

The Dred Scott Decision

Lead: In deciding against Dred Scott the United States Supreme Court said that the constitution restricted the kind of laws Congress could make concerning property and slaves were property.

Intro.: "A Moment in Time" with Dan Roberts.

Content: Dred Scott was the slave of an army surgeon. During his years of servitude, Scott lived, married and had children on those various military bases to which his master, Dr. John Emerson,

was posted. Some of those Forts were in free states, other were in states or territories in which the United States Congress had permitted the sale and use of slaves. When Emerson died in 1843 Scott went to Court in Missouri to secure freedom for himself and his family reasoning that since he had spent time on free soil he had a right to be free. In this he was simply following the logic of Missouri courts up to that time. In the past, they had regularly ruled that slaves living for any length of time on free soil were automatically free.

But this time the Missouri Supreme Court failed to uphold the lower court and ruled that other state's laws had no validity in Missouri. Missouri was a

slave state, Scott was in Missouri, therefore he was and must continue to be a slave.

Dred Scott then sued for his freedom in federal court and when the case reached the U.S. Supreme Court, Chief Justice Roger Taney ruled, on March 6, 1857, that slaves were property and that Congress could not restrict the ownership of this property anywhere in the United States. The New York Times was right when it said that his meant that the various attempts at accommodation on the question of slavery for over a half century such as the Ordinance of 1787 or the Missouri Compromise were unconstitutional.

The impact of the Dred Scott decision went far beyond that of the individuals involved. He almost immediately obtained his freedom. But the Supreme Court had given a great victory to the South which now could take legal comfort in its continuing stubborn defense of this now unprofitable, bothersome, and thoroughly repulsive institution. The decision also ignited a firestorm of self-righteous denunciation in the North. This increased the noise level in the national debate over slavery and further muting the efforts of the few moderates left North and South seeking to bring an end to slavery short of secession and Civil War.

At the University of Richmond, I'm Dan Roberts.

Resources

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