

Name:

Date:



Roswell Field

THE LAW AND THE LAWYER FOR DRED SCOTT

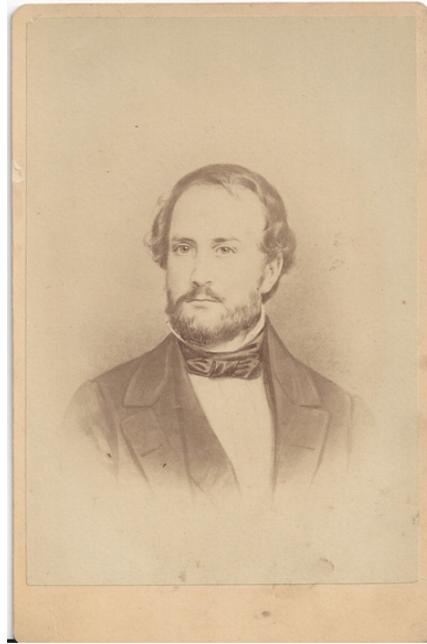


Photo from the Field House Museum Photography Collection

Grade Levels: 5-12

Estimated Time: 1 Class Period

Show-Me Standards

Social Studies:

2. continuity and change in the history of Missouri, the United States, and the world
3. principles and processes of governance systems
6. relationship of the individual and groups to institutions and cultural traditions
7. the use of tools of social science inquiry (such as surveys, statistics, maps, documents)

Lesson Objectives

1. To educate students on the history of Roswell Field, a prominent lawyer for the Dred Scott Case.
2. To improve student's ability to read and analyze a document and be able to infer and answer questions.
3. To give students an idea of how Roswell Field chose the defense he used for the Dred Scott Case.

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Directions:

Read and take notes over the “Brief History of Roswell Field.” Use what you learn to answer the questions below.

1) What are some of the characteristics that made Roswell Field a highly regarded lawyer?

2) Why was Roswell Field against slavery? Could he be considered an abolitionist, why or why not?

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3) The Dred Scott Case was not the only freedom suit case Field was part of. Why would he have represented both an enslaver and enslaved person in separate cases?

Brief History of Roswell Field

Roswell Field was born in Newfane, Vermont, in 1807 to General Martin Field and Esther Smith Kellogg Field. Growing up, Field was greatly influenced by those around him. His father, uncle, and brother all practiced law in the Newfane area. Having access to quality education, Roswell learned to fluently read Greek, Spanish, German, French, Italian, and Latin. By the age of 18 he had completed his education and was admitted to the bar (meaning he was formally allowed to practice law) in September of 1825.

Roswell Field joined his father's law practice in Fayetteville, Vermont, often handling cases dealing with debt collection. After his father's death in 1833, Roswell continued the family practice and gained renown for his application of law with little to no interpretation or bending of it. During his time in Vermont, many of the residents did not consider themselves to be abolitionists, some outright disliking speeches on the subject. Since no one in Vermont held enslaved persons, many believed that they should not be preached to on the evils of it. The 1837 murder of abolitionist minister and newspaper editor Elijah P. Lovejoy in Alton, Illinois, quickly changed this sentiment.

While a lawyer in Newfane, Field was recognized for the several public positions he held as well as legislation he introduced. From 1832 to 1835 he was the state attorney for Windham County, where Newfane and Fayetteville are located, and became a member of the state legislature in 1835, serving for two terms. In 1835 he introduced legislation to make it allowable for atheists to testify within court, stating that "no person [can be deemed] incompetent as a witness on account of his religious belief" (Kaufman 53).

After a brief romance that led to heartache, Roswell moved to St. Louis, Missouri, in 1839, renting a room from a German family. While there, he found his experience with debt collection, property law, and his knowledge of many languages to be useful. Since St. Louis had once belonged, at different times, to France and Spain, many of the property laws and deeds were in French and/or Spanish. With the techniques used in Vermont, Roswell quickly became a highly regarded lawyer, often referred to as one of the best lawyers in the state.

