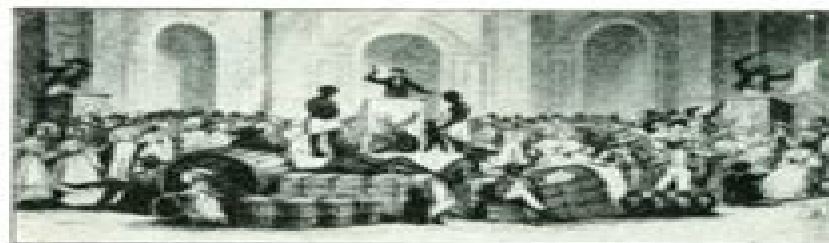


DRED SCOTT



— A CENTURY AFTER

by FRED RODELL

"The Dred Scott case of 1857 is the most famous — or notorious — in all of our judicial history," says FRED RODELL, professor of law at Yale University. Mr. Rodell's latest book, NINE MEN, is a political history of the U.S. Supreme Court,

A RESPONSIBLE if somewhat sectionally slanted journal was commenting on a controversial decision of the Supreme Court of the United States. "The most sacred and binding compacts of former years," it growled, "were annulled to make way for it; and the judicial department of the government was violently hauled from its sacred retreat, into the political arena, to give a gratuitous *coup-de-grâce* to the old opinions and the apparent sanction of law to the new dogma." And in a later issue: "Whatever the . . . judges of the Supreme Court may seek to maintain, they cannot upset the universal logic of the law, nor extinguish the fundamental principles of our political system."

Plus ça change, plus c'est la même chose. This was not a Southern newspaper or magazine protesting the anti-school-segregation decision of 1954. It was New England's own *Atlantic Monthly*, protesting early in 1858 the Dred Scott decision.

The Dred Scott case of 1857 is the most famous — or notorious — in all of our judicial history. It is the only one that every schoolboy knows by name, though rarely by its full name, which was *Dred Scott v. Sandford*. It is the only one that helped bring on a major war. It is one of only three decisions in 168 years of Supreme Court an-

nals that were eventually reversed, not by the Court itself, not even, legally speaking, by war, but by amendment of the Constitution. (The other two were *Chisholm v. Georgia*, a minor insult to state sovereignty reversed by Amendment XI, and the *Puffest* income-tax case of 1895 reversed by Amendment XVI.) And when the anti-segregation ruling of three years ago was called by several commentators "a second Dred Scott case," they did not mean to lump together, ideologically, the Court's greatest anti-Negro and pro-Negro decisions; the metaphor merely put the new case beside the old at the pinnacle of political importance.

Yet, for all the familiarity of its name and of the bare fact that it bestowed judicial blessing on the institution of slavery, the full story of the Dred Scott case is not widely known, even among lawyers. Indeed, the off-stage scenarios did not come to light until well into the twentieth century, when the papers of President Buchanan and, later, of Justice McLean were published. Had that story been contemporarily known, the newborn *Atlantic Monthly* might have used still harsher language than it did when it spoke of "a Court whose members are selected, not for uprightness of character or breadth of mind, but by the inverse test of their capacity for cringing subservience to party."

Rodell Revisited Selected Writings Of Fred Rodell

Richard Bailey



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Rodell Revisited Fred Rodell, Loren Ghiglione, Janet Rodell, Mike Rodell, 1994-01-01 Divided into several categories his credo his heroes his views on the Supreme Court a potpourri of articles and reviews and his variety in verse The last category includes published and unpublished songs poems limericks and acrostics **Drafting Wills, Trusts, and Other Estate Planning Documents** Kevin D. Millard, 2006 Dead Wrong Michael Mello, 1997 Winner of the 1998 Award for Excellence in Indexing American Society of Indexers and H W Wilson Company The History of the Supreme Court of the United States William M. Wiecek, 2006-01-23 The Birth of the Modern Constitution recounts the history of the United States Supreme Court in the momentous yet usually overlooked years between the constitutional revolution in the 1930s and Warren Court judicial activism in the 1950s 1941 1953 marked the emergence of legal liberalism in the divergent activist efforts of Hugo Black William O Douglas Frank Murphy and Wiley Rutledge The Stone Vinson Courts consolidated the revolutionary accomplishments of the New Deal and affirmed the repudiation of classical legal thought but proved unable to provide a substitute for that powerful legitimating explanatory paradigm of law Hence the period bracketed by the dramatic moments of 1937 and 1954 written off as a forgotten time of failure and futility was in reality the first phase of modern struggles to define the constitutional order that will dominate the twenty first century **Law Books Published**, 1994

Garner's Dictionary of Legal Usage Bryan A. Garner, 2011 This new edition of Garner's Dictionary of Legal Usage discusses and analyzes modern legal vocabulary and style more thoroughly than any other contemporary reference work Since the first edition Bryan A Garner has drawn on his unrivaled experience as a legal editor to refine his position on legal usage The new Third Edition remains indispensable Garner has updated entries throughout added hundreds of new entries and thousands of new illustrative quotations from judicial opinions and leading lawbooks revised the selected bibliography and expanded and updated cross references to guide readers quickly and easily A new preface introduces the reader to this edition and discusses content that has been newly incorporated Influential writers and editors rely on Garner's Dictionary of Legal Usage daily It is an essential resource for practicing lawyers legal scholars and libraries of all sizes and types functioning as both a style guide and a law dictionary guiding writers to distinguish between true terms of law and mere jargon and illustrating recommended forms of expression Common blunders are discussed in ways that will discourage writers from any further use The origins of frequently used expressions are described with engaging prose Collectively there is no better resource for approaching legal writing in a logical clear and error free way **Florida State University Law Review** Florida State University. College of Law, 1996 *Constitutionalism* Larry Alexander, 2001-02-26 A distinguished international team of legal theorists examine the issue of constitutionalism and pose such foundational questions as Why have a constitution How do we know what the constitution of a country really is How should a constitution be interpreted Why should one generation feel bound by the constitution of an earlier one The volume will be of particular importance to

those in philosophy law political science and international relations interested in whether and what kinds of constitutions should be adopted in countries without them and involved in debates about constitutional interpretation **Military Law Review** ,1994 Dickinson Law Review ,1994 Law Books in Print: Title index Glanville Publishers, Incorporated,1997

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,1993 *Law Books in Print: Publishers* Nicholas Triffin,1994 **Law Books in Print: Subject index** Nicholas Triffin,1994 Law Books in Print: Subject index J-Z ,1997 **International Law Theories** Andrea Bianchi,2016 Two fish

are swimming in a pond Do you know what the fish asks his friend No tell me I was talking to a frog the other day And he told me that we are surrounded by water His friend looks at him with great scepticism Water What s that Show me some water International lawyers often find themselves focused on the practice of the law rather than the underlying theories This book is an attempt to stir up the water that international lawyers swim in It analyses a range of theoretical approaches to international law and invites readers to engage with different ways of legal thinking in order to familiarize themselves with the water all around us of which we hardly have any perception The main aim of this book is to provide interested scholars practitioners and students of international law and other disciplines with an introduction to various international legal theories their genealogies and possible critiques By providing an analytical approach to international legal theory the book encourages readers to enhance their sensitivity to these different approaches and to consider how the presuppositions behind each theory affect analysis research and practice in international law International Law Theories is intended to assist students scholars and practitioners in reflecting more generally about how knowledge is formed in the field

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