

## **Changes in Latitude, Changes in Attitude (examination of the Missouri Compromise and the Dred Scott case)**

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Suggested Grade Level: 11th Grade American History/Advanced 8<sup>th</sup> Grade American History

### **General Directions:**

The following question is based on the accompanying documents (1-6). Some of these documents have been edited for the purpose of this exercise. Study each document and answer the question(s) attached to each document.

**Assignment:** You are required to compose a 4-5 paragraph essay that incorporates facts from the documents and your knowledge of the historical period (1820-1860)

**Question:** Agree or disagree with this statement: The United States Supreme Court was justified in declaring the Missouri Compromise (1820) unconstitutional based on the Dred Scott case. (In other words, popular sovereignty or states' rights, was preeminent based on the U.S. Constitution.) State and defend your position using facts from the provided documents and your knowledge of the historical period (1820-1860).

### **Historical Overview**

Congress, in an effort to maintain balance between the number of free and slave states, passed the Missouri Compromise (1820) when both Missouri and Maine applied for statehood. Maine would enter as a free state and Missouri as a slave state but the passed legislation would forevermore prohibit slavery in the remaining Louisiana Territory north of the 36<sup>o</sup> 30' parallel. In 1854, the Missouri Compromise was repealed by the Kansas-Nebraska Act and three years later the United States Supreme Court declared the Missouri Compromise unconstitutional in the Dred Scott decision by stating that Congress did not have the authority to prohibit slavery in the territories.

Dred Scott vs John F.A. Sandford (1857) was a landmark U.S. Supreme Court decision, which has historically been given credit as a contributing cause of the Civil War. Dred Scott was a Missouri slave who had for a period of time lived with his owner in the free territories of Wisconsin and Illinois, as determined by the Missouri Compromise. Upon return to Missouri, Scott sued for his freedom stating that residing in free territory had made him legally free. The case went through the Missouri courts and ultimately ended before the US Supreme Court. The three primary questions before the Court were: 1) Did residing in a free territory entitle a slave to freedom? 2) Was a slave legally a citizen with rights to sue in the federal courts? and 3) Was the Missouri Compromise constitutional?

The US Supreme Court decisions in Scott vs Sandford would further inflame anti-slavery feelings in the North and at the same time confirm the legality of slavery for supporters in the South in a period of time that allowed for little political or social compromises.

**DOCUMENT 1:** excerpt from the Missouri Compromise (1820)

An Act to authorize the people of the Missouri territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories.

SEC 8. And be it further enacted. That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the state, contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: Provided always. That any person escaping into the same, from whom labour or service is lawfully claimed, in any state or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service aforesaid.

APPROVED, March 6, 1820  
Library of Congress

Question(s):

1. What provisions regarding slavery was contained within this legislation?

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**DOCUMENT 2:** excerpt from the Kansas-Nebraska Act (1854)

An Act to Organize the Territories of Nebraska and Kansas

**SEC. 14.** *And be it further enacted,* That a delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives, but the delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and at all subsequent elections the times, places, and manner of holding the elections, shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected; and a certificate thereof shall be given accordingly. That the Constitution, and all Laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slaves in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise Measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it there from, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided,* That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery.

Library of Congress

Question(s):

2. Locate and write the sentence(s) that state slavery was permitted in the territories thereby overturning the Missouri Compromise (1820):

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3. Restate the main ideas in your own words:

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**DOCUMENT 3:** Slave populations per territories and new states  
(United States Census Bureau)

1850 versus 1860

SLAVE POPULATION TERRITORIES and NEW STATES (date admitted)	1850	1860
California (1850)	0	0
Minnesota (1858)	0	0
Oregon (1859)	0	0
Kansas (1861*)	0	0
Nebraska Territory	0	10
New Mexico Territory	0	24
Washington Territory	0	0
Colorado Territory	0	0
Utah Territory	0	29

Question(s)

4. Based on the data in the provided table, what impact did the Kansas-Nebraska Act have on newly admitted states and existing territories between 1850 and 1861?

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**DOCUMENT 4** excerpts from Dred Scott vs John F.A. Sandford, United States Supreme Court (1857)

Upon these considerations, it is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned, is not warranted by the Constitution, and is therefore void; and that neither Dred Scott himself, nor any of his family, were made free by being carried into this territory; even if they had been carried there by the owner, with the intention of becoming a permanent resident.

