

# SUPREME COURT CASE PACK

## FOR MIDDLE SCHOOL CLASSROOMS

# DRED SCOTT V. SANDFORD

## (1857)

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## Dred Scott v. Sandford (1857)

**Argued:** February 10–13, 1856 and December 14–17, 1856

**Decided:** March 5, 1857

### Background and Facts

Dred Scott was born an **enslaved person** in Virginia around 1799. In 1834, a man named Dr. Emerson bought Dred Scott and they moved to Illinois, a non-slave (free) state. Later they moved to Minnesota, also a non-slave state. Then the Emersons and the Scotts moved to Missouri, a slave state. In 1843, Dr. Emerson died and his wife became Dred Scott's **enslaver**.

Dred Scott **sued** Mrs. Emerson. He claimed that he was no longer enslaved because he had become free when he lived in a free state. It was common for enslaved people who had been taken to free land to sue their enslavers and win their freedom. The jury decided that Scott and his family should be free. Mrs. Emerson quickly **appealed** the jury's decision, and Scott and his family remained enslaved. After the trial, Mrs. Emerson moved away and her brother, John F.A. Sanford\* became Scott's enslaver. In 1852, the Missouri Supreme Court said that Missouri does not have to follow the laws of another state. Laws in another state said that Scott would be free because he had lived in free states for two years. As a slave state, Missouri's laws meant that Scott and his family were not free.

Sanford moved to New York and left the Scotts in Missouri. Scott sued Sanford for his freedom in a **federal court**. Usually, federal courts can only decide cases where **citizens** of the United States live in different states. The federal court only had the power to hear the case if *both* Sanford and Scott were *citizens* of the United States. In 1854, the U.S. Court for the District of Missouri heard the case without deciding whether Sanford and Scott were both citizens. Sanford won the case, and Scott then appealed to the Supreme Court of the United States.

When the case came to the Supreme Court, the country was in deep conflict over slavery. In the past, some enslaved people had successfully sued their enslavers for freedom. However, by the 1850s, many states were hardening their positions on slavery, making such cases more difficult to win. It would not be long before the country was in a civil war over the issue of slavery.

### Constitutional Question

Are people of African descent citizens of the United States? If so, is Dred Scott free or enslaved?

### Arguments for Dred Scott (petitioner)

- The Constitution does not explicitly state that Black people—either enslaved or free—cannot be citizens. Scott was born in the United States, which makes him a citizen.

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\* The defendant in this case was John Sanford, but the Court record misspelled his name. The Court continues to call the case *Dred Scott v. Sandford*.

- Enslaved people who legally travel to free areas automatically become free. This was law in many states and had been common law in Europe for centuries.
- The **Missouri Compromise of 1820** outlawed slavery forever in certain areas. Dred Scott's enslaver took him to these free areas. During this time, there was a **doctrine** that said, "once free, always free." Thus, Scott became free forever.

### **Arguments for Sandford (respondent)**

- Dred Scott is not a citizen. If he were, he would be entitled to free movement, which is one of the rights of citizenship.
- The Constitution mentioned slavery but did not give enslaved people citizenship. Therefore, the men who framed and ratified the Constitution must have believed that enslaved people and their descendants were not citizens.
- In *Strader v. Graham* (1850), the Supreme Court heard the case of three enslaved people who had been taken from Kentucky (a slave state) to Ohio (a free state) and then back to Kentucky. The Court declared that the status of the enslaved people depended on the laws of Kentucky, not Ohio. They agreed with the Kentucky Court of Appeals that time in a free state did not grant slaves' freedom.

### **Decision**

In a 7–2 opinion, a majority of the Supreme Court ruled in favor of Sanford. Chief Justice Taney wrote the opinion for the Court.

The Supreme Court first said that Black people were not citizens as defined by the Constitution. This meant that Dred Scott was not allowed to sue for his freedom in the Supreme Court and lower federal courts. The decision cited Article III, Section 2 of the Constitution. This says that federal courts have the power to hear cases "between Citizens of different States." To determine the definition of "citizens," the justices considered the intent of the Framers of the Constitution. They found that the Framers believed that people of African descent were "so far inferior that they had no rights which the white man was bound to respect." The Court concluded that people of African descent were not citizens and could not sue others in court.

Even though the Court ruled Dred Scott was not a citizen, which means that the Court did not have the power to actually decide how the case should come out, the justices ruled on the **merits** of the case anyway. The Court struck down the Missouri Compromise as **unconstitutional**. They said that Congress did not have the power under the Constitution to ban slavery in certain places. The Court concluded that enslaved people could not be made free just by entering a free state or territory. The Court held that Dred Scott and his family were "property." The Fifth Amendment says that the government cannot take someone's property without **due process**. Scott and his family were not made free simply because they were brought into a free area.

