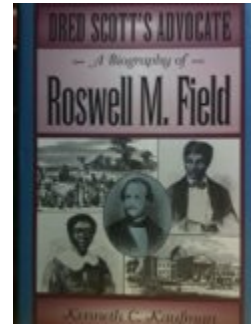


Kenneth C. Kaufman. *Dred Scott's Advocate: A Biography of Roswell M. Field*. Columbia: University of Missouri Press, 1996. xiii + 264 pp. \$29.95 (cloth), ISBN 978-0-8262-1092-0.

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## Lives in Parallel: Dred Scott and One of his Attorneys

Although Horace Greeley did not direct his injunction, “Go West Young Man, Go West,” specifically to Roswell M. Field, it fits. Born in southern Vermont on Washington’s birthday in 1807, reared in a prominent New England family, the recipient of a classical education at Middlebury College, Field became a member of the Vermont bar in 1825. After a moderately successful but not spectacular practice, he joined the migration of Vermonters who headed westward toward the sunset. Field settled in St. Louis, Missouri in 1839 and became one of the city’s most prominent attorneys well before his death in July 1869. As a result of a classical education that emphasized foreign languages, Field had also learned Latin, Greek, French, Spanish and German.

His language abilities put him in good stead in St. Louis, where his most lucrative cases involved competing land claims. Field was particularly adept in handling land disputes since key documents in those cases were often written in Spanish or French. He became one of the city’s most respected attorneys and enjoyed a prosperous real estate practice, but his larger historical significance stems from his taking Dred Scott’s case from the obscurity it probably would have had if it had not been appealed to the United States Supreme Court. Kaufman’s work is a well-written legal biography of Roswell Field. While Kaufman provides a balanced account of Field’s personal, family and professional life, he understandably devotes a good portion of his volume to Field’s work for Dred Scott. And in writing “a biography of one participant in the Dred Scott drama,” (p. 4) Kaufman produced a work of lives in parallel, tracing Dred Scott’s westward

trek, as well as Field’s.

As dramatically different as their lives were, Roswell Field and Dred Scott shared circumstances that brought their lives together in St. Louis. Born about a decade earlier than Field, Scott had probably completed his “training” for being a slave by the time Field was born. Peter Blow, Scott’s owner, left Virginia in 1818 in a migration that finally took them to St. Louis in 1830. However much any lure of the West enticed Blow’s family to forsake Virginia, circumstances also impelled them to leave. Blow felt the economic pinch of living in southern Virginia, and like many slaveowners of the area, sought new fortunes in the West. As a slave Scott had no choice; circumstances that prompted the Blow family to move fell naturally upon Scott.

Field’s reasons for leaving his home state parallel those of the Blow family, but with a difference. Field’s future was not bright in Vermont, but perhaps more importantly, he had suffered the humiliation of having married in the fall of 1832 after a six-week’s courtship, but never having consummated the marriage. Within days of the marriage his bride pled with him to return their marriage certificate, as if to effect a private annulment, and in spite of his steadfast refusal, she married another man within a month of her wedding to Field. Field spent much of the next nine years trying to prove that he was legally married and that his marriage certificate was a valid contract. He took his case to the public through newspapers and through the Vermont court system. He lost when the state’s supreme court declared the marriage null and

void. With the dual circumstances of slim fortunes and the deep humiliation of the court's ruling against him, Field had good reason to leave New England. The East had neither been kind to Scott's owner nor to Field; surely the West held more promise.

And so it did, especially for the New England lawyer, and perhaps even for Dred Scott. Shortly after arriving in St. Louis, Scott's owner died and Scott became the slave of a doctor, whose work took him into a free state and a free territory. Having resided for several years in those free areas, Scott brought a freedom suit in Missouri in 1846; under existing precedent, he would have been freed, other things being equal, but they were not. The sectional controversy had so intensified that the Missouri Supreme Court ignored long-standing Missouri precedent and rejected his claim to freedom. In March 1852 the court noted that the times had changed since Missouri freed slaves in its first freedom suits, and that "not only individuals but States had been possessed with a dark and fell spirit in relation to slavery." That dark and fell spirit, it continued, threatened "the overthrow and destruction of our government." Kaufman contends that the Missouri high court gave a "political," not a "judicial" opinion (p. 177); five years later, in March 1857 the United States Supreme Court, as if honoring Missouri's "precedent," gave another political decision in its Dred Scott decision.

