INTRODUCTION

DRED SCOTT TRIAL

Your Dred Scott Packet includes a trial script and historical background on the case. The script is based on the second trial of the Scotts’ case which took place in the St. Louis Courthouse in 1850. In it, the court declared Dred Scott a free man. During your visit, students will reenact the 1850 trial, those serving as jury members will discuss the evidence and reach their own verdict on the case. The National Park Service ranger assigned to your group will facilitate the trial and jury discussion and speak to the significance of the Dred Scott Case.

The courtroom where the Dred Scott cases were heard no longer exists. The large courtroom as originally constructed, occupied the entire west wing of the first floor. In 1855, even before the Scott’s campaign for freedom ended, the courtroom received extensive renovation. An architectural flaw was discovered which threatened the wing’s ceiling on the first floor. Additional support was added, dividing the large courtroom where the Scott trials were heard in to two smaller courtrooms. A display about the trial is exhibited in this corridor near the original site.

Before your visit, please assign the parts to your students, including the jury, and review the script with students. If possible, please make copies of the script and bring them with you on the day of your program.

**Cast of Characters**

**In order of appearance**

Narrator

Dred Scott (Plaintiff)

Taylor Blow

Irene Emerson (Defendant)

Bailiff

Judge Alexander Hamilton

Court Clerk

David Hall (Plaintiff's Lawyer #1)

Hugh Garland (Defense Lawyer #1)

Alexander Field (Plaintiff's Lawyer #2)

Miles H. Clark, Witness

Lyman Norris (Defense Lawyer #2)

Members of the Jury

Jury Foreperson

SCENE I

*(Narrator, Dred Scott, Irene Emerson, and Taylor Blow are standing in front. Everyone else is seated in audience.)*

NARRATOR: *(Standing)* Jefferson National Expansion Memorial commemorates the role St. Louis played in westward expansion. A trial that took place in this courthouse more than 150 years ago led to a Supreme Court decision that determined whether or not slavery could exist in the new western territories. The decision made people so angry that it was one of the causes of the Civil War! This story and trial are true. Dred Scott and his family tried to win their freedom from slavery here in St. Louis' Old Courthouse. Beginning in 1846, the case took place in a room below us on the first floor. The people who were part of the case will tell us what happened. This trial took place after the Scott's lawyer made a motion for a new trial in appeal to the first decision.

DRED SCOTT: *(Standing.)* I am Dred Scott. I'm almost fifty years old now and have been a slave all my life. My first owners, the Blow family, took me from Virginia to St. Louis. They treated me well, but had to sell me to Dr. Emerson, a surgeon with the United States Army. I worked odd jobs for the Emersons and was hired out to work for other people. They kept all the money for themselves. John Emerson took me across the river to Illinois, and from there way up to Fort Snelling in the Wisconsin Territory. I don't think there is supposed to be any slavery in those places, but he kept me as a slave. When I heard that I might be able to become free, I started this case. Taylor Blow and other people have helped me. I'm an old man now, and I can't read or write. I'd like for my wife Harriet and daughters Lizzie and Eliza to have a better life than I've had.

TAYLOR BLOW: *(Standing.)* My name is Taylor Blow, and my family used to own Dred Scott. My family is originally from Virginia.

After our tobacco crops failed, we moved to St. Louis. Once we got to St. Louis, my father decided he would have to sell Dred because we needed the money. He sold Dred to Dr. Emerson. Over the years, I have not seen much of Dred, and now I want to help him become a free man.

IRENE

EMERSON: (Standing.) My name is Irene Emerson. My late husband Dr. Emerson owned Dred Scott. He was our servant. Sometimes we hired Dred out to work for other people and he made money for us. My husband was a surgeon with the U.S. Army. After serving in Illinois and in the Wisconsin Territory, he brought Dred and Harriet back with him to Jefferson Bar­racks in St. Louis. Now that John has died, Dred is suing for his freedom. That doesn't seem fair, Dred has always be­longed to us, and we've treated him well. Look at the thanks we get!

NARRATOR: *(Standing.)* All is now ready for the trial to begin. Although nobody knew it at the time, the Dred Scott Case would later become one of the most famous trials in United States history. Let's see what happened.

