

Amendment grounds from the affirmation of the criminal conviction of a Communist Party member. Douglas held the opinion that judges should not be neutral and that their primary purpose was to protect the individual person from the government. This principle was showcased in the famous opinion in *Griswold v. Connecticut* (1965), when Douglas wrote the court's opinion finding a constitutional right to privacy. As a member of the Warren Court through the 1950s and the 1960s, Douglas was a principal supporter of liberal changes brought to the nation by Chief Justice Earl Warren. For Douglas, the concept of equal protection meant that all people are equal, regardless of wealth, race, office, status, nationality, religion, age, or sex.

### **Environmentalism and Individualism**

Douglas was widely known and respected for his love for and protection of the environment. He engaged in numerous activities to protect the environment in addition to legal decisions protecting it. He was a member of the Board of Directors of the Sierra Club. He was one of the initial supporters of the now-famous, and universally recognized as prophetic, environmental book *Silent Spring* by Rachel Carson. However, Douglas earned lasting fame (and ridicule in the minds of some people) that trees have standing to sue and protect themselves. In his famous dissent in the decision of *Sierra Club v. Morton* (1972), Douglas argued that inanimate objects should have standing to protect themselves on the basis that other inanimate objects, such as ships and corporations, have been granted such legal standing.

Douglas was a rugged individualist who frequently hiked and camped in wildernesses across the world. He had four wives. He was frequently criticized for his lifestyle and his judicial opinions. Douglas wrote numerous dissenting opinions and did not mind being the lone dissenter. In fact, Justice Potter Stewart is credited with once saying "Bill Douglas seems positively embarrassed if anyone agrees with him." Douglas, like Chief Justice Earl Warren, repeatedly incurred the ire of conservative politicians. He was frequently criticized for his opinions. Several attempts were made to impeach him, one on a stay of execution in the Rosenberg espionage case and another on

his involvement with a private foundation and his liberal opinions, but they were unsuccessful.

In 1975, Douglas retired from the U.S. Supreme Court and was replaced by Justice John Paul Stevens. William O. Douglas, like Chief Justice Earl Warren, was a groundbreaking judge who stepped forward to do justice when so many others lacked such courage. He was not widely respected as a legal scholar or author, but he was unmatched in his recognition of individual rights and human dignity and for being willing to take the side of justice against the government.

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**See Also:** *Dennis v. United States*; Equality, Concept of; *Griswold v. Connecticut*; Warren, Earl.

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## **Dred Scott v. Sandford**

*Dred Scott v. Sandford* was a landmark U.S. Supreme Court case holding that Congress did not have the power to create citizenship for slaves, that freed slaves were not citizens as contemplated by the U.S. or Missouri constitutions, that the Missouri Compromise was unconstitutional, and that the right of property in slaves was affirmed in the U.S. Constitution. One of many catalysts for the Civil War, the court's decision, authored by Chief Justice Roger B. Taney, a slave-owning Marylander, denied people of African descent the

right to citizenship and constitutional protection. The case is perhaps the most important Supreme Court decision on the issue of slavery.

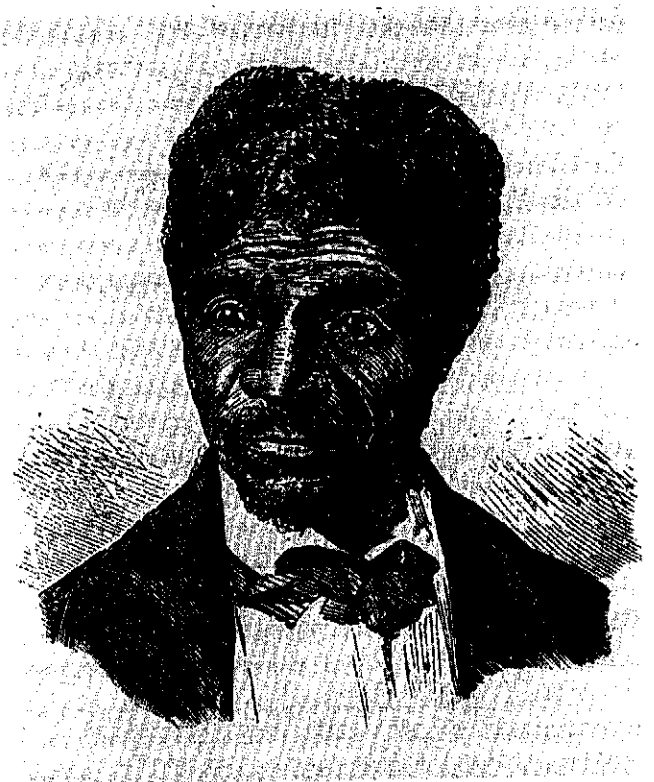
**Background**

John Emerson purchased Dred Scott, a slave, around 1830. Emerson was an army surgeon who transferred Scott to Illinois, a free state, and then to the Wisconsin Territory, where Scott married Harriet Robinson, another slave. The army transferred Emerson to St. Louis, Missouri, and Emerson left the Scotts in the service of clients in the Wisconsin Territory. Because slavery was forbidden in the Wisconsin Territory, Emerson technically violated the law when he hired out the Scotts in that region.

