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CIVIL WAR TO CIVIL RIGHTS: U.S. SUPREME COURT JUSTICE JOHN MARSHALL HARLAN



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John Marshall Harlan was born on June 1, 1833, to slave-holding, Kentucky parents. As a U.S. Supreme Court justice for 33 years, however, he authored the lone dissenting opinions on two significant cases regarding race in the United States.

The Supreme Court ruled in its 1896 *Plessy v. Ferguson* decision that “separate but equal” facilities were constitutional and did not violate the 14th Amendment. The case established legal Jim Crow segregation throughout the South.

Harlan dissented. He argued that the Constitution is color-blind and all citizens are equal before the law. He again dissented in *Berea College v. Kentucky*. This time the Supreme Court ruled the Day Law to be constitutional. (The law prohibited any person, group of people or corporation from teaching black and white students in the same school, and from

having within 25 miles of each other separate branches of a school to teach black and white students.) Harlan argued that citizens are guaranteed protection from hostile state action and the right to impart knowledge is a substantial right of property, which cannot be infringed upon under the Constitution.

The Supreme Court used these dissenting opinions in the 1954 case *Brown v. the Board of Education of Topeka, KS*. The court ruled “separate but equal” educational practices to be unconstitutional and ended legal Jim Crow segregation in education.

KHS' HistoryMobile is a traveling history lab developed for school-aged children. This full-sized tractor/trailer houses an interactive exhibition, “Torn Within and Threatened Without: Kentuckians in the Civil War Era,” which uses personal recollections, primary sources, authentic artifacts and touch-screen activities to teach students critical-thinking skills. The HistoryMobile travels to all of Kentucky's 120 counties to teach students that the future is not inevitable, but is shaped by their choices.

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The Kentucky Historical Society is an agency of the
Tourism, Arts and Heritage Cabinet.