



EXPEDITIONARY  
LEARNING

# **Grade 8: Module 3B: Unit 1: Lesson 7**

## **Studying Conflicting Interpretations:**

### **Perspectives on *Plessy v. Ferguson*: Part 3**



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**Long-Term Targets Addressed (Based on NYSP12 ELA CCLS)**

I can cite text-based evidence that provides the strongest support for an analysis of informational text. (RI.8.1)

I can determine an author's point of view or purpose in informational text. (RI.8.6)

I can analyze a case in which two or more texts provide conflicting information on the same topic and identify where the texts disagree on matters of fact or interpretation. (RI.8.9)

**Supporting Learning Targets**

- I can cite evidence to analyze the importance of the *Plessy v. Ferguson* case.
- I can determine the court's point of view in its decision on the *Plessy v. Ferguson* case.
- I can analyze how the authors of the court's decision and the dissenting opinion on *Plessy v. Ferguson* disagree on matters of interpretation.

**Ongoing Assessment**

- Homework: The Court's Decision (completed for homework)
- *Plessy v. Ferguson* Text-Dependent Questions



Agenda	Teaching Notes
<ol style="list-style-type: none"> <li>Opening <ol style="list-style-type: none"> <li>Engaging the Reader: Reviewing the Court's Decision (5 minutes)</li> <li>Reviewing Learning Targets (2 minutes)</li> </ol> </li> <li>Work Time <ol style="list-style-type: none"> <li><i>Plessy v. Ferguson</i> Close Reading: The Dissenting Opinion (30 minutes)</li> </ol> </li> <li>Closing and Assessment <ol style="list-style-type: none"> <li>Adding to the Notes (8 minutes)</li> </ol> </li> <li>Homework <ol style="list-style-type: none"> <li>Reread <i>Plessy v. Ferguson</i>: Key Excerpts from the Dissenting Opinion.</li> <li>Complete Homework: The Dissenting Opinion and the final question on Homework: The Court's Decision.</li> </ol> </li> </ol>	<ul style="list-style-type: none"> <li>In this lesson, students closely read Justice John Marshall Harlan's dissenting opinion in the <i>Plessy v. Ferguson</i> case. After reviewing key legal vocabulary and closely reading <i>Plessy v. Ferguson</i>: Key Excerpts from the Court's Decision in the previous lesson, students seek to understand the key reasons why Justice Harlan disagreed with the court's decision. By comparing both sides of this important case, students will gain a better understanding of the legislation that created the segregated world Carlotta Walls lived in.</li> <li>Harlan's opinion has been excerpted into a series of short, relevant, complex paragraphs. Students read the excerpts closely, answering text-dependent questions and discussing their responses with a partner. These materials have been excerpted in accordance with NYS guidelines for excerpting material (see module and unit overview document for more information).</li> <li>In the next lesson students will complete the mid-unit assessment in which they will synthesize what they have learned about <i>Plessy v. Ferguson</i>.</li> <li>Post: Learning targets.</li> </ul>

Lesson Vocabulary	Materials
dissent, dissenting, pernicious, under the guise	<ul style="list-style-type: none"> <li><i>Plessy v. Ferguson</i>: Key Excerpts from the Dissenting Opinion (one per student)</li> <li><i>Plessy v. Ferguson</i> Text-Dependent Questions: The Dissenting Opinion (one per student)</li> <li><i>Plessy v. Ferguson</i> Close Reading Teacher's Guide: The Dissenting Opinion (for teacher reference)</li> <li>Homework: The Dissenting Opinion (one per student)</li> <li>Homework: The Dissenting Opinion (for teacher reference)</li> <li>Document camera</li> </ul>