Citation: Judgment in the U.S. Supreme Court Case *Dred Scott v. John F.A. Sanford*, March 6, 1857; Case Files 1792-1995; Record Group 267; Records of the Supreme Court of the United States; National Archives.

Question 5: How did the US Supreme Court decide on the question regarding Scott's freedom?

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**DOCUMENT 5** excerpts from *Dred Scott vs John F.A. Sandford*, United States Supreme Court (1857)

The question before us is, whether the class of persons described in the plea ...compose a portion of this people, and are constituent members of this sovereignty? We think they are not, 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. On the contrary, they were at that time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the government might choose to grant them.

Citation: Judgment in the U.S. Supreme Court Case *Dred Scott v. John F.A. Sanford*, March 6, 1857; Case Files 1792-1995; Record Group 267; Records of the Supreme Court of the United States; National Archives

Question 6: What did the US Supreme Court decide about Scott's citizenship?

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Question 7: How did the US Supreme Court decide on the question regarding Scott's right to sue? On what basis?

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**DOCUMENT 6** excerpts from *Dred Scott vs John F.A. Sandford*, United States Supreme Court (1857)

Thus the rights of property are united with the rights of person, and placed on the same ground by the fifth amendment to the Constitution, which provides that no person shall be deprived of life, liberty, and property, without due process of law. And an act of Congress which deprives a citizen of the United States of his liberty or property, merely because he came himself or brought his property into a particular Territory of the United States, and who had committed no offence against the laws, could hardly be dignified with the name of due process of law.

Upon these considerations, it is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned, is not warranted by the Constitution, and is therefore void; and that neither Dred Scott himself,

nor any of his family, were made free by being carried into this territory; even if they had been carried there by the owner, with the intention of becoming a permanent resident.

Upon the whole, therefore, it is the judgment of this court, that it appears by the record before us that the plaintiff in error is not a citizen of Missouri, in the sense in which that word is used in the Constitution; and that the Circuit Court of the United States, for that reason, had no jurisdiction in the case, and could give no judgment in it. Its judgment for the defendant must, consequently, be reversed, and a mandate issued, directing the suit to be dismissed for want of jurisdiction.

Citation: Judgment in the U.S. Supreme Court Case *Dred Scott v. John F.A. Sanford*, March 6, 1857; Case Files 1792-1995; Record Group 267; Records of the Supreme Court of the United States; National Archives

Question 8: How did the US Supreme Court rule in the question of the constitutionality of the Missouri Compromise? On what basis?

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Based on the documents you have just studied and your prior knowledge, write an essay answering the question below:

**Question:** Agree or disagree with this statement: The United States Supreme Court was justified in declaring the Missouri Compromise (1820) unconstitutional based on the Dred Scott case. (In other words, popular sovereignty or states' rights, was preeminent based on the U.S. Constitution.) State and defend your position using facts from the provided documents and your knowledge of the historical period (1820-1860).

## Rubric

### 406 Assessing Historical Knowledge

**Subjects:** Social studies # of scales 1

**Grade(s)** Not specified # Scale length 5

#### Holistic Scale

- 5** Offers accurate, comprehensive and complete analysis of the information and issues.  
Provides a variety of facts to explore major and minor issues.  
Extensively uses previous historical knowledge to provide an in-depth understanding of the problem and to relate it to past and future situations.
- 4** Concise, accurate analysis of the documents.  
Facts provided relate the major and minor issues involved.  
Recalls previous general historical knowledge to examine historical issues.
- 3** Relates only major facts to the basic issues with a fair degree of accuracy.  
Analyzes information to explain at least one issue with essential support.  
Uses general ideas from previous historical knowledge with a fair degree of accuracy.
- 2** Provides only basic facts with only some degree of accuracy.  
Refers to information to explain at least one issue or concept in general terms.  
Limited use of previous historical knowledge with only limited accuracy.  
Major reliance on the information provided from text.
- 1** Repeats one or two facts without complete accuracy.  
Deals only briefly and vaguely with concepts or issues.  
Indicates little or no previous historical knowledge.  
Relies heavily on the information provided.