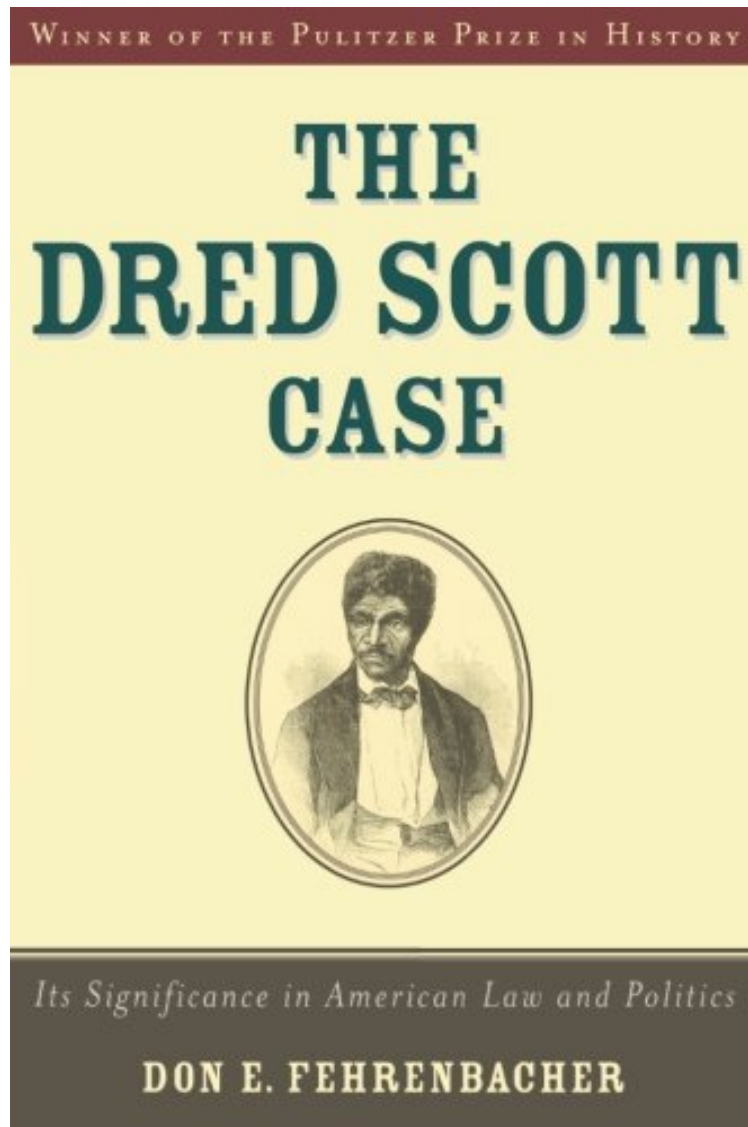


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The Dred Scott Case: Its Significance in American Law and Politics

Don E. Fehrenbacher

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Don E. Fehrenbacher : The Dred Scott Case: Its Significance in American Law and Politics before purchasing it in order to gage whether or not it would be worth my time, and all praised The Dred Scott Case: Its Significance in American Law and Politics:

2 of 2 people found the following review helpful. You thought Citizens United was bad?By peorFrom the greatest authority on Lincoln and the years that preceded the Civil War (at least in my humble opinion), an exhaustive and very

well researched account of the Dred Scott (Scott v. Sampson) case which the Supreme Court decided in 1857, and which for all practical purposes did away with the Missouri Compromise of 1820 which limited slavery to those territories south of the 36 degrees 30 minutes North latitude line, brought the possibility of a Republican victory in the 1860 election, and helped decide the Southern states finally to secede. Fehrenbacher first paints the historical background of slavery in the United States and the constitutional provisions that precipitated the case, then relates the facts of the case, the arguments presented by both lawyers and how the decision came to be. This is followed by an evaluation of how the decision was received by people, press and politicians at the time, and the consequences it has had and with which we live to this day. Although it is not loaded with legalese and can be understood by anybody with a decent knowledge of the Constitution, it is a six hundred page exhaustive study, and may be more than the garden variety curious reader may want to know about this pivotal case in American history. 25 of 25 people found the following review helpful. An outstanding book By M. Nielsen This is one of the best books I've read in a long time. It might seem that a 700 page book (600 pages of text; 100 pages of notes) on a 19th century court case might be the epitome of exceedingly dry material suited only for particularly motivated graduate students. But I found this book captivating. What came through in every paragraph was the work of a skilled and judicious historian sleuthing his way to an understanding of the background and ramifications of the enormously important Dred Scott decision. Not one page in this book read like the work of an uninspired academic sawing his way through a pile of research notes. Fehrenbacher focuses on the political, legal and constitutional aspects of the Dred Scott case. He explores the background and developments, from the arrival of the first slaves in the colonies in 1619 through the bitter political battles of the 1850s. His discussion of legal developments is particularly interesting because this is one area where the reader encounters the concrete complications and conflicts between various state and federal laws affecting slaves and slave owners. He also shows how legal developments and constitutional theories were affected by the increasingly acrimonious political battles over the rights of slaveholders. His analysis of Chief Justice Taney's opinion was particularly impressive. Finally, his discussion of the immediate and longer term impact of the Dred Scott decision was fascinating. When I finished the book, I was disappointed that he hadn't carried the thoughts in the last chapter further (even though it was clear he had chosen a good stopping point for his analysis). I was also tempted to go back to the beginning and re-read the book immediately! It is so rich, and there's so much of importance to understand. (Instead, I started in on Fehrenbacher's more recent book, *The Slaveholding Republic*.) One of the strengths of the book is Fehrenbacher's attention to the relevant facts and texts. His text never reads like a cut-and-paste compilation of other authors' conclusions. Throughout, Fehrenbacher was doing his own thinking - and he came through as quite skilled in asking good questions, identifying all the relevant facts, weighing the possible meanings and interpretations, and arriving at fair conclusions. (Whatever the topic, it's always a pleasure to read the work of someone who works as Fehrenbacher did in this book.) I highly recommend this book to anyone with even a passing interest in American legal or constitutional history, in the events that lead to the Civil War, or in race relations in America. 0 of 0 people found the following review helpful. Good seller By John J. Tollefsen As represented

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.

"Probably the most thorough study of any Supreme Court decision ever undertaken."--C. Vann Woodward, *The New York Times* "A masterful reexamination of some of the most complex and enduring American constitutional problems...I know of no other book on the slavery controversy that contributes so much to the specialist's knowledge yet is so readily accessible to the general reader."--David Herbert Donald, *Chronicle of Higher Education* "Fehrenbacher's book is the best history of a landmark constitutional case ever written, but it is far more: it is a probing and lucid study of slavery in American political and legal history....A masterpiece of the historian's art." --Richard B. Bernstein, *Harvard Law Record* About the Author The late Don E. Fehrenbacher was William Robertson Coe Professor of History and American Studies at Stanford University.