Dred Scott met Roswell Field in the early 1850s while cleaning the lawyer's office. It is unknown if Field learned of the Scott's lawsuit from the man himself, his friend Judge Alexander Hamilton (no relation to the first Secretary of the Treasury), or through another colleague. Field took on the case for free when the Missouri Supreme Court overruled the initial ruling that freed the Scott family.

Field had some experience with freedom suits before accepting Scott's case, but it was not his forte. During his early years in St. Louis, when in a short partnership with Myron Leslie, the duo's firm represented a slaveholder, Murry McConnell, accused of taking Josiah Cephas and his mother Diana from the free state of Illinois. McConnell lost the suit and Diana Cephas was granted her freedom (her son had since died). As Field's name does not appear alone on any of the court documents, it is assumed that his partner accepted the case for money.

In 1844, Field took on another freedom suit, this time representing a mother, Martha Ann, and her son James. The trial questioned if the pair had established residence in Illinois, a free state. Since African Americans could not testify against a white person, Martha Ann was unable to testify in court. Field called upon the people who hired Martha Ann in Illinois to testify, establishing the time of residence and setting the mother and son free under Missouri and Illinois law.

Roswell Field first brought the Scott's case before a federal court in St. Louis using the principal of a "diversity suit," when a resident of one state can sue a resident of another state. The status of a person and many other important personal liberties was determined by individual states, elevating suits between two people of differing states to the federal level of the court system. Using the diversity suit, Field argued that if Scott was free he would be able to sue John A. Sanford, Scott's owner and resident of New York, in a federal court. Although the suit was allowed to proceed after initial review by a judge, Field lost the case. The loss allowed for an appeal to the United States Supreme Court, challenging the ideas of citizenship and slavery on a nationwide level.

On December 24, 1854, Roswell Field petitioned his friend Montgomery Blair to take up the Scott case in Washington before the Supreme Court. Blair agreed and the ruling in the subsequent case of *Dred Scott v. Sandford* is still regarded as the worst decision the United Supreme Court has ever made. The verdict, delivered by Justice Roger B. Taney in 1857, ruled that not only were African Americans not to be considered citizens, but that the Missouri Compromise limiting slavery in new states was unconstitutional, this was later invalidated by the passage of the thirteenth amendment abolishing slavery and the fourteenth amendment granting citizenship to all those born or naturalized within the United States.

Throughout Dred Scott's quest for freedom that began in 1847, Roswell had been dealing with his own personal tragedies, having lost four children under the age of five and finally his wife in 1856. Deciding not to remarry, he sent his two surviving children, Eugene and Roswell Jr., to his sister in Massachusetts, visiting his children during the holidays and frequently throughout the years.



In the remaining years of his life, Roswell Field declined to run for office or seek any positions of power within the state of Missouri. Instead, he quietly worked to keep the state together through the Civil War and continued to practice real estate law. Highly regarded by both his peers and politicians, Roswell's passing in 1869 led to many who knew him commenting on how it was a shame that he did not aspire to greater things.

Reference:

Kaufman, Kenneth C. *Dred Scott's Advocate: a Biography of Roswell M. Field*. University of Missouri Press, 1996. P 53.

For additional reading please reference:

Ehrlich, Walter. *They Have No Rights: Dred Scott's Struggle for Freedom*. Applewood Books, 2007.

Hager, Ruth Ann Abels. *Dred & Harriet Scott: Their Family Story*. St. Louis County Library, 2010.

Kaufman, Kenneth C. *Dred Scott's Advocate: A Biography of Roswell M. Field*. University of Missouri Press, 1996



National Park Service Resource Guide:

NPS Dred Scott Trial Script

<https://www.nps.gov/teachers/classrooms/dred-scott-trial-script.htm>

NPS Plan Your Visit

<https://www.nps.gov/jeff/planyourvisit/dredscott.htm>

NPS Gateway Arch National Park Educational Resources Page

<https://www.nps.gov/jeff/learn/education/index.htm>

NPS Gateway Arch National Park Virtual

Visits <https://www.nps.gov/jeff/learn/education/gateway-arch-national-park-presents-virtual-visits.htm>

