

Taney first asserted that Scott could not sue in a federal court, because he was not a citizen of the United States. Taney asserted that no black person, slave, or free, could possibly be a citizen. Taney wrote "The question is simply this: Can a Negro, whose ancestors were imported into this country, and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States...? Taney answered his own question: "We think they are not... included, and were not intended to be included, under the word "citizens" in the Constitution...." Rather, Taney asserted that at the time the Constitution was written, blacks were "considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and whether emancipated or not...had no rights or privileges but such as those who held the power and the Government might choose to grant them."

Having concluded that Scott had no right to sue in a federal court, Taney might have stopped. However, the issue of slavery in the federal territories was an important political question, and Taney wanted to let the nation know where the Court stood on it. So, Taney examined Scott's other claims.

The Court easily disposed of the claim to freedom based on Illinois law. Taney held that Scott lost whatever claim to freedom he had while in Illinois when he left the state, and no state or precedent obligated Missouri to enforce the Illinois law.

Scott's claim based on the Missouri Compromise presented more complications. Considering the Missouri Compromise passed by Congress in 1820, as the law of the land it would obligate the State of Missouri to recognize it. Taney, however, decided that the ban on slavery in the Missouri Compromise was unconstitutional. Taney reasoned that the territories belonged to all the citizens of the United States. Under the Constitution's Fifth Amendment no one could deprive a person of his property without "due process of law" and "just compensation." But, the Missouri Compromise

would deprive men like Scott's owner of their property simply for entering federal territories. Thus, the Court held that the Missouri Compromise was unconstitutional. For only the second time, the Supreme Court declared an act of Congress unconstitutional.

In a sixty-nine page dissent, Justice Benjamin R. Curtis took Taney to task at every point. Curtis pointed out that at the time of the ratification of the Constitution blacks voted in a number of states, including Massachusetts, Pennsylvania, and North Carolina. Thus, Curtis argued, free blacks had always been citizens of the nation, and if Scott was free the Court had jurisdiction to hear his case. Curtis also argued in favor of the constitutionality of the Missouri Compromise, which he pointed out had existed as accepted law for more than three decades and served as the basis of the sectional understanding that kept the North and South together in one Union.

Taney had hoped to settle the issue of slavery in the territories through the Dred Scott verdict. Instead, Taney's decision itself became a political issue. Lincoln and Douglas argued over its merits in their famous debates of 1858. Instead of lessening sectional tensions, Taney's decision exacerbated them and helped bring on the Civil War.

With the Civil War finally over, the Thirteenth Amendment (1865) ended slavery. The Fourteenth Amendment (1868) gave blacks citizenship. Thus, amending the Constitution overturned the Dred Scott decision.