


## Module 5: The Civil War and Reconstruction - 1860 to 1877

### Topic 2 Content: The Dred Scott Decision Notes

#### Introduction

## The Dred Scott Decision



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### Introduction

Dred Scott was born a slave in Virginia in 1795. After many years, Scott's owner died and he attempted to buy his family's freedom. When the purchase was denied, Scott resorted to the legal system. In this interactivity, learn about Dred Scott and his case for freedom. Click **NEXT** to begin.

*Portrait of Dred Scott*


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#### *Dred Scott v. Emerson*

## The Dred Scott Decision




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### *Dred Scott v. Emerson*

- The Missouri Supreme Court ruled that Scott could not sue in federal court because he was a slave in the state of Missouri.
- Scott appealed the case and it was reviewed by the United States Supreme Court in 1856.

*The United States Supreme Court*



*Portrait of Dred Scott*

Around 1830, Scott's original owner moved to Missouri, where he sold Scott to Dr. John Emerson. Emerson took Scott and lived above the Missouri Compromise Line, in the free state of Illinois and the slavery-free Wisconsin Territory. Over the next several years, Scott was rented out to perform different jobs. He was married and had two children. Eventually, the Emersons returned to Missouri, taking Scott and his family along with them. When Emerson died in 1843, his widow inherited all of his property, which in a slave-holding state included Scott and his family. Scott attempted to purchase freedom for himself and his family, but the widow refused. Left with no other options, Scott sued for his freedom. He claimed that because he had visited the free state of Illinois and the free territory of Wisconsin, he was no longer a slave. A Missouri state court heard the case of *Scott v. Emerson* and ruled in Scott's favor, declaring him free.


Emerson's widow Eliza Irene Sanford then left Missouri and gave her brother, John Sanford, control of her late husband's estate. While *Scott v. Emerson* was being heard and decided in state court, Scott's wages were withheld. After the decision was reached in the case, Sanford still refused to pay Scott the wages he was owed. He then appealed the *Scott v. Emerson* decision to the Missouri Supreme Court, who overturned the lower court's ruling. Scott then filed a lawsuit against Sanford for alleged physical abuse. The Missouri Supreme Court ruled that Scott did not have the right to file a lawsuit as he now considered a slave and not an American citizen. Scott responded by appealing his case the United States Supreme Court.

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#### *Dred Scott v. Sandford*

### The Dred Scott Decision

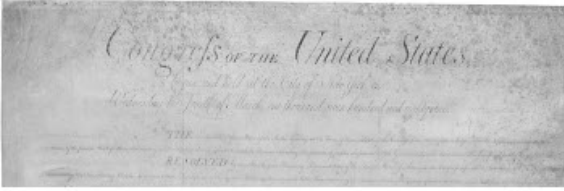


*Portrait of Roger B. Taney*

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#### *Dred Scott v. Sandford*

- Congress did not have the power to ban slavery in territories where slaves are considered property according to the Fifth Amendment of the Constitution.



*The Bill of Rights*

When the case progressed to the United States Supreme Court, Sanford's name was spelled incorrectly (Sandford). On March 6, 1857, the Court, led by Chief Justice Roger Taney, ruled that Scott did not have the right to file a lawsuit in a federal court, as that was a right reserved for American citizens. Because Scott was a slave, he did not have the same rights as citizens. Under Article III of the Constitution, federal courts may only hear cases brought by citizens.

The Court also ruled that Scott could not be granted the status of a United States citizen. While states could classify Scott as free under the laws of the state, they did not have the right to consider Scott an American citizen. The Constitution gives Congress the sole power to define the requirements for citizenship.

In addition, the Court declared that slaves did not become free by visiting free states or territories. The argument was that this would deprive slaveholders of their property without due process of law, violating the Fifth Amendment.

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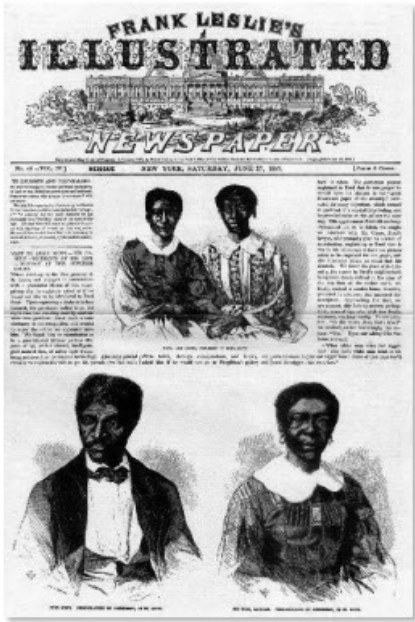
### Outcome

## The Dred Scott Decision

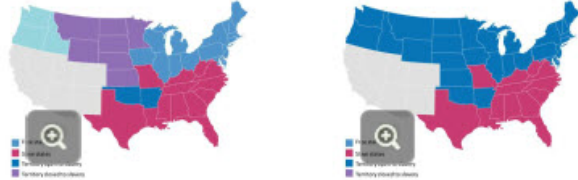
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### Outcome

- With the Supreme Court's decision in the Dred Scott case, The Missouri Compromise was deemed unconstitutional.
- Congress did not have the right to forbid slavery in any part of the Union because it interferes with the slaveholder's Fifth Amendment right to own property.



Copy of Frank Leslie's Illustrated Newspaper



Missouri Compromise Map      Map after Dred Scott Case

The Supreme Court's decision overturned the Missouri Compromise. Congress did not have the right to forbid slavery in any part of the Union because it interfered with the slaveholder's Fifth Amendment right to own property. Slavery was now allowed in all territories and states in the Union. The sectional tensions in the Union were continuing to escalate and Civil War seemed inevitable.