



Supreme Court Justices who were Enslavers

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The United States Supreme Court has served as the ultimate arbiter of legal disputes in the country. Until fairly recently, most Americans have either ignored it, or honored its authority.

Recently, the statue of Supreme Court Justice Roger B. Taney, who wrote the infamous Dred Scott decision, was removed from the grounds of the Maryland State House in 2017. New projects such as *The Washington Post's* Congressional Enslaver Project further exposed the role of slaveholding members of Congress.

Most historians are aware that Southern enslavers vigilantly sought to ensure the Supreme Court would use federal power and legal doctrine to secure the slaveholders power.

When I learned about the *Washington Post's* survey, I became curious about which of the Supreme Court justices were enslavers. An exhaustive research of existing sources did not provide a list. So I took on a project to build that list, and have provided it below. I believe this is the first comprehensive list of every Supreme Court justice who was an enslaver. I hope this will serve as an important contribution in the ongoing conversation about the

legacy of slavery in shaping American Law and the legacy as a whole in all institutions of the United States.

Methodology:

I compiled this list by 1) utilizing the method used in the *Washington Post*'s 2021 Congressional enslavement project. I compiled a list of all justices who turned 18 before 1865; I then added their corresponding service inauguration number from [the Wikipedia source](#). 2) I then counted justices who were listed as enslavers through the sources below (derived from census records, papers published at Columbia, to newspapers in Maryland), including evidence of their involvement past the age of 18.

Those who were clearly enslavers are highlighted **in red**, whereas those for whom I could not find proof as enslavers are simply listed with their corresponding service inauguration number.

FACTS:

At least 9 out of the first 10 justices were enslavers

At least 26 out of the first 30 justices were enslavers

At least 30 out of 59 justices born during the period before the Civil War were enslavers

At least 30 out of all 116 Supreme Court justices were enslavers

List:

1. **John Jay** "[Mastering Paradox](#)"
2. **John Rutledge** (https://en.wikipedia.org/wiki/John_Rutledge)
(<https://www.history.army.mil/books/revwar/ss/rutledge.htm>)
3. **William Cushing Jr**
(<https://www.patriotledger.com/story/news/1996/02/10/south-shore-s-hidden-history/40114163007/>)
4. **James Wilson**
(<https://www.mountvernon.org/library/digitalhistory/digital-encyclopedia/article/james-wilson-1742-1798/>)
5. **John Blair** (https://www.quillproject.net/person_visualize/6/105)
6. **James Iredell** (https://en.wikipedia.org/wiki/James_Iredell)
(https://www.google.com/books/edition/The_Documentary_History_of_the_Supreme_C/

[PGP41K2qY2YC?hl=en&gbpv=1&dq=james+iredell+slaveowner&pg=PA446&printsec=frontcover](https://www.gutenberg.org/files/PGP41K2qY2YC?hl=en&gbpv=1&dq=james+iredell+slaveowner&pg=PA446&printsec=frontcover))

