

THE DRED SCOTT CASE



Dred Scott



Harriet Scott



**Chief Justice
Roger B. Taney**

The Dred Scott case provides additional evidence that slavery was a fundamental cause of the War. In 1834, Scott, a black slave, was taken by his master, [Dr. John Emerson](#), from the slave state of Missouri to Rock Island, Illinois, then a free state. In 1836, Scott was taken to Fort Snelling, Minnesota, a free territory, where he married Harriet, a slave of Major Lawrence Taliaferro. Soon after Scott's return to Missouri, Dr. Emerson died. In 1846, Scott sued Mrs. Emerson, the physician's widow, for his freedom based on his residence in a free state and territory. He was granted a judgment in his favor in the lower court, but this was later reversed on appeal by the state's supreme court.

In the meantime, Mrs. Emerson had married Dr. [Calvin C. Chaffee](#), a member of Congress and an antislavery leader. Because of this, the ownership of Dred Scott was then transferred to Mrs. Chaffee's brother, [John F. A. Sanford](#), of New York. The case then became *Scott v. Sanford* in the U.S. Circuit Court of Missouri, despite the allegation that the court in Missouri did not have the proper jurisdiction. Because citizenship was not granted to blacks in Missouri, the court decided in favor of Sanford. The case was then appealed to the United States Supreme Court.

[Scott v. Sanford](#) was argued before the Court in 1855 and 1856, with the Court rendering its decision on March 6, 1857. President Buchanan had said in his Inaugural Address that the Court would deliver a decision giving a final judicial settlement of the question of slavery in the Territories. Each of the nine justices offered a separate decision, with [Chief Justice Roger B. Taney](#) delivering the opinion of the Court. Three major questions were involved: (1) whether Scott was a citizen of Missouri; (2) whether he was free because of residence in free territory; and (3) whether the Missouri Compromise prohibiting slavery in Territories was constitutional. The decision on these questions was that a black person whose ancestors were slaves could not become entitled to Federal citizenship, since blacks were not citizens of the states at the time of the Declaration of Independence and the adoption of the Constitution.

Taney further stated that even if Scott and his family had been carried into free territory for permanent residence, they

were not made free by these acts. Scott was not entitled to freedom, and the implication was that the slave masters were entitled to their slave property anywhere in the Federal domain.

The Taney decision was both defended and criticized. Many newspapers in the South voiced approval, but Republican opposition was vehement and without restraint. To citizens of states practicing slavery, the Dred Scott decision was a basis for defense--if not for war.

The main question in the Dred Scott case was the status of slaves who had lived in free territory and had later returned to the states of their former masters. This question had been decided in 1851 by the Supreme Court case [Strader v. Graham](#). The decision, rendered by Taney, was that the status of a slave depended on the law of the state of his residence, and if the law of the state considered him as a slave, he was a slave. If the doctrine of *Strader v. Graham*, which was a unanimous decision, had been followed, the controversy over the Dred Scott case might have been avoided. It was evident that the purpose of the Scott case was to pass upon the constitutionality of the Missouri Compromise, which barred slavery from the Territories. Ironically, the Compromise had already been annulled by Congress in 1854, when the [Kansas-Nebraska](#) Act was passed.

Sources:

Negro Americans in the Civil War: From Slavery to Citizenship, pages 11-15, Charles H. Wesley and Patricia W. Romero, International Library of Negro Life and History, Publishers Company, Inc., Washington, DC, 1968 (Currently out-of-print).

"Dred Scott v. Sandford." Oyez, www.oyez.org/cases/1850-1900/60us393. Accessed 28 Jun. 2020.

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