

## ***Dred Scott v. Sandford (1857)***

" . . . . . We think they [people of African ancestry] 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. . . ."

— Chief Justice Roger B. Taney,  
speaking for the majority



Dred Scott

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## About landmarkcases.org

This site was developed to provide teachers with a full range of resources and activities to support the teaching of landmark Supreme Court cases, helping students explore the key issues of each case. The "Resources" section features basic building blocks such as background summaries and excerpts of opinions that can be used in multiple ways. The "Activities" section contains a range of short activities and in-depth lessons that can be completed with students. While these activities are online, many of them can be adapted for use in a one-computer classroom or a classroom with no computer.

Depending upon the amount of time you have to teach the case, you may want to use one or more of the "Resources" or "Activities" in conjunction with one or more of the general teaching strategies. These general teaching strategies include moot court activities, political cartoon analysis, continuum exercises, and Web site evaluation.

If you have time constraints, look at the Teaching Recommendations on page 3.

Feel free to experiment with these materials!

## Teaching Recommendations Based on Your Time

If you have one day . . .

- Begin with the background summary and questions. Use the activity titled "Trace Dred Scott's Travels on a U.S. Map" to help students understand the facts of the case.
- Read the excerpt from the majority opinion and discuss the questions.
- For homework, have students [read](#) the newspaper editorials on the Supreme Court's decision and/or complete the activity titled "[Visit Dred Scott's Grave](#)."

If you have two days . . .

- Begin with the background summary and questions. Use the activity titled "[Trace Dred Scott's Travels on a U.S. Map](#)" to help students understand the facts of the case.
- Complete and discuss the activity titled "[Classifying Arguments in the Case](#)."
- For homework, have students read the excerpt from the majority opinion and answer the questions.
- On the second day, discuss the majority opinion and questions. Compare the majority opinion with the dissenting opinion.
- Read the newspaper editorials on the Supreme Court's decision and analyze Abraham Lincoln's speech on the decision.
- For homework, have students complete the activity titled "[Visit Dred Scott's Grave](#)."

If you have three days . . .

- Complete the activities for the first and second days.
- On the third day, discuss the homework and read "[A Historian's Discussion of Dred Scott's Significance](#)."
- Use background materials and resources from "[Africans in America](#)" by PBS/WGBH to place the Dred Scott case in greater context.

If you have four days . . .

- Complete all the activities for the first, second, and third days.
- On the fourth day, complete any of the remaining activities, including "[How Difficult is it to Become a Citizen?](#)"

## **Background Summary and Questions • • •**

Had he filed his lawsuit a few years earlier, Dred Scott probably never would have become a giant figure in U.S. history. Many people in Scott's position had won their lawsuits in state trial courts. However, by the time Scott's case made it to trial, U.S. political sentiments had changed and it took 11 years for his case to reach the Supreme Court of the United States. The Court's decision in *Dred Scott v. Sandford* remains among its most controversial.

Slavery was at the root of Dred Scott's case. He sued his master to obtain freedom for himself and his family. The argument he used was that because he had lived in a territory where slavery was illegal, he could never again be enslaved. This was a doctrine that was recognized in common law for centuries in Europe. In the state where he filed his suit, Missouri, many people in his situation had sued their masters for their freedom and won.

Dred Scott was born a slave in Virginia around 1799. In 1834, Dr. John Emerson, a surgeon in the U.S. army, bought Scott in Missouri and moved him to Illinois. Illinois was a free state. In 1836, Scott and Emerson moved to Fort Snelling, in present-day Minnesota. In the Missouri Compromise of 1820, Congress had prohibited slavery in the area that included Fort Snelling. Emerson bought a slave named Harriet and Scott married her in 1836. In 1838, Emerson and the Scotts moved back to Missouri. The Scotts had two daughters, Eliza, born around 1843, and Lizzie, born around 1850.