Opening	Meeting Students' Needs
<p><b>A. Engaging the Reader: Reviewing the Court's Decision (5 minutes)</b></p> <ul style="list-style-type: none"><li>• Invite students to take out their completed Homework: The Court's Decision and meet with their Denver discussion partners..</li><li>• Turn and talk:<ul style="list-style-type: none"><li>* "What did the 13th Amendment do?"</li><li>* "What did the 14th Amendment do?"</li><li>* "What were some of the main claims of the court in the <i>Plessy v. Ferguson</i> decision?"</li></ul></li><li>• Cold call on a few students to share important or valuable information from their discussions.</li><li>• Tell students that today they will get a chance to read the dissenting opinion of Justice John Marshall Harlan on the <i>Plessy v. Ferguson</i> case. Tell them that most of the justices agreed on the decision of the court, except for Justice Harlan. Ask:<ul style="list-style-type: none"><li>* "What do you think it means if one justice had a <i>dissenting</i> opinion?"</li></ul></li><li>• Call on one or two volunteers to answer. If necessary, draw students' attention to the prefix dis- and inquire what this prefix means. Clarify that the prefix dis-means apart from and "dissent" means "disagree." Justice Harlan did not agree with the other justices on this case, so he wrote a dissenting opinion. Turn and talk:<ul style="list-style-type: none"><li>* "Why do you think the U.S. court system allows for dissenting opinions in every ruling?"</li><li>* "What does it say about Justice Harlan that he stood alone in his dissent?"</li></ul></li><li>• Call on one or two volunteers to share a response. Listen for students to say that Justice Harlan predicted the problems the <i>Plessy v. Ferguson</i> ruling would cause and had the courage to make his voice heard, even though all of the other justices disagreed with him.</li></ul>	<ul style="list-style-type: none"><li>• Consider providing accelerated students with a blank card so that they may choose an unknown word and independently define it using context clues.</li><li>• Especially for ELLs and struggling readers, consider providing additional support around the multiple meanings of the word "justice" throughout the module. Students may need clarification that "justice" in this case does not refer to fairness, or a legal process; it is a title used for the judges of the Supreme Court.</li></ul>



Opening (continued)	Meeting Students' Needs
<p><b>B. Reviewing Learning Targets (2 minutes)</b></p> <ul style="list-style-type: none"><li>• Tell students that today, they will complete a close reading of <i>Plessy v. Ferguson</i>: Key Excerpts from the Dissenting Opinion.</li><li>• Read the learning targets aloud to students:<ul style="list-style-type: none"><li>* “I can cite evidence to analyze the importance of the <i>Plessy v. Ferguson</i> case.”</li><li>* “I can determine the court’s point of view in its decision on the <i>Plessy v. Ferguson</i> case.”</li><li>* “I can analyze how the authors of the court’s decision and the dissenting opinion on <i>Plessy v. Ferguson</i> disagree on matters of fact and interpretation.”</li></ul></li><li>• Tell students that they will zoom in closely on the dissenting opinion today. Remind them of their hard work on close reading in the previous lesson, as well as in previous modules. Remind students that the dissenting opinion is a complex text, and that multiple readings will help them better understand it.</li></ul>	



Work Time	Meeting Students' Needs
<p><b>A. <i>Plessy v. Ferguson</i> Close Reading: The Dissenting Opinion (30 minutes)</b></p> <ul style="list-style-type: none"><li>• Distribute <b><i>Plessy v. Ferguson</i>: Key Excerpts from the Dissenting Opinion</b> and the <b><i>Plessy v. Ferguson</i> Text Dependent Questions: The Dissenting Opinion</b>. Tell students they will now read Justice Harlan's dissenting opinion on the <i>Plessy v. Ferguson</i> case. Inform students that you will read the text aloud first, then they will get a chance to reread when they collaborate with a partner to work on text dependent questions.</li><li>• Inform students that key vocabulary words are defined at the end of each section of text, in the form of footnotes. Invite students to refer to the footnotes when they hear a word they do not know as you read aloud. Read the text aloud with expression, modeling fluency.</li><li>• Use the <b><i>Plessy v. Ferguson</i> Close Reading Teacher's Guide: The Dissenting Opinion</b> to conduct the close reading of the text with students.</li><li>• Once the close reading has been completed, give specific positive feedback on the way they reread the text, reflected, and wrote individually, and/or collaborated with their partners to gain a deeper understanding of the court's decision.</li></ul>	<ul style="list-style-type: none"><li>• When reviewing graphic organizers or recording forms, consider using a document camera to display the document for students who struggle with auditory processing.</li><li>• Consider rereading the text aloud with small groups of struggling readers, pausing to clarify and check for understanding.</li><li>• For students reading significantly below grade level, consider streamlining the text by shortening sentences and simplifying difficult vocabulary.</li></ul>



