

**THE CONSTITUTIONAL  
DOCTRINES OF  
JUSTICE HARLAN**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649282050

The constitutional doctrines of Justice Harlan by Floyd Brazilia Clark

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**FLOYD BRAZILIA CLARK**

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OF JUSTICE HARLAN

BY  
FLOYD BARZILIA CLARK

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A DISSERTATION

Submitted to the Board of University Studies of The Johns  
Hopkins University in Conformity with the Requirements  
for the degree of Doctor of Philosophy

1914

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## PREFACE

Two temptations assail writers of biographies, or of studies of a similar kind,—to overestimate or to underestimate. It is hard for the student of a man's career to see both sides, and after giving due consideration to each, to form a fair judgment. Throughout this study I have been aware of these two dangers, but I am not sure that in all respects they have been avoided.

It needs to be emphasized that in studying the constitutional doctrines of a single great judge as found in his dissenting opinions, the prevailing opinions of the court must of necessity appear at their worst, for the criticisms of the minority are of course directed at the weak points in the reasoning of the majority. In so far, then, as I have accepted Justice Harlan's arguments and found unconvincing the rulings of the Supreme Court, it must be remembered that I am criticising only the weaker points of a few decisions of that great tribunal.

This study was prepared partly at the Summer School of Columbia University, but principally in the Department of Political Science of the Johns Hopkins University. I wish to express my gratitude for suggestions made by Mr. A. M. Groves, a graduate student of this University, who read the manuscript before it went to press; I owe to Professor T. R. Powell, of New York, my knowledge of many of the basic principles of constitutional law; but the study was prepared under the direction of Dr. W. W. Willoughby, of the Johns Hopkins University, without whose aid its production would not have been possible.

F. B. C.



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