Emerson died in 1843 and he left his possessions, including the Scotts, to his widow, Irene. They lived in St. Louis, Missouri. In 1846, Dred Scott asked Mrs. Emerson if he could work for money. If he could earn and save money, he could buy his freedom from Mrs. Emerson. According to Scott, she refused.

Scott sued Mrs. Emerson for "false imprisonment" and for battery. It was common for slaves who had been taken to free land to sue their masters and win their freedom. Scott sued Mrs. Emerson, claiming that Emerson held him illegally. Scott claimed that he had become a free man as soon as he lived in a free territory or state and then was taken against his will to a slave territory or state. In 1847, Emerson was able to win in Missouri Circuit court on a technicality; Scott's lawyers failed to prove to the jury that Emerson was holding Scott as a slave. Scott's lawyers successfully argued for a retrial with additional witnesses that could prove Emerson's ownership of Scott.

By the time the case went to trial in 1850, Mrs. Emerson had moved to Massachusetts and left John F.A. Sanford, her brother, in charge of her financial matters, including the Scott case. The jury agreed that Scott and his family should be free because of the doctrine "once free, always free." Sanford, acting for his sister, appealed to the Missouri Supreme Court. In 1852, two of the three judges found in favor of Mrs. Emerson and John Sanford. The decision consciously reversed earlier precedent. The newly elected proslavery justice, William Scott, wrote the decision, arguing that states like Missouri must have the power to refuse to enforce the laws of other states. Thus, regardless of wherever else Scott had been with his master, slavery was legal in Missouri.

Dred Scott's lawyers could have appealed the decision to the Supreme Court of the United States, but they feared that a majority of the justices would simply endorse the state court decision without considering its merits. By 1853, John Sanford was legally recognized as the owner of the Scotts. Sanford had moved to New York, leaving the Scotts in Missouri. Since federal courts settle the dispute between citizens of different states, Scott was able to sue Sanford in federal court in a new case. A clerk mistakenly added a letter to Sanford's name, so the case permanently became *Dred Scott v. John F. A. Sandford*.

In 1854, the U. S. Court for the District of Missouri heard the case. Judge Robert W. Wells rejected Sanford's assertion that Scott could not sue because he was not a citizen. However, the judge instructed the jury that, as the Missouri Supreme Court had said, Scott was subject only to the laws of Missouri. The jury found for Sanford. Scott then appealed to the Supreme Court of the United States.

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Unfortunately for Scott, the political divisions over slavery worsened from the time that his case first came to trial in 1847 through 1857 when the Supreme Court of the United States finally announced its decision. Events of this period that increased conflicts included the passage of the Fugitive Slave Act (1850), publication of *Uncle Tom's Cabin* (1852), enactment of The Kansas-Nebraska Act (1854), violence in "bleeding Kansas" (1856), and Representative Brooks's beating of Senator Sumner in the U.S. Senate (1856). Like almost all people of their time, the justices had strong personal views about slavery. One justice, Peter V. Daniel of Virginia, supported slavery so much that he even refused to travel north of the Mason-Dixon line into a free state. Some historians believe that Chief Justice Taney hoped that his decision in the Dred Scott case would help prevent, not create future disputes over slavery.

## Background Summary and Questions • • •

### Questions to Consider:

1. Dred Scott was the plaintiff (the person who sued the defendant) in this case. Why did he sue the Emersons and John Sanford? What was his goal?
2. Summarize the basic argument that Scott's lawyers used to support his case. Did Dred Scott have reason to believe that he would win his case?
3. Why was a new case brought to the federal court system? What circumstances made the case a federal question?
4. How do you think the bitter political climate of the day affected Dred Scott's chances of winning his case?

## Background Summary and Questions • •

Dred Scott was born a slave in Virginia around 1799. In 1830, Scott and his master moved to Missouri, which was a slave state. Four years later, a surgeon in the U.S. army named Dr. John Emerson bought Scott and moved him to the free state of Illinois. In 1836, Scott and Emerson moved to Fort Snelling, Wisconsin Territory. The Missouri Compromise prohibited slavery in this territory. That same year, Scott married a slave named Harriet. In 1838, the Emersons and the Scotts moved back to Missouri where the Scotts had two daughters. Emerson died in 1843 and left his possessions, including the Scotts, to his widow Irene. In 1846, Scott asked Mrs. Emerson if he could work for his freedom. According to Scott, she refused.

