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The Supreme Court under Marshall and Taney

R. Kent Newmyer



The Supreme Court Under Marshall And Taney

Robert Langran



The Supreme Court Under Marshall And Taney:

The Supreme Court Under Marshall and Taney R. Kent Newmyer, 2006 In preparing the long awaited second edition of his well liked text Kent Newmyer consulted the best and most relevant of the recent scholarship on the antebellum Court prompting him to revise important points in the story of the Court s evolution Nevertheless the revised edition of the text retains the basic format and the conceptual premise of the original the unique contributions of the Marshall and Taney courts taken together laid the foundation for the modern institution Understanding the Supreme Court during its formative period provides useful insights into its continued and hotly debated involvement in shaping American society Seminal cases that came before the Court such as Marbury v Madison and Dred Scott v Sanford are examined in detail Besides touting a thoroughly revised bibliographical essay the second edition of *The Supreme Court under Marshall and Taney* includes an entirely new bank of illustrations and an index of important cases making it perfect as supplementary reading for the U S history survey as well as courses in U S legal history and the history of the Early Republic

The Supreme Court Under Marshall and Taney [by] R. Kent Newmyer R. Kent Newmyer, 1968

Judicial Federalism Under Marshall and Taney Michael G. Collins, 2018 The Supreme Court during the Chief Justiceship of John Marshall is associated with endorsement of broad regulatory powers in Congress and broad federal question jurisdiction in the federal courts under Article III By contrast the successor Court under Chief Justice Roger Taney remains tied to its determination in Dred Scott that Congress lacked powers to enact the Missouri Compromise prohibiting slavery in certain of the territories and to Taney s opinion that descendants of African slaves could never be citizens who could invoke the federal courts diversity of citizenship jurisdiction This article addresses the ways in which the Taney Court nevertheless outdid the Marshall Court in terms of a nationalist approach to judicial federalism The Marshall Court faced a political environment hostile to the Federalist dominated federal courts and in reaction repeatedly expressed respect for congressional power over its jurisdiction and tied its expansions of federal judicial power closely to expansive views of congressional power The Taney Court by contrast did not face similar political branch threats Its jurisdictional opinions were less deferential to Congress than Marshall Court opinions And while the Marshall Court tied its expansions of judicial power to broad views of congressional power the Taney Court s expansions of judicial power operated to limit any concomitant expansion of congressional power The Taney Court accomplished this by expanding diversity of citizenship jurisdiction beyond what the Marshall Court had done and by explicitly adopting the use of a uniform judge made general common law in diversity cases It also expanded admiralty jurisdiction by an interpretation of Article III s admiralty provision that was contrary to Marshall Court precedent and rejected a proffered Commerce Clause justification that would have entailed broader congressional powers And when it channeled certain matters away from the state courts to the federal courts based on exclusive federal powers the Taney Court relied on implied federal powers whose enforcement could be limited by notions of necessity as distinguished from the

Marshall Court's looser version of necessary and proper **The Supreme Court, Race, and Civil Rights** Abraham L. Davis, Barbara Luck Graham, 1995-07-25 Providing a well rounded presentation of the constitution and evolution of civil rights in the United States this book will be useful for students and academics with an interest in civil rights race and the law Abraham L Davis and Barbara Luck Graham's purpose is to give an overview of the Supreme Court and its rulings with regard to issues of equality and civil rights to bring law political science and history into the discussion of civil rights and the Supreme Court to incorporate the politically disadvantaged and the human component into the discussion to stimulate discussion among students and to provide a text that cultivates competence in reading actual Supreme Court cases

Dissent and the Supreme Court Melvin I. Urofsky, 2017-01-10 Highly illuminating for anyone interested in the Constitution the Supreme Court and the American democracy lawyer and layperson alike The Los Angeles Review of Books In his major work acclaimed historian and judicial authority Melvin Urofsky examines the great dissents throughout the Court's long history Constitutional dialogue is one of the ways in which we as a people reinvent and reinvigorate our democratic society The Supreme Court has interpreted the meaning of the Constitution acknowledged that the Court's majority opinions have not always been right and initiated a critical discourse about what a particular decision should mean before fashioning subsequent decisions largely through the power of dissent Urofsky shows how the practice grew slowly but steadily beginning with the infamous and now overturned case of Dred Scott v Sandford 1857 during which Chief Justice Roger Taney's opinion upheld slavery and ending with the present age of incivility in which reasoned dialogue seems less and less possible Dissent on the court and off Urofsky argues in this major work has been a crucial ingredient in keeping the Constitution alive and must continue to be so **The Role of the Supreme Court in American Government and Politics, 1835-1864**

