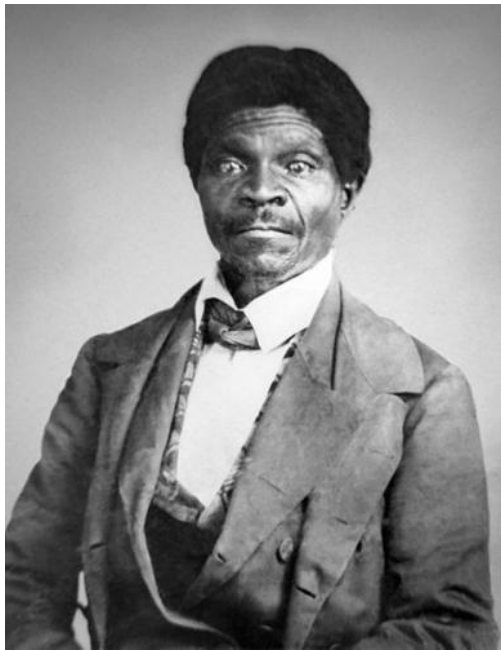


[Eric Black Ink](#)

Bloomington event marks the worst U.S. Supreme Court decision ever

By [Eric Black](#) | 05/22/13



Wikimedia Commons
Dred Scott c. 1857

Dred Scott was a slave for all but the last year of his life.

Unlike Frederick Douglass and Harriet Tubman, he did not escape to freedom and become a famous anti-slavery crusader. Unlike Nat Turner, he did not lead a famous, bloody, slave rebellion. Dred Scott is among the most famous of slaves because he sued for his freedom and his case went all the way to the U.S. Supreme Court.

Unfortunately, the court used the occasion to hand down one of its most infamous, racist decisions, going way beyond the issue of Scott's freedom to declare that no blacks could ever be U.S. citizens (even free blacks in free states) and that African-Americans had no rights which any white man was bound to respect. Seriously. That's a quote. And that interpretation of the U.S. Constitution prevailed by a vote of seven justices to two. Under our system, as you know, the Supreme Court is the final arbiter of the meaning of the U.S. Constitution. Until it isn't.

Even though Dred Scott lost, his case played a significant role in bringing about the end of the despicable tale of legal human slavery in the United States, although it ended in the worst possible way, and maybe the only possible way, by a long bloody civil war.

Why bring this up today? Well, it's a heck of a tale on any day, but it comes up today because a substantial observance and celebration of Dred (and his wife Harriet) Scott will take place May 22 in Bloomington. Yes, the one in Minnesota.

Minnesota connection

Why here? Because Minnesota played a key role in Dred Scott's pretty amazing tale and a [large and excellent athletic complex in Bloomington is named for Dred Scott](#). But a while back, human rights activist Frank White noticed that, other than the signs stating the name of the Dred Scott Playfield, the story of Dred Scott was not told. Kids played ball there without necessarily learning the tale of the man for whom their field was named.

White approached Michael Davis, the chief federal judge of the Minnesota District (and the first African-American federal judge in Minnesota history), and suggested that something be done about this. He had in mind a plaque at the site telling the kids who play there about Dred Scott.

White's idea of the plaque has snowballed into a much bigger deal, including a curriculum about the case that is taught to Bloomington high school juniors and a play, developed by the estimable Mixed Blood Theater, with actors portraying Dred Scott and his wife, Harriet. And more.

The ideas set in motion by White and Davis will culminate Wednesday evening with a dedication and unveiling of plaques for the playfield, the performance of the play, a talk by [Lynne Jackson of St. Louis](#), the great-great-granddaughter of Dred Scott and president and founder of the Dred Scott Heritage Foundation. The schedule and location are [right here](#).