Scott sued Mrs. Emerson for "false imprisonment" and battery. Scott argued that he was being held illegally because he had become a free man as soon as he had lived in a free state. He claimed he was taken to a slave state against his will. Many slaves had sued their owners in this way and won their freedom in the past. In 1847, Emerson won in the Missouri Circuit court because Scott's lawyers failed to prove that she was holding Scott as a slave. Scott's lawyers successfully argued for a new trial.

By the time the new case went to trial in 1850, Emerson had moved to Massachusetts leaving her brother, John Sanford, in charge of Scott's case. The jury agreed that Scott and his family should be freed in accordance with the doctrine "once free, always free." The case was appealed to the Missouri Supreme Court in 1852, where two of the three judges found for Emerson and Sanford. William Scott wrote the decision of the court, stating that states have the power to refuse to enforce the laws of other states.

Sanford was legally recognized as Scott's owner in 1853. Sanford moved to New York leaving the Scotts in Missouri. Scott filed a new lawsuit in federal court (the other suits had been in state court). Federal courts settle disputes between citizens of different states. A clerk mistakenly added a letter to Sanford's name, so the case permanently became *Dred Scott v. John F.A. Sandford*.

In 1854, the U.S. Court for the District of Missouri heard the case. John Sanford argued in this federal lawsuit that Dred Scott could not sue because he was not a citizen. Judge Wells did not accept this argument, but he did instruct the jury to apply only the laws of Missouri in its decision. The jury found in favor of Sanford. Dred Scott then appealed to the Supreme Court of the United States.

Unfortunately for Scott, the political divisions over slavery worsened from the time his case first came to trial in 1847 through 1857, when the Court finally announced its decision. Events of this period that increased conflicts included the passage of the Fugitive Slave Act (1850), publication of *Uncle Tom's Cabin* (1852), enactment of The Kansas-Nebraska Act (1854), violence in "bleeding Kansas" (1856), and Representative Brooks's battery of Senator Sumner in the U.S. Senate (1856). Like almost all people of their time, the justices had strong personal views about slavery. One justice, Peter V. Daniel of Virginia, supported slavery so much that he even refused to travel north of the Mason-Dixon line into a free state. Some historians believe that Chief Justice Taney hoped that his decision in the *Dred Scott* case would help prevent, not create future disputes over slavery.





## Background Summary and Questions •

### Vocabulary

#### slave

Define:

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Use in a sentence:

---

#### sued (to sue)

Define:

---

Use in a sentence:

---

#### jury

Define:

---

Use in a sentence:

---

#### appealed (to appeal)

Define:

---

Use in a sentence:

---

#### federal court

Define:

---

Use in a sentence:

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Dred Scott was born a *slave* in Virginia around 1799. In 1834, a man named Dr. Emerson bought Dred Scott and they moved to Illinois, a non-slave (free) state. In 1836, they moved to Minnesota, also a non-slave state. There, Scott married another slave named Harriet. In 1838, the Emersons and the Scotts moved to Missouri, a slave state. In 1843, Dr. Emerson died, leaving his wife possession of the Scotts.

Dred Scott *sued* Mrs. Emerson. He claimed that he was no longer a slave because he had become free when he lived in a free state. The *jury* decided that Scott and his family should be free. The Emersons did not like the decision and *appealed* to the Missouri Supreme Court in 1852. That 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

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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, the highest court in the country.

