
The Dred Scott Case and Slave Resistance

Introduction

It is doubtful that the Virginia-born slave Dred Scott anticipated winning national fame when, in 1846, he brought suit in the St. Louis Circuit Court for his freedom. Nor was Scott the only enslaved American to sue for freedom in the antebellum era. Indeed, three hundred other people submitted petitions to the same St. Louis court that heard—and approved—Scott’s original case (1). It is also true that Scott and his family lost terribly after years of legal wrangling when U.S. Supreme Court Chief Justice Roger B. Taney issued a sweeping decision that renounced the right of Congress to prohibit slavery in federal territory and barred all black people—free or slave—from bringing suit in federal court. “When the Constitution was adopted,” opined Taney, those of the “African race, whose ancestors were brought to this country and sold as slaves” were “not regarded in any of the States as members of the community which constituted the State, and were not numbered among its ‘people or citizen[s]’” (2). The decision cost the nation as well. Coming as it did just three years after Stephen Douglas introduced his controversial Kansas-Nebraska bill and only one year after Preston Brooks pummeled Charles Sumner on the floor of the Senate, Taney’s 1857 decision enraged abolitionists, deepened the sectional divide, and helped push the country closer to civil war. Yet despite those baneful consequences, and Scott’s failure to win his freedom through the courts, his case has much to tell us about the balance of power in antebellum America, who exercised it, and to what effect.

Reproduced below is Dred Scott’s 1846 petition. To learn more about the story behind the petition, first visit <<http://www.pbs.org/wgbh/aia/part4/4p2932.html>> and read about Scott’s fight for freedom. After reading it and the petition, create a timeline that notes who did what, where, and in what sequence. You should also think about why certain actors got involved and the actions those individuals took. When done, answer the Discussion Questions on the back of this handout.

Endnotes

1. *St. Louis Circuit Courts Historical Records Project*, “Freedom Suits Case Files, 1814-1860,” <<http://stlcourtrecords.wustl.edu/>>.
2. The full text of Taney’s decision is available at the Library of Congress, *Slaves and the Courts, 1740-1860*, <<http://hdl.loc.gov/loc/law/lst.022>>. For another useful and easily accessible source that focuses exclusively on Dred Scott’s legal battle, see *The Revised Dred Scott Case Collection*, <<http://digital.wustl.edu/d/dre/index.html>>.

Transcript of the Dred Scott Petition

To the Hon. John M. Krum, Judge of the St. Louis Circuit Court.

Dred Scott, a man of color, respectfully states to your honor, that he is claimed as a slave by one Irene Emerson, of the County of St. Louis, state of Missouri, widow of the late Dr. John Emerson, who at the time of his death was a surgeon in the United States army. That the said Dr. John Emerson purchased your petitioner in the city of St. Louis, about nine years ago, he then being a slave, from one Peter Blow now deceased, and took petitioner with him to Rock Island in the State of Illinois, and then kept petitioner to labor and service, in attendance upon said Emerson, for about two years and six months, he the said Emerson being attached to the United States troops there stationed as surgeon. That after remaining at the place last named for about the period aforesaid, said Emerson was removed from the garrison at Rock Island aforesaid, to Fort Snelling on the St. Peters river in the territory of Iowa, and took petitioner with him, at which latter place the petitioner continued to remain in attendance upon said Dr. John Emerson doing labor and service, for a period of about five years. That after the lapse of the period last named, said Emerson was ordered to Florida, and proceeding there left petitioner at Jefferson Barracks in the County of St. Louis aforesaid in charge of one Capt. Bainbridge, to whom said Emerson hired Petitioner—that said Emerson is now dead, and his widow the said Irene claims petitioners services as a slave, and as his owner, but believing that under this state of fact, that he is entitled to his freedom, he prays your honor to allow him to sue said Irene Emerson in said Court, in order to establish his right to freedom + he will pray be.

Dred Scott (signed with his X)

Discussion Questions

1. What sort of strategy did Scott use to make his way out of slavery? What other strategies can you imagine him having taken? Why do you think he chose the one that he did?
2. What prompts Scott to act when he does? How does timing matter?
3. What does it tell us about Scott that he signed his petition with an “X”? What does that “X” tell us about St. Louis and its people more generally?
4. What do we learn about slaveholders’ power by reading this document? Is it absolute? Why or why not?
5. What do we learn about actions and consequences from reading Scott’s petition? Can we always anticipate outcomes? Why or why not?
6. What do we learn from this document about enslaved people’s ability to change their situations? What did leverage or power consist of in Scott’s case? Can you imagine the enslaved women and men on John Lamar’s plantation exercising the same power or powers as Scott? Why or why not?

To the Hon. John Mc Keen, Judge of the St Louis
Circuit Court.

Dred Scott, a man of color, respectfully states
to your honor, that he is claimed as a slave by one
Jane Emerson, of the County of St Louis, State of Missouri
widow of the late Dr John Emerson, who at the time of
his death was a surgeon in the United States Army.
That ~~the said Dr John Emerson purchased your peti-~~
tioner in the city of St Louis, about nine years ago, he
then being a slave, from one Peter Blair was deposed,
and took petitioner with him to Rock Island in the
State of Illinois, and there kept petitioner to labor
and service, in attendance upon said Emerson, for
about two years and six months, he the said Emerson
being attached to the United States troops then stationed
as surgeon. That after remaining at the place last
named for about the period aforesaid, said Emerson
was removed from the garrison at Rock Island aforesaid,
to Fort Snelling on the St Peter river in the
territory of Iowa, and took petitioner with him, at
which latter place he petitioner continued to remain
in attendance upon said Dr John Emerson, doing
labor and service, for a period of about five years.
That after the passage of the period last named, said
Emerson was ordered to Florida, and proceeding there
left petitioner at Jefferson Bank in the County of
St Louis aforesaid in charge of one Capt. Bainton, to
whom said Emerson hired petitioner. That said Emerson is
now dead, and his widow the said Jane claims petitioner
as a slave, and as his own, but believing that
under this state of fact, that he is entitled to his freedom,
he prays your honor to allow him to sue said Jane Emerson
in said Court, in order to establish his right to freedom & he
will pray to.

Dred Scott
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