

The Dred Scott Decision



Dred Scott

Dred Scott was a slave who sued for his freedom in federal court. His master had taken him to Illinois, a free state, and to Minnesota, a territory where slavery was forbidden by the Missouri Compromise of 1820. The Supreme Court's decision in this case had a tremendous impact across the nation.

Directions: Read these six excerpts from the decision of Chief Justice Roger Taney; then go on to the rest of this activity.

Chief Justice Roger Taney, U.S. Supreme Court (1857)

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, guaranteed by that instrument to the citizen? One of which rights is the privilege of suing in a court of the United States. . . .

A Negro of the African race was regarded by [the American colonists] as an article of property, and held, and bought and sold as such, in every one of the thirteen colonies which united in the Declaration of Independence, and afterwards formed the Constitution of the United States. . . . It is too clear for dispute, that the enslaved African race were not intended to be included, and formed no part of, the people who framed and adopted the Declaration. . . .

The only two provisions [of the Constitution] which point to [Negroes] and include them, treat them as property, and make it the duty of the government to protect it. . . .

Upon a full and careful consideration of the subject, the court is of opinion, that, upon the facts stated . . . Dred Scott was not a citizen of Missouri within the meaning of the Constitution of the United States, and not entitled as such to sue in its courts. . . .

An Act of Congress which deprives a person of the United States of his liberty or property merely because he came himself or brought his property into a particular Territory of the United States, and who had committed no offense against the laws, could hardly be dignified with the name of due process of law. . . .

Upon these considerations, it is the opinion of the court that the Act of Congress which prohibited a citizen from holding and owning property of this kind in the Territory of the United States north of the line therein mentioned, is not warranted by the Constitution, and is therefore void.

(continued)

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Dred Scott was a Missouri slave. In 1834, his master took him to Illinois (a free state) and the Wisconsin Territory (a free territory) for a period of four years. Then Scott and his master returned to Missouri (a slave state). Scott felt that because he had lived in areas where slavery was illegal, he was free and, therefore, could no longer be held as a slave. In 1846, Scott brought suit against his owners, contending that he was a free man. The case was tried in Missouri and Scott won. However, the decision was reversed by Missouri's Supreme Court. Scott appealed the case until it reached the United States Supreme Court.

At this time the Supreme Court leaned toward Southern interests. In fact, the Chief Justice, Roger Taney, was adamantly pro-South. Because of this, the Court upheld the Missouri Supreme Court ruling and Dred Scott's request for freedom was refused. The U.S. Supreme Court stated that Illinois law did not affect the laws in Missouri, where Scott was residing at the time of the ruling. Therefore, Scott was still considered a slave. Furthermore, the Court said, because slaves were not United States citizens, they could not bring suit in court. Finally, the Court reasoned that because slaves were property, their status was protected by the Fifth Amendment of the Constitution, which protects a citizen's right to own property. This meant that Congress did not have the power to outlaw slavery in any part of the United States. This decision, passed down in 1857, made the Missouri Compromise, which had forbidden slavery in the remaining parts of the Louisiana Purchase north of the 36° 30' parallel, unconstitutional and illegal.

1. Explain how the ruling in the Dred Scott case made the Missouri Compromise unconstitutional.

2. Pretend that you are Chief Justice of the Supreme Court during the Dred Scott case. Write your decision on the lines below and explain why you've decided in this manner. Continue writing on the back of this paper.

The Dred Scott Decision (continued)

Directions: From Chief Justice Taney's decision and background information about the case, use the framework on this page to analyze the details and significance of the Dred Scott decision.

- People involved in the lawsuit: _____

- Three major questions of the case:
 1. _____
 2. _____
 3. _____
- Chief Justice Taney's decisions on those three questions:
 1. _____
 2. _____
 3. _____
- Outcome of the decision: _____

- Impact of the decision in the North: _____

- Impact of the decision in the South: _____

Extra Challenge: Read Taney's complete decision in this case. Then do one of the following:

1. Read the dissent written by Justice Benjamin R. Curtis. Summarize his main points.
2. Write your own dissent to Taney's decision, responding to his main points.