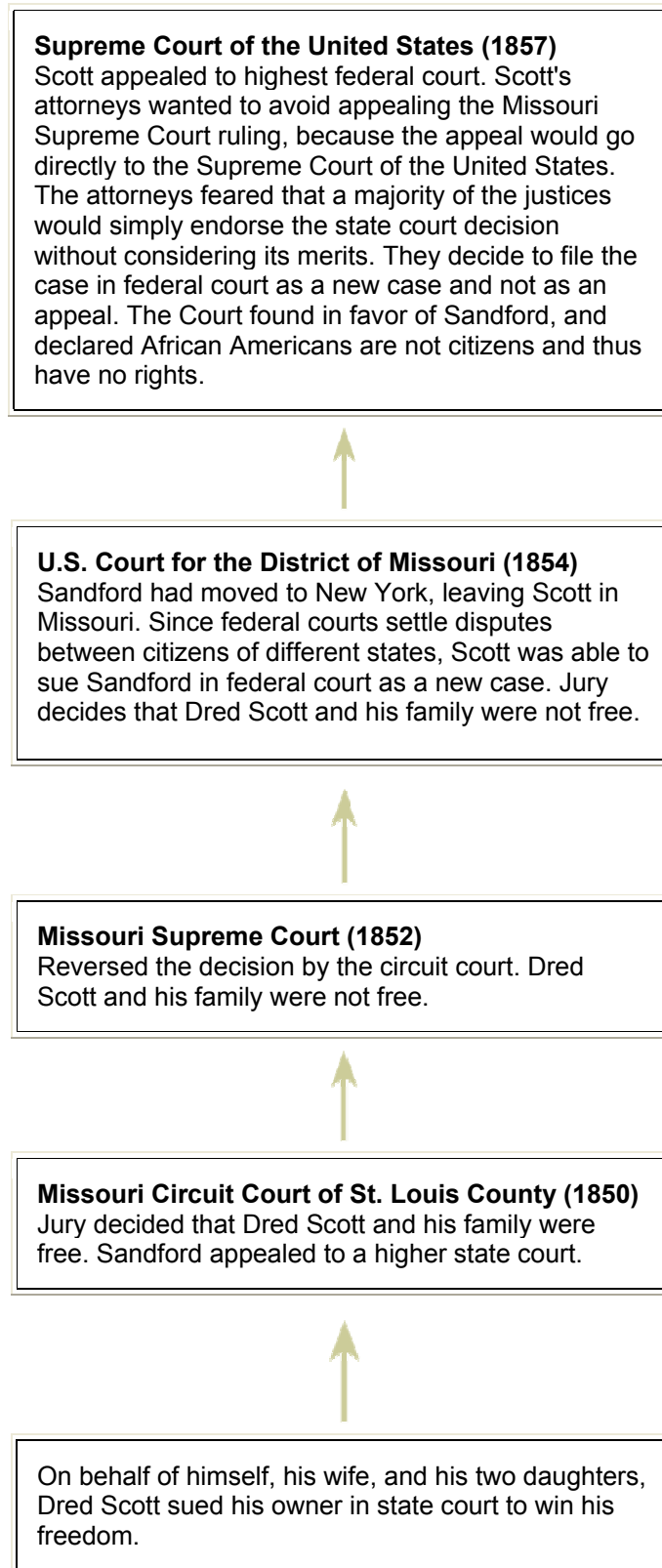
When the case came to the Supreme Court of the United States, the country was in deep conflict over slavery. In the past, some slaves had successfully sued their owners for freedom. However, by the 1850's, many states were hardening their positions on slavery, making such cases more difficult to win.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

## **Background Summary and Questions •**

### **Questions to Consider:**

1. Why did Dred Scott take Emerson and Sanford to court? What did he want?
2. Why did Scott believe he should be free?
3. Did Scott have a good reason to believe that he would win his case? What political events changed this?

## Diagram of How the Case Moved Through the Court System



## Key Excerpts from the Majority Opinion

**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.

The act of Congress, upon which the plaintiff relies, declares that slavery and involuntary servitude, except as a punishment for crime, shall be forever prohibited in all that part of the territory ceded by France, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude, and not included within the limits of Missouri. And the difficulty which meets us at the threshold of this part of the inquiry is, whether Congress was authorized to pass this law under any of the powers granted to it by the Constitution; for if the authority is not given by that instrument, it is the duty of this court to declare it void and inoperative, and incapable of conferring freedom upon any one who is held as a slave under the laws of any one of the States.

