

### The Warren Court Assignment

Case	Overview of the Case & Ruling	Impact on American Citizens
Mapp v. Ohio (1961)		
Escobedo v. Illinois (1964)		
Miranda v. Arizona (1966)		
Engle v. Vitale (1962)		
Tinker v. Des Moines (1969)		

#### Writing Prompts:

1. Which decision from the Warren Court from the list above was most important and why? Your answer must be at least 5-7 sentences and reference information from the text to support your position.
2. I have left off the most important court decision from the Warren Court. What is it and what did they rule?

## Warren Court Analysis

Document 1: David M. O'Brien, "The Supreme Court: From Warren to Burger to Rehnquist," PS, Winter 1987

. . . The Warren Court (1953–1969) revolutionized constitutional law and American society. First, the unanimous and watershed [critical] school desegregation ruling, *Brown v. Board of Education*, in 1954 at the end of Warren's first year on the bench. Then, in 1962 *Baker v. Carr* announced the "reapportionment revolution" guaranteeing equal voting rights [to individual voters no matter where they lived]. And throughout the 1960s, the Court handed down a series of rulings on criminal procedure that extended the rights of the accused and sought to ensure equal access to justice for the poor. *Mapp v. Ohio* (1961), extending the exclusionary rule to the states, and *Miranda v. Arizona* (1966), sharply limiting police interrogations of criminal suspects, continue to symbolize the Warren Court's revolution in criminal justice. . . .

1. According to David M. O'Brien, what is one effect of the Warren Court on American society?

Document 2: Kermit Hall, "The Warren Court in Historical Perspective," Bernard Schwartz, ed., *The Warren Court: A Retrospective*, Oxford University Press, 1996

. . . The Warren Court's revolution in public law promoted acrimony [hostility] and bitterness precisely because it empowered those who had previously not had the opportunity to exercise power. Whether we approve of their behavior or not, there is little doubt that these new groups added dramatically and often disturbingly to the contours of American society. Much of what the Warren Court did was to release dissident minorities from long-standing legal and social strictures [limits]. Critics complained that the Court was the root of the problem; it was fostering subversive [disobedient] action by civil rights advocates, Communist agitators, criminals, smut peddlers, and racketeers who hid behind the Fifth Amendment when called to account. . . .

2. According to Kermit Hall, what is one criticism leveled against the decisions of the Warren Court?

Document 3: Source: Rebecca Winters, "No Longer Separate, But Not Yet Equal," *Time*, May 10, 2004

. . . "The promise of *Brown* was not fulfilled in the way that we envisioned it," says U.S. Secretary of Education Rod Paige, who was a student at Mississippi's all-black Jackson State University when the decision was handed down. Within the first few years after the decision, paratroopers were protecting black students entering Central High School in Little Rock, Ark., schools were shuttered [closed] entirely in Prince Edward County, Va., and white families across the South put their children into private schools. By 1971, the court had endorsed busing to overcome the residential segregation that was keeping black and white children apart. Particularly in the South, the integration drive worked, as the share of black children attending majority white schools rose from 0.1% in 1960 to a high of 44% in 1988. . . .

Document 4: Source: Kristina Dell, "What 'Brown' Means Today," Time, May 17, 2004

. . . Even though the effects of Brown were slow in coming—real desegregation only occurred with the 1964 Civil Rights Act and aggressive enforcement by the Department of Justice, which denied federal funds to any segregated school—they were revolutionary. Greenberg [Jack Greenberg, a member of the Brown legal team] cites encouraging evidence today as the half-full approach: there are black Cabinet members in Democrat and Republican administrations; blacks hold top management positions in major corporations like Citibank, Xerox, Time Warner, and Merrill Lynch. When Greenberg started practicing law in 1949 there were only two black U.S. Congressmen. Today [2004] there are 39. Brown "broke up the frozen political system in the country at the time," Greenberg notes. Southern congressmen made it a priority to keep African-Americans from obtaining power, but Brown allowed for change. Judge Carter [Robert Carter, a member of the Brown legal team] believes that the greatest accomplishment of the ruling was to create a black middle class: "The court said everyone was equal, so now you had it by right." . . .

3. Based on these documents, state two effects of the Brown v. Board of Education Supreme Court decision on American society.