*(Narrator, Dred Scott, Irene Emerson, and Taylor Blow return to seats.).*

SCENE II

*(Everyone except the Judge is in their place in the courtroom. The Judge stands off to the side waiting to be called to the bench.)*

BAILIFF: *(Stand. Speak loudly.)* All rise.

EVERYONE

IN THE ROOM: *(Stand.)*

BAILIFF: The Circuit Court of St. Louis County is now in session. The honorable Judge Alexander Hamilton presiding.

JUDGE: *(Enter and take seat.)* You may be seated.

EVERYONE

IN THE ROOM: *(Sit)*

JUDGE: The clerk will call the first case.

CLERK: The case of Dred Scott versus Irene Emerson, your honor.

JUDGE: Are the lawyers in this case ready?

ALL LAWYERS: We are, your honor.

JUDGE: The Clerk will swear in the Jury.

CLERK: *(Stand.)* The members of the Jury will rise, and raise their right hands.

JURY: *(All stand.)*

CLERK: Do you swear as citizens of St. Louis County that your decision will be based entirely on what you hear in this courtroom today?

JURY: I do.

CLERK: You may be seated. *(Jury and Clerk sit down.)*

JUDGE: Do the lawyers for the plaintiff, Dred Scott, have an opening statement?

DAVID HALL: *(Stand)* Yes, your honor. *(Move to stand in front of Jury.)*

Members of the Jury, this is an easy case to decide. Dred Scott has been a slave all of his life. His master, Dr. John Emerson, took him to Fort Armstrong in the State of Illinois and kept him as a slave. As all of you know, the laws of Illinois do not allow slavery. Later, Emerson took Mr. Scott to Fort Snelling in the Wisconsin Territory, where slavery is not allowed, according to the Missouri Compromise. Even after Emerson left Fort Snelling, he kept Mr. Scott as a slave, hiring him out to others in the Wisconsin Territory and also back in St. Louis. Members of the Jury, we say that Dred Scott became a free man when taken to the state of Illinois and the Wisconsin Territory. Just because he was brought back to the State of Missouri, where slavery is allowed, does **not** make him a slave again. The laws of Illinois, the nation and even cases like this one heard before in Missouri, all say that Dred Scott should be free. Not only Mr. Scott himself, but his wife Harriet and young daughters Lizzie and Eliza, depend on your decision. *(Return to seat.)*

HUGH

GARLAND: *(Move to stand in front of Jury.)* Members of the Jury, it is true that slavery is not allowed in Illinois or the Wisconsin Territory. But Dr. Emerson was ordered to go there by the Army. Dred Scott was Dr. Emerson's property, and Emerson wanted to take him along. The laws of the United States Army, not those of Illinois or the Wisconsin Territory, should be followed in this case. Dred Scott came back to Missouri, where slavery is allowed. Why should we let the laws of other places change things here in Missouri? When you think of these facts, I am sure that you will decide that Dred Scott is a slave. Thank you. *(Return to seat.)*

JUDGE: Do the lawyers for the plaintiff have any witnesses in this case?

ALEXANDER

FIELD: *(Stand)* Yes, your honor. We call Captain Miles H. Clark.

BAILIFF: Captain Miles H. Clark to the stand.

MILES H. CLARK: *(Move towards clerk. Stand before him/her.)*

CLERK: *(Stand and speak to Clark.)* Raise your right hand. Do you swear that the testimony you are about to give in this case will be the truth, the whole truth and nothing but the truth, so help you God?

CLARK: I do.

CLERK: You may be seated. *(Sit.)*

CLARK: *(Sit in witness chair.)*

FIELD: *(Move towards Clark to question him.)* What is your name?

CLARK: Miles H. Clark.

FIELD: Captain Clark, do you know Dred Scott?

CLARK: Yes, when I lived at Fort Armstrong, Dred Scott was Dr. Emerson's slave.

FIELD: Why were you at Fort Armstrong?

CLARK: I was a Captain in the Army. John Emerson was the surgeon at that post.

FIELD: Is slavery legal in Illinois?

CLARK: No.

FIELD: Yet, is it not true that Dr. Emerson kept Dred Scott in slavery there?

CLARK: Yes, he did. *(Remain in seat.)*

FIELD: Thank you. I have no further questions. *(Return to seat.)*

JUDGE: Does the defense wish to cross-examine this witness?

