

1 A JOINT RESOLUTION renaming the Franklin County Courthouse, the "John  
2 Marshall Harlan Courthouse."

3 WHEREAS, John Marshall Harlan, a Civil War veteran, elected official in both  
4 state and county government, and associate justice of the United States Supreme Court,  
5 was a true public servant, and served both the Commonwealth and his country honorably;  
6 and

7 WHEREAS, John Marshall Harlan was born in Harlan's Station, west of Danville,  
8 Kentucky, on Salt River Road on June 1, 1833; and

9 WHEREAS, soon after John's birth, the Harlan family would relocate to Frankfort,  
10 Kentucky, where John would later open his legal practice and become Franklin County  
11 judge executive; and

12 WHEREAS, following in his father's footsteps, John Marshall Harlan went to law  
13 school at Transylvania University, finished his legal education at his father's law office,  
14 and was admitted to the Kentucky bar in 1853; and

15 WHEREAS, during the Civil War, John Marshall Harlan was a staunch Unionist  
16 who worked to keep Kentucky in the Union and raised the 10th Kentucky Infantry  
17 Regiment for the Union army; and

18 WHEREAS, as colonel of the 10th Kentucky Infantry Regiment, John Marshall  
19 Harlan served in the Western Theater of the Civil War, commandeering the brigade in  
20 fighting near Hartsville and Rome in Tennessee; and

21 WHEREAS, upon the death of his father in 1863, John Marshall Harlan resigned  
22 his commission as colonel and returned to Frankfort to support his family and handle his  
23 father's business affairs; and

24 WHEREAS, prior to being nominated to the United States Supreme Court, John  
25 Marshall Harlan was elected Attorney General of this Commonwealth, and ran for  
26 Governor twice; and

27 WHEREAS, in 1877, John Marshall Harlan was nominated by President Rutherford

1 B. Hayes as associate justice of the United States Supreme Court, where Harlan would  
2 serve until his untimely death in 1911, the sixth longest tenure on the Court, and the  
3 longest at the time; and

4 WHEREAS, during his tenure on the Court, John Marshall Harlan would be known  
5 for his advocacy of a strong national government, sympathy for the economically  
6 disadvantaged, and most importantly, for his unwavering fight to uphold federal  
7 regulations to protect citizens and the civil rights of African Americans; and

8 WHEREAS, John Marshall Harlan would be known as the "Great Dissenter," as he  
9 would most often be the sole dissent in key civil rights cases of his era. In the *Civil Rights*  
10 *Cases*, Justice Harlan argued in his vigorous dissent that the Fourteenth Amendment gave  
11 Congress the authority to regulate public accommodations, and that the Thirteenth  
12 Amendment empowered Congress to "eradicate" the vestiges of slavery, including  
13 restrictions on freedom of movement; and

14 WHEREAS, Justice Harlan's most famous, and perhaps most powerful, dissent was  
15 his vehement disapproval of "separate but equal" in *Plessy v. Ferguson*. He argued that  
16 the decision was "cunningly devised" to overturn the results of the Civil War, and that "  
17 ....in the view of the constitution, in the eyes of the law, there is in this country no  
18 superior, dominant, ruling class of citizens"; and

19 WHEREAS, Justice Harlan's dissents in many of the civil rights and state action  
20 cases would become the official view and basis of civil rights jurisprudence after World  
21 War II, improving upon the lives of African Americans and the disadvantaged; and

22 WHEREAS, many scholars now consider John Marshall Harlan to be one of the  
23 greatest Supreme Court justices of his era; and

24 WHEREAS, for his service, bravery, conviction, and profound contributions to the  
25 lives of the citizens of this Commonwealth and beyond, it is fitting that the service and  
26 sacrifice of John Marshall Harlan be honored in a tangible way;

27 NOW, THEREFORE,

1 ***Be it resolved by the General Assembly of the Commonwealth of Kentucky:***

2       ➔Section 1. The Administrative Office of the Courts, or appropriate authority,  
3 shall rename the Franklin County Courthouse, located at 222 St. Clair Street, in  
4 Frankfort, Kentucky, the "John Marshall Harlan Courthouse" and erect any appropriate  
5 signage within 30 days of the effective date of this Resolution.