

# Supreme Injustice: Slavery in the Nation's Highest Court

A book talk with Paul Finkelman, President of Gratz College from September 1, 2021

**Recording available (<https://www.youtube.com/watch?v=fd4g59beaKM>)**

The three most important Supreme Court Justices before the Civil War—Chief Justices John Marshall and Roger B. Taney and Associate Justice Joseph Story—upheld the institution of slavery in ruling after ruling. These opinions cast a shadow over the Court and the legacies of these men, but historians have rarely delved deeply into the personal and political ideas and motivations they held. In *Supreme Injustice*, the distinguished legal historian Paul Finkelman establishes an authoritative account of each justice's proslavery position, the reasoning behind his opposition to Black freedom, and the incentives created by circumstances in his private life.

Finkelman uses census data and other sources to reveal that Justice Marshall aggressively bought and sold slaves throughout his lifetime—a fact that biographers have ignored. Justice Story never owned slaves and condemned slavery while riding circuit, and yet on the high court he remained silent on slave trade cases and ruled against Blacks who sued for freedom. Although Justice Taney freed many of his own slaves, he zealously and consistently opposed Black freedom, arguing in *Dred Scott* that free Blacks had no Constitutional rights and that slave owners could move slaves into the Western territories. Finkelman situates this infamous holding within a solid record of support for slavery and hostility to free Blacks.

*Supreme Injustice* boldly documents the entanglements that alienated three major justices from America's founding ideals and embedded racism ever deeper in American civic life.

Paul Finkelman became the president of Gratz College in 2017. He received his B.A. in American Studies from Syracuse University and his M.A. and Ph.D. in History from the University of Chicago. He was later a Fellow in Law and Humanities at Harvard Law School, where he also taught one course. Before coming to Gratz, he taught in history departments and law schools at a number of universities including Duke Law School, Washington University in St. Louis, and the University of Texas. He held the Fulbright Chair in Human Rights and Social Justice at the University of Ottawa College of Law and held the Ariel F. Sallows Chair in Human Rights Law at the University of Saskatchewan. He was a scholar-in-residence at the National



Constitution Center in Philadelphia and a Fellow in the Democracy, Citizenship, and Constitutionalism program at the University of Pennsylvania. He has published in a wide variety of subjects including human rights, slavery and human trafficking (historical and modern), American Jewish history, American legal history, constitutional law, and legal issues surrounding baseball. Finkelman is the author of more than 200 scholarly articles and the author or editor of more than fifty books. In 2018 Harvard University Press published his book *Supreme Injustice: Slavery in the Nation's Highest Court*. His most recent book, a new edition of *Defending Slavery: Proslavery Thought in the Old South*, came out in 2019. Most recently, he co-authored (with a Gratz Ph.D. student) an article on Jews and the Black Death that appeared in the *Jewish Review of Books*.

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