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THE DRED SCOTT CASE



Its Significance in American Law and Politics

DON E. FEHRENBACHER

Dred Scott Case Its Significance In American Law And Politics

Mark A. Graber



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Dred Scott and the Problem of Constitutional Evil Mark A. Graber, 2006-07-03 *Dred Scott and the Problem of Constitutional Evil* first published in 2006 concerns what is entailed by pledging allegiance to a constitutional text and tradition saturated with concessions to evil The Constitution of the United States was originally understood as an effort to mediate controversies between persons who disputed fundamental values and did not offer a vision of the good society In order to form a more perfect union with slaveholders late eighteenth century citizens fashioned a constitution that plainly compelled some injustices and was silent or ambiguous on other questions of fundamental right This constitutional relationship could survive only as long as a bisectional consensus was required to resolve all constitutional questions not settled in 1787 *Dred Scott* challenges persons committed to human freedom to determine whether antislavery northerners should have provided more accommodations for slavery than were constitutionally strictly necessary or risked the enormous destruction of life and property that preceded Lincoln s new birth of freedom

The Dred Scott Case Don Edward Fehrenbacher, 1978 Winner of the Pulitzer Prize in 1979 *The Dred Scott Case* is a masterful examination of the most famous example of judicial failure the case referred to as the most frequently overturned decision in history On March 6 1857 Chief Justice Roger B Taney delivered the Supreme Court s decision against *Dred Scott* a slave who maintained he had been emancipated as a result of having lived with his master in the free state of Illinois and in federal territory where slavery was forbidden by the Missouri Compromise The decision did much more than resolve the fate of an elderly black man and his family *Dred Scott v Sanford* was the first instance in which the Supreme Court invalidated a major piece of federal legislation The decision declared that Congress had no power to prohibit slavery in the federal territories thereby striking a severe blow at the the legitimacy of the emerging Republican party and intensifying the sectional conflict over slavery This book represents a skillful review of the issues before America on the eve of the Civil War The first third of the book deals directly with the with the case itself and the Court s decision while the remainder puts the legal and judicial question of slavery into the broadest possible American context Fehrenbacher discusses the legal bases of slavery the debate over the Constitution and the dispute over slavery and continental expansion He also considers the immediate and long range consequences of the decision

Origins of the Dred Scott Case Austin Allen, 2010-01-25 The Supreme Court s 1857 *Dred Scott* decision denied citizenship to African Americans and enabled slavery s westward expansion It has long stood as a grievous instance of justice perverted by sectional politics Austin Allen finds that the outcome of *Dred Scott* hinged not on a single issue slavery but on a web of assumptions agendas and commitments held collectively and individually by Chief Justice Roger B Taney and his colleagues Allen carefully tracks arguments made by Taney Court justices in more than 1 600 reported cases in the two decades prior to *Dred Scott* and in its immediate aftermath By showing us the political professional ideological and institutional contexts in which the Taney Court worked Allen reveals that *Dred Scott* was not simply a victory for the Court s

prosouthern faction It was instead an outgrowth of Jacksonian jurisprudence an intellectual system that charged the Court with protecting slavery preserving both federal power and state sovereignty promoting economic development and securing the legal foundations of an emerging corporate order all at the same time Here is a wealth of new insight into the internal dynamics of the Taney Court and the origins of its most infamous decision *The Dred Scott Case* D.J. Herda,2013-04 Dred Scott a slave in Missouri sued his master for his freedom This book examines the issues leading up to the case the people involved in the case and the present day effects of the Court s decision Provided by publisher **A History of American Law** Lawrence Meir Friedman,2019 Renowned legal historian Lawrence Friedman presents an accessible and authoritative history of American law from the colonial era to the present day This fully revised fourth edition incorporates the latest research to bring this classic work into the twenty first century In addition to looking closely at timely issues like race relations the book covers the changing configurations of commercial law criminal law family law and the law of property Friedman furthermore interrogates the vicissitudes of the legal profession and legal education The underlying theory of this eminently readable book is that the law is the product of society In this way we can view the history of the legal system through a sociological prism as it has evolved over the years **The Laws That Shaped America** Dennis W. Johnson,2009-05-31 Dennis W Johnson tells the story of fifteen major laws enacted over the course of two centuries of American democracy for each looking at the forces and circumstances that led to its enactment the often tempestuous political struggles the political players who were key in proposing or enacting the legislation and the impact of the legislation and its place in American history *Dred Scott v. Sandford: Slavery and Freedom before the American Civil War* Amy Van Zee,2012-09-01 The US Supreme Court is the head of the judicial branch of the federal government It is the highest court in the land with thousands of cases appealed to it every year One of those history making cases was Dred Scott v Sanford which addressed slavery and freedom before the Civil War Readers will follow this case from beginning to end including the social and political climates that led up to it and the effects it had after the court made its ruling Major players and key events are discussed including Dred and Harriet Scott Judge Roger B Taney James Buchanan John Sanford John Emerson and Eliza Scott Compelling chapters and informative sidebars also cover the history of slavery in the Unites States and its territories the Amistad case civil rights Winny v Whitesides the Missouri Compromise and the Civil War Dred Scott v Sanford forever influenced laws on black citizenship and slavery in the territories This landmark Supreme Court case changed the course of US history and shaped the country we live in Aligned to Common Core Standards and correlated to state standards Essential Library is an imprint of Abdo Publishing a division of ABDO **Abolitionism and American Law** John R. McKivigan,1999 This volume s essays reveal that the abolitionists impact on United States law and the Constitution did not end with the Civil War The immediate postwar Reconstruction amendments were both rooted in the radically anti positivistic natural rights philosophy long espoused by the radical political abolitionists Implementing protection for black civil rights however proved