Closing and Assessment	Meeting Students' Needs
<p><b>A. Adding to the Notes (8 minutes)</b></p> <ul style="list-style-type: none"><li>• Distribute and display <b>Homework: The Dissenting Opinion</b>. Tell students that the notes focus mostly on how Justice Harlan interprets information such as the 13th and 14th Amendments differently than the other justices.</li><li>• Using <b>Homework: The Dissenting Opinion (for teacher reference)</b>, model answering the first question on a <b>document camera</b>. Think aloud for students about how the 14th Amendment was written to ensure equal protection by the law for all people. Point out how Justice Harlan's opinion differs from that of the rest of the court.</li><li>• Remind students that they also need to answer the final question on their Homework: The Court's Decision from Lesson 6 now that they have read the dissenting opinion.</li></ul>	<ul style="list-style-type: none"><li>• Consider providing quick verbal or written summaries of the 13th and 14th Amendments to struggling students.</li><li>• Consider providing students with highlighters to identify where the decision references the amendments before writing.</li></ul>
Homework	Meeting Students' Needs
<ul style="list-style-type: none"><li>• Reread <i>Plessy v. Ferguson</i>: Key Excerpts from the Dissenting Opinion.</li><li>• Complete Homework: The Dissenting Opinion and the final question on Homework: The Court's Decision.</li></ul>	



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# Grade 8: Module 3B: Unit 1: Lesson 7

## Supporting Materials



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*Plessy v. Ferguson:*

Key Excerpts from the Dissenting Opinion  
by Justice John Marshall Harlan

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Excerpt	Gist
<p>... The Thirteenth Amendment does not permit the withholding or the <b>deprivation</b> of any right necessarily <b>inhering</b> in freedom. It not only struck down the institution of slavery as previously existing in the United States, but it prevents the imposition of any burdens or disabilities that constitute badges of slavery or servitude. It <b>decreed</b> universal civil freedom in this country. This court has so adjudged. But that amendment having been found <b>inadequate</b> to the protection of the rights of those who had been in slavery, it was followed by the Fourteenth Amendment, which added greatly to the dignity and glory of American citizenship and to the security of personal liberty by declaring that</p> <p>“all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside,”</p> <p>and that</p> <p>“no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.”</p> <p><i>deprivation</i>: the taking away of <i>inhering</i>: living permanently within <i>decreed</i>: declared <i>inadequate</i>: not good enough</p>	



*Plessy v. Ferguson:*

Key Excerpts from the Dissenting Opinion  
by Justice John Marshall Harlan

Excerpt	Gist
<p>... It as said in argument that the statute of Louisiana does [p. 557] not discriminate against either race, but prescribes a rule applicable alike to white and colored citizens. But this argument <b>does not meet the difficulty</b>. Everyone knows that the <b>statute</b> in question had its origin in the purpose not so much to exclude white persons from railroad cars occupied by blacks as to exclude colored people from coaches occupied by or assigned to white persons. Railroad corporations of Louisiana did not make discrimination among whites in the matter of accommodation for travelers. The thing to accomplish was, under the guise of giving equal accommodation for whites and blacks, to compel the latter to keep to themselves while traveling in railroad passenger coaches. No one <b>would be so wanting in candor as to assert the contrary</b>. The fundamental objection, therefore, to the statute is that it interferes with the personal freedom of citizens.</p> <p><i>does not meet the difficulty:</i> does not hold up <i>statute:</i> law <i>would be so wanting in candor as to assert the contrary:</i> would be able to honestly argue the opposite.</p>	



