

Dred Scott Decision

Just two days after Buchanan became president, the Supreme Court issued a historic ruling about slavery. News of the decision threw the country back into crisis. The Court reviewed and decided the complex case involving an enslaved man named Dred Scott.

Dred Scott Sues for Freedom

Dred Scott was the slave of Dr. John Emerson, an army surgeon who lived in St. Louis, Missouri. In the 1830s, Emerson had taken Scott on tours of duty in Illinois and the Wisconsin Territory. After they returned to Missouri, the doctor died, and Scott became the slave of Emerson's widow. In 1846 Scott sued for his freedom in the Missouri state courts, arguing that he had become free when he lived in free territory. Though a lower court ruled in his favor, the Missouri Supreme Court overturned this ruling.

Scott's case reached the U.S. Supreme Court 11 years later, in 1857. The justices—a majority of whom were from the South—had three key issues before them. First, the Court had to rule on whether Scott was a citizen. Only citizens could sue in federal court. Second, the Court had to decide if his time living on free soil made him free. Third, the Court had to determine the constitutionality of prohibiting slavery in parts of the Louisiana Purchase.

The Supreme Court's Ruling

Chief Justice Roger B. Taney (TAW-nee), himself from a slaveholding family in Maryland, wrote the majority opinion in the *Dred Scott* decision in March 1857. First, he addressed the issue of Dred Scott's citizenship. Taney said the nation's founders believed that African Americans "had no rights which a white man was bound to respect." He therefore concluded that all African Americans, whether slave or free, were not citizens under the U.S. Constitution. Thus, Dred Scott did not have the right to file suit in federal court.

Taney also ruled on the other issues before the Court. As to whether Scott's residence on free soil made him free, Taney flatly said it did not. Because Scott had returned to the slave state of Missouri, the chief justice said, "his *status*, as free or slave, depended on the laws of Missouri."

Finally, Taney declared the Missouri Compromise restriction on slavery north of 36°30' to be unconstitutional. He pointed out that the Fifth Amendment said no one could "be deprived of life, liberty, or property without due process of law." Because slaves were considered property, Congress could not prohibit someone from taking slaves into a federal territory. Under this ruling, Congress had no right to ban slavery in any federal territory.

Most white southerners cheered this decision. It "covers every question regarding slavery and settles it in favor of the South," reported a Georgia newspaper. Another newspaper, the New Orleans *Picayune*, assured its readers that the ruling put "the whole basis of the . . . Republican organization under the ban of law."

The ruling stunned many northerners. The Republicans were particularly upset because their platform in 1856 had argued that Congress held the right to ban slavery in the federal territories. Now the nation's highest court had ruled that Congress did not have this right.

Indeed, some northerners feared that the spread of slavery would not stop with the federal territories. Illinois lawyer Abraham Lincoln warned that a future Court ruling, or what he called "the next *Dred Scott* decision," would prohibit states from banning slavery.