

Supreme Court Case Study 5



The Right to Freedom of Enslaved Persons

Dred Scott v. Sandford, 1857

***** Background of the Case *****

John Emerson, a United States Army surgeon, took enslaved African Dred Scott to live at military posts in Illinois, a free state in 1834, and then to posts in the territory of Upper Louisiana (now Minnesota), where slavery had been forbidden by the Missouri Compromise of 1820. In 1838 Emerson and Scott returned to Missouri.

In 1846 Scott won a suit for his freedom against Emerson's widow in a Missouri court. Scott claimed that by having lived in free territory, he had earned his freedom. This ruling was overturned, however, by Missouri's Supreme Court. Aided by various antislavery interests, Scott then started a new suit in a federal district court against Mrs. Emerson's brother, John Sandford of New York, who had been acting as his sister's agent. Since the case was a dispute between people who live in two different states, it could be heard in a federal court. When the federal court ruled that Scott was still a slave, he appealed to the United States Supreme Court.

Constitutional Issues *****

The Constitution left questions such as the legal rights of slaves for later lawmakers to solve. In 1850 Congress passed the Fugitive Slave Law, which stated that a slave was property and which required escaped slaves to be returned to their holders. Opponents of the law unsuccessfully challenged its legality before the Supreme Court.

The first major issue was whether Dred Scott—an African American—qualified as a citizen of the United States and was, therefore, entitled to sue in a federal court. The second issue concerned whether Scott had gained his freedom by moving to a free territory or state. The third issue focused on the Missouri Compromise of 1820, which banned slavery north of the southern boundary of Missouri (except for Missouri itself). Scott had lived in the non-slavery region. Did Congress have the power to prohibit slavery in the territories and to make the prohibition a condition of admission to the Union?

***** The Supreme Court's Decision *****

The Court's decision was written by Chief Justice Roger B. Taney, although each justice wrote his own opinion, with only one justice concurring with Taney in every respect. Two justices dissented.

Taney's first ruling was that former Africans, "whether emancipated or not," did not qualify as United States citizens. Taney held that only those who were state citizens when the Union was formed became federal citizens. Even though a state may emancipate a slave, give him the right to vote, and admit him to state citizenship, Taney said, none of these actions gave a slave automatic federal citizenship. The right to grant federal citizenship belonged exclusively to Congress. Taney concluded that Scott was not, and never had become, a citizen of the United States, and was not, therefore, entitled to sue in a federal court.

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Supreme Court Case Study 5 (continued)

Taney next examined the question of whether Scott had gained his freedom when he entered the Upper Louisiana Territory. The Chief Justice attacked the Missouri Compromise as an unconstitutional exercise of congressional authority. Congress cannot forbid a state or a territory from making slavery legal. Taney explained that as long as slavery is authorized by the Constitution, Congress cannot alter the right of a person to own slaves or any other kind of property. In viewing the Missouri Compromise as unconstitutional, the Court determined that Scott’s status did not change when he entered free territory. The Court held that Scott had been a slave in Illinois and had returned to Missouri as a slave. On his return to Missouri, he became subject to Missouri law alone. Taney ordered the suit dismissed for lack of jurisdiction.

***** Dissenting Opinion *****

Justice Benjamin R. Curtis dissented. Curtis noted that free African Americans were among those who had voted to ratify the Constitution in a number of states. Nothing in the Constitution stripped these free African Americans of their citizenship. Curtis maintained that “under the Constitution of the United States, every free person born on the soil of a State, who is a citizen of that State, who is a citizen of that State by force of its Constitution or laws, is also a citizen of the United States”

The Court’s decision is one example of judicial power being exercised in favor of racial segregation. It is also the first time that a major federal law was ruled unconstitutional.



Questions *****

DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. What was the relationship between the Missouri Compromise and the Court’s decision in the *Dred Scott* case?
2. What effect do you think the Court’s decision in the *Dred Scott* case had on the efforts of many Americans to end slavery?
3. If you were a plantation owner in the South who held many slaves, how would you have reacted to the *Dred Scott* decision?
4. What did the Court say about enslaved African Americans’ position in the United States?
5. Why is the *Dred Scott* decision regarded as one of the most important cases in the history of the Supreme Court?

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