Charles Grove Haines, 2023-11-15 This title is part of UC Press's Voices Revived program which commemorates University of California Press's mission to seek out and cultivate the brightest minds and give them voice reach and impact Drawing on a backlist dating to 1893 Voices Revived makes high quality peer reviewed scholarship accessible once again using print on demand technology This title was originally published in 1957 **History of the Supreme Court of the United States**

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United States **Philip Pendleton Barbour in Jacksonian America** William S. Belko, 2016-04-30 Philip Pendleton Barbour in Jacksonian America is the definitive biography of a Virginia legislator and jurist whose life and career mirror the transformational decades of US history between the War of 1812 and the end of the Mexican American War in 1848 **The Guardian of Every Other Right** James W. Ely, 2008 This book considers the interplay of law ideology politics and economic change in shaping constitutional thought and provides a historical perspective on the contemporary debate about property rights The third edition has been completely revised and updated The Revolutionary Constitution David J. Bodenhamer, 2012-08-15 The framers of the Constitution chose their words carefully when they wrote of a more perfect union not absolutely perfect but with room for improvement Indeed we no longer operate under the same Constitution as that ratified in 1788 or even the one completed by the Bill of Rights in 1791 because we are no longer the same nation In The Revolutionary Constitution David J Bodenhamer provides a comprehensive new look at America's basic law integrating the latest legal scholarship with historical context to highlight how it has evolved over time The Constitution he notes was the product of the first modern revolution and revolutions are by definition moments when the past shifts toward an unfamiliar future one radically different from what was foreseen only a brief time earlier In seeking to balance power and liberty the framers established a structure that would allow future generations to continually readjust the scale Bodenhamer explores this dynamic through seven major constitutional themes federalism balance of powers property representation equality rights and security With each he takes a historical approach following their changes over time For example the framers wrote multiple protections for property rights into the Constitution in response to actions by state governments after the Revolution But twentieth century courts and Congress redefined property rights through measures such as zoning and the designation of historical landmarks diminishing their commercial value in response to the needs of a modern economy The framers anticipated just such a future reworking of their own compromises between liberty and power With up to the minute legal expertise and a broad grasp of the social and political context this book is a tour de force of Constitutional history and analysis *The Role of the Supreme Court in American Government and Politics 1835-1864* , **The Supreme Court** Robert Langran, 2004 This essential historical overview begins by noting that the Supreme Court is arguably the least known and understood of the three branches of government Robert W Langran's innovative approach will do much to provide students with a good understanding of the changing role and accomplishments of the Court from its inception to its latest decisions This book discusses the most important decisions of the Court in chronological rather than topical order illustrating how the cases fit into an historical timeframe as well as what roles the most influential justices played In an easy conversational style Robert W Langran discusses how the Court was formed how justices are selected how the Court selects its cases and the broad shifts of the Court with regard to doctrine and attention to the popular and governmental interests of each period Students gain important insights into why each Court voted the way it did and how those decisions influenced

the votes of future Courts The Supreme Court an excellent supplementary text for undergraduate classes in American government and American history as well as introductory classes in political science contains useful appendixes listing all justices and all cases discussed *The ^AOxford Guide to the United States Government* John J. Patrick,Richard M. Pious,Donald A. Ritchie,2001-07-04 The Oxford Guide to the United States Government is the ultimate resource for authoritative information on the U S Presidency Congress and Supreme Court Compiled by three top scholars its pages brim with the key figures events and structures that have animated U S government for more than 200 years In addition to coverage of the 2000 Presidential race and election this Guide features biographies of all the Presidents Vice Presidents and Supreme Court Justices as well as notable members of Congress including current leadership historical commentary on past elections major Presidential decisions international and domestic programs and the key advisors and agencies of the executive branch in depth analysis of Congressional leadership and committees agencies and staff and historic legislation and detailed discussions of 100 landmark Supreme Court cases and the major issues facing the Court today In addition to entries that define legal terms and phrases and others that elaborate on the wide array of government traditions this invaluable book includes extensive back matter including tables of Presidential election results lists of Presidents Vice Presidents Congresses and Supreme Court Justices with dates of service lists of Presidential museums libraries and historic sites relevant websites and information on visiting the White House the Capitol and Supreme Court buildings A one stop comprehensive guide that will assist students educators and anyone curious about the inner workings of government The Oxford Guide to the United States Government will be a valued addition to any home library *Constitutional Law for a Changing America* Lee Epstein,Thomas G. Walker,2019-01-09 A host of political factors both internal and external influence the Court s decisions and shape the development of constitutional law Among the more significant forces at work are the ways lawyers and interest groups frame legal disputes the ideological and behavioral propensities of the justices the politics of judicial selection public opinion and the positions that elected officials take to name just a few Combining lessons of the legal model with the influences of the political process Constitutional Law for a Changing America shows how these dynamics shape the development of constitutional doctrine The Tenth Edition offers rigorous comprehensive content in a student friendly manner With meticulous revising and updating throughout best selling authors Lee Epstein and Thomas G Walker streamline material while accounting for new scholarship and recent landmark cases including key opinions handed down through the 2018 judicial session Well loved features keep students engaged by offering a clear delineation between commentary and opinion excerpts a Facts and Arguments section before every case a superb photo program Aftermath and Global Perspective boxes and a wealth of tables figures and maps Students will walk away with an understanding that Supreme Court cases involve real people engaged in real disputes and are not merely legal names and citations