*Plessy v. Ferguson:*

Key Excerpts from the Dissenting Opinion  
by Justice John Marshall Harlan

Excerpt	Gist
<p>... The white race deems itself to be the dominant race in this country. And so it is in prestige, in achievements, in education, in wealth and in power. So, I doubt not, it will continue to be for all time if it remains true to its great <b>heritage</b> and holds fast to the principles of constitutional liberty. But in view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no <b>caste</b> here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and <b>takes no account</b> of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved. It is therefore to be regretted that this high tribunal, the final <b>expositor</b> of the fundamental law of the land, has reached the conclusion that it is <b>competent</b> for a State to regulate the enjoyment by citizens of their civil rights solely upon the basis of race.</p> <p><i>heritage</i>: roots, history <i>caste</i>: a system used to organize people into “rankings” <i>takes no account</i>: does not notice <i>expositor</i>: one who gives meaning to something <i>competent</i>: acceptable</p>	



*Plessy v. Ferguson:*

Key Excerpts from the Dissenting Opinion  
by Justice John Marshall Harlan

Excerpt	Gist
<p>... In my opinion, the judgment this day <b>rendered</b> will, in time, prove to be quite as <b>pernicious</b> as the decision made by this <b>tribunal</b> in the <b>Dred Scott Case</b>. It was adjudged in that case that the <b>descendants</b> of Africans who were imported into this country and sold as slaves were not included nor intended to be included under the word "citizens" in the Constitution, and could not claim any of the rights and privileges which that instrument provided for and secured to citizens of the United States; that, at the time of the adoption of the Constitution, they were</p> <p>“considered as a subordinate and inferior class of beings, who had been subjugated by the dominant [p. 560] race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the government might choose to grant them.”</p> <p>...</p> <p>The <b>arbitrary</b> separation of citizens on the basis of race while they are on a public highway is a badge of servitude wholly inconsistent with the civil freedom and the equality before the law established by the Constitution. It cannot be justified upon any legal grounds.</p> <p><i>rendered:</i> <i>pernicious:</i> <i>tribunal:</i> court</p> <p><i>Dred Scott Case:</i> a court case decided in 1857, which determined that black slaves could not be considered citizens of the United States and therefore could not sue anyone in federal court. The decision divided Northern and Southern states and was one factor that led to the Civil War.</p> <p><i>descendants:</i> a person considered related to an ancestor or race</p> <p><i>arbitrary:</i> based on random choice rather than any reason or system</p>	

*Plessy v. Ferguson*, 163 U. S. 537 (1896) (dissent)



*Plessy v. Ferguson* Text-Dependent Questions:  
The Dissenting Opinion

Name: \_\_\_\_\_

Date: \_\_\_\_\_

I can cite text-based evidence that provides the strongest support for an analysis of informational text. (RI.8.1)

I can determine an author's point of view or purpose in informational text. (RI.8.6)

I can analyze a case in which two or more texts provide conflicting information on the same topic and identify where the texts disagree on matters of fact or interpretation. (RI.8.9)

1. Justice Harlan asserts that the 13th Amendment “prevents the imposition of any burdens or disabilities that constitute badges of slavery or servitude.”

- How does Justice Harlan argue that the railroad law would violate the 13th Amendment?
- How does Harlan's use of excerpts from the 14th Amendment support his argument?



2. Justice Harlan argues, “Everyone knows that the statute in question had its origin in the purpose not so much to exclude white persons from railroad cars occupied by blacks as to exclude colored people from coaches occupied or assigned to white persons.”

- State in your own words Justice Harlan’s claim about the Louisiana railroad law.

Harlan continues, “The thing to accomplish was, under the guise of giving equal accommodation for whites and blacks, to compel the latter to keep to themselves while traveling in railroad passenger coaches.”

- What does the phrase “under the guise” mean? How do you know?
- What is Justice Harlan’s claim?



