

Supreme Court Case Study 6



The Right to Freedom of Enslaved Persons

Dred Scott v. Sandford, 1857

The period between the ratification of the Constitution and the Civil War was marked by increased efforts for the abolition of slavery. As the country grew, free states began to outnumber slave states in number and population. The abolitionist forces gained political strength. The Northwest Ordinance and the Missouri Compromise created vast new territories which Congress declared must be free states upon admission to the Union.

However, slave states remained steadfast in their claim that slavery was a state issue and helped pass two federal fugitive slave laws, gaining national recognition of their legal rights against abolitionists who helped slaves escape. Federal law now required the return of the slaves to their owners.

Into the midst of this turmoil, Dred Scott, a slave, filed a case in Federal Circuit Court in St. Louis, Missouri. Scott claimed that because he had lived for ten years in both a free state (Illinois) and a free territory (Wisconsin), he had been made a free man. His owner, John Sandford, did not deny that Scott and his family had resided in Wisconsin and Illinois, but claimed Scott lacked standing to sue, as he was not a citizen of the United States.

In its decision, the Supreme Court majority held that “a negro, whose ancestors were imported into [the U.S.], and sold as slaves,” whether enslaved or free, could not be an American citizen and therefore did not have standing to sue in federal court. Because the Court lacked jurisdiction, Taney dismissed the case on procedural grounds.

Taney further held that the Missouri Compromise of 1820 was unconstitutional and foreclose Congress from freeing slaves within Federal territories. The opinion showed deference to the Missouri courts, which held that moving to a free state did not render Scott emancipated. Finally, Taney ruled that slaves were property under the Fifth Amendment, and that any law that would deprive a slave owner of that property was unconstitutional.

Did you know? Dred Scott, along with several members of his family, was formally emancipated by his owner just three months after the Supreme Court denied them their freedom in the Dred Scott decision.

Questions

1. Dred Scott was the plaintiff (the person who sued the defendant) in this case. Why did he sue John Sandford? What was his goal?
2. How do you think the bitter political climate of the day affected Dred Scott's chances of winning his case?
3. What effect do you think the Court's decision in the Dred Scott case had on the efforts of many Americans to end slavery?
4. What did the Court say about enslaved African Americans' position in the United States?