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure; nor to enlarge its territorial limits in any way, except by the admission of new States. That power is plainly given; and if a new State is admitted, it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers, and duties of the State, and the citizens of the State, and the Federal Government. But no power is given to acquire a Territory to be held and governed permanently in that character.

. . . [I]t may be safely assumed that citizens of the United States who migrate to a Territory belonging to the people of the United States, cannot be ruled as mere colonists, dependent upon the will of the General Government, and to be governed by any laws it may think proper to impose. The principle upon which our Governments rests is the union of States, sovereign and independent within their own limits in . . . their internal and domestic concerns, and bound together as one people by a General Government,

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possessing certain enumerated and restricted powers, delegated to it by the people of the several States.

. . .

But the power of Congress over the person or property of a citizen can never be a mere discretionary power under our Constitution and form of Government. The powers of the Government and the rights and privileges of the citizen are regulated and plainly defined by the Constitution itself. And when the Territory becomes a part of the United States, the Federal Government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen strictly defined, and limited by the Constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a Government and sovereignty. It has no power of any kind beyond it; and it cannot, when it enters a Territory of the United States, put off its character, and assume discretionary or despotic powers which the Constitution has denied to it.

. . . [T]he rights of private property have been guarded with . . . care. 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.

But there is another point in the case which depends on State power and State law. And it is contended, on the part of the plaintiff, that he is made free by being taken to Rock Island, in the State of Illinois, independently of his residence in the territory of the United States; and being so made free, he was not again reduced to a state of slavery by being brought back to Missouri.

. . . [I]n the case of *Strader et al. v. Graham* . . . the slaves had been taken from Kentucky to Ohio, with the consent of the owner, and afterwards brought back to Kentucky. And this court held that their status or condition, as free or slave, depended upon the laws of Kentucky, when they were brought back into that State, and not of Ohio. . . .

So in this case. As Scott was a slave when taken into the State of Illinois by his owner, and was there held as such, and brought back in that character, his status, as free or slave, depended on the laws of Missouri, and not of Illinois.

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.

[Read the judgment](#) in the Supreme Court case *Dred Scott v. John F. A. Sandford*, March 6, 1857 from the National Archives.

## Key Excerpts from the Majority Opinion

### Questions to Consider:

1. Why does Chief Justice Taney believe that Dred Scott is not a citizen of the United States? Why is this issue important for the case?
2. What is Chief Justice Taney's reasoning for declaring that the Missouri Compromise is unconstitutional? Why is this issue important for the case?
3. Does Chief Justice Taney agree with the doctrine "once free, always free"? Explain.
4. Since Chief Justice Taney first determined that Dred Scott did not have standing to sue in federal court (and therefore that the federal court system had no jurisdiction in this case), do you think Chief Justice Taney had authority to comment on the constitutionality of the Missouri Compromise? Why or why not?
5. Why do you suppose Chief Justice Taney extended his opinion to address the constitutionality of the Missouri Compromise?

## Key Excerpts from the Dissenting Opinion

**Justice McLean wrote the dissenting opinion.**

. . . He [Scott] is averred to have had a negro ancestry, but this does not show that he is not a citizen of Missouri, within the meaning of the act of Congress authorizing him to sue in the Circuit Court. It has never been held necessary, to constitute a citizen within the act, that he should have the qualifications of an elector. Females and minors may sue in the Federal courts, and so may any individual who has a permanent domicile in the State under whose laws his rights are protected, and to which he owes allegiance.

Being born under our Constitution and laws, no naturalization is required, as one of foreign birth, to make him a citizen. The most general and appropriate definition of the term citizen is "a freeman." Being a freeman, and having his domicile in a State different from that of the defendant, he is a citizen within the act of Congress, and the courts of the Union are open to him.