**Impact of the Case**

Immediately following the Supreme Court's decision, many people from slave states saw the Dred Scott decision as a way to expand slavery throughout the country. This led to further **sectional polarization** between northern free states and southern slave states and the political parties that represented them. Just four years after the Dred Scott decision, the Civil War began.

After the Civil War, the 13<sup>th</sup> and 14<sup>th</sup> Amendments passed. These amendments overturned the Dred Scott ruling. The 13<sup>th</sup> Amendment freed enslaved people in the United States. The 14<sup>th</sup> Amendment granted citizenship and guaranteed due process to all people born in the United States, including people of African descent.

**Source Information:** This is a secondary source written by the non-profit organization Street Law, Inc. It has been reviewed by Constitutional law experts and teachers.

## **Dred Scott v. Sandford / Glossary**

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- **Appealed**: apply to a higher court for a reversal of the decision of a lower court.
- **Citizens**: legal members of a particular country who have certain rights.
- **Doctrine**: a belief or set of beliefs.
- **Due process**: a requirement that the government follow a fair process before taking someone's life, liberty (or freedom), or property. Typically, this fair process includes a hearing before a court, with both sides presenting their cases. This definition refers to meaning of the "due process" clause of the Fifth Amendment.
- **Federal court**: courts, including the Supreme Court, that hear cases dealing with 1) national laws and the Constitution, 2) cases between states, 3) cases between citizens of different states, and 4) appeals to decide if a state law is unconstitutional.
- **Enslaved person**: a human being who is the legal property of someone else and is forced to obey them.
- **Enslaver**: a person who owns other human beings as legal property and forces them to obey.
- **Merits**: the main issues and question of case. Technical issues are not considered.
- **Missouri Compromise of 1820**: a law passed by the U.S. Congress admitting Missouri to the United States as a slave state, admitting Maine as a free state, and prohibiting slavery north of the latitude 36° 30' N, except for Missouri.
- **Sectional polarization**: deep differences in opinion that occur in different locations. During the Civil War, there was sectional polarization in the Northern states and Southern states.
- **Sued**: when a person uses the legal process to force another person, company, organization, or the government to give them something or do something.
- **Unconstitutional**: in violation of the Constitution. If a law is unconstitutional, it will be struck down, meaning it is no longer a law.

## Dred Scott v. Sandford / Primary Source #1<sup>†</sup>

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You will readily ask me how I am affected by this devilish decision—this judicial incarnation of wolfishness? My answer is, and no thanks to the slaveholding wing of the Supreme Court, my hopes were never brighter than now.

I have no fear that the National Conscience will be put to sleep by such an open, glaring, and scandalous tissue of lies as that decision is, and has been, over and over, shown to be.

The Supreme Court of the United States is not the only power in this world. It is very great, but the Supreme Court of the Almighty is greater. Judge Taney can do many things, but he cannot perform impossibilities. He cannot bale out the ocean, annihilate this firm old earth, or pluck the silvery star of liberty from our Northern sky. He may decide, and decide again; but he cannot reverse the decision of the Most High. He cannot change the essential nature of things—making evil good, and good, evil.

**Source Information:** This is an excerpt from Frederick Douglass's "Speech on the Dred Scott Decision" from May 1857—after the *Dred Scott* decision and before the Civil War and the ratification of the 14<sup>th</sup> Amendment. Douglass was enslaved in Maryland until he escaped to his freedom in 1838. He was a well-known abolitionist (person who is in favor of ending slavery). He delivered this speech to the American Abolition Society in New York.

### Questions to Consider

1. **Source:** Who wrote this speech? When was this speech delivered? What do we know about the author's perspective and how might it impact the information provided in the speech? The author probably believes...
2. **Context:** Who was the audience for this speech? What else was going on at the time this speech? The author may have been influenced by...
3. **Claim Development:** What claims does the speaker make about the *Dred Scott* decision? This evidence is useful in determining the how *Dred Scott v. Sandford* decision contributed to the causes of the Civil War because...

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<sup>†</sup> **Source:** Douglass, Frederick. *Two Speeches by Frederick Douglass; West India Emancipation. And the Dred Scott Decision* (Page 30). C. P. Dewey, Rochester, New York, August 4, 1857. Manuscript/Mixed Material. <https://www.loc.gov/item/mfd.21039/>.

