

JUSTIA

Dred Scott v. Sandford, 60 U.S. 393 (1856)

Justia Opinion Summary and Annotations

Annotation

Primary Holding

In a decision that later was nullified by the Thirteenth and Fourteenth Amendments, the Supreme Court held that former slaves did not have standing in federal courts because they lacked U.S. citizenship, even after they were freed.

Facts

Dred Scott, a slave born in Virginia, was purchased by John Emerson in Missouri in 1820. Emerson then traveled with Scott to Fort Armstrong, Illinois and from there to Fort Snelling, Wisconsin. Both Illinois and Wisconsin prohibited slavery. Scott and his wife stayed in Wisconsin when Emerson returned to Missouri. Since Emerson leased their services to other white people in Wisconsin, he violated the Missouri Compromise as well as other laws against slavery in that region.

When Emerson moved to Louisiana, Scott and his wife joined them. Their daughter was born in a steamboat on the Mississippi River, which technically made her a free person because she was born in free territory. Emerson soon returned to Wisconsin, but his wife took Scott and his wife back to Missouri when Scott served in the Seminole War. Emerson ultimately died in Iowa, and his widow inherited Scott, whose services she continued to lease to others. Emerson's widow rejected an attempt by Scott to buy his family's freedom, which led to legal action.

Scott argued that his wife and he were legally emancipated because of their residence in free territories. Missouri courts had ruled in favor of similarly positioned slaves, but his case was initially dismissed on a minor procedural ground. Eventually, the jury did rule in his

favor, but Emerson's widow appealed. She had moved to Massachusetts by then and given Scott to her brother, John F.A. Sandford. Upon appeal, the Missouri Supreme Court reversed earlier decisions in this area and ruled that Scott was not required to be emancipated because he had failed to sue for his freedom when he was living in a free state.

When Sandford moved to New York, Scott resumed his legal action there in federal court, since diversity jurisdiction applied.

Opinions

Majority

- Roger Brooke Taney
- James Moore Wayne
- John Catron
- Peter Vivian Daniel
- Samuel Nelson
- Robert Cooper Grier
- John Archibald Campbell

Taney argued that the Court did not have jurisdiction to hear a case brought by Scott. Diversity jurisdiction is limited to cases involving citizens of different states, and Taney suggested that Scott was not a citizen of any state because he was a descendant of a slave. In fact, the opinion suggested that not even a freed slave could bring an action in federal court under diversity jurisdiction because of his or her African descent. Taney concluded that the drafters of the Constitution saw African-Americans as inferior and would not have intended to extend this right to them. He suggested that extending constitutional protections to African-Americans, which would be necessary if they were deemed to be citizens, would result in the socially unacceptable consequences of giving them the right to travel, free speech, and the right to bear arms.

Since Taney had found that jurisdiction was lacking, he could dismiss the case on procedural grounds. However, he continued to address the substantive issue, perhaps in response to pressure from President James Buchanan, who wanted a conclusive resolution to disputes over slavery. He reached the conclusion that the Missouri Compromise and its designation of certain states as free states could not be enforced because the territory that it encompassed was not within the Northwest Territories, to which the federal government's power to create state governments was limited. Taney also ruled that slaves were property under the Fifth Amendment, and any law that would deprive a slave owner of that property

was unconstitutional.

The opinion showed deference to the government and courts of Missouri, which had held that moving to a free state did not make Scott emancipated. Taney accepted this view without much examination, since he felt that federal courts lacked jurisdiction in the first place.

Concurrence

- Samuel Nelson (Author)
- Robert Cooper Grier

Nelson essentially reached the same conclusion as Taney, but he based his view solely on the merits of the case because he felt that jurisdiction was proper.

Dissent

- Benjamin Robbins Curtis (Author)

Criticizing Taney's decision for addressing substance once it had found a lack of jurisdiction, Curtis pointed out that invalidating the Missouri Compromise was not necessary to resolving the case. He also questioned Taney's belief that the Founders were steadfastly opposed to anti-slavery laws.

Dissent

- John McLean (Author)

McLean echoed Curtis in finding that the majority had improperly reviewed the substance of the claim when it should have been limited to procedure. He also argued that men of African descent could be citizens, since they already had the right to vote in five states.

Concurrence

- James Moore Wayne (Author)

Concurrence

- John Catron (Author)

Concurrence

- Peter Vivian Daniel (Author)

Concurrence

- Robert Cooper Grier (Author)

Concurrence

- John Archibald Campbell (Author)

Case Commentary

This decision ranks among the most infamous in the history of the Supreme Court, but it is important to remember that it simply rationalized the prevailing social system in a large part of the United States at the time. Taney's florid rhetoric seems an attempt to conceal the flimsy logic of his argument, which was discarded within a few decades and no longer carries any weight.

Fortunately for Scott, one of the sons of his first master purchased his freedom shortly after this decision. He worked in a hotel in St. Louis until his death later in the 1850s. His widow survived into the 1870s, witnessing the defeat of Taney's vision by the Thirteenth and Fourteenth Amendments.

Syllabus Case

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Scott v. Sandford

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Syllabus

I

1. Upon a writ of error to a Circuit Court of the United States, the transcript of the record of all the proceedings in the case is brought before the court, and is open to inspection and revision.

2. When a plea to the jurisdiction, in abatement, is overruled by the court upon demurrer, and the defendant pleads in bar, and upon these pleas the final judgment of the court is in his favor -- if the plaintiff brings a writ of error, the judgment of the court upon the plea in abatement is before this court, although it was in favor of the plaintiff -- and if the court erred in overruling it, the judgment must be reversed, and a mandate issued to the Circuit Court to dismiss the case for want of jurisdiction.

3. In the Circuit Courts of the United States, the record must show that the case is one in which, by the Constitution and laws of the United States, the court had jurisdiction -- and if this does not appear, and the judgment must be reversed by this court -- and the parties cannot be consent waive the objection to the jurisdiction of the Circuit Court.

4. A free negro of the African race, whose ancestors were brought to this country and sold as slaves, is not a "citizen" within the meaning of the Constitution of the United States.

5. When the Constitution was adopted, they were not regarded in any of the States as members of the community which constituted the State, and were not numbered among its "people or citizens." Consequently, the special rights and immunities guarantied to citizens do not apply to them. And not being "citizens" within the meaning of the Constitution, they are not entitled to sue in that character in a court of the United States, and the Circuit Court has not jurisdiction in such a suit.

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