

Dred Scott v. Sandford / Background •—Answer Key

Dred Scott was born an enslaved person in Virginia around 1799. In 1834, a man named Dr. Emerson bought Dred Scott and they moved to Illinois, a non-slave (free) state. Later they moved to Minnesota, also a non-slave state. Then the Emersons and the Scotts moved to Missouri, a slave state. In 1843, Dr. Emerson died and his wife became Dred Scott's enslaver.

Dred Scott sued Mrs. Emerson. He claimed that he was no longer enslaved because he had become free when he lived in a free state. The jury decided that Scott and his family should be free. Mrs. Emerson quickly appealed the jury's decision, and Scott and his family remained enslaved. After the trial, Mrs. Emerson moved away and her brother, John Sanford¹ became Scott's enslaver. In 1852, the Missouri Supreme Court said that Missouri does not have to follow the laws of another state. As a slave state, Missouri's laws meant that Scott and his family were not free.

Sanford moved to New York and left the Scotts in Missouri. Scott sued Sanford again in a federal court. Federal courts decide cases where the citizens live in different states. In 1854, the U.S. Court for the District of Missouri heard the case. Sanford won the case, and Scott then appealed to the Supreme Court of the United States.

When the case came to the Supreme Court of the United States, the country was in deep conflict over slavery. In the past, some enslaved people had successfully sued their owners for freedom. However, by the 1850s, many states were hardening their positions on slavery, making such cases more difficult to win. It would not be long before the country was in a civil war over the issue of slavery.

Questions to Consider

1. Why did Dred Scott take Emerson and Sanford to court? What did he want?
Dred Scott sued the Emersons and John Sanford to obtain freedom for himself and his family.
2. Why did Scott believe he should be free?
The argument Scott used was that because he had lived in a territory where slavery was illegal, he could never again be an enslaved person.

¹ The defendant in this case was John Sanford, but the Court record misspelled his name. The Court continues to call the case *Dred Scott v. Sandford*.

3. Did Scott have a good reason to believe that he would win his case? What political events changed this?

He did have reason to believe he would win because this was a doctrine that was recognized in common law for centuries in Europe. However, the dispute over slavery had been heating up during the time of the case and the stakes of the decision had increased substantially. Bitter divisions were emerging geographically, politically, and even in the courts. Positions on the issue were hardening by the day, making it unlikely that reasoned arguments made on the basis of precedent in Scott's case could overcome predetermined positions on the issue.