much more difficult *Neither Fugitive Nor Free* Edlie L. Wong, 2009-07 Studies lawsuits to gain freedom for slaves on the grounds of their having traveled to free territory starting with *Somerset v Stewart* England 1772 *Commonwealth v Aves* Massachusetts 1836 *Dred Scott v Sanford* and cases brought questioning the legitimacy of Negro Seamen Acts in the antebellum coastal South These lawsuits and accounts of them are compared to fugitive slave narratives to shed light on both The differing impact of freedom obtained from such suits for men and women women could claim that their children were free once they were judged free is examined **The ^A People Themselves** Larry D. Kramer, 2004-06-10 In this groundbreaking interpretation of America's founding and of its entire system of judicial review Larry Kramer reveals that the colonists fought for and created a very different system and held a very different understanding of citizenship than Americans believe to be the norm today Popular sovereignty was not just some historical abstraction and the notion of the people was more than a flip rhetorical device invoked on the campaign trail Questions of constitutional meaning provoked vigorous public debate and the actions of government officials were greeted with celebratory feasts and bonfires or riotous resistance Americans treated the Constitution as part of the lived reality of their daily existence Their self sovereignty in law as much as politics was active not abstract **The Oxford Companion to American Law** Kermit L. Hall, David S. Clark, James W. Ely, Joel B. Grossman, N. E. H. Hull, 2002-05-02 A landmark in legal publishing The Oxford Companion to the Supreme Court is a now classic text many of whose entries are regularly cited by scholars as the definitive statement on any particular subject In the tradition of that work editor in chief Kermit L Hall offers up The Oxford Companion to American Law a one volume A-Z encyclopedia that covers topics ranging from aging and the law wiretapping and electronic eavesdropping the Salem Witch Trials and *Plessy vs Ferguson* The Companion takes as its starting point the insight that law is embedded in society and that to understand American law one must necessarily ask questions about the relationship between it and the social order now and in the past The volume assumes that American law in all its richness and complexity cannot be understood in isolation as simply the business of the Supreme Court or as a list of common law doctrines Hence the volume takes seriously issues involving laws role in structuring decisions about governance the significance of state and local law and legal institutions and the place of American law in a comparative international perspective Nearly 500 entries are included written by over 300 expert contributors Intended for the working lawyer or judge the high school student working on a term paper or the general adult reader interested in the topic the Companion is the authoritative reference work on the subject of American law The Concise Princeton Encyclopedia of American Political History Michael Kazin, Rebecca Edwards, Adam Rothman, 2011-08-08 An essential guide to U.S. politics from the founding to today With 150 accessible articles written by more than 130 leading experts this essential reference provides authoritative introductions to some of the most important and talked about topics in American history and politics from the founding to today Abridged from the acclaimed Princeton Encyclopedia of American Political History this is the only single volume encyclopedia that provides

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Stephen A. Douglas and Antebellum Democracy Martin H. Quitt, 2012-09-24 Demonstrates how Stephen Douglas's path to overnight stardom in Illinois led to his identification with the Democratic Party