When he moved to Missouri, Field "probably knew very little about slave law" (p. 94). He had not become involved with antislavery organizations in New England and had no pronounced antislavery sentiments. However, he began learning slave law almost immediately upon arriving in Missouri. Until he established himself, he had to take whatever cases he could. Ironically, in his first slave case, he represented a slave owner. The issue for the jury was whether the slave was a fugitive or had been taken into a free state voluntarily by the owner. It found against Field's client. From that case, which took from the fall of 1840 through the fall of 1843, Field had ample opportunity to learn the conflict between slave law and the law of freedom (pp. 101-8). After that initial litigation, Field took few slave cases, but when he did, he represented slaves. Even then, however he had but limited experience with the law of slavery when he became Dred Scott's attorney. Scott had filed his freedom suit in the spring of 1846; six years later, after "bitterly fought" (p. 180) and complex litigation, and after the Missouri Supreme Court reversed itself on freedom suits, Field became Scott's attorney.

Kaufman contends that Field's interest in Scott's case can best be understood as a result of Field's being sorely "vexed" (p. 182) over the misapplication of Missouri law to his freedom suit. The issue of slavery was secondary; proper use of controlling precedent about the status of slaves taken by their owners into free states and territories, seemed to have been Field's prime motivation. Whatever the exact motivation that led Field to take the case, he brought the same tenacity to it that he had demonstrated in his nine year battle to vindicate his "marriage" in Vermont. In each instance, Field believed that indifference to established legal principles must not go unchallenged. However, to give effect to those established principles, Field believed that an appeal of the Missouri ruling directly to the U.S. Supreme Court would have been dismissed, so in November 1853 he filed a diversity suit in federal district court in Missouri. Having lost there, he appealed to the Supreme Court.

Neither the public nor the papers took note of the case, until that is, Field raised two crucial questions for the court's consideration, which eventually evolved into the constitutionality of the Missouri Compromise. Field did not represent Scott before the Supreme Court, but prevailed upon Montgomery Blair to present oral arguments. Field helped write the brief for the court, and raised the issues of whether residence in a free state emancipated slaves, and whether or not black citizenship existed under the Constitution (pp. 200-1). The court heard oral arguments in February 1856, but ordered that the case be reargued in the court's fall term. However, attorneys for Scott's owner injected the era's most intensely controversial political issue—the extension of slavery into the territories—into the case between the first and second arguments by questioning the constitutional validity of the Missouri Compromise. From that point on, the Dred Scott case became the focus of national attention.

In his oral arguments before the court in December 1856, Blair covered the issues of black citizenship and slave residence on free soil, but added an important new element—the issue of slavery in the territories. The press emphasized the territorial issue in its coverage, and on March 6, 1857, two days after Buchanan's inauguration, the court delivered its decision, which held that blacks were not citizens of the United States and that the Missouri Compromise was unconstitutional. Although Field had not prevailed in the courts, he won his client's freedom through manumission. If the law was stacked against him, as he believed it had been, circumstances helped him secure freedom for both Dred Scott and his

wife, Harriet.

Irene Emerson Chaffee was Scott's owner, but her husband, a congressman from Massachusetts, Calvin Chaffee, was a prominent abolitionist. The publicity over Scott's case brought his connection with slavery to the public's attention, and newspapers accused the congressman of hypocrisy. With the public pressure, Irene gave in to her husband's urgings and agreed to free the Scotts. Field was instrumental in securing their freedom; he was likewise instrumental in securing employment for Dred in a St. Louis hotel. Scott lived just over a year after winning his freedom; his wife Harriet died a short time later. The lives in parallel had ended.

During the Civil War, Roswell Field was an ardent Unionist. He followed the course he had set for himself as an attorney—preserving the Union and honoring comity, which was a continuation of his work on behalf of Dred Scott. Given his knowledge of languages ages, he was particularly suited for helping maintain the loyalty of German immigrants during the war. He could have held any number of important public posts, such as being a justice on the Missouri Supreme Court, but declined. He retreated from public life during his last few years, and become something of a recluse, especially during his

last months. Field died of cancer at the lower end of his esophagus in July 1869.

In the best sense of the words, Kaufman's volume is a powerful, moving tribute to a prominent American lawyer whose biography had yet to be written. His work is at once excellent local and regional history, first of Vermont and later of St. Louis, and national history. While it builds on the best of existing scholarship, it is clear that he conducted exhaustive research, but more importantly, Kaufman demonstrated a deft hand in synthesizing a wide range of primary and secondary materials. He is equally adept in presenting complex, sometimes uninteresting procedural details and litigation history in a clear, readable manner. Finally, unlike much of the earlier scholarship, he gives Harriet Scott, Dred's wife, the prominence which she no doubts deserve in their long, mutual quest for freedom. A wide range of scholars will profit from Kaufman's volume; general readers will be well instructed by it. In the end, it is clear that Kaufman has produced a well-written book about a life well-lived.

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