

MAJOR DECISIONS OF THE WARREN COURT

Following his appointment in 1953 **Chief Justice Earl Warren** led the Court into a series of decisions that drastically affected :

- rights of people arrested and/or subject to search;
- free exercise of religion;
- exercise of free speech;
- structure of political representation; and
- sexual and personal freedom

The decisions of the Warren Court reflected its deep concern for the individual, no matter insignificant or important the person might be. After the 1954 decision in *Brown v. Board of Education* (1954) which outlawed segregation, the Court came under relentless criticism. Its foes made numerous but unsuccessful efforts to limit its power through bills in Congress or through Constitutional amendments. Right-wingers called for the impeachment of Earl Warren.

I. Ending Segregation

Brown v. Board of Education (1954)

Civil Rights (14th Amendment, Equal Protection Clause)

Linda Brown, a student in the segregated Topeka Kansas school district had to walk 5 miles to school each day. She was not permitted to attend the whites-only school close to her home.. Oliver Brown enlisted the help of the NAACP to ensure that his daughter was able to go to the best school possible. **Thurgood Marshall**, then head of the **NAACP Legal Defense Fund**, challenged the segregation of the school claiming that the laws violated the 14th amendment to the Constitution that said that all citizens were to receive "equal protection under the law."

Ruling

The court ruled in favor of Brown and overturned the "separate but equal" doctrine laid down in the 1896 decision *Plessy v. Ferguson*. Writing for a unanimous (9-0) court, Warren stated that separate could *never* be equal. He noted, "in the eyes of the law, justice was color-blind."

II. Criminal Procedure

Mapp v. Ohio (1962)

Search and Seizure (4th and 14th Amendments, illegal evidence and Due Process Clause).

Facts

Mapp convicted of possessing obscene materials in her home. Materials were discovered during an admittedly illegal police search for a fugitive. Police had entered and had not properly displayed warrant.

Ruling

The court ruled that the evidence obtained in the search was inadmissible because it was seized in an illegal search. In ruling this way the court created the "**exclusionary rule**" which makes illegally obtained evidence inadmissible in court. This ruling upheld the principles of the fourth amendment.

Gideon v. Wainwright (1963)

Right To Counsel (6th Amendment).

Facts

Clarence Gideon charged in Florida state court on felony charge of breaking and entering. He was too poor to afford a lawyer and asked the court to appoint one to represent him. The court refused to grant his request, stating that lawyers were only provided for those accused of committing capital crimes [those carrying the death penalty] such as murder. Gideon was tried and was forced to defend himself. He was found guilty and sentenced to five years in prison. Gideon argued that his right to a fair trial under the Sixth Amendment was violated.

Ruling

Gideon's position was upheld. The Court ruled that all citizens must be provided a lawyer if they cannot afford one, regardless of the type of crime.

Escobedo v. Illinois (1964)

Right To Counsel (6th Amendment)

Facts

Escobedo was arrested in connection with a murder and brought to the police station. He repeatedly asked to see his lawyer, but was never allowed out of the interrogation room. His lawyer even went so far as to come to the police station in search of him, but was denied access. Escobedo then confessed while under interrogation to firing the shot that killed the victim. As a result, he was convicted.

Ruling

The Court extended the "exclusionary rule" to illegal confessions and ruled that Escobedo's confession should not have been allowed in as evidence. The Court also defined the "Escobedo Rule" which holds that individuals have the right to an attorney when an "investigation is no longer a general inquiry...but has begun to focus on a particular suspect..." The ruling went on to detail that when "the suspect has been taken into custody...the suspect has requested...his lawyer, and the police have not...warned him of his right to remain silent, the accused has been denied...counsel in violation of the Sixth Amendment."

Miranda v Arizona (1966)

Rights of the Accused (5th, 6th, and 14th Amendments)

Facts

Ernesto Miranda was arrested for the kidnapping and rape of a young woman. Upon arrest Miranda was questioned for two hours. He never asked for a lawyer and eventually confessed to the crime. Later, however, a lawyer representing Miranda appealed the case to the Supreme Court claiming that Miranda's rights had been violated.

Ruling

The Court ruled that the accused must be informed of their rights prior to questioning. Any evidence or statement obtained prior to a suspect being read his/her rights is inadmissible. This has led to what is commonly referred to as one's "Miranda Rights." They must be read by a law enforcement officer upon questioning or arrest (if the person does not speak English, law enforcement officers must find a native speaker), and the person in custody or arrest must acknowledge s/he understands the rights. A person may also waive (give up) his/her *Miranda* rights. They are:

1. "You have the right to remain silent."
2. "Anything you say can, and will be used against you in a court of law."
3. You have the right to consult with an attorney and have him/her present during any questioning."
4. "If you cannot afford an attorney, one will be appointed for you."

III. First Amendment [free exercise of religion; free speech; privacy]

Engel v. Vitale (1962)

Separation of Church and State (1st Amendment Establishment Clause)

Facts

In the late 1950's the New York State Board of Regents wrote and adopted a prayer which was supposed to be nondenominational [but used the term "Almighty God"]. The board recommended that the prayer be said by students in public schools on a voluntary basis every morning. A parent sued, claiming that the prayer violated the first amendment of the constitution. The state argued that the prayer was nondenominational and did not attempt to "establish or endorse" a religion and thus that it did not violate the establishment clause.

Ruling

The court ruled against the school district and upheld the establishment clause of the first amendment. Public prayer in schools is unconstitutional. Of course, anyone may engage in silent prayer at any time.

Griswold v. Connecticut (1965)

(14th Amendment, Due Process Clause)

Facts

The director of Connecticut chapter of Planned Parenthood argued that the state law prohibiting contraceptives (even among married couples) violated the 14th Amendment.

Ruling

The Court struck down the state law, noting that while the Constitution *does not specifically use the word 'privacy'* the concept of a "right of privacy" is found in the First Amendment.

* * This case would be central to the decision in *Roe v. Wade* (1973), which legalized abortion.

Tinker v. Des Moines Community School District (1969)

Symbolic Speech (1st Amendment)

Facts

The Tinkers, teenaged brother and sister, wore black armbands to their high school as part of a protest against the war in Vietnam. They were suspended and the school claimed the armbands were disrupted. The Tinker parents sued, arguing that the armbands were a form of symbolic speech.

Ruling

The court ruled against the school district saying that "students do not shed their constitutional rights at the school house gates. In doing so the court protected what has come to be known as "symbolic speech."

IV. Political Representation

Baker v. Carr (1962)

Facts

Tennessee (and many other states) drew their congressional districts in such a way as to favor rural areas (and dilute the voting power of heavily African-American cities). In Tennessee, a rural district had 10 times as many voters as the nearby urban district. Thus, the voting strength of minorities was diluted.

Ruling

Federal courts had the right to order states to *reapportion* (apportion = distribute) congressional districts so that all people had equal representation. The principle of: "**One person, one vote.**"

Reynolds v. Sims (1964)

The principles set down in *Baker v. Carr* applied to STATE legislative districts as well as congressional districts