Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Class Period: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dred Scott Decision Homework Assignment

**Directions: Read the following passage and answer the questions that follow.**

In 1795 Dred Scott was born in Southampton County, Virginia. Scott‘s information is somewhat fragmented because records on slaves were often incomplete. Peter Blow probably owned Scott‘s parents. By 1830 Peter Blow moved his family of four sons, three daughters, and his property of six slaves to St. Louis, Missouri, where Mr. Blow operated a boardinghouse. A surgeon, Dr. John Emerson, purchased Dred Scott in 1834 from Peter Blow, not long before Blow died. This information establishes why Scott‘s journey originates in Missouri. Scott and Dr. Emerson moved to the free state of Illinois in 1834. By 1836, Dr. Emerson moved to Fort Snelling in territory that eventually became Minnesota. Again, Dr. Emerson brought Scott with him.

The year 1820 proved to be pivotal in United States history. Henry Clay and others in Congress created a bill for the admission of Missouri and Maine to the United States. The compromise outlawed slavery in the geographical area of Fort Snelling. Legally, Scott lived in free territory, according to congressional mandate. Thomas Jefferson had reacted negatively to the Missouri Compromise‘s division of the country six years before his death. He believed the Missouri Compromise would destroy the Union: ―... but this momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed indeed for the moment. But, this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper.

Dr. Emerson purchased another slave, Harriet; and Dred Scott married her in 1836. By 1838 the Scotts and Emerson returned to Missouri. The slave couple eventually had two daughters, Eliza in 1843 and Lizzie in 1850. Dr. John Emerson died in 1843. His wife, Irene, inherited all of his property including the Scott family.

Dred Scott asked Irene Emerson if he could work for her for pay in order to buy his freedom. She declined. Consequently, Scott sued Mrs. Emerson for false imprisonment and battery. Scott knew other slaves had gone to court for their freedom and won their cases. This established a legal precedence for Scott‘s actions in Missouri. Claiming Mrs. Emerson retained him illegally, Scott stated he had resided in free territory; and as soon as he lived there, he was considered legally free. Scott also maintained he was forced to return to Missouri against his will. Because lawyers failed to make the case to the

Missouri Circuit Court that Scott was held as a slave, Mrs. Emerson won the case in 1847. In 1850 Scott‘s lawyers obtained a retrial where more witnesses were called for Scott‘s case. As the new trial approached, Mrs. Emerson moved to Massachusetts and left the responsibility for the Scott family and her financial obligations to her brother, John F. Sandford. In the new trial, the jury maintained that Scott should be free citing the doctrine, ―Once free, always free. In 1852 after Mr. Sandford had appealed the lower court decision to the Missouri Supreme Court, two of the three judges ruled in favor of Mr. Sandford. Because slavery was legal in Missouri, the courts there had every right to declare rules of other states void in Missouri. It did not legally matter where Scott had lived previously.

By 1853 Sandford had legal custody of the Scotts. In the meantime, Sandford had moved to New York. This resident technicality enabled Scott to sue Sandford under a new case, because the jurisdiction had changed to federal status. Citizens suing from different states were in federal jurisdiction. By 1854 the United States Court for the District of Missouri decided to hear the evidence of the case. In Dred Scott v. Sandford, the court ruled Scott could sue even though he was not a citizen, but the jury concluded Scott was under the jurisdiction of Missouri state law.

In the ten years between Scott‘s legal cases and proceedings, 1847 to 1857, political divisions concerning slavery in the new territories of the United States exacerbated Scott‘s chances at the federal Supreme Court level. The passage of a new Fugitive Slave Act; publication of the novel, Uncle Tom’s Cabin; passage of the Kansas Nebraska Act; Bleeding Kansas; violence in the Senate chamber; and increasing factional views led to the decision in the Dred Scott case in the United States Supreme Court.

In March 1857, Dred Scott lost his case in the Supreme Court. Chief Justice Roger B. Taney and the high court stated in their decision that no slave, nor his descendants had ever been a citizen of the United States. Therefore, Scott had no legal, constitutional rights to sue his owner. The court also ruled Congress had no legal power to stop slavery from existing in the new territories the United States acquired. The justices maintained that congressional actions preventing migration of slaves into territories with their owners violated Fifth Amendment rights of private property and due process. The Missouri Compromise of 1820 was ruled unconstitutional.

The Dred Scott case affected four million slaves. It seemed as if history had turned back, and all of the efforts of the Abolitionist Movement were ignored. The case brought the United States closer to civil war when the doctrine of popular sovereignty replaced the Missouri Compromise.

**Answer the following questions using the text above.**

1. Who was Dred Scott?

2. What was he suing his master for?

3. What was the supreme courts decision? (list all four parts of the decision)

1.

2.

3.

4.

4. How did the Supreme Courts decision impact slaves?