

Key Excerpts from the Majority Opinion Chief Justice Roger B. Taney delivered the opinion of the Court. The decision was 7 to 2.

. . . Can a negro, whose ancestors were...sold as slaves, become a member of the political community...and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, guaranteed by the Constitution to the citizen? One of which is the right of suing in a court of the United States.

We think they [people of African ancestry] are not [citizens], and that they are not included, and were not intended to be included, under the word "citizens" in the Constitution, and can therefore claim none of the rights and privileges in the Constitution.

. . . [T]he legislation and histories of the times, and the language used in the Declaration of Independence, show, that neither slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people (citizens).

For if they became citizens, it would exempt them from the operation of the special laws necessary for their own safety (laws specific for slaves and Africans). It would give to persons of the negro race, now recognized as citizens, the right to enter every other State whenever they pleased...to go where they pleased at every hour of the day or night without harm, unless they committed some violation of law for which a white man would be punished; and it would give them the full liberty of speech in public and in private upon all subjects; to hold public meetings upon political affairs, and to keep and carry arms wherever they went. And all of this would be done in the face of the subject race of the same color, both free and slaves, and inevitably producing discontent and defiance among them, and endangering the peace and safety of the State.

The act of Congress, upon which the plaintiff relies, declares that slavery and involuntary servitude, except as a punishment for crime, shall be forever prohibited in all that part of the territory ceded by France (Louisiana Purchase), which lies north of thirty-six degrees thirty minutes north latitude, and not included within the limits of Missouri (Missouri Compromise). The difficulty which meets us at the threshold of this part of the inquiry is, whether Congress was authorized to pass this law under any of the powers granted to it by the Constitution; for if the authority is not given by the Constitution, it is the duty of this court to declare it void, and incapable of giving freedom upon any one who is held as a slave under the laws of any one of the States.

There is certainly no power given by the Constitution to the Federal Government to enlarge its territorial limits in any way, except by the admission of new States. If a new State is admitted, it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers, and duties of the State, and the citizens of the State, and the Federal Government. But no power is given to acquire a Territory to be held and governed permanently as a territory.

. . . [I]t may be safely assumed that citizens of the United States who migrate to a Territory, as citizens of the United States, cannot be ruled as mere colonists, dependent upon the will of the Federal Government. The principle upon which our Governments rests is the union of States, sovereign and independent within their own limits...

The powers of the Government and the rights and privileges of the citizen are regulated and plainly defined by the Constitution itself. And when the Territory becomes a part of the United States, the Federal Government enters into possession in the character impressed upon it by those who created it (How the people set up the state). The Federal Government enters upon it with its powers over the citizens strictly defined, and limited by the Constitution. It has no power of any kind beyond it; and it cannot, when it enters a Territory of the United States, put off its character (Change how the state is set up).

. . . [T]he rights of private property have been guarded with . . . care. Thus the rights of property are united with the rights of person, and placed on the same ground by the fifth amendment to the Constitution, which provides that no person shall be deprived of life, liberty, and property, without due process of law. And an act of Congress which deprives a citizen of the United States of his liberty or property, merely because he came himself (to a free state) or brought his property into a particular Territory of the United States (free state), 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 (Missouri Compromise), is not warranted by the Constitution, and is therefore void; and that neither Dred Scott himself, nor any of his family, were made free by being carried into this territory; even if they had been carried there by the owner, with the intention of becoming a permanent resident.

But there is another point in the case which depends on State power and State law. And it is contended, on the part of the plaintiff, that he is made free by being taken to Rock Island, in the State of Illinois, independently of his residence in the territory of the United States; and being so made free, he was not again reduced to a state of slavery by being brought back to Missouri.

. . . [I]n the case of Strader et al. v. Graham . . . the slaves had been taken from Kentucky to Ohio, with the consent of the owner, and afterwards brought back to Kentucky. And this court held that their status or condition, as free or slave, depended upon the laws of Kentucky, when they were brought back into that State, and not of Ohio. . . .

So in this case. As Scott was a slave when taken into the State of Illinois by his owner, and was there held as such, and brought back in that character, his status, as free or slave, depended on the laws of Missouri, and not of Illinois.

Upon the whole, therefore, it is the judgment of this court, that it appears by the record before us that the plaintiff in error is not a citizen of Missouri, in the sense in which that word is used in the Constitution; and that the Circuit Court of the United States, for that reason, had no jurisdiction in the case, and could give no judgment in it. Its judgment for the defendant must, consequently, be reversed, and a mandate issued, directing the suit to be dismissed for want of jurisdiction.

[Read the judgment](#) in the Supreme Court case Dred Scott v. John F. A. Sandford, March 6, 1857 from the National Archives.

© 2000 Street Law, Inc. and the Supreme Court Historical Society 14 Visit
www.landmarkcases.org