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**A House Divided: HD (41) – The
Determined Mr. Taney – II**

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: When Dred Scott's plea to be given his freedom reached the U.S. Supreme Court in 1856-7 the Court could have just punted. There was ample case precedent to assert that temporary residence in

free territory was not sufficient to secure freedom for a slave, that simply walking on free soil did not magically eradicate all property claims of the slave's owner. The court was initially prepared to take this route, but reversed itself, and, under the leadership of Chief Justice Roger Brooke Taney began to craft a landmark decision, one of the most infamous in U.S. history.

There were three issues of law involved in this case. First, can a black man, slave or free, be a citizen with pursuable rights in federal court? Second, does extended residence or the mere touching of free soil transform a slave into a freeman? Third, did

Congress have the right to regulate or ban slavery in a territory? The implications of a comprehensive decision on these three questions were enormous. The court was divided with five decidedly pro-slave southern Democrats, Taney, James Wayne, Peter Daniel, John Catron and John Campbell, two non-Democrats, Benjamin Curtis and John McLean, and two northern Democrats, Robert Grier and Samuel Nelson.

Since this case was to have political as well as judicial consequences, the southerners were anxious to have at least one northern Democrat vote with them. Evidence has emerged that

President James Buchanan put totally inappropriate, but effective pressure on Grier, a fellow Pennsylvanian, to join the southerners. With his northern token in hand, Taney proceeded to write a momentous decision that has stained his legacy and that of the court for all time. Next time: Mr. Taney's pyric victory.

In Richmond Virginia, this is Dan Roberts.

Resources

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