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**A House Divided: HD 40: The
Determined Mr. Taney - I**

Lead: One hundred and fifty years ago the Republic was facing its greatest crisis. This continuing series examines the American Civil War. It is "A House Divided."

Intro: *A Moment in Time* with Dan Roberts.

Content: United States Chief Justice Roger Brooke Taney, son of Maryland, an eighty something year old widower, in precarious health, was a man on a mission. He owned no slaves, having previously

manumitted his, but he was determined to create a judicial firewall against those forces that with increasing power were assaulting his beloved southland, its institutions and traditions. And Taney felt he had just the vehicle to that.

For eleven years, an equally determined Dred Scott had been seeking a legal pathway to freedom. As a slave, he had lived for a time in non-slave territory and based his case on the notion that this extended residence could be the basis for freedom for himself and his wife. Indeed, there was some precedent for a successful claim such as this, even before the courts

of a slave state like Missouri. He lost, he won, he lost and there the matter sat until 1854 when his attorneys were able to get the matter before a federal judge, thus ironically, affirming Scott's status as a citizen able to plead his case in federal proceedings.

For some time pro-slave leaders had been wanting to get a case into the legal system that might resolve judicially, for their side, some of the vexing issues around slavery that had proven to be increasingly difficult for them to master politically. The Dred Scott case might be that case. There was a vigorous pro-slave majority on the Court. Though Scott lost at the

district level and was remanded back to slavery, his attorneys appealed to the U.S. Supreme Court, and there the determined slave met the determined Mr. Taney. Next time: three points of law.

In Richmond Virginia, this is Dan Roberts.

Resources

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