

Turning Points in American History  
The Dred Scott Case  
Document-based question  
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Grade 8 and up

Below are excerpts of documents to read and use in answering the question that follows. The question was written to use your ability in using historical documents for research. Study each document and consider each in each one's source and the author of each.

Directions:

- Read carefully each document.
- Answer the questions that follow the document.
- Use facts from each document to make your details support each topic main idea that proves your explanation.
- Be sure to include any specific related outside information.
- Write a well-organized essay that follows the required five paragraph framework: an introduction, at least four main points with supporting details, and a conclusion.

Historical Background:

From Holt's *Call to Freedom TM*, page 464: "Dred Scott is thought to have been born around 1795 in Virginia. Slaveholder Peter Blow took Scott to Missouri in 1827. When Blow died, his daughter sold Scott to John Emerson. Scott was later owned by both Emerson's widow and his brother-in-law, John Sanford. In 1857, after the celebrated Supreme Court case involving his status as a slave, Scott and his family were purchased by Henry Blow, the son of Scott's first owner, who promptly emancipated them. Scott worked as a hotel porter in St. Louis until his death from tuberculosis in 1858."

Scott had traveled with his owner, Dr. Emerson, an army surgeon, to Illinois and also to Wisconsin Territory at Fort Snelling. After the doctor died, his widow moved to New York, leaving Scott in the charge of the two sons of Scott's original owner, Henry and Taylor Blow. At that time Henry was a lawyer and a businessman who was quite successful as well who had become an abolitionist. Blow wanted Scott freed and he is the one who financed the beginning of the legal battle in Missouri. Mrs. Emerson did not want Scott, but would not grant his freedom. Scott was used by Blow to pursue the issue of antislavery. Also, the Missouri Compromise of 1850 had opened territory to become slave or free states depending on the location north or south of the Missouri Compromise Line.

Lawyers for Scott argued that his five-year stay on free soil had ended his slavery and that returning to Missouri would allow his freedom by the state court. The lower court ruled in his favor but it was appealed. This court case dragged on for six years and the state supreme court ruled finally in 1852. Because of the Kansas-Nebraska Act, more people were moving into the state of Kansas with their slaves from Missouri. While all these politics were going on, Scott was in limbo who he really belonged to. He had been put under the care of the sheriff who hired him out during the state supreme court. He simply was doing as he was told, not realizing fully the workings of the politics.

With antislavery people also moving in the area of dispute between Missouri and Kansas, tensions were mounting drastically. Scott had become an important person because of the old lawsuit. Mrs. Emerson had remarried in New York. The original lawsuit was resumed with Mrs. Emerson transferring the title of Dred Scott to John F.A. Sandford of New York. (Sandford was her brother.) Therefore, the case, became known as the *Dred Scott versus Sandford*, and it moved to the federal court circuit for the state of Missouri.

--Research taken and summarized from the American Heritage Magazine, December 1963, volume XV, number 1

Task:

For Part I, carefully read each document and answer the question or questions after each document. Then read the discussion for Part II and write your essay.

Document 1:

Taken from the Dred Scott Case Collection website:  
<http://library.wustl.edu/vlib/dredscott/index.htm>

**"The decision was 7 to 2.  
Chief Justice Roger B. Taney delivered the opinion of the Court.**

. . . Can a negro, whose ancestors were imported into this country, and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guaranteed by that instrument to the citizen? One of which rights is the privilege of suing in a court of the United States in the cases specified in the Constitution.

We think they [people of African ancestry] are not [citizens], and that they are not included, and were not intended to be included, under the word "citizens" in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.

. . . [T]he legislation and histories of the times, and the language used in the Declaration of Independence, show, that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument.

For if they were so received, and entitled to the privileges and immunities of citizens, it would exempt them from the operation of the special laws and from the police regulations which they considered to be necessary for their own safety. It would give to persons of the negro race, who were recognized as citizens in any one State of the Union, the right to enter every other State whenever they pleased...to go where they pleased at every hour of the day or night without molestation, unless they committed some violation of law for which a white man would be punished; and it would give them the full liberty of speech in public and in private upon all subjects upon which its own citizens might speak; to hold public meetings upon political affairs, and to keep and carry arms wherever they went. And all of this would be done in the face of the subject race of the same color, both free and slaves, and inevitably producing discontent and insubordination among them, and endangering the peace and safety of the State."

**Questions:**

1. According to the reading above, why does Supreme Court Chief Justice Taney believe that Dred Scott is not a citizen? \_\_\_\_\_

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2 Why did Taney consider it a problem for slaves to be citizens?

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Document 2:

Political Cartoon taken from the Dred Scott Case Collection as cited above.



Figures left to right clockwise:

**John C. Breckinridge** dances with **James Buchanan**.

**Dred Scott** seated plays the violin.

**Lincoln** dances with African American woman.

**John Bell** dances with Native American.

**Stephen Douglas** dances with a sovereign in rags.

**Question:**

3. Interpret the above cartoon from the previous knowledge of the textbook chapter 15 in *Call to Freedom*. Hint: What do you think the cartoonist is portraying as Dred Scott's relationship to politicians of the day?