In the discussion of the power of Congress to govern a Territory, in the case of the *Atlantic Insurance Company v. Canter*, (1 Peters, 511; 7 Curtis, 685,) Chief Justice Marshall, speaking for the court, said, ". . . the power of governing a Territory belonging to the United States, which has not, by becoming a State, acquired the means of self-government, may result necessarily from the fact that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory; whichever may be the source whence the power is derived, the possession of it is unquestioned."

If Congress may establish a Territorial Government in the exercise of its discretion, it is a clear principle that a court cannot control that discretion. This being the case, I do not see on what ground the act [Missouri Compromise] is held [by the Supreme Court majority's opinion in the *Scott* case] to be void. It did not purport to forfeit property, or take it for public purposes. It only prohibited slavery; in doing which, it followed the ordinance of 1787.

Now, if a slave abscond, he may be reclaimed; but if he accompany his master into a State or Territory where slavery is prohibited, such slave cannot be said to have left the service of his master where his services were legalized. And if slavery be limited to the range of the territorial laws, how can the slave be coerced to serve in a State or Territory; not only without the authority of law, but against its express provisions? What gives the master the right to control the will of his slave? The local law, which exists in some form. But where there is no such law, can the master control the will of the slave by force? Where no slavery exists, the presumption, without regard to color, is in favor of freedom. Under such a jurisdiction, may the colored man be levied on as the property of his master by a creditor? On the decease of the master, does the slave descend to his heirs as property? Can the master sell him? Any one or all of these acts may be done to the slave, where he is legally held to service. But where the law does not confer this power, it cannot be exercised.

. . . Does the master carry with him the law of the State from which he removes into the Territory? and does that enable him to coerce his slave in the Territory? Let us test this theory. If this may be done by a master from one slave State, it may be done by a master from every other slave State. This right is supposed to be connected with the person of the master, by virtue of the local law. Is it transferable? May it be negotiated, as a promissory note or bill of exchange? If it be assigned to a man from a free State, may he coerce the slave by virtue of it? What shall this thing be denominated? Is it personal or real property? Or is it an indefinable fragment of sovereignty, which every person carries with him from his late domicile? One thing is certain, that its origin has been very recent, and it is unknown to the laws of any civilized country. . . .



## **Key Excerpts from the Dissenting Opinion**

### **Questions to Consider:**

1. On what key points does Justice McLean disagree with Chief Justice Taney?
2. What examples does Justice McLean use to demonstrate that Scott has the right to sue in court?
3. In his decision, Chief Justice Taney declared the Missouri Compromise unconstitutional. How does Justice McLean deal with this argument in his dissent?

