

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



Background Summary and Questions

Read this CAREFULLY and then answer the questions below.

- The Republican Party, the political party united against the spread of slavery in the West, formed in 1854.
- It chose John C. Frémont as its candidate. The Democrats nominated James Buchanan, who was Polk's secretary of state when he was president. Buchanan won.
- Dred Scott was born in Virginia as a slave. Dr. John Emerson, an army surgeon who lived in St. Louis, Missouri, bought Scott.
- Emerson had taken Scott to Illinois and Wisconsin Territory while he was stationed there. Both Illinois and Wisconsin were free states.
- Scott was moved back to Missouri. When back in Missouri, Emerson died, and Scott became the slave of his widow.
- In 1846, Scott sued Mrs. Emerson for his freedom, arguing that he had become free when he lived in free territory.
- Scott won his case, but Mrs. Emerson appealed to the Missouri Supreme Court, which overturned the ruling.
- Scott sued again, but this time, he sued Sandford, Mrs. Emerson's brother, since he technically controlled her property. Scott lost in federal court, but he appealed to the Supreme Court of the U.S.

Questions to Answer:

1. Where was Scott born? Was this a slave state or free state?
2. Where did Dr. Emerson live when he purchased Scott? Was this a slave state or free state?
3. To which two states did he next move? Were these slave states or a free states?
4. Where was his final move? Was this a slave state or a free state under the Missouri Compromise?
5. Why did Dred Scott sue Mrs. Emerson? What did he believe?
6. What did the first jury decide? What did the Emersons do in response?
7. What did the Missouri Supreme Court rule?
8. What happened when Scott took his case to federal court? Where did he finally appeal his case?
9. Why did Dred Scott have to sue Mrs. Emerson's brother, rather than her? Hint: Think of last chapter and the Women's Rights Movement...

Trace Dred Scott's Travels on a U.S. Map

Dred Scott lived in both free and slave states and territories. As you read through his travels, find each location on the map and state whether the area was free or slave. Highlight or color each state and mark it with an "F" or an "S". Use arrows to connect his travels chronologically.

1. Scott was born in Virginia around 1799. His master was Peter Blow.
2. Dr. John Emerson, an army surgeon who lived in St. Louis, Missouri, bought Scott.
3. Dr. John Emerson bought Scott and moved him to Rock Island, Illinois in 1834.
4. In 1836, Scott and Emerson moved to Fort Snelling, Wisconsin Territory. (Today this location is in the state of Minnesota.) Emerson bought a slave named Harriet and Scott married her with Emerson's consent in 1836.
5. In 1838, Emerson and the Scotts moved back to Missouri. The Scotts had two daughters, Eliza, born around 1843, and Lizzie, born around 1850. Emerson died in 1843, and he left his possessions, including the Scotts, to his widow. Mrs. Emerson moved and left her brother, John Sandford, in charge of her estate.



***Classifying Arguments in the Case**

The following is a list of arguments used in *Dred Scott v. Sandford*. Read through each argument and decide whether it supports Dred Scott's side in favor of his freedom (**DS**) or Sandford's position in favor of Scott's continued slavery (**SAN**). Label each argument next to the number.

1. The Missouri Compromise of 1820 outlawed slavery forever in certain areas. Dred Scott's owner took him to these free areas. Thus, Scott became free forever.
2. Dred Scott is not a citizen because if he were he would be entitled to all of the privileges and immunities of a citizen, one of which is the right of free movement. It is clear that the laws governing slavery do not permit this, thus he cannot be a citizen.
3. Even before the Constitution, some states allowed blacks to vote. The Constitution does not say explicitly that blacks cannot be citizens.
4. It was law in many states and had been common law in Europe for centuries (it was not unusual for American lawyers to argue based on English common law as the United States was still a very young country) that a slave who legally traveled to a free area automatically became free.
5. In the case of *Strader v. Graham* (1850), the Supreme Court of the United States heard the case of three slaves who had been taken from Kentucky to Indiana and Ohio and then back to Kentucky. The Court declared that the status of the slave depended on the laws of Kentucky, not Ohio.
6. The Constitution recognized the existence of slavery. Therefore, the men who framed and ratified the Constitution must have believed that slaves and their descendants were not to be citizens.
7. The Missouri Compromise of 1820 that outlawed slavery in some future states was unconstitutional because Congress does not have the authority to deny property rights of law-abiding citizens. Thus, Scott was always a slave in areas that were free.

Which of these above arguments is *most* persuasive, and why?

The Decision

We think they [people of African ancestry] are not [citizens], and that they are not included, and were not intended to be included, under the word "citizens" in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.

— Chief Justice Roger B. Taney,
speaking for the majority

Summarize the above decision in your own words:

Why did the Dred Scott decision overrule (get rid of) the Missouri Compromise *and* Compromise of 1850? Explain.