They Have No Rights Walter Ehrlich, 2007-01-15 *They Have No Rights* is a historical account of the famous Supreme Court case *Dred Scott v John F A Sanford* that influenced the Presidential election of 1860 and triggered a chain of events that thrust the United States into the Civil War

The Presidency of Abraham Lincoln Phillip Shaw Paludan, 1994 In this study Paludan offers us Lincoln in the round a complex even contradictory personality who found greatness without seeking it and who felt deeply troubled about what he perceived as his failings as a President and person

The Supreme Court in American Politics Howard Gillman, Cornell W. Clayton, 1999 For decades political scientists studying the Court have adopted behavioral approaches and focused on the relatively narrow question of how the justices' policy preferences influence their voting behavior This emphasis has illuminated important aspects of Supreme Court politics but it has also left unaddressed many other important questions about this unique and fascinating institution Drawing on the new institutionalism in the social sciences the distinguished contributors to this volume attempt to fill this gap by exploring a variety of topics including the Court's institutional development and its relationship to broader political contexts such as party regimes electoral systems social movements social change legal precedents political identities and historically evolving economic structures The book's initial chapters examine the nature of the Court's distinctive norms as well as the development of its institutional powers and practice A second section relates the development of Supreme Court politics to the historical development of other political institutions and social movements Concluding chapters explore how its decision making in particular areas of law or periods of time is influenced by and influences its socio political milieu These contributions offer provocative insights regarding the Court's role in maintaining or disrupting political and economic structures as well as social structures and identities tied to ideology class race gender and sexual orientation *The Supreme Court in American Politics* shows how we can develop an enriched understanding of this institution and open up exciting new areas of research by placing it in the broader context of politics in the United States

We the People: The Fourteenth Amendment and the Supreme Court Michael J. Perry, 2001-11-08 Several of the most divisive moral conflicts that have beset Americans in the period since World War II

have been transmuted into constitutional conflicts and resolved as such In his new book eminent legal scholar Michael Perry evaluates the grave charge that the modern Supreme Court has engineered a judicial usurpation of politics In particular Perry inquires which of several major Fourteenth Amendment conflicts over race segregation race based affirmative action sex based discrimination homosexuality abortion and physician assisted suicide have been resolved as they should have been He lays the necessary groundwork for his inquiry by addressing questions of both constitutional theory and constitutional history A clear eyed examination of some of the perennial controversies in American life *We the People* is a major contribution to modern constitutional studies **Televised Presidential Debates and Public Policy** Sidney

Kraus,2013-10-11 With this second edition Kraus continues his examination of formal presidential debates considering the experience of television in presidential elections reviewing what has been learned about televised debates and evaluating that knowledge in the context of the election process specifically and the political process generally He also examines the media and the role they occupy in presidential elections Because critics often refer to the Lincoln Douglas debates when reproaching presidential debates comparisons of the two are discussed throughout the book Much of the data and information for this accounting of televised presidential debates comes from the author s first hand experience as one who was involved with these debates as a participant observer on site at nearly all of the debates discussed Throughout these discussions emphasis is placed on the implications for public policy To suggest policy that will be accepted and adopted by politicians and the public is at best difficult Proposals for changes in public policy based on experience even when scientific data support those changes must be subjected to an assessment of the values and predispositions of the proponent These values and predispositions however may not necessarily inhibit the proponent s objectivity As such this review of television use in the presidential election process provides the context for examining televised debates *Constitutionalism and American Culture* Sandra F. VanBurkleo,Kermit L. Hall,Robert J. Kaczorowski,2002 Cultural history and themendment New York Times v Sullivan and its times Kermit L Hall New directions in American constitutional history Words as hard as cannon balls women s rights agitation And liberty of speech in nineteenth century America Sandra F VanBurkleo Race state market and civil society in constitutional history Mark Tushnet Constitutional history and the cultural turn cross Examining the legal reelist narratives of Henry Fonda Norman L Rosenberg Contributors Reader's Guide to American History Peter J. Parish,2013-06-17 There are so many books on so many aspects of the history of the United States offering such a wide variety of interpretations that students teachers scholars and librarians often need help and advice on how to find what they want The Reader s Guide to American History is designed to meet that need by adopting a new and constructive approach to the appreciation of this rich historiography Each of the 600 entries on topics in political social and economic history describes and evaluates some 6 to 12 books on the topic providing guidance to the reader on everything from broad surveys and interpretive works to specialized monographs The entries are devoted to events and individuals as well as broader

themes and are written by a team of well over 200 contributors all scholars of American history

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