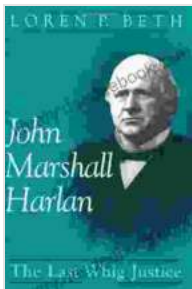


# John Marshall Harlan: The Last Whig Justice



John Marshall Harlan was an American lawyer and statesman who served as an Associate Justice of the Supreme Court of the United States from 1877 to 1911. He was a leading voice for civil rights and due process during a time of great social and political upheaval in the United States.

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



## John Marshall Harlan: The Last Whig Justice

by Loren P. Beth

★★★★☆ 4.7 out of 5

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Harlan graduated from Centre College in Danville, Kentucky, in 1850. He then studied law at Transylvania University in Lexington, Kentucky, and was admitted to the bar in 1853. Harlan practiced law in Frankfort, Kentucky, and quickly gained a reputation as a skilled and ethical attorney.

In 1858, Harlan was elected to the Kentucky House of Representatives as a Whig. He served one term in the state legislature before being elected to the U.S. House of Representatives in 1862. Harlan served in the House during the Civil War and was a strong supporter of President Abraham Lincoln and the Union cause.

After the Civil War, Harlan continued to serve in the House of Representatives. He was a leading advocate for civil rights and due

process for all Americans, regardless of race or ethnicity. Harlan also supported the Fourteenth Amendment to the U.S. Constitution, which guaranteed equal protection under the law for all citizens.

In 1877, President Rutherford B. Hayes appointed Harlan to the Supreme Court. Harlan served on the Court for 34 years, and during that time he wrote some of the most important and influential opinions in American history.

Harlan was a strong advocate for civil rights. He dissented in the Court's decision in *Plessy v. Ferguson* (1896), which upheld the "separate but equal" doctrine. Harlan argued that the doctrine was a violation of the Equal Protection Clause of the Fourteenth Amendment. He also dissented in the Court's decision in *Korematsu v. United States* (1944), which upheld the internment of Japanese Americans during World War II. Harlan argued that the internment was a violation of the Due Process Clause of the Fifth Amendment.

Harlan was also a strong advocate for due process. He dissented in the Court's decision in *Hurtado v. California* (1884), which held that the Due Process Clause of the Fourteenth Amendment did not incorporate the specific rights enumerated in the Bill of Rights. Harlan argued that the Due Process Clause did incorporate the Bill of Rights, and that the states were required to protect the same rights as the federal government.

Harlan's dissents were often prophetic. In his dissent in *Plessy v. Ferguson*, he wrote: "The destinies of the two races, in this country, are indissolubly linked together, and the interests of both require that the common government of all shall not permit the seeds of race hate to be planted

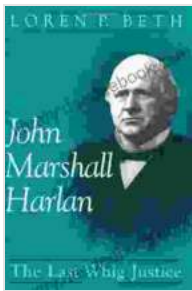
under the sanction of law." In his dissent in *Korematsu v. United States*, he wrote: "It lies beyond the power of Congress to enact such a law. The Constitution of the United States places the liberty of every individual under the protection of the government, and that government cannot be deprived of the duty of protecting all citizens in the exercise of their constitutional rights."

Harlan was a complex and contradictory figure. He was a strong advocate for civil rights, but he also supported the death penalty and the exclusion of Chinese immigrants from the United States. He was a devout Christian, but he also believed in the separation of church and state. He was a Whig in a time of great political change, but he also adapted to the new realities of the Republican and Democratic parties.

Despite his complexities, Harlan was a man of great integrity and principle. He was a brilliant jurist who wrote some of the most important and influential opinions in American history. He was a strong advocate for civil rights and due process, and he never wavered from his beliefs, even when they were unpopular.

Harlan died in Washington, D.C., on October 14, 1911. He is buried in Arlington National Cemetery.

John Marshall Harlan was one of the most influential Supreme Court Justices in American history. He was a strong advocate for civil rights and due process, and he never wavered from his beliefs, even when they were unpopular. Harlan's dissents were often prophetic, and his legacy continues to shape American law and society today.



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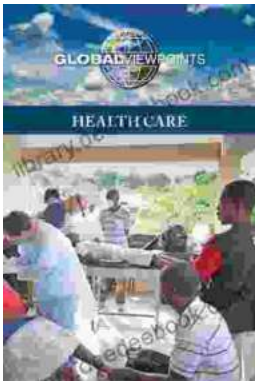
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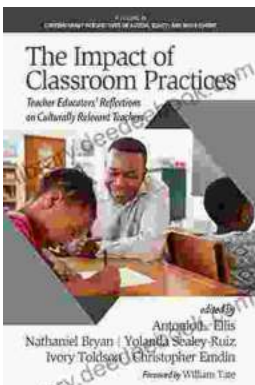
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