

Dred Scott v. Sandford / Background ••

Dred Scott was born an enslaved person in Virginia around 1799. In 1830, Scott moved with his enslaver to Missouri, which was a slave state. Four years later, a surgeon in the U.S. army named Dr. John Emerson bought Scott and moved him to the free state of Illinois. In 1836, Scott and Emerson moved to Fort Snelling, Wisconsin Territory. The Missouri Compromise prohibited slavery in this territory. That same year, Scott married an enslaved person named Harriet. In 1838, the Emersons and the Scotts moved back to Missouri where the Scotts had two daughters. Emerson died in 1843 and left his possessions, including the Scotts, to his widow Irene. In 1846, Scott asked Mrs. Emerson if he could work for his freedom. She refused.

Scott sued Mrs. Emerson for “false imprisonment” and battery. Scott argued that he was being held illegally because he had become a free man as soon as he had lived in a free state. He claimed he was taken to a slave state against his will. Many enslaved people had sued their owners in this way and won their freedom in the past. In 1847, Mrs. Emerson won the case in the Missouri Circuit Court because Scott’s lawyers failed to prove that she was holding Scott as an enslaved person. Scott’s lawyers successfully argued for a new trial.

By the time the new case went to trial in 1850, Mrs. Emerson had moved to Massachusetts leaving her brother, John Sanford,¹ in charge of Scott’s case. The jury agreed that Scott and his family should be freed in accordance with the doctrine “once free, always free.” The case was appealed to the Missouri Supreme Court in 1852, where two of the three judges found for Sanford. The decision of the court said that states have the power to refuse to enforce the laws of other states.

Sanford was legally recognized as Scott’s owner in 1853. Sanford moved to New York leaving the Scotts in Missouri. Scott filed a new lawsuit in federal court (the other suits had been in state court). Federal courts settle disputes between citizens of different states.

In 1854, the U.S. Court for the District of Missouri heard the case. John Sanford argued that Dred Scott could not sue because he was not a citizen. The judge did not accept this argument, but he did instruct the jury to apply only the laws of Missouri in its decision. The jury found in favor of Sanford. Dred Scott then appealed to the Supreme Court of the United States.

Unfortunately for Scott, the political divisions over slavery worsened from the time his case first came to trial in 1847 through 1857, when the Court finally announced its decision. Events of this period that increased conflicts included the passage of the Fugitive Slave Act (1850), publication of *Uncle Tom’s Cabin* (1852), enactment of The Kansas-Nebraska Act (1854), violence in “bleeding Kansas” (1856), and Representative Brooks’ victory over Senator Sumner in the

¹ 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*.

U.S. Senate (1856). Like most people of that time, the Supreme Court justices had strong personal views about slavery. One justice, Peter V. Daniel of Virginia, supported slavery so much that he even refused to travel north of the Mason-Dixon Line into a free state. Some historians believe that Chief Justice Taney hoped that his decision in the *Dred Scott* case would help prevent, not create, future disputes over slavery.

Questions to Consider

1. Why did Dred Scott sue Mrs. Emerson? What was his goal?

2. Summarize the basic argument made by Scott's lawyers in the Missouri Circuit Court (the state court). Did Dred Scott have reason to believe that he would win his case?

3. How do you think the political divisions over slavery affected Dred Scott's chances of winning his case?