

Dred Scott v. Sanford (1857)

The Dred Scott Case brought a setback to the Abolitionist Movement. Dred Scott, a slave, was taken by his master into the free states of Illinois, Wisconsin, and Minnesota. Scott stayed out of Missouri, his slave state, for four years. His claim was that he was an established person on "free soil."



Dred Scott

To better understand this Supreme Court case it is essential to first review and understand the following events that took place prior to 1857.

The Missouri Compromise - In 1820 Congress passed an act to keep a balance between the number of slave and free states. The act allowed Maine to enter as a free state and Missouri to enter as a slave state. The agreement excluded slavery from the Louisiana Territory north of 36° 30' which was the southern boundary of Missouri.

Popular Sovereignty – This was the principle that the power to govern the nation belongs to the people. In turn, they can grant this power to the government of their choice.

The Case -

Dred Scott was an African American male who was born into slavery in Missouri. He was the property of an army surgeon named Dr. Emerson. Scott had accompanied Dr. Emerson to several army posts.

In 1834 Dr. Emerson took Scott to Rock Island, Illinois, a free state in the North. In 1836, Emerson and his household moved South to Fort Snelling in the upper Louisiana Territory. Fort Snelling was near the present day city of St. Paul, Minnesota). Under the laws of the Missouri Compromise, slavery was prohibited in that territory.

In 1838, Emerson returned to the state of Missouri, taking with him Scott, Scott's wife Harriet, and their daughter Eliza. Emerson had previously purchased Harriet from another army officer. After they had returned to Missouri, a second daughter, Lizzie, was born. In addition, Dr. Emerson died soon after returning to Missouri.

In 1846, with the help of lawyers retained by the anti-slavery movement, Scott sued Emerson's widow in a Missouri court. He petitioned the court to declare him a free man because he had previously resided in a free state and a free territory. The case was heard in a lower court and Scott was declared a free man. The verdict was appealed and the Missouri Supreme Court reversed the decision in 1852.

Instead of appealing the overturned decision directly to the Supreme Court, Scott's legal advisers then sued John Sanford of New York, Mrs. Emerson's brother. John Sanford, after the death of his brother-in-law, Dr. Emerson, became Scott's legal owner. Because the case now involved citizens of two states, it could be heard in the federal circuit court in Missouri.

Sanford's lawyers challenged Scott's right to sue. They claimed that an African American could not become a citizen. The federal court ruled that Scott's status in Missouri depended on state law, not on where he had lived or traveled. A jury found in favor of Sanford. Scott's attorneys then appealed to the U.S. Supreme Court. In their case submitted to the Supreme Court, they charged that the circuit court in Missouri had erred (made a mistake) in its decision.

The Supreme Court Case involved several issues:

1. Was Dred Scott a citizen of the United States?
2. If he was a citizen then should he be entitled to sue in federal court for the protection of his rights?
3. Did Scott's temporary residence in a free territory make him a free man?
4. Was it constitutional for Congress, through the passing of the Missouri Compromise, to ban slavery in the territories?

The issue of residency had become a highly controversial issue in America. In some northern states with a strong abolitionist movement present, the sentiment was that a slave was considered free as soon as he or she stepped on to free territory.

After many months of debate, the Supreme Court ruled against Scott in a 7-2 vote. The decision was announced by Chief Justice Robert B. Taney, but all of the justices in the court commented on the verdict.

The majority opinion of the court was that as Scott was a person of African descent then he was not, and could not be, a citizen of the United States. Therefore, he was not entitled to sue in a federal court. The Court's decision considered Scott (and all other slaves in the nation) to be property.

To consider Scott a free man just by the fact that his presence in a free territory or for congress to pass an act declaring him free would be to allow the property of a private citizen to be taken without due process of the law. Slavery, according to the majority opinion of the Supreme Court, was therefore a matter for state law.

Taney then stated that, in his opinion, the Missouri Compromise was unconstitutional. Congress did not have the authority to prohibit slavery in any territory. In addition, Congress could not authorize the territorial legislatures to outlaw slavery.

Below is part of Chief Justice Taney's opinion on the case:-

“And no words can be found in the Constitution which give Congress a greater power over slave property, or which entitles property of that kind to less protection than property of any other description.... Upon these considerations, it is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind [slaves] in the territory of the United States north of the line therein mentioned, is not warranted by the Constitution, and is therefore void; and that neither Dred Scott himself, nor any of his family, were made free by being carried into this territory....”

The other majority justices agreed that Dred Scott remained a slave though they did not support all of Taney's points. The two dissenting justices, John McLean and Benjamin Curtis, disagreed on most points, particularly on the issues of black citizenship and the legality of the Missouri Compromise.

The *Dred Scott* decision was significant and controversial for many reasons.

1. The Supreme Court declared an act unconstitutional. It had not done this since 1803 when they ruled on *Marbury v. Madison*
2. The ruling heightened tensions between northern and southern states over the subject of slavery
3. The court declared that Congress had no rights to determine the limits on slavery's expansion into the territories. This delighted the South and annoyed the North
4. **Popular Sovereignty** was limited because the Missouri Compromise had been declared unconstitutional. This meant that the people in the territories could not vote on whether they wanted their state to be slave or free
5. The increased tensions caused by this case may have hastened the start of the Civil War
6. Because of the ruling, African Americans did not receive their rights granted in the Constitution until the passage of the 13th Amendment (abolishing slavery) and the 14th Amendment (granting citizenship to African Americans).

Instructions: After reading the case *Dred Scott v. Sanford*, answer the following two pages of questions in the spaces provided.

Part A – Elements of the Case

1. State the major issue before the Supreme Court in this case

2. What facts of the case were presented to the court?

3. What was the decision of the Court? What was the rationale (thinking) behind it?

4. What were the major effects of this decision?

Part B – Evaluation of the Case

Use your own judgment to evaluate the justices’ decisions and state your own opinions of those decisions in the spaces provided below

1. In your opinion, could the outcome of the case have been politically motivated?
Explain in full sentences

2. From your own knowledge of the Constitution, what do you think the framers of the Constitution actually did intend about the citizenship status of African Americans?
Explain

3. In the decision of the Court, Justice Taney stated that if the slave stated did not recognize slaves as citizens of the state, they could not be citizens of the United States. Does this mean that each individual state has the right to determine citizenship? What effect would this have on the country? Explain.
