

Key Excerpts from the Majority Opinion Chief Justice Roger B. Taney delivered the opinion of the Court. The decision was 7 to 2.

. . . Can a negro, whose ancestors were...sold as slaves, become a member of the political community...and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, guaranteed by the Constitution to the citizen? One of which is the right of suing in a court of the United States.

For if they became citizens, it would exempt them from the operation of the special laws necessary for their own safety (laws specific for slaves and Africans). It would give to persons of the negro race, now recognized as citizens, the right to enter every other State whenever they pleased...to go where they pleased at every hour of the day or night without harm, unless they committed some violation of law for which a white man would be punished; and it would give them the full liberty of speech in public and in private upon all subjects; to hold public meetings upon political affairs, and to keep and carry arms wherever they went. And all of this would be done in the face of the subject race of the same color, both free and slaves, and inevitably producing discontent and defiance among them, and endangering the peace and safety of the State.

. . . [T]he rights of private property have been guarded with . . . care. Thus the rights of property are united with the rights of person, and placed on the same ground by the fifth amendment to the Constitution, which provides that no person shall be deprived of life, liberty, and property, without due process of law. And an act of Congress which deprives a citizen of the United States of his liberty or property, merely because he came himself (to a free state) or brought his property into a particular Territory of the United States (free state), and who had committed

no offense against the laws, could hardly be dignified with the name of due process of law.

Stephen Douglas, “Nebraska Territory,” January 30, 1854

When these States were colonies of Great Britain, every one of them was a slave-holding province. When the Constitution of the United States was formed, twelve out of the thirteen were slave-holding States. Since that time six of those States have become free. How has this been effected? Was it by virtue of abolition agitation in Congress? Was it in obedience to the dictates of the Federal Government? Not at all; but they have become free States under the working of that great principle of self-government which teaches every people to do that which their self interests and their future generations may morally require.

Let me ask you where have you succeeded in excluding slavery by an act of Congress from one inch of the American soil? You may tell me that you did it in the northwest territory, by the ordinance of 1787. You prohibited slavery by law, but you did not exclude it in fact. Illinois was a part of the northwest territory. When Illinois was organized into a territorial government it established and protected slavery, and maintained it in spite of your ordinance, and in defiance of its express prohibition.

[Y]et, out of a regard for the peace and quiet of the country, out of respect for past pledges, and out of a desire to adhere faithfully to all compromises, I sustained the Missouri compromise so long as it was in force, and advocated its extension to the Pacific. Now, when a great principle of self-government has been substituted for it, I choose to cling to that principle.

Abraham Lincoln, “Speech at Peoria in Reply to Senator Douglas,” October 16, 1854:

The doctrine of self-government is right, --absolutely and eternally right,-- but it has no just application in this situation. Or perhaps I should rather say that whether it has such application depends upon whether a negro is *not* or *is* a man. If he is *not* a man, in that case he who is a man may as a matter of self-government do just what he pleases with him. But if the negro *is* a man, is it not a total destruction of self-government to say that he too shall not govern *himself*? When the white man governs himself, that is self-government; but when he governs himself and also governs *another* man, that is *more* than self-government--that is despotism.

Well! No man is good enough to govern another man *without that other's consent*. I say this is the leading principle, the sheet-anchor of American republicanism. Our Declaration of Independence says:

“We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, DERIVING THEIR JUST POWERS FROM THE CONSENT OF THE GOVERNED.”

Jefferson Davis

ON RETIRING FROM THE SENATE ¹ .

January 21, 1861 (In the Senate)

It is known to senators who have served with me here, that I have for many years advocated, as an essential attribute of state sovereignty (*highest authority*), the right of a State to secede from the Union. Therefore, if I had not believed there was justifiable cause [to secede]; if I had thought that Mississippi was acting without sufficient provocation (*action or speech that makes someone angry*), or without an

existing necessity, I should still, under [this] theory of the government, because of my allegiance to the state of which I am a citizen, have been bound by her action [to leave].

The phrase "to execute the laws," was an expression which General Jackson applied to the case of a state refusing to obey the laws while yet a member of the Union. That is not the case which is now presented. The laws are to be executed over the United States, and upon the people of the United States. They have no relation to any foreign country.

That Declaration of Independence is to be construed (*interpreted*) by the circumstances and purposes for which it was made. The communities were declaring their independence; the people of those communities were asserting that no man was born-to use the language of Mr. Jefferson—booted and spurred to ride over the rest of mankind; that men were created equal— meaning the men of the political community; that there was no divine right to rule; that no man inherited the right to govern; that there were no classes by which power...descended to families, but that all stations were equally within the grasp of each member of the body-politic. These were the great principles they announced; these were the purposes for which they made their declaration.