



The Dred Scott Decision

Cory Gunderson



The Dred Scott Decision:

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 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 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

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American Legends Charles River Charles River Editors, 2013-09-17 Includes the full text of the Dred Scott decision and every opinion written by the Supreme Court justices Analyzes the Dred Scott decision and its impact on future civil rights cases Includes pictures of important people places and events 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 and as such become entitled to all the rights and privileges and immunities guaranteed by that instrument to the citizen Dred Scott v Sanford Dred Scott was an unlikely candidate to become the impetus and rallying cry of a brand new political party in the mid 19th century Born into slavery in Virginia as Sam Scott the young slave took the name of his older brother Dred after Dred's death and he moved throughout Southern slave states as property of the Blow family until he was sold to U S Army doctor John Emerson in St Louis Missouri Emerson's commission in the Army eventually brought him to the Wisconsin Territory in 1836 which was north of the line established by the Missouri Compromise of 1820 and was thus free territory

where slavery was illegal Naturally Emerson brought his slaves along with him and Dred Scott thus lived for an extended period of time in free territory his slave status being a violation of the Missouri Compromise the Northwest Ordinance and the Wisconsin Enabling Act By 1840 Dred Scott had married another slave of Emerson's named Harriet and the couple had a child Desperate to shake off the yoke of slavery but unable to buy his family's freedom Scott sued for his freedom in Missouri arguing that once he had entered free territory he could no longer be a slave Scott's case made its way through the court system and when the Missouri Supreme Court struck down a lower court ruling in Scott's favor Scott and his lawyers appealed to the United States Supreme Court What followed was the 19th century's most important and far reaching case In *Dred Scott v Sandford* 1857 the Supreme Court ruled 7-2 against Scott and Chief Justice Roger Taney wrote what is widely considered the most notorious opinion in American jurisprudence The Court held that it lacked jurisdiction to hear the case because slaves and their descendants were not and could not be citizens of the United States because the Constitution never intended for them to be citizens Thus Scott had no standing to bring a case in court to begin with Since every black person in the country had presumably come as a result of the slave trade or was the descendant of a slave the Court essentially ruled that blacks could not be American citizens Additionally the Court opined that Congress could not prohibit slavery in federal territories had no authority to prohibit slavery in federal territories Taney hoped the case would help settle the growing political tension over the issue of slavery but it had the opposite effect of becoming a springboard for Republicans and Abraham Lincoln Though Scott and his family were set free just months after the case he would die less than two years after being part of one of America's seminal cases American Legends The Life of Dred Scott and the Dred Scott Decision looks at the life of one of the most famous slaves in American history and the plaintiff in one of its most famous cases but it also humanizes the man whose yearning for freedom shaped the destiny of a nation Along with pictures of important people places and events you will learn about Dred Scott and the Dred Scott Decision like you never have before *Dred Scott Decision* Cory Gunderson, 2004-01-01 Details the various trials of the Dred Scott case and discusses its impact on the issue of slave rights [The Dred Scott Decision](#) Bonnie L. Lukes, 1996-11 Traces the history of the landmark Supreme Court decision that defined the rights of slaves in the United States **Slavery, Law, and Politics** Don Edward Fehrenbacher, 1981 Abridged ed of the author's *The Dred Scott case its significance in American law and politics* *Historical and Legal Examination of that Part of the Decision of the Supreme Court of the United States in the Dred Scott Case, which Declares the Unconstitutionality of the Missouri Compromise Act ...* Thomas Hart Benton, 2003 This text presents a critical examination of the Supreme Court's Dred Scott decision along with Benton's arguments against the Missouri Compromise that reaffirms his conviction that the status of slaves as property could not be affected by federal legislation

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