

The Dred Scott

Decision

**We Salute Black
History Month —
February!**

With "Bleeding Kansas" the chief campaign issue in the 1856 presidential election, the battle over slavery shifted to the ballot boxes. The Democrats nominated James Buchanan; the Republicans chose John C. Frémont, the explorer-hero; and the disintegrating Whigs endorsed the ticket of the Know-Nothings, who had picked Millard Fillmore. Buchanan won, with 1,800,000 votes to Frémont's 1,300,000 and Fillmore's 875,000. The Republicans had gained great strength. On March 6, 1857, two days after Buchanan's inauguration, the Supreme Court handed down a decision that made Dred Scott the best-known Negro in America.

Dred Scott was a Virginia-born slave who had been carried by his master, an Army doctor, from Missouri into the free state of Illinois and then into the free territory of Minnesota. He remained away from Missouri for four years before being returned to that state.

On the grounds that he had become a free man by virtue of residence on free soil, Dred Scott in 1846 sued for his liberty. A St. Louis court upheld his contention but was overruled by the Missouri Supreme Court. Meanwhile Scott was sold to another master but, with help from various sources, he carried his fight for freedom to a still higher court. In 1856 the final disposition of his case came before the highest court of the land in Washington.

Of the nine justices composing the Supreme Court, five, including seventy-year-old Chief Justice Roger B. Taney, were Southerners. At first the judges tried to avoid the crucial issue. But eventually Taney announced that the questions of "peace and harmony" of the country required a settlement by judicial decision.

When Taney read his opinion, only one judge concurred with him; five others read separate and varied concurring opinions and two dissented head-on. The Chief Justice ruled that from the founding of the country Negroes had been "considered as a subordinate and inferior class of beings" who therefore "had no rights which the white man was bound to respect." Taney further declared that Negroes could not rightfully become citizens of the United States, since the words of the Declaration of Independence and the Constitution were never meant to include Negroes. Dred Scott therefore had no right even to bring suit. Furthermore, Congress could not legally deprive slaveholders of their right to take human "articles of merchandise" into any part of the Union, North or South. In effect, the Supreme Court declared the Missouri Compromise and all other anti-slavery laws to be unconstitutional.

Taney's decree made the slave-holders and slave-catchers jubilant. But in the North and the West great mass meetings were held in furious protest against this decision. White voters in ever greater numbers were driven toward the anti-slavery movement. Many friends of freedom lost hope. But Frederick Douglass declared, "My hopes were never brighter than now. . . The Supreme Court is not the only power in this world. . . Judge Taney cannot bail out the ocean, annihilate the firm old earth or pluck the silvery star of liberty from our Northern sky."

The first page of the argument of Montgomery Blair, counsel for Dred Scott.

SUPREME COURT OF THE UNITED STATES.

No. 7.—DECEMBER TERM, 1856.

DRED SCOTT, (A COLORED MAN,)

vs.

JOHN F. A. SANDFORD.

Argument of Montgomery Blair, of Counsel for the Plaintiff in Error.

STATEMENT OF THE CASE.

This is a suit brought to try the right to freedom of the plaintiff and his wife Harriet, and his children Eliza and Lizzie. It was originally brought against the administratrix of Dr. Emerson, in the circuit court of St. Louis county, Missouri, where the plaintiff recovered judgment; but on appeal to the supreme court of the State, a majority of that court, at the March term of 1852, reversed the judgment; when the cause was remanded it was dismissed, and this suit, which is an action of trespass for false imprisonment, was brought in the circuit court of the United States for the district of Missouri, by the plaintiff, as a "citizen" of that State, against the defendant, a "citizen" of the State of New York, who had purchased him and his family since the commencement of the suit in the State court.

The defendant denied, by plea in abatement, the jurisdiction of the circuit court of the United States, on the ground that the plaintiff "is a negro of African descent, his ancestors were of pure African blood, and were brought into this country and sold as slaves," and therefore the plaintiff "is not a citizen of the State of Missouri." To this plea the plaintiff demurred, and the court sustained the demurrer.

Thereupon the defendant pleaded over, and justified the trespass on the ground that the plaintiff and his family were his negro slaves; and a statement of facts, agreed to by both parties, was read in evidence, as follows: "In the year 1834, the plaintiff was a negro slave belonging

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Illustration (A) pictures: Frederick Douglass; Martin Luther King, Jr.; Harriet Tubman and Mary McLeod Bethune.

Illustration (B) pictures: Whitney Young, Jr.; Mahalia Jackson, George Washington Carver and Sojourner Truth.

(A)

(Frames are not included)



(B)

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