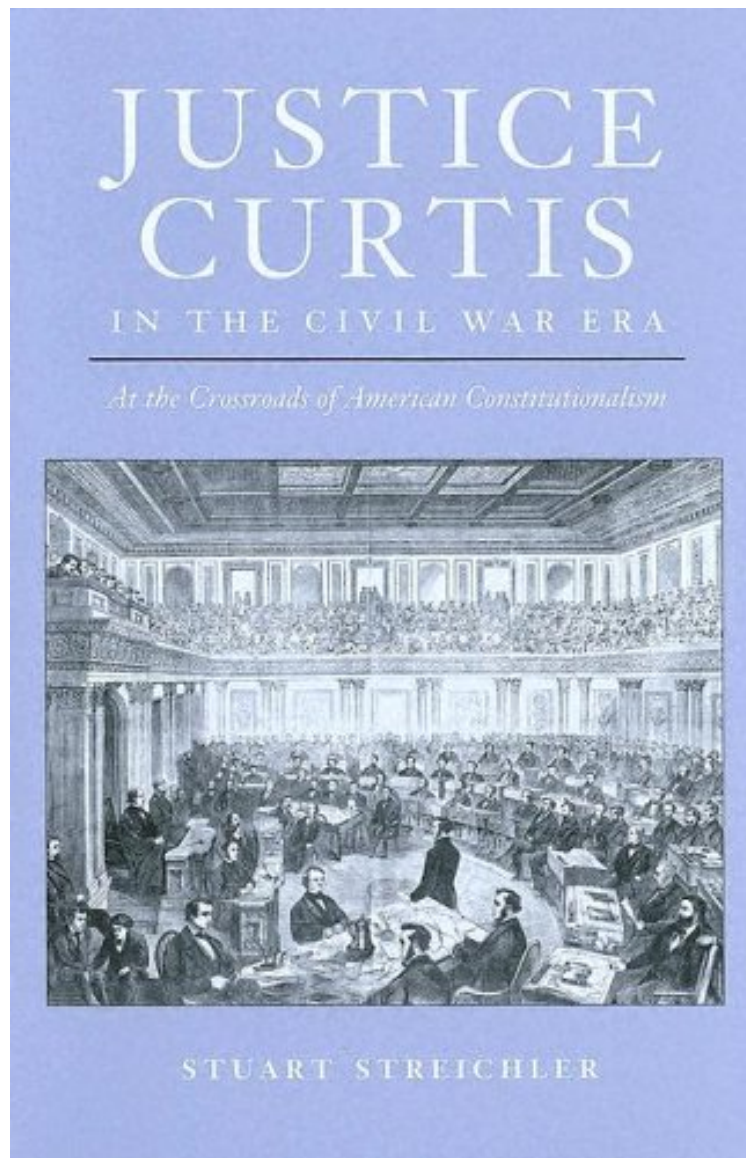


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(Constitutionalism and Democracy)

## Justice Curtis in the Civil War Era: At the Crossroads of American Constitutionalism (Constitutionalism and Democracy)

*Stuart Streichler*

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**Stuart Streichler : Justice Curtis in the Civil War Era: At the Crossroads of American Constitutionalism (Constitutionalism and Democracy)** before purchasing it in order to gage whether or not it would be worth my time, and all praised Justice Curtis in the Civil War Era: At the Crossroads of American Constitutionalism

(Constitutionalism and Democracy):

During a career as both a lawyer and a Supreme Court justice, Benjamin R. Curtis addressed practically every major constitutional question of the mid-nineteenth century, making judgments that still resonate in American law. Aside from a family memoir written by his brother over one hundred years ago, however, no book-length treatment of Curtis exists. Now Stuart Streichler has filled this gap in judicial biography, using Curtis's life and work as a window on the most serious constitutional crisis in American history, the Civil War. Curtis was the lead attorney for President Andrew Johnson in the Senate's impeachment trial, where he delivered the pivotal argument, and he was an influential voice in the pervasive constitutional struggle between states and the federal government. He is best remembered, however, for dissenting in the Dred Scott case, in which he disputed Chief Justice Taney's proslavery ruling that no black person could ever become a citizen of the United States. In the wake of the decision, Curtis resigned from the court, the only justice in the Supreme Court's history to do so on grounds of principle. Yet he also clashed with Boston's abolitionists over enforcing the Fugitive Slave Act, and he opposed the Emancipation Proclamation. In a period when the Constitution was radically transformed from a charter that protected slavery to one that granted all persons equal rights of citizenship, Justice Curtis maintained his faith in the Constitution as an adaptable instrument of self-government and tried to mark out a path for gradual change. Streichler assesses Curtis's common-law methods in the context of his divisive times and shows how the judge's views continue to shed light on issues that have become once again relevant, such as the presidential impeachment process and, after 9/11, the use of military tribunals to try civilians.

A graceful and rewarding study of jurisprudence-in-action, making this one of those rare books that sits comfortably both in the research library and on the nightstand.... A fascinating story. Streichler's prose is fluid, and he is particularly deft at explaining difficult legal concepts in plain English. Anyone wishing to understand more about the transforming power of the Civil War era on American constitutional thought and practice will benefit from reading this book.... A first-rate work on an important figure. (H. Robert Baker *H-Net* in the Humanities Social Sciences) An excellent book. Professor Streichler writes with a clarity and occasional wit not always found in academics' prose. (Robert J. Muldoon, Jr. *Massachusetts Lawyers Weekly*) Clear and engaging writing style.... A remarkable grasp of the meaning and the implications of Curtis' own work. (Michael C. Berheide *Civil War Book*) Stuart Streichler has now provided a comprehensive, readable, and sympathetic biography of Justice Curtis that masterfully fills that gap and hopefully will bring new attention to this important nineteenth-century figure. Although best remembered for his famous dissent in Dred Scott, Curtis had a long and complicated career debating the meaning and implications of the Constitution, and Streichler provides a welcome introduction to those debates and Curtis's role in them. (Keith E. Whittington *Register of the Kentucky Historical Society*) "Stuart Streichler's *Justice Curtis in the Civil War Era* is an excellent work best suited for specialists in U.S. constitutional history. The author has produced not a biography of Benjamin Robbins Curtis but rather a study of his legal philosophy and his rulings as an associate justice of the U.S. Supreme Court.... Given that no book-length study of Curtis previously existed, *Justice Curtis* is a welcome addition, especially since it adds considerable insight into the evolving nature of nineteenth-century constitutional history." "A graceful and rewarding study of jurisprudence-in-action, making this one of those rare books that sits comfortably both in the research library and on the nightstand.... A fascinating story. Streichler's prose is fluid, and he is particularly deft at explaining difficult legal concepts in plain English. Anyone wishing to understand more about the transforming power of the Civil War era on American constitutional thought and practice will benefit from reading this book.... A first-rate work on an important figure."