*Plessy v. Ferguson* Text-Dependent Questions:  
The Dissenting Opinion

<p>3. According to Harlan, “Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved.”</p> <ul style="list-style-type: none"><li>• What methods does Harlan use to attempt to persuade his audience in this final paragraph?</li></ul>	
<p>4. According to Justice Harlan, the judgment of the court “will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott Case,” and “the arbitrary separation of citizens on the basis of race while they are on a public highway ... cannot be justified upon any legal grounds.”</p> <ul style="list-style-type: none"><li>• What does “pernicious” mean? Use context clues to help you determine the definition.</li><li>• What are Justice Harlan’s main points in these first two paragraphs?</li></ul>	



*Plessy v. Ferguson* Close Reading Teacher's Guide:  
The Dissenting Opinion (For Teacher Reference)

**Total Time: 30 minutes**

Close Reading Question	Guide
<p>1. Justice Harlan asserts that the 13th Amendment “prevents the imposition of any burdens or disabilities that constitute badges of slavery or servitude.”</p> <ul style="list-style-type: none"> <li>• How does Justice Harlan argue that the railroad law would violate the 13th Amendment?</li> <li>• How does Harlan’s use of excerpts from the 14th Amendment support his argument?</li> </ul>	<p>1. Read the text aloud through the end of Paragraph 1, “... had been in slavery.”</p> <p>2. Read Close Reading Question 1 aloud and allow students time Think-Ink-Pair-Share, referring back to the text as much as they need to before cold calling on student pairs to respond.</p> <p>3. Read the remainder of the section through “... equal protection of the laws.”</p> <p>4. Repeat Step 2.</p> <p>Sample Responses:</p> <p><i>Justice Harlan asserts that the railroad law would make black Americans “less than” white Americans, which would violate the 13th Amendment.</i></p> <p><i>Harlan has established how the railroad law is based on inequality of the races and places a badge of inferiority on African Americans. By using excerpts from the 14th Amendment, he proves that the U.S. Constitution requires equality for all, and that the railroad law violates this rule.</i></p> <p>Additional Probing Questions:</p> <ul style="list-style-type: none"> <li>• What does it mean to “violate” an amendment?</li> <li>• What is the 13th Amendment about?</li> <li>• What does the 14th Amendment guarantee for all U.S. citizens?</li> <li>• How does Harlan argue the railroad law would violate this amendment?</li> <li>• Remember: What was the definition of “badge of inferiority” from</li> </ul>





	the court's decision?
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*Plessy v. Ferguson* Close Reading Teacher's Guide:  
The Dissenting Opinion (For Teacher Reference)

**Total Time: 30 minutes**

Close Reading Question	Guide
<p>2. Justice Harlan argues, “Everyone knows that the statute in question had its origin in the purpose not so much to exclude white persons from railroad cars occupied by blacks as to exclude colored people from coaches occupied or assigned to white persons.”</p> <ul style="list-style-type: none"> <li>State in your own words Justice Harlan’s claim about the Louisiana railroad law.</li> </ul> <p>Harlan continues, “The thing to accomplish was, under the guise of giving equal accommodation for whites and blacks, to compel the latter to keep to themselves while traveling in railroad passenger coaches.”</p> <ul style="list-style-type: none"> <li>What does the phrase “under the guise” mean? How do you know?</li> <li>What is Justice Harlan’s claim?</li> </ul>	<p>1. Read the next paragraph aloud to students, stopping after “... freedom of its citizens.”</p> <p>2. Read Close Reading Question 2 aloud and allow students time Think-Ink-Pair-Share, referring back to the text as much as they need to before cold calling on student pairs to respond.</p> <p>Sample Response:</p> <p><i>Justice Harlan claims that it is common knowledge that the railroad law was put in place to keep black people away from white people, not the other way around.</i></p> <p><i>“Under the guise” means “in the disguise of.” I know this because Justice Harlan is talking about how segregationists try to justify laws like this by making it seem like they are about equality, not discrimination.</i></p> <p>Additional Probing Questions:</p> <ul style="list-style-type: none"> <li>What familiar word does “guise” look/sound like?</li> <li>Remember: What was the court’s justification for segregationist laws?</li> <li>How does Justice Harlan argue against the court’s justification?</li> </ul>



*Plessy v. Ferguson* Close Reading Teacher's Guide:  
The Dissenting Opinion (For Teacher Reference)

