

When SCOTUS was wrong: Dred Scott v. Sandford - AvvoStories

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Everybody knows the name of [Dred](#) Scott, the enslaved man who sued for freedom and lost. Landmark Supreme Court cases often hinge on legal technicalities unrelated to the issue for which they are famous. But the decision in [Dred Scott v. Sandford](#) was every bit as racist as it looks on the surface.

Facts of the Case

Dred Scott was born into slavery in Virginia. His owner, a physician named John Emerson, took Scott with him when he received an army posting in the free state of Illinois in 1836. Scott lived as Emerson's slave in free territories for two years before being returned to the slave state of Missouri. After Emerson's death, his brother-in-law, John Sanford became responsible for Mrs. Emerson's finances. In 1846, Scott sued Sanford (misspelled as Sandford in court documents) for wrongful enslavement on behalf of himself, his wife, and their children.

Freedom Suits

In 1824, Winny v. Whitesides had established Missouri's judicial criteria for eligibility for freedom. If a slave owner took a slave to free territory and established residence there, the slave would become free. Scott's case was one of nearly 300 "freedom suits" filed in St. Louis based on the "once free, always free" precedent.

A long legal path

In 1847, Scott lost his freedom suit in the St. Louis County Circuit Court. The loss was based on a technicality, so the judge ordered a new trial, which took place in 1850. This time, Scott's suit for freedom prevailed. Emerson appealed, and in 1852 the Missouri Supreme Court reversed the trial court's decision to grant Scott and his family their freedom.

However, the original trial judge denied Emerson's petition to have the Scotts returned to her. After her death, her ownership claim passed to Sanford.

Scott's attorneys sued Sanford in federal court (the U.S. Circuit Court for Missouri) in 1853. In 1854, the court ruled in favor of Sanford, and Scott appealed to the United States Supreme Court. The Court heard final arguments in late 1856 and prepared to render its decision.

A far-reaching decision

The Supreme Court's 1857 decision, written by Chief Justice Roger Taney (a former slaveholder), did not merely negate Winny v. Whitesides. The divided court declared unconstitutional the Missouri Compromise, which had sought to defuse the issue of slavery in the country's western territories. The Court found the Missouri Compromise violated slaveholders' property rights as guaranteed by the Fifth Amendment, thus placing property rights above human and civil rights. The Court also used citizenship as the criterion for possession of basic rights, and determined that blacks, whether free or enslaved, could not be U.S. citizens. According to Taney, blacks therefore possessed "none of the rights and privileges" provided by the Constitution.

Taney's argument was not only morally reprehensible, it was legally specious. Linking basic human rights to national citizenship ignored Constitutional clauses that grant specific rights to citizens, as well as the example of women, who held citizenship without full legal rights. Moreover, Taney explicitly rejected the Declaration of Independence's claim that "all human beings are endowed with inalienable rights" on the basis that slave-holding signatories would be hypocrites if blacks were human beings.

Aftermath

By 1857, everyone with a claim to ownership of the Scott family had joined the abolition movement and the Scotts were freed. For the next decade, the precedent set by their case limited legal opportunities for blacks. However, the Court's decision, which Taney had hoped would settle the slavery issue, fueled the growing storm over slavery that culminated in the Civil War. In 1865, seven months after the end of the war, the Thirteenth Amendment was ratified, abolishing slavery in the United States. Three years after that, the Fourteenth Amendment established citizenship for all individuals born in the United States.

[Court, Winny v. Whitesides](#)

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