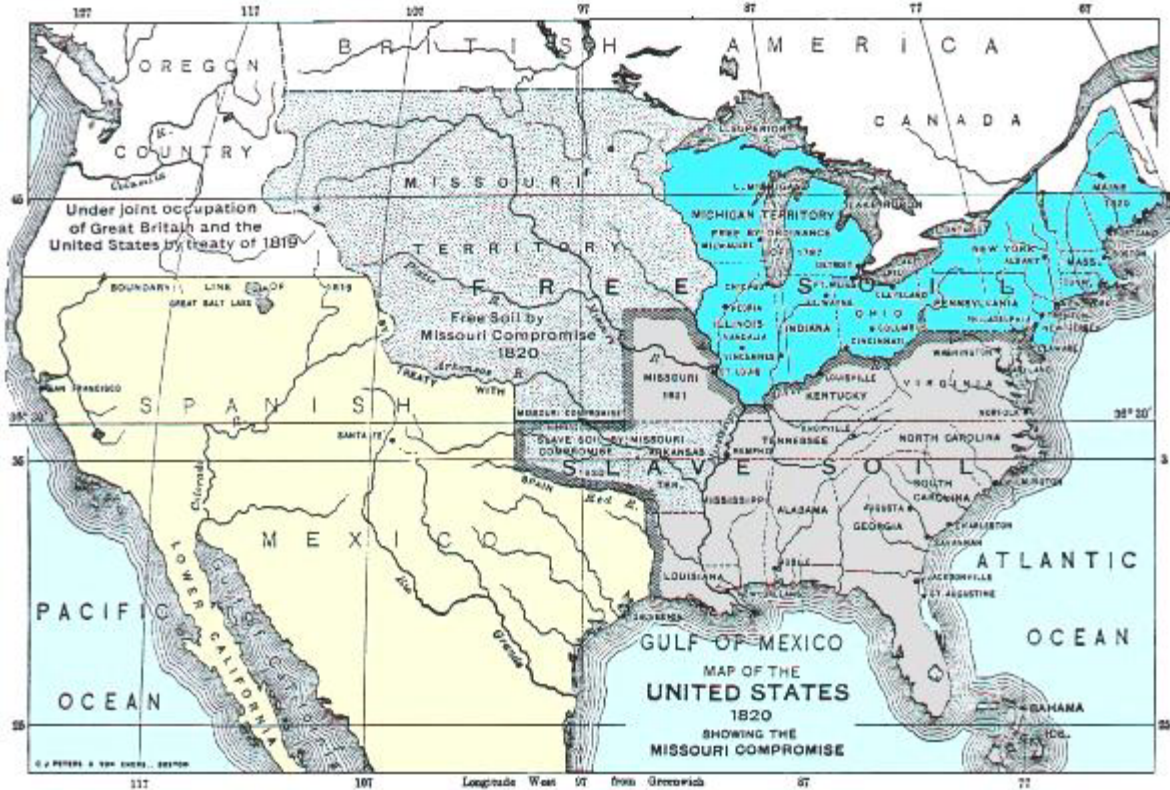
## **Trace Dred Scott's Travels on a U.S. Map**

Dred Scott lived in both free and slave states and territories. As you read through his travels, find each location on the map and state whether the area was free or slave. The first map (on the next page) shows the boundaries of the Missouri Compromise, but you might also find the current map of the United States that follows helpful.

1. Scott was born in Virginia around 1799. His master was Peter Blow.
2. In 1830, Scott and Blow moved from Alabama to Missouri.
3. Dr. John Emerson, a surgeon in the U.S. Army, bought Scott and moved him to Rock Island, Illinois in 1834.
4. In 1836, Scott and Emerson moved to Fort Snelling, Wisconsin Territory. Fort Snelling was on the west side of the Mississippi River, north of thirty-six degrees thirty minutes north latitude, and north of Missouri. Today this location is in the state of Minnesota. Emerson bought a slave named Harriet and Scott married her with Emerson's consent in 1836.
5. In 1838, Emerson and the Scotts moved to Missouri. The Scotts had two daughters, Eliza, born around 1843, and Lizzie, born around 1850.
6. Emerson died in 1843, and he left his possessions, including the Scotts, to his widow. Mrs. Emerson moved and left her brother, John Sanford, in charge of her estate. The Scotts lived in St. Louis, Missouri when they sued Sanford, who had moved to New York.
7. Scott sued Sanford because he claimed that Sanford held him illegally. Scott claimed that he had become a free man as soon as he lived in a free territory or state. He claimed that he was taken against his will to a slave territory or state.

### **Question to Consider:**

1. Name the territory and/or state where Scott believed he had become a free man.



Map from: [www.rosecity.net/civilwar/capesites/warmap.html](http://www.rosecity.net/civilwar/capesites/warmap.html)



Map from: [http://www.this-town.com/images/us\\_map1.gif](http://www.this-town.com/images/us_map1.gif)

## Classifying Arguments in the Case

The following is a list of arguments used in *Dred Scott v. Sandford*. Read through each argument and decide whether it supports Dred Scott's side in favor of his freedom (DS), Sanford's position in favor of Scott's continued slavery (SAN), both sides (BOTH), or neither side (N). Label each argument next to the number.

