



**Supreme Court Justice  
John Marshall Harlan  
(1833-1911)**

*by Frank Latham*

*Foreword by Fred Rodell  
Professor of Law, Yale University*

# The Great Dissenter John Marshall Harlan 1833 1911

**Frank Brown Latham**



## **The Great Dissenter John Marshall Harlan 1833 1911:**

**The Great Dissenter, John Marshall Harlan, 1833-1911** Frank Brown Latham, 1970 Great Dissenter Frank Latham, 1970-05-01 **The Great Dissenter** Peter S. Canellos, 2022-06-28 The story of an American hero who stood against all the forces of Gilded Age America to help enshrine our civil rights and economic freedoms Dissent No one wielded this power more aggressively than John Marshall Harlan a young union veteran from Kentucky who served on the US Supreme Court from the end of the Civil War through the Gilded Age In the long test of time this lone dissenter was proven right in case after case They say history is written by the victors but that is not Harlan s legacy his views not those of his fellow justices ultimately ended segregation and helped give us our civil rights and our economic freedoms Derided by many as a loner and loser he ended up being acclaimed as the nation s most courageous jurist a man who saw the truth and justice that eluded his contemporaries Our Constitution is color blind and neither knows nor tolerates classes among citizens he wrote in his famous dissent in Plessy v Ferguson one of many cases in which he lambasted his colleagues for denying the rights of African Americans When the court struck down antitrust laws Harlan called out the majority for favoring its own economic class He did the same when the justices robbed states of their power to regulate the hours of workers and shielded the rich from the income tax When other justices said the court was powerless to prevent racial violence he took matters into his own hands he made sure the Chattanooga officials who enabled a shocking lynching on a bridge over the Tennessee River were brought to justice In this monumental biography prize winning journalist and bestselling author Peter S Canellos chronicles the often tortuous and inspiring process through which Supreme Courts can make and remake the law across generations But he also shows how the courage and outlook of one man can make all the difference Why did Harlan see things differently Because his life was different He grew up alongside Robert Harlan whom many believed to be his half brother Born enslaved Robert Harlan bought his freedom and became a horseracing pioneer and a force in the Republican Party It was Robert who helped put John on the Supreme Court At a time when many justices journey from the classroom to the bench with few stops in real life the career of John Marshall Harlan is an illustration of the importance of personal experience in the law And Harlan s story is also a testament to the vital necessity of dissent and of how a flame lit in one era can light the world in another **The Republic According to John Marshall Harlan** Linda Przybyszewski, 1999 This book is an innovative combination of personal and judicial biography which illuminates and explains the contradictions and puzzles in Supreme Court Justice Harlan s judicial career **The Constitutional Doctrines of Justice Harlan** Floyd Barzilia Clark, 1915 Clark Floyd Barzilia The Constitutional Doctrines of Justice Harlan Baltimore The Johns Hopkins Press 1915 ix 208 pp Reprint available September 2004 by The Lawbook Exchange Ltd ISBN 1 58477 446 0 Cloth 70 During his long tenure on the U S Supreme Court John Marshall Harlan 1833 1911 wrote numerous dissenting opinions on everything from civil rights to the federal income tax He was said at the time to suffer from dissent ary but posterity has shown him to be a liberal born too

