Name _____ Class _____ Date _____

SUPREME COURT CASES 6

Use with Chapter 5.

DRED SCOTT V. SANDFORD (1857)

★ BACKGROUND OF THE CASE ★

Dred Scott was a slave owned by John Emerson, a U.S. Army surgeon stationed in Missouri. Dr. Emerson took Scott to Illinois, which was a free state in 1834. Then they moved to the territory of Upper Louisiana (now Minnesota), where slavery had been forbidden under the terms of the Missouri Compromise. In 1838, Emerson and Scott returned to Missouri.

In 1846, Scott won a suit in a Missouri state court, based on his claim that by living in free territory he had earned his freedom. However, in 1852, that ruling was overturned by Missouri's Supreme Court.

Various antislavery interests now brought suit against Mrs. Emerson's brother, John Sanford of New York, who was acting as her agent. The case could then be classified as a dispute between citizens of different states, which brought the case under the jurisdiction of the federal court system. (Sanford's name was misspelled in the court records.)

The federal court held that Scott was still a slave and Sanford's property. Scott then appealed to the U.S. Supreme Court on a writ of error — a claim that a mistake had been made in legal interpretation.

★ CONSTITUTIONAL ISSUES ★

The first major issue of the case was whether Scott qualified as a citizen of the United States, who would then be entitled to sue in a federal court. Although the Constitution does not say what makes a U.S. citizen, some states had allowed free blacks to vote and own property.

The second issue was whether Scott had gained his freedom by moving to a free territory or state. Which laws would govern his status: those of Missouri, Illinois, or the Upper Louisiana Territory?

The third issue concerned the Missouri Compromise of 1820. Did Congress have the power to prohibit slavery in federal territories and to make this antislavery provision a condition of statehood?

★ THE COURT'S DECISION ★

The Dred Scott decision contains eight separate opinions and runs more than 200 pages. Here, discussion is limited to Chief Justice Roger B. Taney's opinion and Justice Benjamin R. Curtis's dissent.

Chief Justice Taney began the decision written for the Court with a discussion of citizenship. His first and most controversial ruling was that blacks, "whether emancipated or not," did not qualify as U.S. citizens. Taney explained that only those who were state citizens when the Union was formed became federal citizens; slaves and their descendants were not and are not citizens. And even though a state may emancipate a slave, give him the right to vote, and admit him to state citizenship, none of these actions would automatically give him federal citizenship. The right to grant federal citizenship belongs exclusively to Congress. Given this reasoning, Taney concluded, Scott was not and never had become a citizen of the United States. Therefore, he was not entitled to sue in a federal court.

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. A territory becomes a state like any other state, possessing all powers guaranteed it by the Constitution, Taney stated. Congress cannot therefore forbid a state from making slavery legal, just as a state could not forbid freedom of speech or the right of a trial by jury. Taney explained that so 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 Compromise as unconstitutional, the

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Court determined that Scott's status had not changed from slave to freeman by entering the Louisiana Territory.

As to the time Scott spent in Illinois, the Court found that he had been held there as a slave and had returned to Missouri as a slave. Whatever might have been true while Scott was in Illinois, on his return to Missouri he became subject to Missouri law alone.

Given, then, that Scott was not a citizen of Missouri, Taney ordered the suit dismissed for lack of jurisdiction.

★ ★ ★ A DISSENTING OPINION ★ ★ ★

Justice Curtis wrote a dissenting opinion, which focused primarily on citizenship for free-born blacks. Taney had argued that no black could be considered a U.S. citizen. In Taney's opinion, since blacks were ineligible for citizenship in the slave states, they were also ineligible for citizenship in the rest of the United States. Curtis noted, however, that blacks were among those who originally ratified the Constitution in a number of states. Nothing in the Constitution stripped these free blacks 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 by force of its Constitution or laws, is also a citizen of the United States. . . ."

Answer the following questions on a separate sheet of paper. Use complete sentences, restating the question in your answer.

1) Why did Dred Scott claim that he became a freeman by entering the Louisiana Territory?

2) On what basis did the Court rule that Scott was not a citizen?

3) Why did Taney declare the Missouri Compromise unconstitutional? What effect did his ruling have on Dred Scott's claim to citizenship?

4) Predict the effect the Court's decision in the Dred Scott case had on the efforts of many Americans to end slavery.

5) If you were a plantation owner in the South who held many slaves, how would you have reacted to the Dred Scott decision? What if you had been an abolitionist?

6) Why is the Dred Scott decision regarded as one of the most important cases in the history of the Supreme Court?