Lincoln's Legacy Phillip S. Paludan,2024-03-18 The four new essays in Lincoln s Legacy describe major ethical problems

that the sixteenth president navigated what can be learned from how he did so The distinguished and award winning Lincoln scholars William Miller Mark E Neely Jr Phillip Shaw Paludan and Mark Summers describe Lincoln s attitudes and actions during encounters with questions of politics law constitutionalism patronage and democracy The remarkably focused essays include an assessment of Lincoln s virtues in the presidency the first study on Lincoln and patronage in more than a decade a challenge to the cliché of Lincoln the democrat and a study of habeas corpus Lincoln and state courts On the eve of the bicentennial celebration of Lincoln s birth Lincoln s Legacy highlights his enduring importance in contemporary conversations about law politics and democracy

The Supreme Court Paul Finkelman, 2014-01-15 An insightful chronological by chief justice examination of the Supreme Court that enables students and readers to understand and appreciate the constitutional role the Court plays in American government and society American citizens need to understand the importance of the Supreme Court in determining how our government and society operates regardless of whether or not they agree with the Court s opinions Unfortunately the role and powers of the third branch of government are not well understood by the American public After an introduction and overview to the history of the Supreme Court from 1789 to 2013 this book examines the Court s decisions chronologically by Chief Justice allowing readers to grasp how the role and powers of the Court have developed and shifted over time The chapters depict the Court as the essential agent of review and an integrated part of the government regardless of the majority minority balance on the Court and of which political party is in the White House or controlling the House or Senate

Opposing Lincoln Thomas C. Mackey, 2020-09-25 In a time of great national division a time of threats of resistance and counterthreats of suppression a controversial president takes drastic measures to rein in his critics citing national interest national security and his obligations as chief executive If this seems familiar in our current moment of intense political agitation that is all the more reason to attend to Thomas Mackey s gripping learned and eminently readable account of the Civil War era case of Clement L Vallandigham an Ohio congressman arrested for campaigning against the war and President Lincoln s policies In Mackey s telling the story of this prominent Copperhead or Southern sympathizer illuminates the problem of internal security loyalty and disloyalty faced by the Lincoln administration during wartime and more generally the problem of determining the balance between executive power and tyranny and between dissent and treason *Opposing Lincoln* explores Vallandigham s opposition not only to Lincoln and his administration but also to Lincoln s use of force and his executive orders suspending habeas corpus In addition to tracing Vallandigham s experiences of being arrested tried convicted by military commission instead of civilian courts and then banished from the United States this historical narrative introduces readers to Lincoln s most important statements on presidential powers in wartime while also providing a primer on the wealth of detail involved in such legal and military controversies Examining the long standing issue of the limits of political dissent in wartime the book asks the critical historical question of what reasonable lengths a legitimate government can go to in order to protect itself and its citizens

from threats whether external or internal The case of Clement Vallandigham is Mackey suggests a quintessentially American story Testing the limits of dissent in a political democracy in wartime and of the scope and power of constitutional government it clarifies a critical aspect of the American experience from afar The Early Republic and Antebellum America: An Encyclopedia of Social, Political, Cultural, and Economic History Christopher G. Bates, 2015-04-08 First Published in 2015 This text holds four volumes of essays and entries on the early Republic and Antebellum era in America spanning the end of the American Revolution in 1781 to the outbreak of Civil War in 1861 The Americans forged a new government in theory and then in practice with the beginnings of industrialisation and the effects of urbanisation widespread poverty labour strife debates around slavery and sectional discord By the end of the nineteenth century American had a powerhouse economy new technologies and the emergence of major social reform movements creation of uniquely American art and literature and the conquest of the West This encyclopaedia offers a historic reference

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