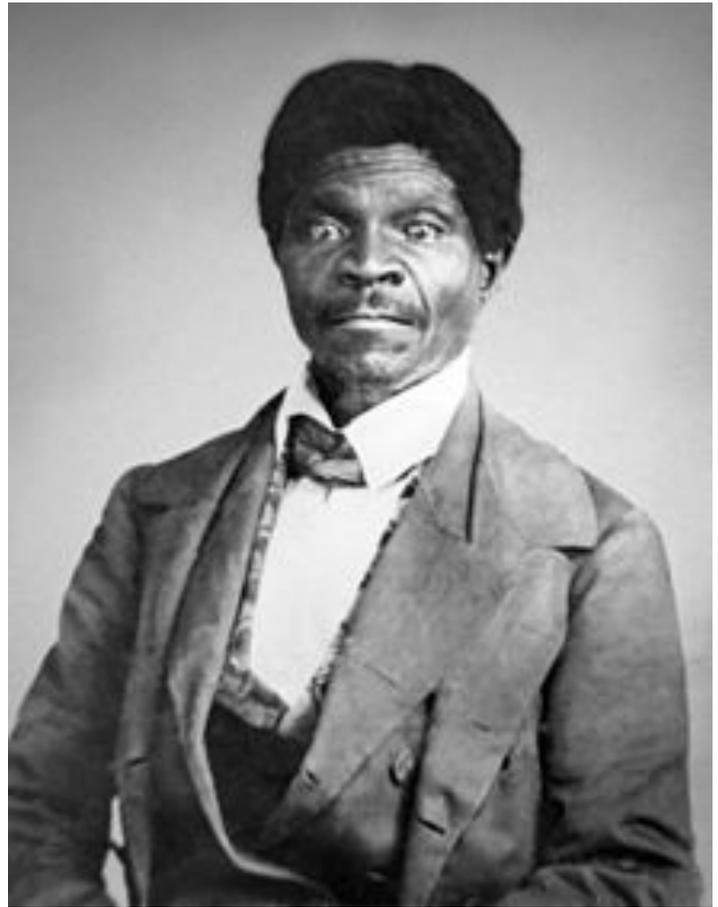


# DRED SCOTT DECISION RE- ENACTED AT OLD COURTHOUSE

AUDIENCE PARTICIPATION  
PERFORMANCE PART OF BLACK  
HISTORY MONTH OBSERVANCE

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This weekend, 164 years after the slave Dred Scott lost a trial seeking his freedom in the St. Louis Courthouse, the principals will gather again in the Old Courthouse to re-enact that decision.

Scott was involved in two trials for his freedom in what is now called the Old Courthouse in St. Louis. He lost the first trial in 1847 and appealed. He won the second trial in 1850, but his owner appealed. The case ended up in the Supreme Court and has been called one of the most significant trials in United States history.

The “Black History Trial Re-enactments,” to be held every Saturday and Sunday in February at the Old Courthouse Courtroom, will recreate what Scott and his wife, Harriet Scott, experienced while suing for their freedom.

“We think it’s a story that everybody should know,” said Bob Moore, park historian for the Jefferson National Expansion Memorial, which is part of the National Park Service and includes the Old Courthouse. “People have that name recognition with Dred Scott, but that’s about as far as they know. I mean, they know he was a slave, they know somehow there was a court decision, but most people, if you ask them, couldn’t tell you if he got his freedom in the Supreme Court decision, or if the decision went against him. And exactly how that fit in to this larger story of the beginnings of the Civil War. So we hope we are able to answer those questions for people.”

This living history, free to visitors and part of the Black History Month observance, will allow eight to 10 people to take active roles in the performance. “It’s not like watching a play,” said Ann Honious, chief of museum services and interpretation for the Jefferson National Expansion Memorial. “It’s like being in a play.”

The 30-minute re-enactment, for which participants will be given scripts, is done on a regular basis for school groups visiting the Old Courthouse. “It’s the most popular program that we give,” Moore said. “Most people think of school groups going to the Arch, and we do a lot of programs down there. But

the largest number of school groups who come to the park actually come to the Old Courthouse for the Dred Scott trial. So it's really part of many teachers curricula for each year.”

Every effort is made to authentically recreate the scene. “We try to make it seem like a trial, what Dred Scott and Harriet Scott went through,” Moore said.

Dred Scott was born a slave in 1800 in southeast Virginia. His master, Peter Blow, brought Scott to St. Louis in 1830. After Blow's death, his family sold Scott in 1833 to Dr. Emerson, a U.S. Army surgeon stationed at Jefferson Barracks. In 1834, when Emerson moved with his unit to Fort Armstrong at Rock Island, Illinois, Scott was taken along.



