

Background Summary and Questions

Had he filed his lawsuit a few years earlier, Dred Scott probably never would have become a giant figure in U.S. history. Many people in Scott's position had won their lawsuits in state trial courts. However, by the time Scott's case made it to trial, U.S. political sentiments had changed and it took 11 years for his case to reach the Supreme Court of the United States. The Court's decision in *Dred Scott v. Sandford* remains among its most controversial.

Slavery was at the root of Dred Scott's case. He sued his master to obtain freedom for himself and his family. The argument he used was that because he had lived in a territory where slavery was illegal, he could never again be enslaved. This was a doctrine that was recognized in common law for centuries in Europe. In the state where he filed his suit, Missouri, many people in his situation had sued their masters for their freedom and won.

Dred Scott was born a slave in Virginia around 1799. In 1834, Dr. John Emerson, a surgeon in the U.S. army, bought Scott in Missouri and moved him to Illinois. Illinois was a free state. In 1836, Scott and Emerson moved to Fort Snelling, in present-day Minnesota. In the Missouri Compromise of 1820, Congress had prohibited slavery in the area that included Fort Snelling. Emerson bought a slave named Harriet and Scott married her in 1836. In 1838, Emerson and the Scotts moved back to Missouri. The Scotts had two daughters, Eliza, born around 1843, and Lizzie, born around 1850.

Emerson died in 1843 and he left his possessions, including the Scotts, to his widow, Irene. They lived in St. Louis, Missouri. In 1846, Dred Scott asked Mrs. Emerson if he could work for money. If he could earn and save money, he could buy his freedom from Mrs. Emerson. According to Scott, she refused.

Scott sued Mrs. Emerson for "false imprisonment" and for battery. It was common for slaves who had been taken to free land to sue their masters and win their freedom. Scott sued Mrs. Emerson, claiming that Emerson held him illegally. Scott claimed that he had become a free man as soon as he lived in a free territory or state and then was taken against his will to a slave territory or state. In 1847, Emerson was able to win in Missouri Circuit court on a technicality; Scott's lawyers failed to prove to the jury that Emerson was holding Scott as a slave. Scott's lawyers successfully argued for a retrial with additional witnesses that could prove Emerson's ownership of Scott.

By the time the case went to trial in 1850, Mrs. Emerson had moved to Massachusetts and left John F.A. Sanford, her brother, in charge of her financial matters, including the Scott case. The jury agreed that Scott and his

family should be free because of the doctrine "once free, always free." Sanford, acting for his sister, appealed to the Missouri Supreme Court. In 1852, two of the three judges found in favor of Mrs. Emerson and John Sanford. The decision consciously reversed earlier precedent. The newly elected proslavery justice, William Scott, wrote the decision, arguing that states like Missouri must have the power to refuse to enforce the laws of other states. Thus, regardless of wherever else Scott had been with his master, slavery was legal in Missouri.

Dred Scott's lawyers could have appealed the decision to the Supreme Court of the United States, but they feared that a majority of the justices would simply endorse the state court decision without considering its merits. By 1853, John Sanford was legally recognized as the owner of the Scotts. Sanford had moved to New York, leaving the Scotts in Missouri. Since federal courts settle the dispute between citizens of different states, Scott was able to sue Sanford in federal court in a new case. A clerk mistakenly added a letter to Sanford's name, so the case permanently became *Dred Scott v. John F. A. Sandford*.

In 1854, the U. S. Court for the District of Missouri heard the case. Judge Robert W. Wells rejected Sanford's assertion that Scott could not sue because he was not a citizen. However, the judge instructed the jury that, as the Missouri Supreme Court had said, Scott was subject only to the laws of Missouri. The jury found for Sanford. Scott then appealed to the Supreme Court of the United States.

Unfortunately for Scott, the political divisions over slavery worsened from the time that his case first came to trial in 1847 through 1857 when the Supreme Court of the United States finally announced its decision. Events of this period that increased conflicts included the passage of the Fugitive Slave Act (1850), publication of *Uncle Tom's Cabin* (1852), enactment of The Kansas-Nebraska Act (1854), violence in "bleeding Kansas" (1856), and Representative Brooks's beating of Senator Sumner in the U.S. Senate (1856). Like almost all people of their time, the justices had strong personal views about slavery. One justice, Peter V. Daniel of Virginia, supported slavery so much that he even refused to travel north of the Mason-Dixon line into a free state. Some historians believe that Chief Justice Taney hoped that his decision in the *Dred Scott* case would help prevent, not create future disputes over slavery.

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Dred Scott v. Sandford

Background Summary and Questions

1. Dred Scott was the plaintiff (the person who sued the defendant) in this case. Why did he sue the Emersons and John Sanford? What was his goal?
2. Summarize the basic argument that Scott's lawyers used to support his case. Did Dred Scott have reason to believe that he would win his case?
3. Why was a new case brought to the federal court system? What circumstances made the case a federal question?
4. How do you think the bitter political climate of the day affected Dred Scott's chances of winning his case?