soon since many aspects of his dissents gained majorities after his death We see this most clearly in his blistering dissents in the Civil Rights Cases 1883 and Plessy v Ferguson 1896 On a broader scale his interpretation of due process contributed to the development of the incorporation theory during the 1950s and 60s Viewed as a whole his emphasis on the social consequences of decisions rather than their adherence to abstract legal principles pointed the way toward the work of Pound and Llewellyn Clark offers an excellent introduction to Harlan s doctrines regarding civil rights the suability of states impairment of the obligation of contracts interstate and foreign commerce judicial legislation and other topics that is valuable for its balance of summary and interpretation First published in 1915 it continues to be an essential study of Harlan s judicial beliefs      *The Supreme Court A-Z* Kenneth Jost,2013-11-26 This comprehensive alphabetical encyclopedia of more than 300 easy to read entries is the first resource for anyone who wants reliable information or background material on the significant decisions of the Supreme Court the history of the Court the justices every justice is profiled the powers of the Court and how the institution has evolved from its origins to the present Outstanding Academic Book      *The Hour of Fate* Susan Berfield,2020-05-05 A riveting narrative of Wall Street buccaneering political intrigue and two of American history s most colossal characters struggling for mastery in an era of social upheaval and rampant inequality It seemed like no force in the world could slow J P Morgan s drive to power In the summer of 1901 the financier was assembling his next mega deal Northern Securities an enterprise that would affirm his dominance in America s most important industry the railroads Then a bullet from an anarchist s gun put an end to the business friendly presidency of William McKinley A new chief executive bounded into office Theodore Roosevelt He was convinced that as big business got bigger the government had to check the influence of the wealthiest or the country would inch ever closer to collapse By March 1902 battle lines were drawn the government sued Northern Securities for antitrust violations But as the case ramped up the coal miners union went on strike and the anthracite pits that fueled Morgan s trains and heated the homes of Roosevelt s citizens went silent With millions of dollars on the line winter bearing down and revolution in the air it was a crisis that neither man alone could solve Richly detailed and propulsively told *The Hour of Fate* is the gripping story of a banker and a president thrown together in the crucible of national emergency even as they fought in court The outcome of the strike and the case would change the course of our history Today as the country again asks whether saving democracy means taming capital the lessons of Roosevelt and Morgan s time are more urgent than ever Winner of the 2021 Theodore Roosevelt Association Book Prize Finalist for the Presidential Leadership Book Award      ***The Supreme Court Justices: Illustrated Biographies*** Clare Cushman,2013 Book Description *The Supreme Court Justices Illustrated Biographies* 1789 2012 Third Edition provides a single volume reference profiling every Supreme Court justice from John Jay through Elena Kagan An original essay on each justice paints a vivid picture of his or her individuality as shaped by family education pre Court career and the times in which he or she lived Each biographical essay also presents the major issues on which the justice presided Essays are arranged in the order of the

justices appointments Lively anecdotes along with portraits photographs and political cartoons enrich the text and deepen readers understanding of the justices and of the Court The volume includes an extensive bibliography and is indexed for easy research access New in this edition are a foreword by Chief Justice John G Roberts a revised essay on Chief Justice William H Rehnquist updated essays on sitting or recently retired members of the court new biographies for Chief Justice John G Roberts and Associate Justices Samuel A Alito Elena Kagan and Sonia M Sotomayor an updated listing of members of the Supreme Court with appointment and confirmation dates and an updated bibliography with key sources on the Supreme Court and the justices For insightful background and lively commentary on the individuals who have served on the Supreme Court of the United States there is no better reference than this updated new volume This is a vital reference work for researchers students and others interested in the Supreme Court s past present and future     **ABA Journal** ,1971-03 The ABA Journal serves the legal profession Qualified recipients are lawyers and judges law students law librarians and associate members of the American Bar Association     **The Antivaccine Heresy** Karen L. Walloch,2015 We celebrate vaccination today as a great achievement yet many nineteenth century Americans regarded it uneasily accepting it as a necessary evil forced upon them by their employers or the law States had to make vaccination compulsory because of great popular distaste for it Why How did such a promising innovation come to induce such anxiety This book explores the history of vaccine development revealing that at the end of the nineteenth century many Americans had good reason to fear vaccination A century of tinkering had created vaccines that did not live up to claims made for their safety and effectiveness They induced pain disability and grim or even fatal infections Parents hesitated to vaccinate their children and health departments had to rely on coercion and sometimes even force to vaccinate a reluctant populace Antivaccination societies formed to oppose compulsory laws ultimately arriving at the United States Supreme Court when it upheld these laws in a landmark decision *Jacobson v Massachusetts* 1905 Antivaccinationists did not give up however creating a legacy of doubt about vaccination that still resounds on the American political landscape Description from amazon com     **The Supreme Court Compendium** Lee Epstein,Jeffrey A. Segal,Harold J. Spaeth,Thomas G. Walker,2015-07-29 The Supreme Court Compendium provides historical and statistical information on the Supreme Court its institutional development caseload decision trends the background nomination and voting behavior of its justices its relationship with public governmental and other judicial bodies and its impact With over 180 tables and figures this new edition is intended to capture the full retrospective picture through the 2013 2014 term of the Roberts Court and the momentous decisions handed down within the last four years including *United States v Windsor* *National Federation of Independent Business v Sebelius* and *Shelby County v Holder*     **The Thirteenth Amendment and American Freedom** Alexander Tsesis,2004-12-12 Tsesis explains why the 13th Amendment is essential to contemporary America offering a fresh analysis of the role the Amendment has played regarding civil rights legislation  
     *The Three Ps of Liberty* Allen Mendenhall,2020-03-12 This book considers the three Ps of liberty pragmatism pluralism