Under the Northwest Ordinance of 1787 and the state constitution of 1818, slavery was prohibited in Illinois. However, according to the Dred Scott Chronology available on the National Park Service Web site, Army and Navy officers did not consider themselves citizens of a state merely because they were stationed there.

Emerson later served at Fort Snelling in what is now Minnesota. Emerson took Scott with him, even though Fort Snelling was in a territory that had banned slavery as part of the Missouri Compromise of 1820. While at Fort Snelling in 1836, Emerson bought a slave woman named Harriet, who married Dred Scott.

In 1843, Emerson died in St. Louis, leaving Dred and Harriet Scott to his widow, Irene Emerson. On April 6, 1846, Dred and Harriet Scott filed separate petitions for their freedom, leading to the first trial, which they lost “on a technicality” the following year.

Because slavery is universally reviled today, park service rangers help visitors understand the attitudes and laws of the time.

“Our rangers are really good at trying to set the scene of what the situation was in 1850, when this trial took place,” Moore said. “And that there were some people who felt there were some positive and good things about slavery.”

Slavery was legal in many parts of the U.S. at the time, including St. Louis. That helps visitors put the Dred Scott trial in perspective. “It wasn't a trial, necessarily, about morality,” Moore said. “It was a trial about property rights and ownership and, really, it comes down to the states' rights level.”

The Scotts' argument was that, having lived in Illinois and the Minnesota territory where slavery

wasn't allowed, they shouldn't have been brought against their will into a state where slavery was legal. "On the local level, for many years, that argument held true," Moore said. "For the most part, courts gave slaves their freedom on that basis, if they had once lived in a free territory."

During the trial re-enactment, the rangers' goal is "to give the audience the idea that it isn't a foregone conclusion (about) what would happen in the court," Moore said. "You really have to listen to the evidence that's going to be presented, to make your decision on whether you think these people who are suing, who happen to be slaves, should be allowed to be free."

On Jan. 12, 1850, the Circuit Court of St. Louis County awarded Scott and his family their freedom. On appeal by Irene Emerson, the decision was overturned two years later by the Missouri Supreme Court. In 1854, represented by attorney Roswell B. Field, the Scotts took the battle to Federal Court, where they again lost. Field appealed to the Supreme Court of the United States.

This is where the case took an intriguing turn. Emerson had married Calvin Clifford Chaffee, a physician and abolitionist strongly opposed to slavery. "We don't think, from letters that he wrote later, that he even knew that Mrs. Emerson owned slaves, and particularly owned the Scotts," Moore said.

So Emerson transferred ownership of the Scotts to her brother, John Sanford. When the Dred Scott case was eventually heard in the Supreme Court in 1856, Sanford was the defendant.

On March 6, 1857, Chief Justice Roger B. Taney read the official opinion of the court, that Dred Scott's suit for freedom should be dismissed. By the time of the decision, Sanford had gone insane and died, and ownership of the Scotts had reverted to Emerson, who was now Mrs. Chaffee. Meanwhile, her new husband had been elected a congressman in Massachusetts.

"He was an abolitionist-congressman, who suddenly owns the most famous slaves in America," Moore said. "His letters (to lawyers involved with the case) are kind of panicked letters, saying, 'How do I get rid of these slaves – quickly, quietly?' What he had to do was transfer ownership of them to someone here in St. Louis."

Ironically, ownership was transferred back to the Blow family, the original owners of Dred Scott. In May 1857, shortly after the Supreme Court decision declared them to still be slaves, the Blows set the Scotts free. Dred Scott didn't get to enjoy his freedom too long – he died of tuberculosis one year later. But Harriet Scott lived until 1876, long enough to see the outcome and aftermath of the Civil War.

The Dred Scott court case was considered one of the reasons the United States ended up in the Civil War. Abraham Lincoln, in his famous debates with Stephen Douglas during their Illinois U.S. senate race in 1858, discussed the Dred Scott case frequently. "Lincoln was arguing that the next step, the next decision that the Supreme Court would make, would actually say that states couldn't outlaw slavery," Moore said.

The North was worried that slavery "would be shoved down their throats," Moore said. After Lincoln was elected president in 1860, the South felt he would move to abolish slavery. So southern states began seceding, which led to the war.

History has not looked kindly on the Supreme Court's decision in the Dred Scott case. Theodore Roosevelt was one of the first to say that "this was the worst decision the Supreme Court ever rendered," Moore said. "Basically, the reason for that is not just the injustice to humanity, to human beings, but also the effect the decision had on the country. Because it certainly took us one, if not many steps closer, to civil war."