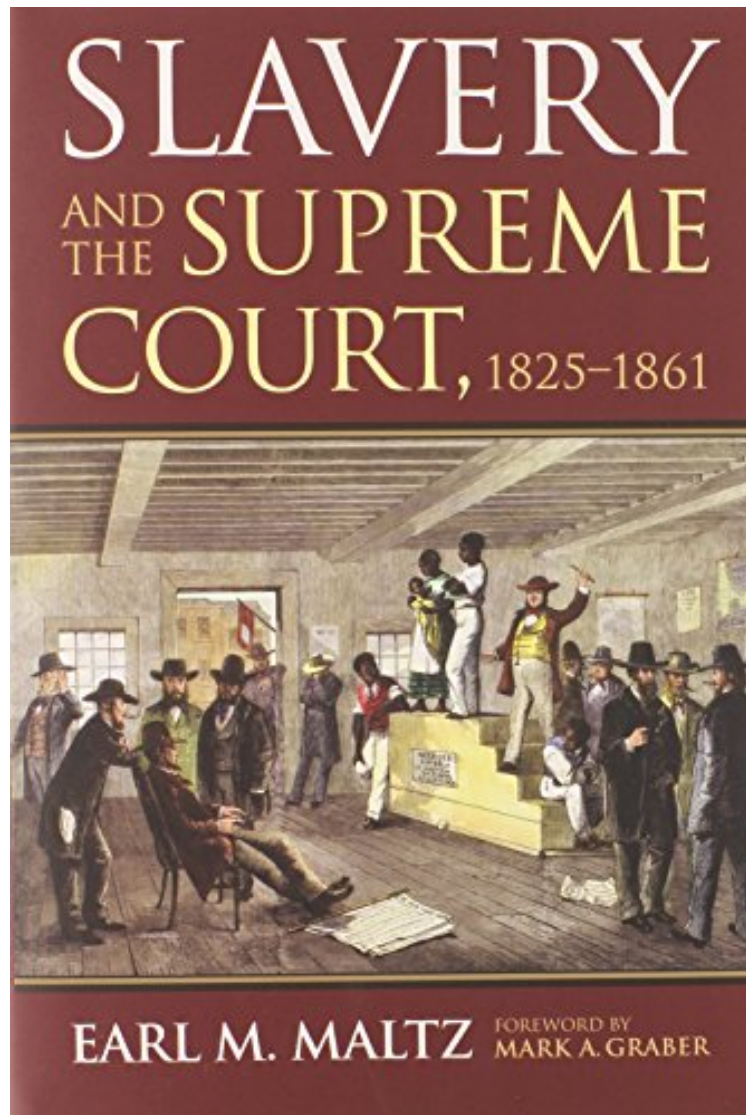


[FREE] Slavery and the Supreme Court, 1825-1861

## Slavery and the Supreme Court, 1825-1861

*Earl M. Maltz*

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**Earl M. Maltz : Slavery and the Supreme Court, 1825-1861** before purchasing it in order to gage whether or not it would be worth my time, and all praised Slavery and the Supreme Court, 1825-1861:

1 of 2 people found the following review helpful. Questions without answersBy James W. DurneyGiven a choice of spending an afternoon reading legal history or in the dentist's chair, many would have to think which would be worse. I approached this as an important book in understanding the Civil War and a necessary read. I expected a dull heavy tome, stuffed with legalize designed to cure insomnia.This book meets none of my expectations.It is not dull. We look at each case in the historical and legal context of the times. The author never loses sight of the political, legal and

personal considerations that matter so much in history. This is a well-written look at the eight major cases involving slavery the Marshall and Taney Court considered. When we reach the decision, we understand the forces involved and how they pulled the court. The author provides excellent word portraits of each man, how he reaches the Court and his politics. It is not stuffed with legalize. The author uses the minimum legalize possible. He takes the time to cover the meaning of the term as used at the time. This keeps the reader current and makes for very little "huh?" It will not cure insomnia. This is not the same as reading about Pickett's Charge but it moves and kept my attention. This is legal history made interesting and enjoyable. Slavery caused few legal problems until some states emancipated the slaves. As America divided into Slave State or Free State, legal problems multiplied. These problems come to the Supreme Court with greater frequency as war comes closer. The relationship of the states and the federal government, status of slaves and questions involving free persons of color are major questions. The Court tries to settle these questions as the opportunity arise. The author takes the time to cover each legal question. This allows him to show how the Court's decision affects the nation. In addition, he shows how dissenting opinions were developed. 1825 to 1861 is a lively time. The nation is expanding, exploring and questioning. Things we considered settled are open questions with no answer. Nullification or something like it, disunion or something like it is nationwide. A state's answer to an issue often depends on the question being asked. Chapter eight, fifteen and twenty asses the accomplishments and failures of the Court's actions at a point in time. The Court could not stop the process that lead to war. However, the author shows that they tried to maintain the Union and settle the question of slavery. The Foreword is nothing like the book! The Foreword is an intemperate attack on the evil of slavery complete with comparing the South to the Third Reich. It is nothing like the book and the publisher has done the author a disservice using it. Do not expect the following book to have the attitudes of the Foreword. The book is a clear balanced history of what happened during this time. The author is not attacking but reporting and informing. This is a very good book. It will give the reader a clearer understanding of the legal issues involved and how the courts tried to deal with them.

