

# Dred scott v. sanford assignment

[History](#)



Dred Scott, an African American man who was born into slavery, wanted what all slaves would have wanted, their freedom. They were mistreated, neglected, and treated not as humans, but as property. In 1852, Dred Scott sued his current owner, Sanford, about him, no longer being a slave, but a free man (Oyez 1). In Article four of the Constitution, it states that any slave, who set foot in a free land, makes them a free man. This controversy led to the ruling of the state courts and in the end, came to the final word of the Supreme Court.

Is he a slave or a free man? Being born into slavery meant that Dred Scott had been exchanged from owners to owners (Knappman 16-17). His first owner, the Blows, died, and before their death, they sold Scott to Dr. Emerson. Dr. Emerson soon gave Scott away to his wife's brother, Sanford (Knappman 16-17). Scott tried to buy his freedom away from Dr. Emerson's wife but she just wouldn't accept (Dred Scott Decision 1). Since Scott moved from place to place as a slave, he was able to go to Illinois, which was a free state (Richie 40).

Because of the Constitution, Scott used his rights to sue Sanford claiming that he was a free man (Richie 40). With this in mind, it led to arguments about both parties, the prosecuted and the defendant. With the help of the antislavery lawyers, they were able to assist the prosecution, Dred Scott, with his court case (Dred Scott Decision 1). Unfortunately, in the first trial, Scott lost due to the reason of not having enough evidence (Dred Scott Decision 1). Scott, determined to get his freedom, was given the chance for a second trial ("Dred Scott Case Collection"). Their main argument, about

Sanford violating his Fifth Amendment rights, made them win their case in their second trial (Oustia 1). The Fifth Amendment mentions that a person's life, liberty, or property cannot be taken away without due process of law. They were taking away Scott's liberty, but he deserved to be free because he was taken to a free state (Dred Scott Decision 1). Does this whole controversy end there? With Sanford losing in the second trial, it did not just end there. Sanford's sister, Mrs. Emerson, appealed and because of that, it went to the Missouri Supreme Court ("Dred Scott Case Collection").

The defendant, Sanford, argued that because of some of the laws in Missouri or other states they've been to, it doesn't make Scott a free man (Knappman 18). Not only that, but he justified that Scott did not have the rights as a U. S. Citizen have because he was a slave (David 107). As an owner, he asserted that slaves are meant to be property, and they cannot be taken away from their owner (David 107). With those arguments, it convinced the Judge of the Missouri Supreme Court and that meant that Sanford won the case in 1852 ("Dred Scott Case Collection"). That meant that

Scott was back to being a slave. Desperate for change in his life, he sued John F. A. Sanford and it was no longer a state issue, but a federal one ("Dred Scott Case Collection"). Now, what was once an issue in Missouri, was now an issue of the Federal Supreme Court. Seven out of nine Judges voted Scott to be a slave ("Dred Scott Case Collection"). That meant that Scott's dream of being free was no longer an option. The two Judges that opposed to the seven felt that Scott was a free man, not a slave. The seven Judges basically said that since Scott wasn't a U. S. citizen, he had no right to file a case about his situation ("Dred Scott Case Collection"). All of the Justices

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wrote their opinion, but Chief Justice Roger Taney's opinion was the one that is most referenced. He stated that "African Americans had no rights which any white man was bound to respect" ("Dred Scott Case Collection"). It just didn't stop with Scott returning to slavery and Sanford getting his property back, there were huge consequences and events that came after. The Missouri Compromise which outlawed slavery north of Missouri's northern border, was declared unconstitutional because

Congress didn't have any power or right to ban slavery in the state's territories (Knappman 17). Not only did the Supreme Court declare one of Congress's laws unconstitutional, but it helped lead to the Civil War and the ceasing of slavery (Suing for Freedom). Scott did not live to see that day happen, but because of his eagerness for freedom, it convinced a lot of people to end slavery (Suing for Freedom). As a judge in the Supreme Court, many probably would agree with Scott going back into slavery. He had no right to even sue a citizen of the U.

S. because he was not even close to being a citizen. Not only that, but he claimed that his Fifth Amendment right was violated. How can it be violated if he wasn't a citizen? Those rights only apply to citizens. I admire Scott's passion and eagerness for becoming free, but I would not let him become a free man. Since in the Constitution it states that any slave who sets foot on free land is free, I would tell Sanford that he only has three more years to keep Scott as his property, and after that, he has to make Scott a free man to make it fair.