and polycentricity These concepts enrich the complex tradition of classical liberal jurisprudence providing workable solutions based on the decentralization diffusion and dispersal of power

**A History of the Supreme Court** the late Bernard Schwartz, 1995-02-23 When the first Supreme Court convened in 1790 it was so ill esteemed that its justices frequently resigned in favor of other pursuits John Rutledge stepped down as Associate Justice to become a state judge in South Carolina John Jay resigned as Chief Justice to run for Governor of New York and Alexander Hamilton declined to replace Jay pursuing a private law practice instead As Bernard Schwartz shows in this landmark history the Supreme Court has indeed travelled a long and interesting journey to its current preeminent place in American life In *A History of the Supreme Court* Schwartz provides the finest most comprehensive one volume narrative ever published of our highest court With impeccable scholarship and a clear engaging style he tells the story of the justices and their jurisprudence and the influence the Court has had on American politics and society With a keen ability to explain complex legal issues for the nonspecialist he takes us through both the great and the undistinguished Courts of our nation's history He provides insight into our foremost justices such as John Marshall who established judicial review in *Marbury v Madison* an outstanding display of political calculation as well as fine jurisprudence Roger Taney whose legacy has been overshadowed by *Dred Scott v Sanford* Oliver Wendell Holmes Louis Brandeis Benjamin Cardozo and others He draws on evidence such as personal letters and interviews to show how the court has worked weaving narrative details into deft discussions of the developments in constitutional law Schwartz also examines the operations of the court until 1935 it met in a small room under the Senate so cramped that the judges had to put on their robes in full view of the spectators But when the new building was finally opened one justice called it almost bombastically pretentious and another asked What are we supposed to do ride in on nine elephants He includes fascinating asides on the debate in the first Court for instance over the use of English style wigs and gowns the decision gowns no wigs and on the day Oliver Wendell Holmes announced his resignation the same day that Earl Warren as a California District Attorney argued his first case before the Court The author brings the story right up to the present day offering balanced analyses of the pivotal Warren Court and the Rehnquist Court through 1992 including of course the arrival of Clarence Thomas In addition he includes four special chapters on watershed cases *Dred Scott v Sanford* *Lochner v New York* *Brown v Board of Education* and *Roe v Wade* Schwartz not only analyzes the impact of each of these epoch making cases he takes us behind the scenes drawing on all available evidence to show how the justices debated the cases and how they settled on their opinions Bernard Schwartz is one of the most highly regarded scholars of the Supreme Court author of dozens of books on the law and winner of the American Bar Association's Silver Gavel Award In this remarkable account he provides the definitive one volume account of our nation's highest court

**The Origins of the American Income Tax** Richard J. Joseph, 2004-04-01 Why do critics want to pull up the income tax by its roots Why do we have an income tax altogether especially if its principles are no longer workable and the tax no longer serves its intended purpose Or are the roots in fact

still viable This compelling book seeks answers to those questions in long forgotten archives of tax history Drawing on rare records from Congress Richard J Joseph demonstrates how the idea of relating taxes to individuals and businesses evolved during 1893 1895 leading in 1894 to enactment of the first American income tax legislation That initial law he notes was intended to create a permanent and a fair ability to pay system With an eye for detail Joseph explores ways in which it would serve as a model for future revenue He explains how global and domestic changes have rendered it passe And he shows how much of that early law despite its swift demise in the case of *Pollock v The Farmers Loan Trust Company* informs our current federal taxation system