Dred Scott's life story

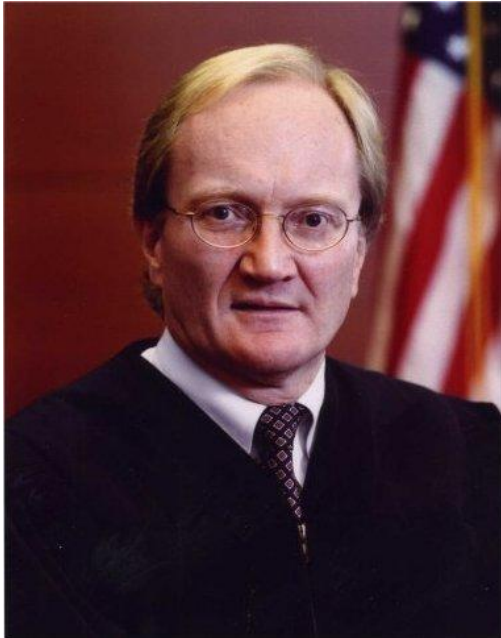
OK, you'll learn a lot more about Scott and the case if you go to the event, but for those who can't make it, I can't let you go without a brief summary of Dred Scott's story, especially of the Minnesota angle.

Dred Scott's owner, an Army doctor who was dispatched to various military bases, took him from their home in Missouri (which was a slave state) to a base in Illinois (a free state) and then to Fort Snelling (in what was then the Wisconsin territory), governed by the federal government, which prohibited slavery in the territory. But not really prohibited because it had been fairly normal for slaveowners to travel with their slaves into free states and free territories. So it was there that Dred Scott spent most of the 1830s in free Illinois and free (pre-)Minnesota.

Back in Missouri, a doctrine had developed, sometimes called "once free, always free," under which some slaves had successfully sued for their freedoms on the ground that their masters had taken them to free states, and after some period of time they had to be considered to have gained their freedom.

With the legal and financial support of sympathetic whites (actually, Scott got backing from the Blow family, which had owned him earlier in his life), Scott initiated such a “freedom lawsuit” in Missouri in 1846. His case dragged on for 11 years. He actually won once, in state court, precisely under the “once free” doctrine, but then lost on appeal. The case moved into the federal courts, and when the Supreme Court agreed to hear it, it became, of course, the case that would decide for the whole country whether the doctrine of “once free, always free” was valid.

The ruling, delivered by justices who were mostly southerners or slavery sympathizers, was so over the top, and the verbiage of blacks having no rights at all shocked the North.



Judge Donovan Frank

Federal Judge Donovan Frank of the Minnesota District, who has been active in the local celebration of Dred Scott and who talked to me Monday about it, didn't exactly say that the Supreme Court got it wrong, but he did say that "many scholars have described this as the worst decision ever by the U.S. Supreme Court."

He credited the ruling, and by extension the Scotts' "courage and quest for freedom," with "solidifying the abolitionist movement and with helping to bring about the election of Abraham Lincoln, which led to the secession of the southern states, the Civil War and the abolition of slavery.

I've been over the Dred Scott ruling and its aftermath several times in my ridiculously slow quest to understand U.S. history but I recently had a breakthrough when I read Eric Foner's fantastic study of Lincoln's evolution on the slavery issue titled "The Fiery Trial." But this dang post is already so long, and I'm trying to write shorter. So, with your permission, I'll start over soon with a discussion of Foner's revelations.

Dred Scott's freedom

But in the meantime, I do have to redeem the very first sentence of this post, which mentioned that Dred Scott was a free man in the last year of his life. It wasn't, of course, thanks to the Supreme Court case, which he lost. And it wasn't because he lived long enough to be emancipated by the Emancipation Proclamation (which wouldn't have affected him anyway, because Missouri never seceded) nor to be freed by the 13th Amendment, which took effect seven years after Scott's death.

No, after the case was over, the ownership of Dred Scott was transferred back to his former owners, the Blow family, who had become abolitionists. They freed him from legal bondage in 1857 but, sadly, he died of tuberculosis in 1858.