**Total Time: 30 minutes**

Close Reading Question	Guide
<p>3. According to Harlan, “Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved.”</p> <ul style="list-style-type: none"><li>• What methods does Harlan use to attempt to persuade his audience in this final paragraph?</li></ul>	<p>1. Read the next paragraph aloud, ending after, “... the basis of race.”</p> <p>2. Read Close Reading Question 3 aloud and allow students time Think-Ink-Pair-Share, referring back to the text as much as they need to before cold calling on student pairs to respond.</p> <p>Sample Response: <i>Harlan uses repetition and personification to attempt to persuade his audience. For example, he says that the Constitution is “color-blind” and that it “neither knows nor tolerates classes among citizens,” as if it were a person. He also repeats these two ideas in the next sentence, saying “all citizens are equal before the law” and “the humblest is the peer of the most powerful.”</i></p> <p>Note: Harlan also acknowledges the counterclaim in the first two sentences of this section. Some students may be able to identify this strategy.</p> <p>Additional Probing Questions:</p> <ul style="list-style-type: none"><li>• What does “humblest” mean?</li><li>• What is it called when an author makes an object have human characteristics?</li><li>• What feelings does this final paragraph evoke for you?</li><li>• Was Justice Harlan correct in his prediction in the first paragraph of his opinion?</li></ul>



*Plessy v. Ferguson* Close Reading Teacher's Guide:  
The Dissenting Opinion (For Teacher Reference)

**Total Time: 30 minutes**

Close Reading Question	Guide
<p>4. According to Justice Harlan, the judgment of the court “will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott Case.” And that “the arbitrary separation of citizens on the basis of race while they are on a public highway... cannot be justified upon any legal grounds.”</p> <ul style="list-style-type: none"><li>• What does “pernicious” mean? Use context clues to help you determine the definition.</li><li>• What are Justice Harlan’s main points in these first two paragraphs?</li></ul>	<p>1. Read the final paragraph aloud, ending with, “any legal grounds.”</p> <p>2. Read Close Reading Question 4 aloud and allow students time Think-Ink-Pair-Share, referring back to the text as much as they need to before cold calling on student pairs to respond.</p> <p>Sample Response: <i>Pernicious means destructive or damaging.</i></p> <p><i>Justice Harlan’s main points are: that the court will one day regret its decision just as it did in the case of Dred Scott and that the separation of people based on race is a violation of the rights guaranteed in the Constitution.</i></p> <p>Additional Probing Questions:</p> <ul style="list-style-type: none"><li>• According to Harlan, what is the importance of the Dred Scott case?</li><li>• Why does Justice Harlan say the judgment will be as “pernicious” as the Dred Scott case?</li><li>• How is Harlan’s interpretation of the constitution different from the court’s?</li></ul>



**Homework:**  
The Dissenting Opinion

**Name:**

**Date:**

How does Justice Harlan interpret the 14th Amendment to support his position?	
What additional support does Justice Harlan use to defend his decision?	
What important information or evidence does Justice Harlan include in his dissenting opinion that the court does not include in its decision?	



Homework:

The Dissenting Opinion (for Teacher Reference)

How does Justice Harlan interpret the 14th Amendment to support his position?	<p><b>Harlan interprets the 14th Amendment by declaring that the U.S. Constitution is colorblind. He states that “everyone knows” the purpose of the railroad law is to keep black Americans out of white areas, and not vice versa. He states that this violates black American’s rights under the 14th Amendment.</b></p> <p><b>For each of the questions, please include supporting questions if students don’t come to this answer themselves.</b></p>
What additional support does the Justice Harlan use to defend its decision?	<p><b>Harlan argues that the law forcing the separation of black Americans creates a “badge of servitude,” which violates the Constitution. Harlan also uses common knowledge when arguing that the law would be in place not to create equality, but to keep black Americans from intermingling with whites.</b></p>
What important information or evidence does Justice Harlan include in his dissenting opinion that the court does not include in its decision?	<p><b>Harlan compares the case to the <i>Dred Scott</i> decision, warning the other justices that they will regret their decision.</b></p>