7. **Thomas Johnson** ([https://en.wikipedia.org/wiki/Thomas_Johnson_\(judge\)](https://en.wikipedia.org/wiki/Thomas_Johnson_(judge))
<https://www.seattletimes.com/nation-world/maryland-to-remove-statue-of-justice-who-affirmed-slavery/>)
8. **William Patterson**
(<https://www.washingtonpost.com/history/interactive/2022/congress-slaveowners-names-list/>)
9. **Samuel Chase** (<https://www.god-and-country.info/SChase.html>)
10. **Oliver Ellsworth**
11. **Bushrod Washington** (https://en.wikipedia.org/wiki/Bushrod_Washington)
(<https://www.mountvernon.org/library/digitalhistory/digital-encyclopedia/article/bushrod-washington/>)
12. **Alfred Moore** (<https://ncpedia.org/printpdf/6651>)
13. **John Marshall**
(<https://www.theatlantic.com/ideas/archive/2021/06/chief-justice-john-marshall-slaves/619160/>)
14. **William Johnson** ([https://en.wikipedia.org/wiki/William_Johnson_\(judge\)](https://en.wikipedia.org/wiki/William_Johnson_(judge)))
(https://www.oyez.org/justices/william_johnson)
15. **Henry Brockholst Livingston**
(<https://academiccommons.columbia.edu/doi/10.7916/D8SX7W4P/download>)
(https://www.oyez.org/justices/brockholst_livingston)
16. **Thomas Todd** (https://en.wikipedia.org/wiki/Thomas_Todd)
(<https://founders.archives.gov/documents/Jefferson/03-15-02-0475>)
17. **Gabriel Duvall** (https://en.wikipedia.org/wiki/Gabriel_Duvall)
(https://www.archerlaw.com/wp-content/uploads/2017/03/Andrew-Fede-Journal-of-Supreme-Court-History-Article_March-2017.pdf)
18. **Joseph Story**
19. **Smith Thompson** (<https://imgur.com/a/nUAQ6mt>)
(https://en.wikipedia.org/wiki/Smith_Thompson)
20. **Robert Trimble** (https://en.wikipedia.org/wiki/Robert_Trimble)
(<https://www.courier-journal.com/story/opinion/columnists/gerth/2022/02/04/list-of-kentucky-slave-owners-with-counties-named-after-them/6641406001/>)
21. **John Mclean**
(<https://www.washingtonpost.com/history/interactive/2022/congress-slaveowners-names-list/>)
22. **Henry Baldwin**
23. **James Moore Wayne**

(<https://www.washingtonpost.com/history/interactive/2022/congress-slaveowners-names-list/>)

24. **Roger B Taney** (<https://housedivided.dickinson.edu/sites/slavery/people/roger-taney/>)
25. Phillip P Barbour (https://en.wikipedia.org/wiki/Philip_P._Barbour)
(<https://www.washingtonpost.com/history/interactive/2022/congress-slaveowners-names-list/>)
26. John Catron (https://en.wikipedia.org/wiki/John_Catron)
(<https://constitutionallawreporter.com/great-american-biographies/john-catron/>)
27. **John McKinley** (https://en.wikipedia.org/wiki/John_McKinley)
28. **Peter V Daniel** (https://en.wikipedia.org/wiki/Peter_V._Daniel)(
<https://encyclopedia.virginia.org/entries/daniel-peter-v-1784-1860/>)
29. **Samuel Nelson**
(https://www.google.com/books/edition/The_Credentialed_Court/aAgqEAAAQBAJ?hl=en&gbpv=1&dq=Samuel+Nelson+owned+a+slave&pg=PT155&printsec=frontcover)
30. Levi Woodbury
31. Robert Cooper Grier
32. Benjamin Robbins Curtis
33. **John Archibald Campbell** (<https://hd.housedivided.dickinson.edu/node/17624>)
34. Nathan Clifford
35. Noah Haynes Swayne
36. **Samuel Freeman Miller** (https://en.wikipedia.org/wiki/Samuel_Freeman_Miller)
(https://www.oyez.org/justices/samuel_f_miller)
37. David Davis
38. Stephen Johnson Field
39. Salmon P Chase
40. William Strong
41. Joseph P Bradley
42. Ward Hunt
43. Morrison Waite
44. **John Marshall Harlan**
(<https://www.mtsu.edu/first-amendment/article/1335/john-marshall-harlan-i>)
45. William Burnham Wood
46. Stanley Matthews
47. Horace Gray
48. Samuel Blatchford
49. **Lucius Quintus Cincinnatus Lamar**
(<https://www.washingtonpost.com/history/interactive/2022/congress-slaveowners-names-list/>)

50. Melville Fuller
51. David J Brewer
52. Henry Billings Brown
53. George Shiras Jr
54. Howell Edmunds Jackson
55. Edward Douglas White
56. Rufus Peckham
57. Joseph Mckenna
58. Oliver Wendell Holmes Jr.
59. Horace Harmon Lurton

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