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## **DRED SCOTT v. SANDFORD**

***Before the Civil War, Americans were asking: Are African Americans citizens of the United States? May Congress prohibit enslavement of African Americans in U.S. territories?***

### **SS.7.C.3.12**

#### **Background of the Case**

Dred Scott was an African American who was enslaved to a physician named John Emerson. An army doctor, Emerson moved often and took Scott with him. As a result, Scott lived for a time in the state of Illinois and in the territory of Wisconsin. Neither of these regions had slavery. Both regions were also north of a boundary line set by Congress in the Missouri Compromise of 1820. That compromise allowed slavery south of the line and banned it north of the line.

Emerson died in 1843. Scott tried to buy his freedom from Emerson's widow, but she refused. In 1846 Scott sued for his freedom in Missouri. He claimed that since he had lived in a free state and a free territory, he was free. Scott's case moved slowly through Missouri's court system. He won his case in a lower court, but the ruling was overturned by Missouri's state supreme court in 1852. Mrs. Emerson eventually left the state. When she did, she gave control of her late husband's property to her brother, John Sanford.

Scott's lawyers filed a lawsuit against Sanford. The case eventually reached the U.S. Supreme Court.

#### **The Decision**

The Supreme Court decided the case on March 6, 1857. Chief Justice Roger B. Taney spoke for the seven-justice majority. Taney first stated his own view of the Framers' "original intent" when they wrote the Constitution. He said it was "absolutely certain that the African race were not included under the name of citizens of a State." He wrote further:

*"[I]t is the opinion of the Court that the act of Congress which prohibited . . . [slaveholding] north of the line therein mentioned is . . . void; and that neither Dred Scott himself, nor any member of his family were made free by being carried into this territory."*

—Chief Justice Roger B. Taney

The Court ruled on two issues. First, it said that Scott was not a citizen and thus did not have the right to bring a lawsuit. Second, it ruled that the Missouri Compromise was unconstitutional. Therefore, Scott was not free.

#### **Why It Matters**

The ruling added to the tensions that led to the Civil War. In 1868, three years after the end of that war, the Fourteenth Amendment to the Constitution overruled the *Dred Scott* decision. It said that African Americans were citizens.

#### **Analyzing the Case**

**1. Explaining** Why was Dred Scott not freed as a result of the Supreme Court's decision?

**2. Inferring** What is your opinion of Justice Taney's view of the Framers' "original intent"?