



Teacher Notes: *Dred Scott v. Sandford* (1857)

Part 1: Slavery, Expansion, and the Constitution (00:00-6:41)

When long serving Chief Justice John Marshall died, he was replaced by **Roger B. Taney**. The Marshall Court had been able to avoid the controversial issue of **slavery**.

At the Constitutional Convention of 1787 there were those who would have liked to abolish slavery, but it was not really a possibility because the **Southern** states would not have agreed to the Constitution if it abolished slavery. The issue is referenced three times in the Constitution, without ever actually using the word slavery. Those instances are:

- 1) Article I, Section 2, Clause 3: **3/5** Compromise—**3/5** of the slaves were to be counted in determining a state's population and thus the number of members the state would have in the new **House of Representatives (Congress)**.
- 2) Article I, Section 9, Clause 1: **Congress** could not prohibit **the importation of any more slaves (the slave trade)** before **1808**.
- 3) Article IV, Section 2, Clause 3 contains the **Fugitive Slave Clause**, which requires **runaway slaves to be returned to their owners**.

By the time Roger Taney became Chief Justice, the issue of **slavery** was threatening to tear the country apart. How did the expansion of U.S. territory increase tensions over the issue of slavery? **As the country moved west and began adding territory and new states, a debate began over whether those areas would be free states or slave states. It fueled the division in the country over the issue of slavery.**

In 1820, Congress passed the **Missouri Compromise** which stated that **Missouri** would enter the union as a slave state and **Maine** as a free state, thus maintaining the balance between free and slave states. It also provided that **slavery** would be prohibited above the **36' 30' parallel**.

Another important question soon arose. What about slaves that were taken into a **free territory**?

Part 2: Background and Ruling (6:42-12:34)

The Supreme Court finally took up the issue of slavery in a case involving a slave named **Dred Scott**. Scott was owned by an army doctor named **Dr. Emerson** whose assignments required him to travel to free areas, and thus he took Scott with him. When the doctor died, his widow Irene inherited **Dred Scott**, his wife Harriet, and their children. Scott tried to purchase his and his family's freedom but was turned down. Eventually he took his case to court in Missouri and won. What was his argument? **I am a free citizen of this country and I have a right to sue for my freedom because I lived in territory where slavery was forbidden.**

The decision was reversed on appeal in the Missouri courts. By the time it reached the Supreme Court, Mrs. Emerson's brother-in-law, John **Sandford**, was the defendant.

When the case reached the Supreme Court, **seven** of the nine justices had been appointed by Southern presidents and **five**, including Chief Justice Taney, came from **slave-owning families**.

The case became about more than just **one man's freedom**. It became a case about **state's rights**.

Dred Scott believed he had a right to sue because he was a free **citizen**. The Supreme Court said that no slave, no black person, could be a **citizen of the United States**, and therefore, he could not even sue in the first place.

The Court also said the **Missouri Compromise** was unconstitutional because nothing in the Constitution gave Congress the power to deal with slavery. Review: What are those powers of Congress listed in the Constitution called? **Enumerated** powers.

This was only the second use of **judicial review** since it was established in *Marbury v. Madison* in 1803.

The ruling was not **unanimous**. Justice Benjamin **Curtis** wrote a 70-page **dissent!** The other justices became hostile to Curtis and he was forced into retirement.

Part 3: Results of the Ruling (12:35-End)

Justice Curtis' dissent was referenced in future elections, and Republicans, such as future President **Abraham Lincoln**, used the ruling to put forward their ideas.

The ruling has been ridiculed as the **worst decision** in the history of the Supreme Court. It had an incredible effect on the country. **Southerners** supported the ruling and believed it settled the slavery issue once and for all, but **Northerners** rejected the ruling and viewed it as an abuse by Taney and the Supreme Court.

Dred Scott returned home still a slave. He was later purchased by his original owner and set free. He died a **free man**.

Unfortunately, the controversial ruling and many other events led to the **Civil War** and **600,000** Americans lost their lives.

The Dred Scott ruling was never officially **overturned**, but we now have the **13th Amendment**, which abolishes **slavery**, and the **14th Amendment**, which declares that anyone born in the U.S. is a **citizen** and that **states** cannot deny any person the **equal protection of the laws**.

Discussion Questions:

1. What, if anything, can we learn from the Dred Scott ruling and its result?
2. Should the Supreme Court involve itself in political and social debates?
3. Why can a court ruling have such a huge impact on a political/social issue?