

## 14-8 *Dred Scott v. Sanford* (1857)

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*The Dred Scott case had a dramatic impact on the sectional divide over slavery and inflamed the passions of abolitionists. The decision by Chief Justice Taney, who became a figure of hatred for many, declared that ex-slave Dred Scott, who was suing for Missouri citizenship, was not a recognized citizen under the Constitution of the United States. The case had direct impact on the several of the compromises put in place to avoid sectional conflict and the new Republican Party viewed it as an attempt to eliminate them.*

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The Question is simply this: 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 [sic] 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.

. . . The only matter in issue before the Court, therefore, is, whether the descendants of such slaves, when they shall be emancipated, or who are born of parents who had become free before their birth, are citizens of a State, in the sense which the word citizen is used in the Constitution. . . .

The words "people of the United States" and "citizens" are synonymous terms. . . . They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives. . . . The question before us is, whether the class of persons described in the plea in abatement compose a portion of this people, and are constituent members of this sovereignty? We think they are not, 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. . . .

In discussing the question, we must not confound the rights of citizenship which a State may confer within its own limits, and the rights of citizenship as a member of the Union. It does not by any means follow, because he has all the rights and privileges of a citizen of a State, that he must be a citizen of the United States. . . .

In the opinion of the court, the 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. . . .

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations, and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. . . .

. . . there are two clauses in the constitution which point directly and specifically to the negro race as a separate class of persons, and show clearly that they were not regarded as a portion of the people or citizens of the government then formed.

. . . upon full and careful consideration of the subject, the court is of opinion, that, upon the facts stated. . . , Dred Scott was not a citizen of Missouri within the meaning of the constitution of the United States and not entitled as such to sue in its courts. . . .

1. Summarize the reasoning behind the argument that former slaves are not “constituent members of this sovereignty.”
2. Identify and characterize the view of the court regarding “the class of persons who had been imported as slaves” and their descendants?