

# Huckabee: Dred Scott ‘still the law of the land’

09/10/15 03:35 PM

By [Steve Benen](#)

For much of the American mainstream, Mike Huckabee’s far-right views on practically every issue put him on the fringes of modern political thought. But just beyond his often radical ideology, there’s a deeper problem: the Republican presidential candidate just doesn’t seem to understand American civics very well.

BuzzFeed [reported today](#) on the former Arkansas governor’s new head-scratcher.

While defending Kentucky Clerk Kim Davis’s refusal to issue marriage licenses out of her religious opposition to same-sex marriage, Mike Huckabee said Wednesday that the Supreme Court’s 1857 ruling in *Dred Scott v. Sandford* – which held that all blacks, free or enslaved, could not be American citizens – is still the law of the land even though no one follows it. [...]

“I’ve been just drilled by TV hosts over the past week, ‘How dare you say that, uh, it’s not the law of the land?’ ” Huckabee said. “Because that’s their phrase, ‘it’s the law of the land.’ Michael, the *Dred Scott* decision of 1857 still remains to this day the law of the land which says that black people aren’t fully human. Does anybody still follow the *Dred Scott* Supreme Court decision?”

Look, I don’t expect Huckabee to be a legal scholar. He’s not an attorney; he has no background in legal scholarship; he’s never even been an elected lawmaker.

But Huckabee is falling short of a junior-high-school level of understanding of the American constitutional system – which is generally not an appealing trait for someone seeking the nation’s highest office.

The *Dred Scott* decision, widely recognized as one of the most atrocious Supreme Court rulings in our history, concluded that no black person, free or slave, could be a full citizen of the United States. As far as Mike Huckabee is concerned, this ruling “still remains to this day the law of the land.” Elected officials, he apparently believes, have looked the other way, pretending this law doesn’t count for the last 150 years.

Except, as nearly every adult should know in the 21st century, after the 1857 court ruling, the nation fought something called the Civil War, which led to the 13th Amendment to the Constitution (which banned slavery) and the 14th Amendment (which, among other things, established birthright citizenship).

In other words, for about a century and a half now, Dred Scott has most definitely *not* been “the law of the land.”

Huckabee’ s bizarre mistake would be easier to dismiss if similar mistakes weren’ t so common. The former governor and Fox News host has somehow convinced himself, for example, that federal “[enabling legislation](#)” is necessary in response to court rulings, or they don’ t count. He’ s also endorsed pre-Civil War [nullification schemes](#) and suggested he might [deploy federal troops on U. S. soil](#) to prevent women from exercising their reproductive rights.

It’ s one thing to have a right-wing governing agenda, but it’ s something else when a candidate invents his own brand of crackpot civics and pretends it’ s real.