

Roger Taney

Roger Brooke Taney (1777-1864) was the Chief Justice of the United States Supreme Court for the twenty-eight year period between 1836 and 1864. He was the twenty-fifth justice and the fifth Chief Justice to serve on the Court.

Taney was born in Calvert County, Maryland, where his parents owned a tobacco plantation. Taney was educated at Dickinson College in Pennsylvania. After graduating in 1795, Taney then read law for approximately two years under the supervision of Jeremiah Chase, a Maryland lawyer.

Taney's political career began in state politics. In 1816 he was elected as a Federalist to the Maryland State Senate. He would serve as State Attorney General before moving to national politics during the presidency of Andrew Jackson. Between 1831 and 1834, Taney held positions as Attorney General, acting Secretary of War, and, finally, Secretary of the Treasury.

Taney was first nominated to the Supreme Court in 1835, as a replacement to Justice Duvall. The Senate, in opposition to Taney's nomination, indefinitely postponed the confirmation vote. Just one year later, President Jackson again nominated Taney, this time to fill the position of Chief Justice, which had been vacated by John Marshall. In March 1836, the Senate confirmed Taney by a vote of 29 to 15.

Once on the Court, Taney's efforts were directed primarily toward refining the expansive legal policy of his predecessor, Chief Justice John Marshall. Marshall's legal legacy left a series of opinions that vastly expanded the power of the federal government. *Marbury v. Madison*, 5 U.S. 1 (1803), for example, created judicial review, which is the power of the judiciary to assess the constitutionality of laws passed by Congress. Taney sought not to dismantle national power, but rather to strike a crucial balance between state and federal power.

One example of Taney's effort to find this balance is a series of decisions known collectively as the *License Cases*, 46 U.S. 504 (1847). At issue in these cases was whether anti-liquor regulations passed by Massachusetts, New Hampshire, and Rhode Island violated the Constitution. Merchants and others against the regulations argued that only Congress could regulate commerce. Taney's opinion rebuked that position, arguing that the states may regulate their own internal affairs. So long as the states did not ban the importation of liquor, the regulation of it through taxes was permissible.

Regardless of his contribution to the continually developing state-federal power debate, Taney's greatest historical legacy will be his involvement in the Court's 1857 decision in *Dred Scott v. Sandford* (60 U.S. 393), which is generally acknowledged as the most infamous and ill-regarded decision in the history of the Supreme Court. In *Dred Scott*, Chief Justice Taney wrote a broad opinion holding that the prohibition of slavery in a U.S. territory violated the due process rights of slave holders. Most notoriously, Taney went on to argue that no one who was an African descendant could ever obtain citizenship in the U.S.

The impact of *Dred Scott* was wide and severe. The Court's decision was one of the reasons for the resignation of Justice Curtis later that same year. While Taney had hoped the decision would prevent conflict between the North and the South, it only served to embolden the opponents of slavery. At the same time, the decision brought on tremendous criticism of the Court for delving into so-called political questions.

In 1864, after nearly twenty-nine years as Chief Justice, Taney died in Washington, D.C. His length of time served makes him the second-longest serving Chief Justice in the history of

the Supreme Court (second only to John Marshall). Taney's position was then filed by Chief Justice Salmon P. Chase.

For more information:

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