LYMAN NORRIS: *(Stand)* Yes, your honor. *(Move towards Clark to question him.)* Captain Clark, what was Dr. Emerson doing at Fort Armstrong?

CLARK: As I said before, he was a surgeon in the army there.

NORRIS: Captain Clark, as a soldier yourself, would you say that military men have much choice where they serve in the Army?

CLARK: No. We go where they send us.

NORRIS: And what do you bring when the Army sends you to a new post?

CLARK: Well, I bring my personal property with me.

NORRIS: By property, do you mean slaves?

CLARK: I don’t own slaves, but yes, in many states slaves are considered to be property.

NORRIS: Thank you. I have no more questions, your honor. *(Return to seat.)*

JUDGE: Thank you. The witness may step down.

CLARK: *(Return to seat.)*

JUDGE: Do the lawyers have any more witnesses?

DAVID HALL: *(Stand.)* No, your honor. We rest our case.

JUDGE: Then the defense may begin its case.

HUGH

GARLAND: *(Stand.)* Your honor, we believe that the lawyers for the plaintiff, Dred Scott, have not made a case strong enough to prove he should become a free man. We will present no witnesses.

JUDGE: So the defense rests?

GARLAND: Your honor, both sides agree on most of the facts of this case. What we don't agree on is whether or not the plaintiff should be a free man because he lived in free territory. We believe he should not. The defense rests. *(Sit.)*

JUDGE: Very well. Are there any closing arguments?

ALEXANDER

FIELD: *(Stand.)* Yes, your honor. *(Move and face the jury to speak.)* As

we have shown, slavery is not allowed in the State of Illinois or the Territory of Wisconsin. And yet, Dr. Emerson broke the law of these places by keeping Dred Scott as a slave. Therefore Dred Scott really became a free man when Dr. Emerson took him to those places. In the past there have been other cases just like this one in the State of Missouri. And in those cases, the court decided that a slave taken by his master into a free area becomes a free man, even if they move back to Missouri. Therefore, Members of the Jury, this should be an easy decision for you. You should find the defendant, Mrs. Emerson, guilty of wrongly holding Dred Scott as a slave and give Dred and his family their freedom.

Thank you. *(Return to seat)*

LYMAN NORRIS: *(Move and face the jury to speak.)* Members of the Jury,

Mr. Field and Mr. Hall are wrong. Dr. Emerson was my client's husband. He served his country in the United States Army, and had no choice where he went. Why should a member of the Army suffer by not being able to bring his property with him when he serves his country? Let's pretend that it is against the law to have horses in Illinois or in the Wisconsin Territory. If what the lawyers for the plaintiff say is true, then you could not take your horse there, and if you did, the horse could be taken away from you when you came back to Missouri! That is why I am sure you will decide that Mrs. Emerson is not guilty, and that Dred Scott should remain a slave. Thank you. *(Return to seat.)*

JUDGE: Members of the Jury, in deciding this case, you must keep the following points of law in mind:  
1. The constitution of the State of Illinois prohibits slavery in that state, while federal law and the Missouri Compromise prohibit slavery in Wisconsin Territory.

2. The State of Missouri allows slavery through its constitution and state laws.

3. Hiring out a slave to someone else, and keeping the money yourself, is the same under the law as having your slave work for you.

4. If you believe Dred Scott was wrongly held as a slave in either Illinois or Wisconsin Territory, that is sufficient evidence to find the defendant, Mrs. Emerson, guilty.

JUDGE: Members of the Jury, you must reach a verdict based only upon what you have heard in court today. It is your duty to retire, select a foreman, and consider your verdict. Bailiff, take the Jury outside to make that decision.

RANGER: *(Walk to front of jury box.)* Class, at this time the Bailiff would lead the jury out of the courtroom to a private room

where they could discuss the evidence. The Bailiff would stand outside the jury room door until they all agreed on a verdict, then lead the jury back to their seats in the courtroom. Deliberating in private protects the jury from anyone trying to pressure or influence their verdict. Trying to influence a jury verdict is called **JURY TAMPERING,** and is illegal (a felony). However, we want every student to observe a jury delibera­tion in process. Since this is only a reenactment, not a real case, our jury will begin their deliberation in the courtroom.

