

SUPREME COURT CASE 4

DRED SCOTT V. SANFORD (1857)**Background of the Case**

Dred Scott was a slave owned by John Emerson, a U.S. Army surgeon stationed in Missouri. Dr. Emerson took Scott to Illinois, which was a free state in 1834. They moved to the territory of Upper Louisiana (now Minnesota), where slavery had been forbidden under the terms of the Missouri Compromise. In 1838, Emerson and Scott returned to Missouri.

In 1846, Scott won a suit in a Missouri state court, based on his claim that by living in free territory, he had earned his freedom. That ruling was overturned, however, by Missouri's Supreme Court.

Various anti-slavery interests now arranged a fictitious sale of Scott to John Sanford of New York, Emerson's brother-in-law. This action classified the issue as a dispute between citizens of different states. Therefore, it now came under the jurisdiction of the federal court system.

The federal court held that Scott still was a slave and Sanford's property. Scott then appealed to the United States Supreme Court on a writ of error—a claim that a mistake had been made in legal interpretation.

Constitutional Issue

The first major issue of the case was whether Scott qualified as a citizen of the United States, who would then be entitled to sue in a federal court. Although the Constitution does not say what makes a United States citizen, and no simple test has ever been devised, some states have at times allowed resident aliens to vote.

The second issue concerned whether Scott had gained his freedom by moving to a free territory or state. Which laws would govern his status: those of Missouri, Illinois, or those of the territory?

The third issue focused on the Missouri Compromise of 1820. Did Congress have

the power to prohibit slavery in the territories, and to make the prohibition a condition of admission to the Union?

The Court's Decision

The *Dred Scott* decision contains eight separate opinions and comprises more than 200 pages. Here, discussion is limited to Chief Justice Roger B. Taney's opinion and Justice Benjamin R. Curtis' dissent.

Chief Justice Taney began the decision written for the Court with a discussion of citizenship. His first and most notorious ruling was that African Americans, "whether emancipated or not," did not qualify as United States citizens. Taney explained that only those who were state citizens when the Union was formed became federal citizens; slaves and their descendants were not and are not citizens. And even though a state may emancipate a slave, give him the right to vote, and admit him to state citizenship, none of these actions would automatically give him federal citizenship. The right to grant federal citizenship belonged exclusively to Congress. Given this reasoning, Taney concluded, Scott was not and never had become a citizen of the United States. Therefore, he was not entitled to sue in a federal court.

Taney next examined the question of whether Scott had gained his freedom when he entered the Upper Louisiana Territory. The Chief Justice attacked the Missouri Compromise as an unconstitutional exercise of congressional authority. A territory becomes a state like any other state, possessing all powers guaranteed it by the Constitution, Taney stated. Congress cannot therefore forbid a state from making slavery legal. Taney explained that so long as slavery is authorized by the Constitution, Congress cannot alter the right of a person to own slaves or any other kind of property. In

