

Mr. Justice Harlan Dissents.

The nine members of the United States Supreme Court decide cases by a majority vote. At the end of the nineteenth century, one judge repeatedly voted against segregation and decisions that supported Jim Crow laws. This was Justice John Marshall Harlan. Justice Harlan was a white man who believed that segregation violated the meaning of the United States Constitution and should not be permitted. It was not until 1954 that Justice Harlan's dissenting ideas became the law of the United States (Source: Civil Rights and the American Negro, ed. by Albert Blaustein and Robert Zangrando, Washington Sq. Press, 1968).

Instructions: Read each statement by Justice Harlan and try to explain it in your own words. These statements are from the Plessy v. Ferguson case of 1896.

A) Justice Harlan wrote:

"If a white man and a black man choose to occupy the same public conveyance on a public highway, it is their right to do so, and no government....can prevent it without infringing the personal liberty of each."

B) Justice Harlan wrote:

"But in view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens."

C) Justice Harlan writes:

"Our Constitution is color-blind...In respect of civil rights, all citizens are equal before the law."

D) Justice Harlan writes:

"I am of the opinion that the statute of Louisiana is inconsistent with the personal liberty of citizens, white and black....Such a system...may be stricken down....by the courts in discharge of their solemn duty to maintain the supreme law of the land."