JURY: *(Discuss the evidence and vote on a verdict, Guilty/Not Guilty.)*

JUDGE: Has the Jury reached a verdict?

JURY

FOREPERSON: *(Stand and read the correct verdict below.)*

IF THE VERDICT IS GUILTY:

JURY

FOREPERSON: *(Stand.)* Yes, your honor, we, the Jury, find the defendant, Mrs. Irene Emerson, guilty of unlawfully holding the plaintiff, Dred Scott, as a slave.

JUDGE: The Jury has found the defendant guilty. It is therefore ordered that Dred Scott and his family be awarded their freedom. This court is adjourned. (*Strike gavel twice.)*

BAILIFF: *(Stand.)* All rise.

IF THE VERDICT IS NOT GUILTY

JURY

FOREPERSON: *(Stand)* Yes, your honor, we, the Jury, find the defendant, Mrs. Irene Emerson, not guilty.

JUDGE: The Jury has found the defendant not guilty. It is therefore ordered that Dred Scott and his family be kept as slaves. This court is adjourned. *(Strike the gavel twice.)*

BAILIFF: (Stand.) All rise.

*(Go to Narrator's part; Scene III)*

SCENE III

*(Everyone returns to their seats. Dred Scott, Taylor Blow, Irene Emerson, and the Narrator all stand at their seats.)*

NARRATOR: *(Standing.)* In the real Dred Scott Trial of 1850, which the reenactment we have just seen is based upon, the Jury decided that Dred Scott was a free man. But that wasn't the end of the case. Mrs. Emerson did not want to lose the services of valuable slaves like Dred and Harriet Scott. She had her lawyers appeal the decision. This means that a higher court would decide if the verdict in the case was correct according to the law. The Supreme Court of the State of Missouri decided that Dred Scott was still a slave. The Justices said that "times now are not as they were", and from now on, the State of Missouri would protect slavery no matter what happened outside the state.

DRED SCOTT: *(Standing)* I wasn't sure what to do—it seemed like all of

these trials would never end—five trials taking over ten

years! My friends and wife asked me to keep going, and I knew I had to fight for what was right.

NARRATOR: *(Standing)* Finally, the case reached the Supreme Court of the United States. Chief Justice Taney's opinion said that Dred Scott was still a slave. As an African-American person, he was not a citizen of the United States, and as a slave, he was his master's property, and Congress had no right to take away someone's property. The most important result of Taney's opinion was that he said slavery could not be restricted from U.S. Territories. Opponents of slavery feared that soon slavery could not be restricted anywhere.

IRENE EMERSON: *(Standing)* While the trials were still going on, I married again. My second husband, Calvin Chaffee, thought slavery was wrong. So after the Supreme Court Decision, we transferred ownership of Dred Scott to Taylor Blow.

TAYLOR BLOW: *(Standing)* On May 26, 1857, I came to the St. Louis County Courthouse and freed Dred Scott, Harriet Scott, and their daughters. Finally the whole family was free. Unfortunately, Dred didn't get to enjoy his independence long, as he died a little over a year later.

NARRATOR: *(Standing)* Today Dred Scott is buried in Calvary Cemetery in north St. Louis. His grave reads, "Freed from slavery by his friend Taylor Blow." Even though Dred Scott did not win his freedom in the courts, his case eventually led to freedom for all slaves. Many people in the United States felt that slavery was wrong, and they were outraged by the Supreme Court's decision. Instead of solving the slavery problem, the decision was one of the things that divided the country and led to the Civil War. When the South lost the war, the slaves were freed, making sure that Dred Scott's fight for freedom will never be

forgotten.

APPENDIX

THE SIGNIFICANCE OF THE DRED SCOTT TRIAL

The most famous case associated with the Old Courthouse is that of two slaves, Dred and Harriet Scott, who in 1846 filed a lawsuit to obtain their freedom from slavery. The case began as a simple local matter. It was not a particularly unusual case and there was no coverage of the trial in the local newspapers. Slaves often sued for their freedom on the grounds that they had been freed by a previous owner's will. Other slaves sued for their freedom because their masters had taken them to a non-slave holding territory and then returned to Missouri. The courts commonly granted freedom in both cases, until this precedent was reversed by the Dred Scott case.

