

(Read ebook) Judicial Enigma: The First Justice Harlan

Judicial Enigma: The First Justice Harlan

Tinsley E. Yarbrough

*ePub | *DOC | audiobook | ebooks | Download PDF*

 Download

 Read Online

#2086377 in Books 1995-06-08Original language:EnglishPDF # 1 9.50 x .99 x 6.38l, #File Name: 0195074645304 pages | File size: 19.Mb

Tinsley E. Yarbrough : Judicial Enigma: The First Justice Harlan before purchasing it in order to gage whether or not it would be worth my time, and all praised Judicial Enigma: The First Justice Harlan:

In the decades that followed Reconstruction, the Supreme Court struck down civil rights legislation, validated Jim Crow laws, and stopped the government from regulating big business in almost any form. One justice, however, stood against the conservative trend: John Marshall Harlan. His advocacy of a color-blind Constitution in his powerful dissents established a rich legacy that was validated decades later by the Warren Court. But behind the legal opinions, the great dissenter was a complex, enigmatic, even contradictory man. In *Judicial Enigma*, Tinsley E. Yarbrough offers the most complete portrait we have ever had of this critical figure. He follows Harlan from antebellum Kentucky, when he was an outspoken Whig and Unionist, through his exploits as a colonel in the Civil War, to his political career before his appointment to the Court in 1877. Harlan's early life presents a fascinating contrast to his later stands on civil rights. Yarbrough shows, for example, that Harlan maintained a wary relationship with his black half-brother Robert (who rose to wealth during the California gold rush and to influence as a prominent Ohio Republican). The future justice also spouted openly racist language as he campaigned in postwar Kentucky--reflecting views he never entirely discarded. Even in later life, the man who became the Court's greatest moral force was not above using his position to escape his many creditors; he also did nothing to save his alcoholic, opium-addicted brother James from dying in a Kentucky almshouse. Yet moral force he was, and Yarbrough deftly explores his

astonishing record as he dissented against a roster of decisions that are now considered a roll-call of error and injustice: *Plessy vs. Ferguson* (validating Jim Crow laws), *Lochner vs. New York* (overturning a law limiting working hours), the Sugar Trust Case (gutting the Sherman Antitrust Act), and many more. And yet, even here Harlan remained an enigma; as Yarbrough shows, he sometimes contradicted the same sentiments that have since sanctified his memory. In biographies of Justice Hugo Black, Judge Frank Johnson, J. Waties Waring, and John Marshall Harlan's grandson, the second Justice Harlan, Yarbrough has shown himself to be a gifted chronicler of the great figures of American law. In this volume, he offers the most insightful account of the man still remembered as the great dissenter.

From Booklist Yarbrough (*A Passion for Justice: J. Waties Waring and Civil Rights*, 1987) tries to understand the conflicting realities of John Marshall Harlan, a Supreme Court justice from 1877 to 1911. On the one hand, Harlan's decisions and dissents would seem to show him as a liberal thinker in a time of extreme conservatism. For example, he argued (unsuccessfully) against cases that upheld legal segregation in the South and that undid much of the Sherman Antitrust Act. History would judge Harlan right in these dissents. However, Harlan's life as a whole presents troubling contradictions. Until his appointment to the Court, Harlan was a known racist, both politically and personally. Indeed, even while a justice, he displayed flashes of racism. His personal life was just as bothersome. Once on the Court, he used his office, on more than one occasion, to put off his creditors. A curious, true story of a man who possessed both a great legal mind and the instincts of a political opportunist. Brian McCombie

About the Author About the Author: Tinsley E. Yarbrough is Professor of Political Science at East Carolina University. His books include *John Marshall Harlan: Great Dissenter of the Warren Court*, *Mr. Justice Black and his Critics*, and *A Passion for Justice: J. Waties Waring and Civil Rights*. He is the winner of the ABA Silver Gavel Award for a biography of Judge Frank Johnson.