*The Constitution in the Supreme Court* David P. Currie, 2015-02-27 The Constitution in the Supreme Court The Second Century traces the development of the Supreme Court from Chief Justice Fuller 1888 1910 to the retirement of Chief Justice Burger 1969 1986 Currie argues that the Court's work in its second century revolved around two issues the constitutionality of the regulatory and spending programs adopted to ameliorate the hardships caused by the Industrial Revolution and the need to protect civil rights and liberties Organizing the cases around the tenure of specific chief justices Currie distinguishes among the different methods of constitutional exegesis analyzes the various techniques of opinion writing and evaluates the legal performance of different Courts Elegant and readable Whether you are in favor of judicial restraint or judicial activism whatever your feelings about the Warren Court or the Rehnquist Court this is a book that justifies serious study Robert Stevens New York Times Book Review

**American Political Leaders, Third Edition** Richard Wilson, 2021-10-01 Praise for previous editions accessible this book is an excellent addition to collections serving general readers high schools and undergraduates American Reference Books Annual This readable volume is recommended for high school public and undergraduate libraries Booklist an outstanding reference tool Biographical dictionaries abound in political science as in other fields but Wilson's work is more accessible benefitting from his straightforward approach and simpler organization Highly recommended Choice Recommended Library Media Connection an authoritative and readable guide serves as a helpful resource for high school college and public libraries Christian Library Journal American Political Leaders Third Edition contains 286 biographical profiles of men and women in the United States who have demonstrated their political leadership primarily by being elected nominated or appointed to significant political offices in the United States or by having attained some special prominence associated with political leadership This reference work provides students and general readers with a concise readable guide to present and past leaders in U S politics Included in this book are presidents vice presidents major party candidates for president significant third party candidates important Supreme Court justices Speakers of the U S House of Representatives senators representatives cabinet officers significant agency heads and diplomats Since much of U S political leadership involves the representation of successive waves of new groups within the U S political system special care has been taken to include the contributions of women Native Americans African Americans Hispanic Americans Asian Americans and Americans who represented earlier waves of immigrants to the United

States Profiles include John Adams president vice president diplomat Revolutionary leader author Amy Coney Barrett justice of the Supreme Court Pete Buttigieg secretary of transportation candidate for president Andrew Cuomo governor of New York Jefferson Davis secretary of war senator representative president of the Confederate States of America Kamala Harris senator vice president John Lewis civil rights activist representative Gavin Newsom governor of California Barack Obama senator president Sonia Sotomayor associate justice of the Supreme Court Elizabeth Warren senator candidate for president

Justices, Presidents, and Senators Henry Julian Abraham,1999 This new edition of this classic history of the Supreme Court discusses the selection nomination and appointment of each of the Justices who have sat on the U S Supreme Court since 1789 Abraham provides a fascinating account of the presidential motivations behind each nomination examining how each appointee s performance on the bench fulfilled or disappointed presidential expectations The Kentucky Encyclopedia John E. Kleber,2014-10-17 The Kentucky Encyclopedia s 2 000 plus entries are the work of more than five hundred writers Their subjects reflect all areas of the commonwealth and span the time from prehistoric settlement to today s headlines recording Kentuckians achievements in art architecture business education politics religion science and sports Biographical sketches portray all of Kentucky s governors and U S senators as well as note congressmen and state and local politicians Kentucky s impact on the national scene is registered in the lives of such figures as Carry Nation Henry Clay Louis Brandeis and Alben Barkley The commonwealth s high range from writers Harriette Arnow and Jesse Stuart reformers Laura Clay and Mary Breckinridge and civil rights leaders Whitney Young Jr and Georgia Powers to sports figures Muhammad Ali and Adolph Rupp and entertainers Loretta Lynn Merle Travis and the Everly Brothers Entries describe each county and county seat and each community with a population above 2 500 Broad overview articles examine such topics as agriculture segregation transportation literature and folklife Frequently misunderstood aspects of Kentucky s history and culture are clarified and popular misconceptions corrected The facts on such subjects as mint juleps Fort Knox Boone s coonskin cap the Kentucky hot brown and Morgan s Raiders will settle many an argument For both the researcher and the more casual reader this collection of facts and fancies about Kentucky and Kentuckians will be an invaluable resource **Justices, Presidents, and Senators** Henry J. Abraham,2008 Explains how United States presidents select justices for the Supreme Court evaluates the performance of each justice and examines the influence of politics on their selection



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