” in the Declaration of Independence, to mean “all white men” and limited the legal precedent of giving US citizenship to citizens of a state to white people.3 Justice Taney cites some selectively chosen laws and avoids many laws that contradict his argument and any evidence from the Declaration of Independence signers themselves.3 In the end, the Supreme Court’s decision in Dred Scott vs. Sandford decision was rooted in limited evidence, highly flawed, and likely motivated by self-serving interests.

But Dred Scott vs Sandford is not an isolated incident. Justices have been circumventing the legislative process by interpreting new meanings out of existing legislation in other cases too. For instance, in Griswold vs. Connecticut, the court cites the 1st, 3rd, 4th, 5th, 9th, 14th amendments to create a penumbral right to privacy. [[5]](#footnote-5)While I agree that a right to privacy is important, the right to privacy is not explicitly given in any of the these amendments. Rather, it takes some reading between the lines and connecting the dots to find anything that remotely resembles a right to privacy. If the practice of creating new legal precedents through reading between the lines and connecting the dots continues, any number of new legal precedents can be interpreted, including discriminatory and self-serving precedents, like in Dred Scott vs. Sandford.

These cases show that the judicial branch does not have the measures in place to prevent self-serving decisions and circumnavigation of the legislative process make possible through bottom-up reasoning. For instance, justices serve for life and are difficult to impeach if they make poor decisions. Additionally, only five people need to agree to get a majority in the Supreme Court, which makes it easy to make poor choices. Additionally, by reasoning bottom-up, justices can essentially circumvent the legislative process and the protective measures in the legislative branch by interpreting new meanings into the Constitution.

One can argue that judges need the discretionary power that bottom-up reasoning provides to appropriately apply laws to specific circumstances. There are infinite circumstances to which a law may be applied and there are bound to be circumstances where the results do not make sense. Justices need to be able to reason bottom-up to be able account for those circumstances. For instance in Palmer vs. Riggs, if the judges wasn’t able to reason bottom-up, then Elmer would be rewarded for killing his grandfather with the express purpose of obtaining the contents of Francis’s will. The law didn’t provide for the case of murder so the Supreme Court had to reason bottom-up to prevent Elmer from being rewarded for murder.[[6]](#footnote-6) If the justice did not reason bottom-up, criminals could be rewarded for crimes and victims could be punished. Therefore one can argue that Supreme Court justices must be able to reason bottom-up in order for the judicial system to work effectively.

I agree the circumstances need to be accounted for when applying laws. However, the laws themselves should account for these circumstances, not the justices applying the laws. The judicial branch does not have the measures in place to be able to declare a conclusion “unacceptable” without the risk of poor judgements. However, the legislative branch has these measures in place. Congressmen are elected for a certain number of years, which help ensure that they are motivated to make appropriate decisions and can be replaced more easily if they make poor decisions. Also, many more people need to agree to make a decision in Congress, which makes it harder for decisions like the one made in Dred Scott vs. Sandford to pass. This is why the legislative branch should account for all the circumstances in the law itself. While there is an infinite number of circumstances where a law can be applied, only a few of those circumstances change how the law should be applied, making it possible to account for all circumstances. In this case, this would mean that instead of Justice Taney interpreting new meanings out of the Declaration of Independence, the law would have to go back to the legislative branch.

In conclusion, the judicial system plays a key role by maintaining a civil society. However, the lack of protective measures in the judicial branch make it possible for Supreme Court judges to make poor decisions like the one in Dred Scott vs. Sandford. These sorts of decision hurt the public and reduce faith in the judicial system. We must make sure that decisions like are prevented in the future. Thus in order to keep the public’s faith in the judicial system, Supreme Court justices should not reason bottom up.

Bibliography

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1. Talbott, Dred Scott. Slides 1-43 [↑](#footnote-ref-1)
2. Talbott, Legal Reasoning, 1-38 [↑](#footnote-ref-2)
3. Talbott, Dred Scott, 1-43 [↑](#footnote-ref-3)
4. Talbott, Legal Reasoning, 1-38 [↑](#footnote-ref-4)
5. Talbott, Legal Reasoning, 1-38 [↑](#footnote-ref-5)
6. Talbott, Legal Reasoning, 1-38 [↑](#footnote-ref-6)