During America's turbulent antebellum era, the Supreme Court decided important cases—most famously Dred Scott—that spoke to sectional concerns and shaped the nation's response to the slavery question. Much scholarship has been devoted to individual cases and to the Taney Court, but this is the first comprehensive examination of the major slavery cases that came before the Court between 1825 and 1861. Earl Maltz presents a detailed analysis of all eight cases and explains how each fit into the slavery politics of its time, beginning with *The Antelope*, heard by the John Marshall Court, and continuing with the seven other cases taken before the Roger Taney Court: *The Amistad*, *Groves v. Slaughter*, *Prigg v. Pennsylvania*, *Strader v. Graham*, *Dred Scott v. Sandford*, *Ableman v. Booth*, and *Kentucky v. Denison*. Case by case, Maltz identifies the political and legal forces that shaped each of the judicial outcomes while clarifying the evolution of the Court's slavery-related jurisprudence. He reveals the beliefs of each justice about the morality of slavery and the judicial role in constitutional cases to show how their actions were determined by a complex interaction of political and doctrinal considerations. Thus he offers a more nuanced understanding of the antebellum federal judiciary, showing how the decision in *Prigg* hinged on views about federalism as well as attitudes toward human freedom, while the question of which slaves were freed in *The Antelope* depended more on complex fact-finding than on a condemnation of the slave trade. Maltz also challenges the view that the Taney Court simply mirrored Southern interests and argues that, despite *Dred Scott*, the overall record of the Court was not particularly proslavery. Although the progression of the Court's decisions reflects a change in the tenor of the conflict over slavery, the aftermath of those decisions illustrates the limits of the Court's ability to change the dynamic that governed political struggles over such divisive issues. As the first accessible account of all of these cases, *Slavery and the Supreme Court, 1825-1861* underscores the Court's limited capability to resolve the intractable political conflicts that sharply divided our nation during this period.

"This is legal history as it should be: dispassionate, doctrinally sophisticated, and deeply rooted in political context. It will become the standard against which are measured all other studies of the High Court's slavery cases."—Peter Charles Hoffer, coauthor of *The Supreme Court: An Essential History* "Maltz sensitively combines legal analysis with attention to the political environment in which the Court operated. Everyone interested in antebellum law and politics will profit from his work."—Mark Tushnet, author of *Slave Law in the American South* "A concise, understandable, and insightful overview."—Michael Les Benedict, author of *The Blessings of History: A Concise History of the Constitution of the United States* "Maltz's account is lucid and nuanced, his judgments are always thoughtful and measured, and his insights are grounded in a sure understanding of the interplay among law, politics, and judging. While some will disagree with his interpretations, every serious scholar in the field must take them into account."—Donald G. Nieman, author of *Promises to Keep: African Americans and the Constitutional Order, 1776 to the Present* "Comprehensive, scholarly, and lucid, Maltz's book succeeds admirably in synthesizing and interpreting the vast literature on the Supreme Court's fateful encounter with slavery, culminating in *Dred Scott v. Sandford*. A most welcome addition to the field."—R. Kent Newmyer, author of *The Supreme Court under Marshall and Taney* From the Back Cover "This is legal history as it should be: dispassionate, doctrinally sophisticated, and deeply

rooted in political context. It will become the standard against which are measured all other studies of the High Court's slavery cases."--Peter Charles Hoffer, coauthor of *The Supreme Court: An Essential History* "Maltz sensitively combines legal analysis with attention to the political environment in which the Court operated. Everyone interested in antebellum law and politics will profit from his work."--Mark Tushnet, author of *Slave Law in the American South* "A concise, understandable, and insightful overview."--Michael Les Benedict, author of *The Blessings of History: A Concise History of the Constitution of the United States*About the AuthorEarl M. Maltz is Distinguished Professor of Law at Rutgers University - Camden and author or editor of six other books, including *Dred Scott and the Politics of Slavery and Civil Rights, the Constitution, and Congress, 1863-1869*.