Dred Scott was brought to St. Louis from Virginia in 1830 by his owner Peter Blow. Later the Blow family sold Scott to Dr. John Emerson, an army surgeon. The slave accompanied his new owner on tours of duty at Rock Island, Illinois, and Fort Snelling in what is now Minnesota. At Fort Snelling, Scott married his wife Harriet, who was also purchased as a slave by Emerson. In 1843, Emerson died, leaving the Scotts to his widow, Irene. In April 1846, Dred and Harriet filed a lawsuit against Irene Emerson for their freedom on the grounds of previous residency in free territory.

The Scotts were helped in initiating their suit by Taylor Blow, the son of Dred Scott's previ­ous owner, Peter Blow. Taylor Blow signed bonds for the Scotts when the suit was first filed. The case came to trial in June 1847 in the Missouri Circuit Court, and was lost by the Scotts. They asked for a retrial and, at a second retrial in 1850, were awarded their freedom by the court.

Irene Emerson appealed the case to the Missouri State Supreme Court, which in 1852, reversed the decision of the lower court, returning the couple to slavery. Many were not happy with the decision. One of the judges wrote, "Times now are not as they were when the former decisions on this subject were made. Since then not only individuals but states have been pos­sessed with a dark and fell spirit in relation to slavery, whose gratification is sought in pursuit of measures, whose inevitable consequence must be the overthrow and destruction of our govern­ment."

After the State Supreme Court decision, the Scott's case began to attract national attention and the interest of prominent lawyers. Roswell Field, an accomplished attorney, took on the Scott case and carried it to the Federal District Court. In May 1854, that court ruled in favor of Irene Emerson. Field immediately appealed to the U.S. Supreme Court.

Since the Scotts first filed their suit in 1846, tensions between the

pro-slavery southern states and the anti-slavery northern states had grown. Laws regarding slavery were passed at local, state and federal levels that caused much dissension between the two regions of the United States. There was intense interest in the U.S. Supreme Court's decision regarding the Scotts.

The Supreme Court heard the case argued as "Dred Scott v Sandford" because, technically, Scott was now the property of Emerson's brother-in-law, John F.A. Sanford (a clerk misspelled the name of the defendant). The Supreme Court held hearings twice; once in February 1856, and again in December 1856. The decision, with which seven Supreme Court Justices agreed and two disagreed, was delivered on March 6,1857 by Chief Justice Roger Taney, who read the "Opinion of the Court." The court decided that because the Scotts were slaves, they were not considered citizens under the U.S. Constitution and, therefore, could not sue for their freedom in court. The justices also ruled that the ban on slavery in the Missouri Compromise of 1852 was unconstitu­tional. Slave owners could not be deprived of their property, and the recently acquired western territories would have to allow slave holders and slavery within their borders. The decision struck a blow to the delicate balance of free states and slave states. Instead of lessening sectional tensions as Taney had hoped, the decision only hastened the onset of the Civil War.

Adapted from The Old Courthouse: Americans Build a Forum on the Frontier by Donald Dosch. Published by Jefferson National Expansion Historical Association, 1979.

APPENDIX

IMAGE OF DRED AND HARRIET SCOTT



Harriet and Dred Scott, Frank Leslie's Illustrated Newspaper June 27, 1857.

Use the Internet to explore these national parks and learn about others who struggled for civil rights.

**Women’s Rights National Historic Park** preserves the building and interprets the history and impact of the first Women’s Rights Convention in 1848 at Seneca Fall, NY. [www.nps.gov/wori](http://www.nps.gov/wori)

**Roger Williams National Memorial** commemorates the life of the founder of Rhode Island, a colony where all could come to worship without interference from the state. [www.nps.gov/rowi](http://www.nps.gov/rowi)

**Mary McLeod Bethune Council House National Historic Site** celebrates the life of a woman who worked tirelessly to influence legislation affecting African Americans and women. [www.nps.gov/mamc](http://www.nps.gov/mamc)

**Selma to Montgomery National Historic Trail** was established by Congress in 1996, to commemorate the events, people, and route of the 1965 Voting Rights March in Alabama. [www.nps.gov/semo](http://www.nps.gov/semo)