

# The Warren Court

Earl Warren (1891-1974), after John Marshall, was perhaps the most influential Supreme Court Chief Justice in American history. Warren, who had been governor of California and had twice sought the Republican nomination for president, was appointed chief justice in 1953 by President Dwight D. Eisenhower. The Warren Court, which lasted from 1954 to 1969, is known for using judicial power to expand the civil rights of African-Americans, protect the rights of people accused of crimes, to create a wall of separation between church and state, and to advance the first amendment right of free expression. Below are some landmark cases of the Warren Court. Read them and complete the chart that follows.

**Brown V, Board of Education, Topeka Kansas - 1954** Linda Brown, a student in the segregated Topeka Kansas school district, had to walk 5 miles to school each day. Across the train tracks from her house there was a white school she was unable to attend. 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, 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." The state argued that Plessey v Ferguson had set the precedent and that the laws was clear on this point.

The court affirmed the position of Marshall and the Brown family and overturned the precedent set by the Plessey decision. Justice Earl Warren claimed that "in the eyes of the law, justice was color-blind." In ruling in favor of Brown the court ordered the integration of America "with all deliberate speed." The civil rights movement had begun!

**Mapp v Ohio - 1961** Dollree Mapp was suspected of having information in her home that would implicate a suspected bomber. The police came to her home and asked if they might search the residence. Ms. Mapp called her lawyer and was advised to ask for a warrant. They police did not have a warrant and were asked to leave. Hours later the police returned and forcibly entered the residence. Mrs. Mapp demanded to see the warrant and a piece of paper was waved in her face. Mrs. Mapp grabbed the paper and tucked it in her blouse. A struggle ensued where Ms. Mapp was knocked to the ground as police retrieved the supposed warrant. Outside Ms. Mapp's attorney arrived on the scene but was prevented from entering the residence. The police found pornographic materials in the house and Ms. Mapp was arrested for possession of lewd materials. Ms. Mapp was convicted of this crime. Ms.. Mapp appealed her conviction on the grounds that the search of her home was in violation of her rights.

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.

**Engle v Vitale - 1962** - In the late 1950's the New York State Board of Regents wrote and adopted a prayer which was supposed to be nondenominational. The board recommended that the prayer be said by students in public schools on a voluntary basis every morning. In New Hyde Park Long Island a parent sued the school claiming that the prayer violated the first amendment of the Constitution. The school 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.

The court ruled against the school district and upheld the establishment clause of the first amendment. Prayer in schools was to be considered unconstitutional.

**Gideon v. Wainwright - 1963** Gideon was accused of breaking into a poolroom. Gideon, an ex con, was too poor to pay for a lawyer and asked the court to appoint one for him. The court refused to grant his request stating that lawyers were only provided for those accused of committing capital crimes like murder, rape, etc. Gideon was tried and was forced to defend himself. While in Prison Gideon hand wrote a plea to the Supreme Court and was granted a hearing. At this point he received representation from lawyers who were attracted to his case. Gideon argued that his right to a fair trial was violated.

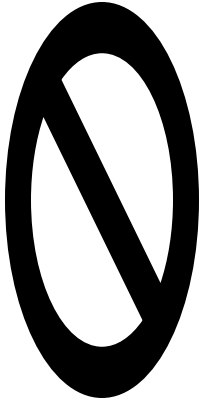
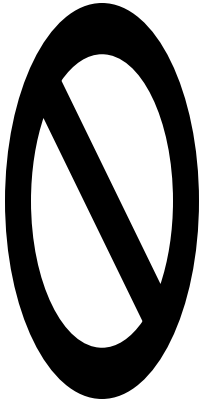
Gideon's position was upheld. The Court ruled that all citizens must be provided a lawyer if they cannot afford one. This is regardless of the type of crime.

**Abington v Schempp - 1963** This case involved a Pennsylvania law requiring that at least ten Bible verses be read in public schools at the beginning of each day. The Schempps, a family in Abington, sued the school district for violating the first amendment of the constitution. Just as in Engle v Vitale, religious instruction in school was deemed to violate the 1st amendment of the constitution.

**Miranda v Arizona - 1966** 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. Miranda was acquitted. The Court ruled that citizens 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" having to be read upon questioning or arrest. They are: "You have the right to remain silent, anything you say can, and will be used against you in a court of law. You have the right to an attorney. If you cannot afford one, one will be appointed for you." Note, Miranda was later killed in a barroom brawl, stabbed to death.

**Tinker v Des Moines - 1969** Several students and parents in Des Moines organized a protest of the Vietnam war. Students were to wear black arm bands to school in protest. When the school found out they warned all the students and parents that anyone wearing the armbands would be would be suspended. The Tinker children wore their armbands to school (they were the only ones of the group to do so) and were suspended. Mr and Mrs. Tinker filed suit claiming that the school violated the children's right to freedom of speech and expression. The school claimed that the armbands were disruptive.

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.

	<b>African American Civil Rights</b>	<b>Rights of the Accused</b>	<b>Separation of Church and State</b>	<b>Freedom of Expression</b>
Case (Identify Case; explain the issue; explain the decision)				
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