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### ***Documents 3 and 4: Court and Constitution***

**Albany, New York, *Evening Journal* [Republican]**

**(10 March 1857)**

"Judge Taney requests the American people to believe that the framers of the Constitution did not know their own minds. For the same Statesmen who drew up the Constitution, (which he says forbids Congress to prohibit Slavery in the Territories,) adopted the Ordinance of '87, which prohibited it in all the Territories we then had. The Ordinance was passed in July, 1787 -- the Constitution was framed in September of the same year. The same States and the same men ratified both. And one of the first acts of the first Congress under the Constitution was to reaffirm the Ordinance, and to again prohibit Slavery! Which are the best interpreters of the Constitution, the opinions of Mr. Chief Justice Taney, or the ACTS of Jefferson, Madison, Hamilton, Monroe, Adams, and Washington? They created the Constitution, and the Constitution created Chief Justice Taney -- the clay which now affects to despise the skill of the Potter."

## ***THE DRED SCOTT CASE.***

**Richmond, Virginia, *Enquirer* [Democratic]**

**(10 March 1857)**

"In anticipation of the definitive decision of the Supreme Court of the United States in the Dred Scott case some months or more ago, its adjudication was announced through a respectable proportion of the press, emanating, we do not now recollect precisely, whence or how; but, as the sequel shows, not from mere conjecture, or without reliable data, for it was then stated that seven of the nine judges constituting the court, agreed on the opinion that the Missouri Compromise was unconstitutional, and consequently, that the rights originating in it and under it, were even factitious and ineffective. And it will be seen by the authentic annunciation of the grave and deliberate decision of that august body, in another column, that what was rumor then is reality now. -- Thus has a politico-legal question, involving others of deep import, been decided emphatically in favor of the advocates and supporters of the Constitution and the Union, the equality of the States and the rights of the South, in contradistinction to and in repudiation of the diabolical doctrines inculcated by factionists and fanatics; and that too by a tribunal of jurists, as learned, impartial and unprejudiced as perhaps the world has ever seen. A prize, for which the athletes of the nation have often wrestled in the halls of Congress, has been awarded at last, by the proper umpire, to those who have justly won it. The *nation* has achieved a triumph, *sectionalism* has been rebuked, and abolitionism has been staggered and stunned. Another supporting pillar has been added to our institutions; the assailants of the South and enemies of the Union have been driven from their *point d'appui*; a patriotic principle has been pronounced; a great, national, conservative, union saving sentiment has been proclaimed. An adjudication of the constitutionality of the Missouri Compromise, in the Dred Scott case, inseparably embraced collateral questions of such character, as also to involve incidental issues, not infrequently arising in the councils of the country, and which have ever proved, points of irreconcilable antagonism between the friends and enemies of the institutions of the South; all of which, it will be seen, have been unequivocally established in accordance with the sense of the Southern people. And thus it is, that reason and right, justice and truth, always triumph over passion and prejudice, ignorance and envy, when submitted to the deliberations of honest and able men: that the dross and the genuine metal are separated when the ore is accurately assayed."

Question:

4. Which newspaper do you think might be pro-slavery and which anti-slavery?

5. Above are two excerpts from the same website, the Dred Scott Case Collection, that show two conflicting views in newspapers. The first is from Albany, New York and the second is from Richmond, Virginia. Make a Venn diagram showing the constitutional views of each side by comparing and contrasting. If there are similar statements shared by both, they are to be in the middle section.

### Document 5:

Excerpt from *The New York Herald*, on March 9, 1857, summed up the following:

"The Washington politicians who believe that it [the Dred Scott decision] settles anything must be afflicted with very severe ophthalmia (vision problems) indeed. For while these venerable judges are discoursing on theoretical opinions of slavery to North and West, free labor is marching with a very tangible step into the heart of the strongest slaveholds of slavery. Chief Justice Taney lays out on paper an infinitude of new slave states and territories; he makes all the states in a measure slave states; but while the old gentleman is thus diverting his slippered leisure, free carpenters and blacksmiths and farmers with hoe, spade and plough are invading Missouri, Kentucky, Delaware, Maryland, and Virginia, and quietly elbowing the slaves further South. It will take a good many Supreme Court decisions to reverse a law of nature such as we here see in operation."

Taken from *The American Heritage Magazine*, p. 91 (cited above)

Question:

6. What change does the author say is occurring in some of the slave states, later called the "border states"?

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### Document 6:

From the Holt text, *A Call to Freedom*, p. 464:

"We shall lie down pleasantly dreaming that the people of Missouri are on the verge of [close to] making their state free; and we shall awake to the reality, instead, that the Supreme Court has made Illinois a slave state."

--Abraham Lincoln, from *The Collected Works of Abraham Lincoln*, edited by Roy P. Basler

Question:

7. What concerned Lincoln about the Dred Scott decision? \_\_\_\_\_

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Part II:

Directions: using the documents, the answers in Part I, and your knowledge of American History, write a well-organized essay to answer the following question:

Question:

How did the Dred Scott decision help to set the stage for the Civil War?