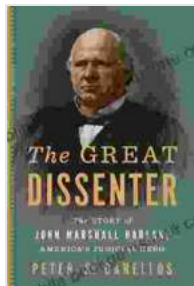


The Story of John Marshall Harlan: America's Judicial Hero



The Great Dissenter: The Story of John Marshall Harlan, America's Judicial Hero by Peter Canellos

★★★★☆ 4.8 out of 5

Language	: English
File size	: 58901 KB
Text-to-Speech	: Enabled
Enhanced typesetting	: Enabled
X-Ray	: Enabled
Word Wise	: Enabled
Print length	: 620 pages
Screen Reader	: Supported



John Marshall Harlan was an American jurist who served as an Associate Justice of the Supreme Court of the United States from 1877 to 1911. He is best known for his dissenting opinions in *Plessy v. Ferguson* and *Korematsu v. United States*, in which he argued against the constitutionality of racial segregation and the internment of Japanese Americans during World War II.

Early Life and Education

John Marshall Harlan was born in Boyle County, Kentucky, on June 1, 1833. His father, James Harlan, was a prominent politician who served as a U.S. Senator and Secretary of the Interior. His mother, Eliza Perkins Harlan, was a devout Christian who instilled in her son a strong sense of justice and equality.

Harlan attended Centre College in Danville, Kentucky, where he graduated with honors in 1850. He then studied law at Transylvania University in Lexington, Kentucky, and was admitted to the bar in 1853.

Legal and Political Career

After graduating from law school, Harlan practiced law in Frankfort, Kentucky. He quickly gained a reputation as a skilled advocate and was elected to the Kentucky House of Representatives in 1858.

Harlan served in the Kentucky House of Representatives for four years, during which time he opposed the secession of Kentucky from the Union. He also served as a delegate to the Democratic National Convention in 1860.

After the outbreak of the Civil War, Harlan joined the Union Army and served as a colonel in the 10th Kentucky Infantry Regiment. He fought in several major battles, including the Battle of Stones River and the Battle of Chickamauga.

After the war, Harlan returned to Kentucky and resumed his legal practice. He was elected to the Kentucky Court of Appeals in 1868 and served as chief justice from 1871 to 1877.

Appointment to the Supreme Court

In 1877, President Rutherford B. Hayes nominated Harlan to the Supreme Court of the United States. Harlan was confirmed by the Senate and took his seat on the Court on November 29, 1877.

Harlan served on the Supreme Court for 34 years, during which time he wrote over 600 opinions. He was a staunch defender of civil rights and dissented from many of the Court's decisions that upheld racial segregation and discrimination.

Dissent in Plessy v. Ferguson

One of Harlan's most famous dissents came in the case of Plessy v. Ferguson (1896). In this case, the Court ruled that the "separate-but-equal" doctrine was constitutional, allowing states to segregate public facilities based on race.

Harlan dissented from the Court's ruling, arguing that the doctrine was a "badge of servitude" that violated the Equal Protection Clause of the Fourteenth Amendment. He wrote:



““Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved.””

Dissent in Korematsu v. United States

Another of Harlan's famous dissents came in the case of Korematsu v. United States (1944). In this case, the Court ruled that the U.S.

government's internment of Japanese Americans during World War II was constitutional.

Harlan dissented from the Court's ruling, arguing that the internment was a "military necessity" that violated the Japanese Americans' rights to due process and equal protection under the law. He wrote:



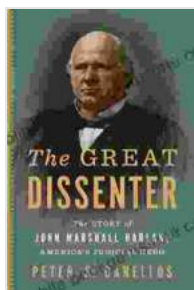
““This exclusion of 'all persons of Japanese descent,' solely because of their ancestry, without regard to their individual loyalty or conduct, hats all the makings of an unconstitutional racial discrimination. It must be remembered that we are at war with the Japanese Empire, because of the treacherous attack made by the Japanese government upon our territory by bombing Pearl Harbor. But even under these circumstances, which have led so many men to the battlefield to fight the enemy, shameful incidents of racial and group prejudice must not be allowed, in the name of patriotism, to turn into a witch hunt against people who are innocent of any wrongng, and who are being deprived of their constitutional rights.””

Legacy

John Marshall Harlan was a giant of the Supreme Court. He was a courageous defender of civil rights and his dissents have helped to shape the course of American law.

Harlan's legacy is one of justice, equality, and human dignity. He was a true judicial hero who fought for the rights of all Americans, regardless of their

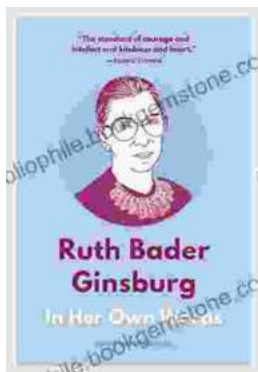
race, religion, or national origin.



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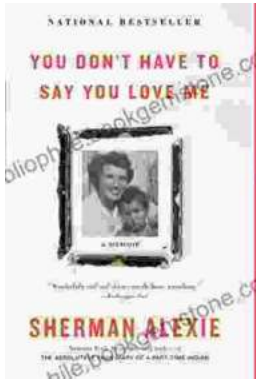
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