

Justice John Marshall Harlan

Beta Theta Pi has been fortunate to have among her many distinguished alumni eight associate justices of the United States Supreme Court. Notably in 1911, four Betas served simultaneously on the Court, including the second longest serving justice (33 years) John Marshall Harlan, *Centre* 1850.

Harlan was born in 1833 into a prominent Kentucky slaveholding family, his father a well-known Kentucky politician and former Congressman. He attended Centre College where he joined the Epsilon Chapter and later earned a law degree from Transylvania University. He was the first Supreme Court justice to earn a modern law degree.

In 1861, Harlan enlisted in the Union Army and fought to preserve the unity of the states, eventually rising to the rank of colonel. Throughout the war he firmly supported slavery, at one point stating he would resign his post if President Lincoln signed the Emancipation Proclamation. Subsequently, in 1863 he was elected attorney general of Kentucky as acts of racial violence raged in the south, witnessing many of them firsthand.

By the end of the decade Harlan had changed his mind, turning strongly against slavery calling it “the most perfect despotism that ever existed on this earth.” He later exerted his new opinion on the Supreme Court earning his reputation as “the great dissenter.”

When Court decisions struck down reconstruction amendments, including the Civil Rights Act of 1875, Harlan accused the Court of using subtle verbal interpretations to cut support for racial equality and equal rights for African Americans. In 1896, Harlan was again the sole dissenter in the infamous case of *Plessy v. Ferguson*, reviled for establishing the doctrine of “separate but equal” and legitimizing more than half a century of segregation. His eloquent dissent, filled with stirring language that would inspire civil rights activists for generations, correctly predicted that the Court's ruling would become as infamous as the Dred Scott case from before the Civil War.

While later admired by many civil rights leaders and celebrated by several African American communities, Harlan was sharply criticized at the time for his “flip-flop” on the issue of slavery and racial equality. People argued that he had no basis for his dissents given his long-standing past of supporting slavery, to which he responded, “Let it be said that I am right rather than consistent.”