## Dred Scott v. Sandford / Primary Source #2‡

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“The question is simply this: Can a negro, whose ancestors were imported into this country, and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guarantied by that instrument to the citizen? One of which rights is the privilege of suing in a court of the United States in the cases specified in the Constitution.

sovereignty? We think they are not, 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. On the

**Source Information:** This is an excerpt from Chief Justice Roger B. Taney’s opinion in the *Dred Scott v. Sandford* case. Justice Taney lived in Maryland and grew up in a wealthy, slave-owning family. Taney emancipated (or freed) his own slaves, but he also believed that the federal government could not limit slavery.

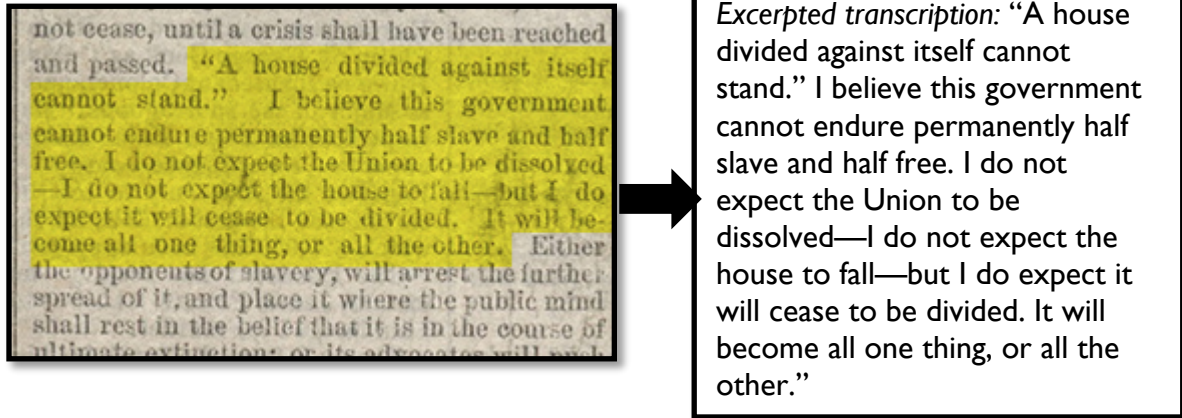
### Questions to Consider

1. **Source:** Who wrote this Supreme Court opinion? When was this opinion written? What do we know about the author’s perspective and how might it impact the information provided in the opinion? Based on the source information, I think the author might...
2. **Context:** What else was going on when this Supreme Court opinion was written? How might that have influenced the information in the document? Does the author’s opinion represent the opinions of anyone else during that time? If so, who?
3. **Claim Development:** This evidence is useful in determining the how *Dred Scott v. Sandford* decision contributed to the causes of the Civil War because...

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‡ Source: Dred Scott v. Sandford. 60 U.S. 393 (1856) Pdf.  
<http://cdn.loc.gov/service/ll/usrep/usrep060/usrep060393a/usrep060393a.pdf>.

## Dred Scott v. Sandford / Primary Source #3<sup>§</sup>



not cease, until a crisis shall have been reached and passed. "A house divided against itself cannot stand." I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery, will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it

Excerpted transcription: "A house divided against itself cannot stand." I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing, or all the other."

**Source Information:** President Abraham Lincoln created a scrapbook of newspaper clippings about some of his famous debates against Stephen A. Douglas when they ran for Senator of Illinois in 1858. This clipping is from the *Chicago Press & Tribune*. The highlighted words are some lines to his famous speech "House Divided."

### Questions to Consider

(Note: for this source, analyze the text of Lincoln's speech rather than the newspaper in which it was published.)

1. **Source:** When was this speech written? Why was this speech created? Based on the source information, I understand this document differently because...
2. **Context:** How might the circumstances in which the speech was created affect its content? Does the author's opinion represent the opinions of anyone else during that time? If so, who?
3. **Claim Development:** This evidence is useful in determining the how *Dred Scott v. Sandford* decision contributed to the causes of the Civil War because...

<sup>§</sup> **Source:** Lincoln-Douglas Debates Scrapbook (1858), *With Malice Toward None: The Abraham Lincoln Bicentennial Exhibition*, <https://www.loc.gov/exhibits/lincoln/ext/al0030.html>.



## ***Dred Scott v. Sandford / Essential Question***

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How did the decision of the *Dred Scott v. Sandford* case contribute to the causes of the Civil War?

Use the case summary, source information, and the sources themselves to support your answer.

- Develop a claim that responds to the question.
- Explain how one source supports your claim.
- Use another source to support your claim OR explain how another source does not support your claim.
- Use details and examples from the selected sources to support your response.

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