**DRED SCOTT CASE SUMMARY**

Born in Virginia c. 1800, Dred Scott came to St. Louis in 1830. In the next year or two John Emerson, an army physician who had settled in St. Louis, acquired him. Emerson took Scott to various places, including Illinois and the Wisconsin territory, where the Northwest Ordinance of 1787 and the Missouri Compromise of 1820, respectively, had prohibited slavery. In 1836, Dred Scott married another slave, Harriet. Shortly thereafter the Scotts joined Emerson and his wife, Irene, in Louisiana. Despite going along free territory along both sides of the river, the Scotts did not escape. In 1843, after the death of her husband, Irene Emerson became the owner of the Scott family. She hired them out, seemed pleased with the income, and ignored Dred’s proposals to purchase his family’s freedom.

By 1850 the technical issues in the case were overshadowed by a larger national controversy over citizenship in the United States and slavery in the territories. Senator John C. Calhoun led vigorous southern efforts pushing for slaveholders to be able to take their property with them into the territories. Proslavery Missourians drafted the “Jackson Resolutions” and intended to use the Dred Scott case to bring the principles of the Southern Address to bear on Missouri law. However, a previous case, Rachel v. Walker (1836) had established a precedent, the Missouri Supreme Court ruling that a slave owned by an army officer had been made free while residing in the Wisconsin Territory. Moreover, in a U.S. Supreme Court case, Strader v. Graham (1851), Chief Justice Roger B. Taney ruled that the law of the state in which the suit was tried would determine the case’s outcome. But another dimension of both the Strader and Scott v. Emerson (1852) cases was what course to take when one state law conflicted with that of another. Antislavery reformers invoked this principle to argue that the law of slavery could not extend into a free state. Meeting in the Courthouse in St. Louis in October 1851, the Missouri Supreme Court moved in the opposite direction, using the Strader decision to overturn Rachel v. Walker and assert proslavery views. A proslavery majority on the court ruled that a slave in a free state did not become free by residing in a state or territory that did not recognize slavery. The court ruled that Missouri law governed the case and that the Scotts remained slaves.

Both sides argued before the U.S. Supreme Court, the proslavery advocates that African Americans could not be citizens and that the federal government had no right to interfere with the property rights of slaveholders. They also argued that since the Kansas-Nebraska Act (1854) had repealed the Missouri Compromise, the prohibition of slavery north of 36 degrees 30 minutes north latitude could not be employed to secure the Scott’s freedom. The Court scheduled the case to be reargued one month after the federal election of 1856. Efforts to maintain judicial restraint quickly failed, as Taney insisted on deciding that African Americans, both free and slave, could not be citizens of the United States and that the government could not bar slave property from the territories. Each justice wrote his own opinion in the case, although Taney’s “Opinion of the Court” was seen as the Dred Scott decision. In it, he insisted that citizenship existed at two levels, state and federal. State citizenship did not permit an individual to bring suit in federal court, as Taney found an insurmountable barrier in the U.S. Constitution that defined blacks as a “subordinate and inferior class of being.”

Taney further insisted Article IV, section 3 of the Federal Constitution applied only to territories that existed when the Constitution was drafted in 1787. He acknowledged that the federal government might acquire new territories, but only for the common benefit of the established several states. The Fifth Amendment obliged Congress to respect the property rights of all citizens and this protection expanded to the slave property of southern states. The sweeping decision immediately became part of an angry political debate. In the Lincoln-Douglas Debates (1858), Lincoln argued that the decision did not permit the exclusion of slavery at any point in the territorial process. Scholarly analysis of the Taney decision has been almost entirely negative. Many scholars insist that the decision did not carry the weight of law as a majority of the justices did not explicitly agree on any other issues. On the issue of citizenship, Taney is judged to be the weakest. His effort to locate a racial barrier in the Constitution rested on little more than his racist convictions. As Justice Benjamin Curtis observed in his dissent, national citizenship followed state citizenship: if blacks were citizens of a state they were, in the meaning of the Constitution, citizens of the United States. Far from settling the issues brought before the court, Taney’s decision inflamed sectional passions and helped to ensure that a constitutional debate over slavery became a crisis in constitutional government.