

DRED SCOTT

FOR THE MAN, A QUESTION OF FREEDOM; FOR THE NATION, A QUESTION OF SLAVERY

by Tamar Rothenberg

CAST

Narrators A-F

Dred Scott, a black slave

Harriet Scott, his wife

Eliza Scott } Dred Scott's

Lizzie Scott } daughters

Irene Sanford Emerson (Chaffee),

Dred Scott's owner

John Sanford, Irene's brother

Henry T. Blow } sons of Scott

Taylor Blow } original owner

Roger B. Taney, U.S. Chief Justice

Benjamin R. Curtis, Supreme Court

Justice

Man #1

Man #2

Woman #1

Woman #2

ABOUT THIS PLAY

In the 1850's, slavery was the most highly charged issue in U.S. politics. Southern planters wanted the right to take their slaves to new U.S. territories in the West. But "free-soil" Northerners opposed the spread of slavery.

The Missouri Compromise of 1820 had eased tensions for a while. It admitted Missouri as a slave state and Maine as a free state, keeping the number of free states and slave states equal. More important for the future, it declared that all land in the Louisiana Purchase north of 36° 30' was to be free, except for Missouri.

The slavery question flared anew when the U.S. gained new territory as a result of the

Dred Scott, around 1858.

AREAS OPEN TO SLAVERY BY KANSAS-NEBRASKA ACT, 1854



Missouri Historical Society

Mexican War (1846-48). Again, Americans argued whether the new land should be slave or free.

The Dred Scott case came to be at the center of this debate. On the one hand, the case raised the simple question of one man's right to freedom. On the other hand, it was a *test case* — it asked the Supreme Court to decide if Congress could prohibit slavery in United States territories.

The story begins in the 1830's, when Dr. John Emerson moved from Missouri to the free state of Illinois and later to Wisconsin Territory. He took his slave, Dred Scott, with him. When Dr. Emerson died, he left his wife with a slave she didn't want. Dred Scott shared the feeling — he didn't want to be a slave.

SCENE ONE

Narrator A: In 1845, Mrs. Emerson pays a visit to Henry Blow at his home in St. Louis, Missouri.

Henry Blow: Mrs. Emerson, come in! Getting ready to move to New York?

Irene Emerson: Yes. I just want you to make sure that Dred Scott and his family do all right.

Henry: Exactly what I wanted to talk to you about. I know you don't care for slavery, and you know how much I dislike it.

Irene: So you think I should free him, right?

Henry: Wrong. I *don't* want you to give Dred Scott his freedom.

Irene: But why not?

Henry: You and Dr. Emerson took Dred with you to Illinois and later to Wisconsin Territory, right? Both of those places are free. Because Dred has lived in free territory, he already may be legally a free person. Leave Dred with me. I want to take his case to court, and get a ruling on the rights of a slave who has lived in free territory. If Dred doesn't mind, that is.

Irene: That's a good idea. A court ruling in Dred's favor could mean freedom for hundreds of slaves.

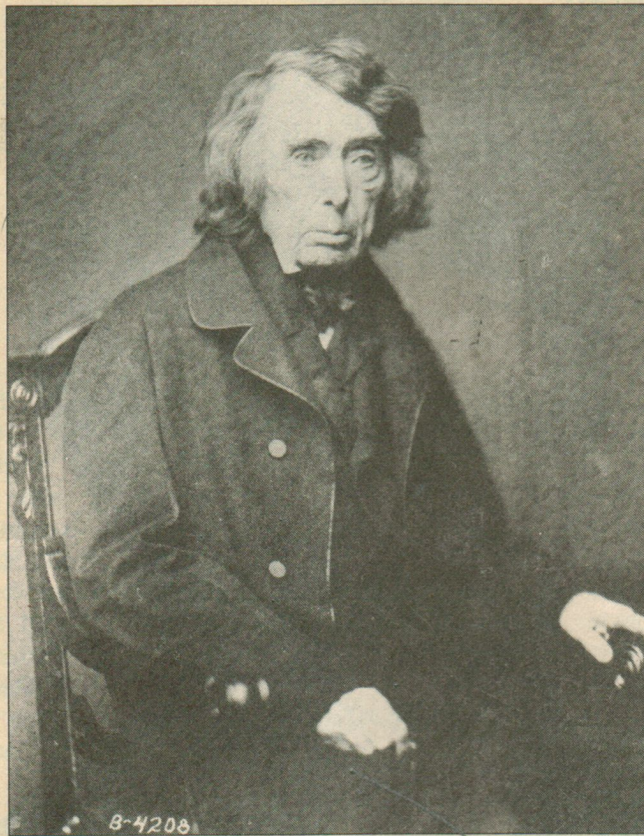
Henry: You do realize that he'll have to sue you, his owner, in order to bring the case to court.

Irene: As long as you handle the case, that's fine with me.

SCENE TWO

Narrator B: Henry Blow has the Scotts over the next evening.

Henry: Dred, I want to help you sue for your freedom.



U.S. Chief Justice Roger B. Taney was highly respected — until the Dred Scott decision.

Dred Scott: I thought Mrs. Emerson just needed to sign some papers.

Henry: We want you to *win* your freedom. A legal victory for you would strike a blow against the whole institution of slavery.

Harriet Scott: What if we lose?

Taylor Blow: Mrs. Emerson can sign the papers freeing you at any time.

Dred: I just want us to be free. If you think it is best for me to sue in court, I'll do it.

Henry: Good! Now sign this . . .