1. The Missouri Compromise of 1820 outlawed slavery forever in certain areas. Dred Scott's owner took him to these free areas. Thus, Scott became free forever.
2. Dred Scott is not a citizen because if he were he would be entitled to all of the privileges and immunities of a citizen, one of which is the right of free movement. It is clear that the laws governing slavery do not permit this, thus he cannot be a citizen.
3. Even before the Constitution, some states allowed blacks to vote. The Constitution does not say explicitly that blacks cannot be citizens.
4. The U.S. Constitution is the supreme law of the land. Neither Congress nor states can pass laws that conflict with the Constitution.
5. It was law in many states and had been common law in Europe for centuries that a slave who legally traveled to a free area automatically became free.
6. In the case of *Strader v. Graham* (1850), the Supreme Court of the United States heard the case of three slaves who had been taken from Kentucky to Indiana and Ohio and then back to Kentucky. The Court declared that the status of the slave depended on the laws of Kentucky, not Ohio.
7. In 1865, the states ratified the Thirteenth Amendment to the Constitution making slavery illegal.
8. The Constitution recognized the existence of slavery. Therefore, the men who framed and ratified the Constitution must have believed that slaves and their descendants were not to be citizens.
9. The Missouri Compromise of 1820 that outlawed slavery in some future states was unconstitutional because Congress does not have the authority to deny property rights of law-abiding citizens. Thus, Scott was always a slave in areas that were free.
10. At the time of the Dred Scott case, women and minors could sue in federal court even though they could not vote.

## **How Difficult is it to Become a Citizen?**

Read through the details of the citizenship process.

1. Identify two steps of the process that you consider most essential. For each of these steps, explain why that step is so important.
  
  
  
  
  
  
  
  
  
  
2. Identify two steps of the process that you consider least essential. For each of these steps, explain why that step is not very important.

### **Before Applying**

Candidates for naturalization must have been a permanent resident for the past five years, or three years if married to a U.S. citizen. An applicant must also be a person of "good moral character."

Examples of actions that might show a lack of good moral character:

- Lying to gain immigration benefits
- Illegal gambling
- Failure to pay court-ordered child-support or alimony payments
- Habitual drunkenness/drunken driving
- Abuse of controlled substances
- Prostitution
- Polygamy
- Any crime against a person with intent to harm
- Terrorist acts

### **Applying**

1. Complete the ten-page Application for Naturalization (Form N\_ 400)
2. Have two photographs taken.
3. Collect other necessary documents.
  - A photocopy of both sides of the Permanent Resident Card
  - A check or money order for the \$260 processing fee

Other documents that may be required:

- Proof that a spouse has been a legal resident for at least three years
  - A marriage certificate
  - Proof of termination of a previous marriage
  - Certification of military service
  - Copies of court or government orders to provide financial support
  - Official records involving prior criminal charges
  - Income tax returns
  - Letter from a church attesting to applicant's "good moral character"
4. Send the application, photos, documents, and fee to the appropriate service center.
  5. Receive an appointment letter from the INS for fingerprinting. If six months pass, your documents likely have been lost and you must reapply.
  6. Get fingerprints taken for FBI criminal background check.
  7. Wait for INS to schedule an interview; the wait can often be longer than a year.
  8. Receive an appointment for an interview. Applicants must take an English test to prove they can read, write, and speak English. They must also take a civics test. Applicants may be required by INS to provide additional documents.
  9. Decision, with three possible outcomes:

**Granted:** In some cases, the oath ceremony can take place the same day.

If granted, the candidate will:

- Receive a ceremony date to take the oath.
- Return the Permanent Resident Card.
- Take the Oath of Allegiance, renouncing allegiance to any foreign state or sovereignty.
- Receive the Certificate of Naturalization.

**Continued:** Case is put on hold. Common reasons are failing the English and civics tests or failing to give the INS the needed documents.

**Denied:** There is an administrative review process for applicants who are denied.

Philip P. Pan, "Naturalization: An Unnatural Process Series: LA NUEVA VIDA; The Road to Citizenship; Third in an occasional series" *The Washington Post*, Washington, D.C., Jul 4, 2000, p. A.1.