No Title.

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(7 March 1857)

Is it [illegible] the threshold of the fierce struggle thrust before the people of this nation, we design, that there shall be no misunderstanding as to our position on the great point raised by the Supreme Court in the Dred Scott case. We shall treat the so-called decision of that Court as an utter nullity. It is not law, and it has no binding force upon either the people or the government. It is not an authoritative interpretation of the Constitution, nor is it, legally, a decision entitled to any weight whatever. It is simply a demagogical stump speech from the hustings of the supreme bench, got up in legal phrase to suit the necessities of the Buchanan administration. The Judges of the Supreme Court have therein simply abandoned the robe and the ermine to achieve the task of framing a new platform for the locofoco party.

Look at the facts in the case. Dred Scott, an alleged Missouri slave, brings a suit against his claimant, for his freedom, upon the ground that his master, having voluntarily removed him from Missouri on to free soil, he thereby became free. The Supreme Court decide that Dred Scott is not a citizen of Missouri or of the United States, and therefore was not entitled to bring a suit in that Court; hence they dismiss his suit for want of jurisdiction. *That*, then, was the only point for them to decide, and that decided, there was an end of the case. The suit fell because the party bringing it had no rights in that Court.

Beyond this legal point the Court had no power to decide anything. They had no right to go into the merits of a case, when the case itself was dismissed for want of jurisdiction. All that follows is simply extra judicial and is entitled to be regarded only as the unauthorized opinion of so many individuals.

At the time when Chief Justice Marshall was on the bench, he gave it as the opinion of the Court, incidentally, that Congress had full and unlimited power over the Territories. This opinion was once cited in the Senate, to Gen. Cass, as authoritative and conclusive; but Gen. Cass replied that the opinion was an incidental one, foreign to the case at issue, and was a mere *obiter dictum* -- an *opinion*, but not *law*. The Democratic party sustained Gen. Cass in this view, and from that day to this has refused to be bound by *that* decision of the Supreme Court. On the same ground we object to *this* decision. It is a mere opinion, delivered in a case in which the Court admitted it had no

jurisdiction -- a mere *obiter dictum*, devoid of all legal force or authority.

But if this were not the case, we have High Democratic authority for disregarding all such decisions. Prior to the great Bank struggle of 1832, the U. S. Supreme Court had decided a National Bank to be constitutional. Gen. Jackson and the Democratic party set this decision aside, and pronounced the Bank unconstitutional. Gen. Jackson utterly refused to be guided in his political opinions by the Supreme Court. He had sworn to support the Constitution, he said, as *he* understood it, and not as the Supreme Court understood it. We may safely plant ourselves upon that ground. We cannot speak for the Republican party; but we feel free to say that it will spurn this decision and, when its day of triumph comes, and come it will, sweep into oblivion the base, reckless and unjust Judges who have prostituted their high offices to purposes so vile.

The Constitution was ordained to establish Justice and secure the blessings of Liberty to the people; and it will be worth one struggle, at least, to prevent it from being thus turned from its high aims to subserve the lusts of tyranny. The Constitution was made *by* the people and *for* the people; and *to* the people, the sovereign power in this confederacy, we appeal from this decision. They understand the charter of their liberties, we hope, full well enough to rebuke and defeat, at the polls, this effort to give the whole country up to the domination of the slave power.