SCENE THREE

Narrator C: In 1846, *Scott, a Man of Color, v. Emerson* begins in the Missouri courts. Dred Scott's lawyers argue that the five years he spent on

free soil made him a free man. The lower court agrees, and Scott wins his freedom. But the case is appealed. Lawyers on both sides want a higher court to rule on the case — a landmark decision. The case drags on for six years. Finally, in 1852, the Missouri Supreme Court hands down its decision: Scott, a resident of Missouri, voluntarily returned from free territory, and so he is still a slave.

SCENE FOUR

Narrator D: During this time, the county sheriff holds Dred Scott and hires him out for odd jobs in the area. Meanwhile, Irene Emerson marries Dr. Calvin C. Chaffee, an anti-slavery congressman, in 1850.

In 1854, Congress sets off a storm of controversy by passing the Kansas-Nebraska Act. The law creates the territories of Kansas and Nebraska, and lets the settlers in each territory decide whether or not to allow slavery. Both Kansas and Nebraska are above 36° 30' and, under the Missouri Compromise, should be free.

The Kansas-Nebraska Act stirs the Chaffees to action. They take Dred Scott's case (now under the name of Irene's brother, John Sanford) to the U.S. Supreme Court. News of the case travels

fast. On a crowded train on the Baltimore and Ohio (B&O) Railroad, a heated discussion takes place.

Man #1: The government should be thankful for good, solid settlers like me. It has no right to say I can't take my slaves with me if I want to start up a farm in Kansas.

Man #2: It's bad enough having slavery in the South. Don't spoil new soil with the blood of slavery!

Woman #1: I suppose you want only Northerners to settle the West. I'm sorry, but this country is made up of North *and* South, and we're all entitled to the land.

Man #2: Take the land! Just leave your slaves behind.

Woman #2: Are you saying that it is all

U.S. Signal Corps/Brady Collec., National Archives

right to have slavery in the South? The South is part of our nation, all right. And slavery is our national shame!

Woman #1: It's clear we don't agree. We'll just have to wait for the Court to settle this matter.

SCENE FIVE

Narrator E: The case *Dred Scott v. Sandford* (the clerk misspelled Sandford's name) reaches the Supreme Court in 1856. The Court discusses the case for months. One January day in 1857, Henry and Taylor Blow drop in on the Scotts.

Harriet: Good morning, gentlemen. Has the court made a decision yet?

Henry: No, nothing yet.

Dred: I can't believe the fuss they're making in Washington. All I want is freedom.

Henry: This case is a real hot potato, Dred. The question of slavery is the hottest issue in the country right now.

Taylor: Now that Kansas has been opened up to slavery, both slaveholders and anti-slavery people are moving there, and they're fighting and killing each other to get their way.

Henry: They call it "Bleeding Kansas."

Lizzie Scott: I don't see what this has to do with father's case.

Taylor: Your father lived in Wisconsin Territory, which the Missouri Compromise declared free. We say that because your father lived there, he is a free man. But now some people are saying that Congress had no right to prohibit slavery there in the first place.

Eliza: This case involves a lot more than just a fight for my father's freedom.

Dred: I say that this case is nothing but a heap of trouble. I just want to be free!

SCENE SIX

Narrator F: March 6, 1857. A hushed crowd hears Chief Justice Taney read the majority opinion.

Taney: It is absolutely certain that the

framers of the Constitution did not include the African race under the name of *citizens*. Dred Scott is not a citizen and cannot sue in these courts.

Taylor (to his brother): I suppose that means the Court will not rule on the rest of the case!

Taney: Even if the Court had said that Scott had the right to sue, he would have lost his case. The Constitution

of the founders of the Constitution. Black people were indeed included in the body of "the people of the United States" by whom the Constitution was established.

John Sanford (aside): Now here's a man who knows his history!

Curtis: I say that Dred Scott is a citizen and a free man. And the Missouri Compromise was indeed constitutional. The Court majority had no right to rule on the constitutionality of the Missouri Compromise after it declared that Scott could not sue in a federal court.

Taylor: That's what I thought. Well, John, we lost this one.

Sanford: No, Taylor, it's the country that has lost. We all hoped this decision would settle the slavery problem, but it has only made it worse. The North will be furious! This ruling is truly a national disaster.

AFTERWORD

The decision caused an uproar throughout the country. Northern newspapers tore Taney and his ruling — "this wicked and false judgment" — apart. Many people lost respect for the Supreme Court. Justice Curtis resigned.

Instead of soothing the strong feelings over slavery, the Dred Scott decision added fire to the conflict. Within

a few years, the U.S. was fighting a civil war.

As for Dred Scott, Irene Chaffee sold him to Taylor Blow soon after the court made its decision. Blow immediately freed Scott and his family. But Dred Scott did not enjoy freedom long. He died of tuberculosis in 1858. Henry Blow paid his funeral expenses. ☆

YOUR TURN

Discussion Questions

1. Why was the issue of slavery in the territories so important?
2. What effect would it have on the voting power of the North and the South in Congress?
3. Why do you suppose many people lost respect for the Supreme Court after the Dred Scott decision?



Culver Pictures

Both free blacks and slaves got caught up in the struggle over slavery in the North and the South.

considers slaves to be property, and protects people from being deprived of their property. The Missouri Compromise is unconstitutional, because it denies slave owners the right to take their property there without running the risk of losing it. Neither Congress nor any other legislature has the right to keep slavery out of any territory.

Henry (to Taylor): I'm upset, but I'm not surprised. Five of the justices are from Southern states.

Narrator F: The other justices then read their opinions. Two justices, John McLean and Benjamin Curtis, dissent. Curtis speaks last.

Curtis: I say that Chief Justice Taney is sadly wrong in his understanding