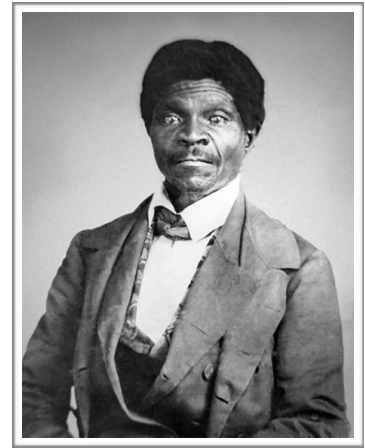


Discussions of Dred Scott Decision

— Brief introduction, effect, and my own point of view

Dred Scott was born in Virginia in 1795, little is known of his early years. He was an enslaved African American man, whose owner, an army doctor, had spent time in Illinois, a free state, and Wisconsin, a free territory at the time of Scott's residence. Scott claimed that he and his family should be granted their freedom because they had lived in Illinois and the Wisconsin Territory for four years, where slavery was illegal.

In the end, unfortunately, he unsuccessfully sued for his freedom and that of his wife and their two daughters in the Dred Scott v. Sandford case of 1857, popularly known as the "Dred Scott Decision."



Dred Scott (circa 1799 – September 17, 1858)

The United States Supreme Court decided 7–2 against Scott, finding that neither he nor any other person of African ancestry (whether enslaved or free) could claim citizenship in the United States, and therefore Scott had no standing to sue in federal court. In addition, this decision declared that the Missouri Compromise was unconstitutional and that Congress did not have the authority to prohibit slavery in the territories. On these points, Dred Scott v. Sandford, was a landmark decision by the U.S. Supreme Court.

At the heart of the case was the most important question of the 1850s: Should slavery be allowed in the West? As part of the Compromise of 1850, residents of newly created territories could decide the issue of slavery by vote, a process known as popular sovereignty. When popular sovereignty was applied in Kansas in 1854, however, violence erupted. Americans hoped that the Supreme Court could settle the issue that had eluded a congressional solution.

The decision was hailed in Southern slaveholding society as a proper interpretation of the United States Constitution. According to Jefferson Davis, then a United States Senator from Mississippi, and later President of the Confederate States of America, the Dred Scott case was merely a question "whether Cuffee should be kept in his normal condition or not". At that time, "Cuffee" was a term commonly used to describe a black person.

Prior to Dred Scott, Democratic Party politicians had sought repeal of the Missouri Compromise, and were finally successful in 1854 with the passage of the Kansas–Nebraska Act. This act permitted each newly admitted state south of the 40th parallel to decide whether to be a slave state or free state. Now, with Dred Scott, the Supreme Court under Taney sought to permit the unhindered expansion of slavery into the territories.

The Dred Scott decision, then, represented a culmination of what many at that time considered a push to expand slavery. Southerners at the time, who had grown uncomfortable with the Kansas-Nebraska Act, argued that they had a right, under the federal constitution, to bring slaves into the territories, regardless of any decision by a territorial legislature on the subject. The Dred Scott decision seemed to endorse that view. The expansion of the territories and resulting admission of new states would mean a loss of political power for the North, as many of the new states would be admitted as slave states, and counting slaves as three-fifths of a person would add to the slave holding states' political representation in Congress.

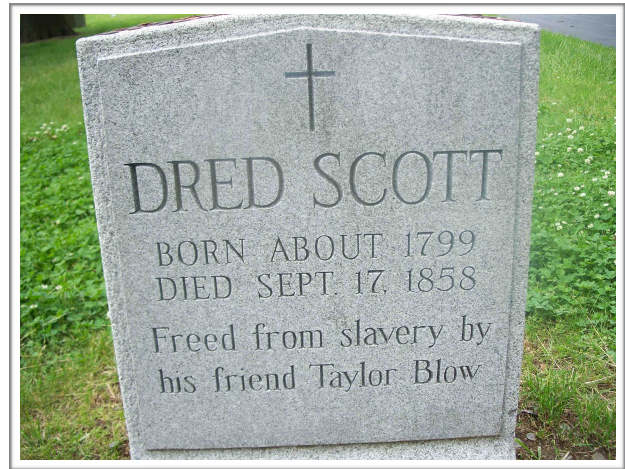
Although Taney believed that the decision represented a compromise that would settle the slavery question once and for all by transforming a contested political issue into a matter of settled law, it produced the opposite result. It strengthened Northern opposition to slavery, divided the Democratic Party on sectional lines, encouraged secessionist elements among Southern supporters of slavery to make bolder demands, and strengthened the Republican Party.

Two of the three branches of government, the Congress and the President, had failed to resolve the issue. Now the Supreme Court rendered a decision that was only accepted in the southern half of the country. Was the American experiment collapsing? The only remaining national political institution with both northern and southern strength was the Democratic Party, and it was now splitting at the seams. The fate of the Union looked hopeless.

In fact, there were free black citizens of the United States in 1787, but Taney and the other justices were attempting to halt further debate on the issue of slavery in the territories.

The decision inflamed regional tensions, which burned for another four years before exploding into the Civil War.

The Supreme Court decision *Dred Scott v. Sandford* was issued on March 6, 1857. Delivered by Chief Justice Roger Taney and it considered by legal scholars to be the worst ever rendered by the Supreme Court, was overturned by the 13th and 14th amendments to the Constitution, which abolished slavery and declared all persons born in the United States to be citizens of the United States.



Tombstone of Dred Scott

It is difficult to understand today, but under the law in 1846 whether or not the Scotts were entitled to their freedom was not as important as the consideration of property rights. If slaves were indeed valuable property, like a car or an expensive home today, could they be taken away from their owners because of where the owner had taken them? In other words, if you drove your car from Missouri to Illinois, and the State of Illinois said that it was illegal to own a car in Illinois, could the authorities take the car away from you when you returned to Missouri? These were the questions being discussed in the *Dred Scott* case, with one major difference: your car is not human, and cannot sue you. Although few whites considered the human factor in *Dred Scott's* slave suit, today we acknowledge that it is wrong to hold people against their will and force them to work as people did in the days of slavery.