Emerson moved to Louisiana, where he met and married Irene Sanford; he then summoned the Scotts, who boated down the Mississippi River to reunite with their master and his wife. John Emerson returned to St. Louis in 1838, bringing the Scotts with him. He died in 1843. Irene Emerson's brother, John F. A. Sanford, a former Missourian residing in New York, carried out the terms of John Emerson's will, including the distribution of Emerson's property. The Scotts were among that property.

The case began in 1846 in Missouri state trial court, where Scott sued to purchase his and his family's freedom on the grounds that Scott became a free man during his travels in the Wisconsin Territory. Scott sought freedom under the "once free, always free" principle that Missouri courts previously and regularly had recognized. This principle maintained that slaves taken into free territory would become and remain free, even if they later returned to slave states. Despite this long-standing principle in Missouri, the judge dismissed Scott's suit on a technicality.

Scott was granted a new trial in 1847. His claim made its way to the Missouri Supreme Court, which, in 1848, held that Scott was a slave and therefore could not prevail in the matter. The Scotts then sued John F. A. Sanford in 1853, filing in federal court based on diversity jurisdiction, which was established because the Scotts resided in Missouri while Sanford resided in New York. The Scotts couched their claim in terms of trespass *vi et armis*, alleging that Sanford assaulted Scott and his family. Historians have debated the truth of this allegation.



A wood engraving of Dred Scott that appeared in Century Magazine in 1887. Scott sought freedom under the principle that maintained that slaves taken into free territory would become and remain free, even if they later returned to slave states.

**A Pivotal Supreme Court Decision**

In 1854, the First Circuit Court of Missouri ruled against the Scotts, who appealed to the U.S. Supreme Court. Montgomery Blair, who would later serve in the cabinet of Abraham Lincoln, was one of Scott's lawyers at the Supreme Court level. The case was argued before the court on February 11-14 and December 15-18, 1856. In a notorious misspelling, the U.S. Supreme Court referred to "Sandford" rather than "Sanford" in the case name.

Writing for the majority, Chief Justice Taney dismissed the Scotts' claim for lack of jurisdiction, reasoning that Scott was a slave of African descent and therefore was neither a citizen of Missouri nor of the United States within the meaning of Article III of the Constitution. Federal courts therefore could not hear the Scotts' claim. Accordingly, Taney excluded slaves or any individuals of African descent from being citizens of the United States or citizens of the several states.

establishing that such individuals fell outside the protection of the Constitution. Taney also held that Congress's power to declare certain states free or slave extended only to territories belonging to the United States in 1787. The constructive effect of this holding was that the Missouri Compromise—Congress's attempt to regulate the admission of new slave states—was unconstitutional.

Justice Taney was joined by six justices in the majority opinion: Justice James M. Wayne, Justice John Catron, Justice Peter V. Daniel, Justice Samuel Nelson, Justice Robert C. Grier, and Justice John A. Campbell. Only two justices dissented: Justice Benjamin R. Curtis and Justice John McLean, both northerners. Long after the decision, historians discovered that President James Buchanan had corresponded with Justices John Catron and Robert Grier about the case while the matter was still pending. Buchanan's correspondence could have influenced Justice Grier to join the southern majority.

The court's decision further divided a country that was already split over the matter of slavery. It led to speculation about whether newly admitted states or territories would become slave or free areas. The case remains one of the most cited and criticized matters in Supreme Court history.

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**See Also:** Fugitive Slave Act of 1850; Racism; Slavery; Slavery, Law of; Supreme Court, U.S.

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## Drinking and Crime

The existence of a relationship between alcohol consumption (drinking) and criminal behavior has been acknowledged for decades by the public at large and by policy makers and researchers in particular. The precise nature of this relationship, however, has not been identified. As many researchers point out, the relationship between alcohol consumption and crime can only be fully understood when placed in social, cultural, and historical contexts.

Because drinking and crime are two complex social phenomena, one must look at the fluctuations in both behaviors across time and observe the social responses that accompanied these changes, while considering that the interaction of both behaviors within the social nexus is influenced by a multitude of factors. The complexity of this relationship is apparent in the piecemeal approach undertaken by scholarly literature in this field and reflected in the variety of methodologies employed. Some have examined the intersection of alcohol and crime in offenses that are alcohol specific, such as drunk and disorderly conduct, drunk driving, and underage drinking, while others have looked at a continuum of offenses that involve alcohol to a greater or lesser degree (i.e., non-alcohol-specific offenses). This latter category includes studies at the aggregate level, which contrast variations in crime rates to variations in rates of alcohol availability and alcohol consumption in various populations, and individual-level studies, which focus on criminal events in which either the perpetrator or the victim is intoxicated. Other research perspectives include attempts at explaining the relationship between alcoholism and criminality, and the relationship between alcohol consumption and aggressive behavior. Understanding the drinking-crime relationship is of great interest