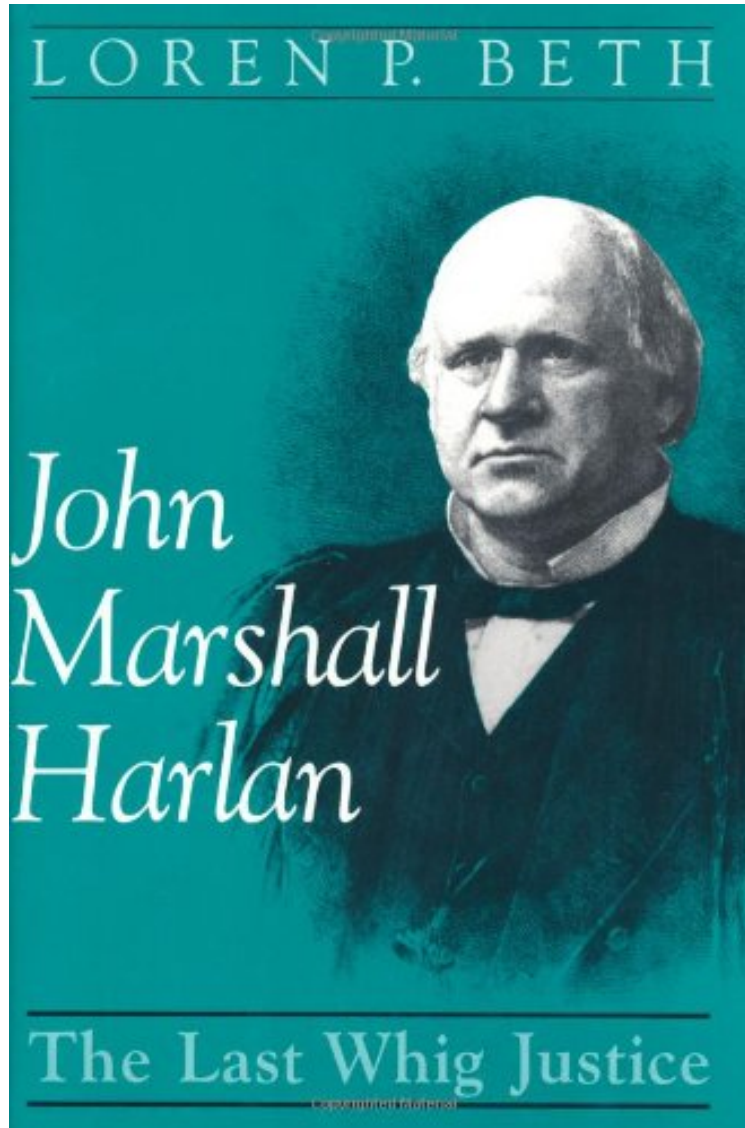


(Download) John Marshall Harlan: The Last Whig Justice

John Marshall Harlan: The Last Whig Justice

Loren P. Beth

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Loren P. Beth : John Marshall Harlan: The Last Whig Justice before purchasing it in order to gage whether or not it would be worth my time, and all praised John Marshall Harlan: The Last Whig Justice:

4 of 4 people found the following review helpful. Harlan, His Times, and His CourtBy Marc KormanJohn Marshall Harlan is an interesting Supreme Court Justice. He was named after the fourth, and arguably greatest, Chief Justice, has been restored by history due to his dissent in Plessy v. Ferguson, and is the grandfather of John Marshall Harlan II who dissented from many Warren court opinions derived from Harlan I dissents. He served on the court under Chief Justices Waite, Fuller, and White, all of which he seemed to have a good relationship with despite the book stating his

relationship with White was troubled. Most of the final section of the book analyze important issues the court wrestled with during Harlan's time, but history has passed many of these by. Plessy v. Ferguson (separate but equal) is a discarded relic, the income tax cases have been superseded by the 16th amendment, many of the criminal procedure cases have been dealt with through incorporation of the Bill of Rights through the 14th amendment during the 20th century, the insular cases are a dead issue, and substantive (really economic) due process is a repudiated court doctrine. Despite these changes, Harlan is worth studying because his dissents in many of these cases guided new laws, constitutional amendments, and later court decisions. But more interesting in this book is the exploration of the pre-court Harlan and his home state of Kentucky. The book relies a bit too much on direct quotes from Harlan's letters and other writings, but it is still a fascinating portrait of a political nomad who migrated from the Whigs to the Know-Nothings to the Union to the Republican Party as he tried to maintain political influence. He held few elected offices (only local prosecutor and state Attorney General I believe), but was a well known political advocate. The book also explores what it was like for a border state split between loyalty to the union and historical/cultural ties to the south. Like many Supreme Court Justices of an earlier era, Harlan has something of a bipolar life. Until he served on the court, he was a political animal regularly engaged in electing people and pushing agendas. Life on the court, to which he was appointed by President Hayes who he helped nominate and elect, was no doubt a change of pace. Beth's book will tell you more. 1 of 1 people found the following review helpful. Four Stars By thomas farnham Useful. Don't necessarily agree with the author's conclusions.

Harlan. Known today to every student of constitutional law, principally for his dissenting opinions in early racial discrimination cases, Harlan was an important actor in every major public issue that came before the Supreme Court during his thirty-three-year tenure. Named by a hopeful father for Chief Justice John Marshall, Harlan began his career as a member of the Kentucky Whig slavocracy. Loren Beth traces the young lawyer's development from these early years through the secession crisis and Civil War, when Harlan remained loyal to the Union, both as a politician and as a soldier. As Beth demonstrates, Harlan gradually shifted during these years to an antislavery Republicanism that still emphasized his adherence to the Whig principles of Unionism and national power as against states' rights. Harlan's Supreme Court career (1877-1911) was characterized by his fundamental disagreement with nearly every judicial colleague of his day. His ultimate stance as the Great Dissenter, the champion of civil rights, the upholder of the powers of Congress emerges as the logical outgrowth of his pre-Court life. Harlan's significance for today's reader is underlined by the Supreme Court's adoption, beginning in the 1930s, of most of his positions on the Fourteenth Amendment and the Commerce Clause of the Constitution. This fine biography is also an important contribution to constitutional history. Historians, political scientists, and legal scholars will come from its pages with renewed appreciation for one of our judicial giants.

From Publishers Weekly John Marshall Harlan (1833-1911), an associate justice of the Supreme Court, is remembered for his liberal dissents on a conservative court. Political science professor at the University of Georgia, Beth has written a well-researched study of Harlan's life with the emphasis on his career. Covered are Harlan's years in Kentucky as a lawyer and politician who began as a Whig, switched parties several times and finally wound up as a Republican Party organizer whose political savvy earned him a Supreme Court seat during the Hayes Administration. Although he fought on the Union side during the Civil War, Harlan was no abolitionist. He owned slaves and opposed the Emancipation Proclamation. Once on the court, however, his views changed dramatically. He dissented in civil rights cases that eroded the rights of blacks to equal protection and supported the rights of defendants to due process. An academic, richly detailed biography of an important jurist. Illustrations not seen by PW. Copyright 1992 Cahners Business Information, Inc. "A well-researched study of Harlan's life with the emphasis on his career . . . a richly detailed biography on an important jurist." Publishers Weekly From the Back Cover Although he ranks as one of the most prominent Supreme Court Justice of his or any other period, this is the first major biographical treatment of John Marshall Harlan. This fine biography is also an important contribution to constitutional history. Historians, political scientists, and legal scholars will come from its pages with renewed appreciation for one of our judicial giants.