Document 5: President John F. Kennedy, News Conference, June 27, 1962

. . . QUESTION: Mr. President, in the furor [uproar] over the Supreme Court's decision [in Engel v. Vitale] on prayer in the schools, some members of Congress have been introducing legislation for Constitutional amendments specifically to sanction [permit] prayer or religious exercise in the schools. Can you give us your opinion of the decision itself, and of these moves of the Congress to circumvent [get around] it?

THE PRESIDENT: I haven't seen the measures in the Congress and you would have to make a determination of what the language was, and what effect it would have on the First Amendment. The Supreme Court has made its judgment, and a good many people obviously will disagree with it. Others will agree with it. But I think that it is important for us if we are going to maintain our Constitutional principle that we support the Supreme Court decisions even when we may not agree with them.

In addition, we have in this case a very easy remedy, and that is to pray ourselves and I would think that it would be a welcome reminder to every American family that we can pray a good deal more at home, we can attend our churches with a good deal more fidelity, and we can make the true meaning of prayer much more important in the lives of all of our children. That power is very much open to us. . . .

4. What was one effect of the Engel v. Vitale decision on public schools in the United States?
5. What does President John F. Kennedy suggest as a "remedy" to those who disagree with the Supreme Court's decision in Engel v. Vitale?

Document 6: Peter Applebome, "Prayer in Public Schools? It's Nothing New for Many," New York Times, November 22, 1994

ATLANTA, Nov. 21 — As President Clinton and the new Republican leadership in Congress consider measures that would return organized prayer to public schools, it is worth remembering one thing.

Prayer is already there.

Despite a Supreme Court ruling [Engel v. Vitale] 32 years ago that classroom prayer and Scripture reading are unconstitutional even if they are voluntary, prayer is increasingly a part of school activities

from early-morning moments of silence to lunchtime prayer sessions to prefootball-game prayers for both players and fans.

The most common forms are state-mandated moments of silence at the beginning of the day, which are permissible to the extent they are not meant to be a forum for organized prayer. But, particularly in the South, religious clubs, prayer groups and pro-prayer students and community groups are making religion and prayer part of the school day. . . .

6. According to Peter Applebome, what are two ways in which prayer in public schools continued despite the Supreme Court ruling in *Engel v. Vitale*?

Document 7: "Ten Commandments, other issues generating debate in Ky.," Associated Press, April 13, 2006

In the decades following the *Engel* decision, federal courts have continued to hear cases and make rulings on issues involving separation of church and state.

FRANKFORT, Ky. — A civic group will send a Ten Commandments monument back to Frankfort only if political leaders give assurances that it will be displayed publicly, as a new law allows. . . .

The Ten Commandments monument was part of an ever-growing list of religious issues that [Governor Ernie] Fletcher and other political leaders have dealt with this year. . . .

The Eagles [a fraternal organization] donated the Ten Commandments monument to the state in 1971. It was removed from the Capitol grounds and placed in storage in the mid-1980s during construction project. When political leaders tried to display it again in 2000, the American Civil Liberties Union went to court, claiming the monument was an unconstitutional endorsement of religion. The ACLU won the case. . . .

Lawmakers passed a bill calling for the return of the monument. The same bill granted permission to local governments to post displays of the commandments in courthouses and other public buildings.

Kentucky has been at the center of legal fights in recent years on the posting of the commandments. In one case, *McCreary County v. ACLU* [2005], the U.S. Supreme Court ruled displays inside courthouses in McCreary and Pulaski counties were unconstitutional. In another [lower court case], *Mercer County v. ACLU*, the 6th U.S. Circuit Court of Appeals said a similar display in the Mercer County Courthouse is constitutional because it included other historic documents. . . .

7. Based on this article, what is one issue in the continuing debate on separation of church and state?

Document 8: Richard A. Leo, "The Impact of 'Miranda' Revisited," *The Journal of Criminal Law and Criminology*, Spring 1996 (adapted)

. . . along with other Warren Court decisions, *Miranda* has increased public awareness of constitutional rights. The *Miranda* warnings may be the most famous words ever written by the United States Supreme Court. With the widespread dissemination [distribution] of *Miranda* warnings in innumerable [numerous] television shows as well as in the movies and contemporary fiction, the reading of the *Miranda* rights has become a familiar sight and sound to most Americans; *Miranda* has become a household word. As Samuel Walker writes, "[e]very junior high school student knows that suspects are entitled to their 'Miranda rights.' They often have the details wrong, but the principle that there are

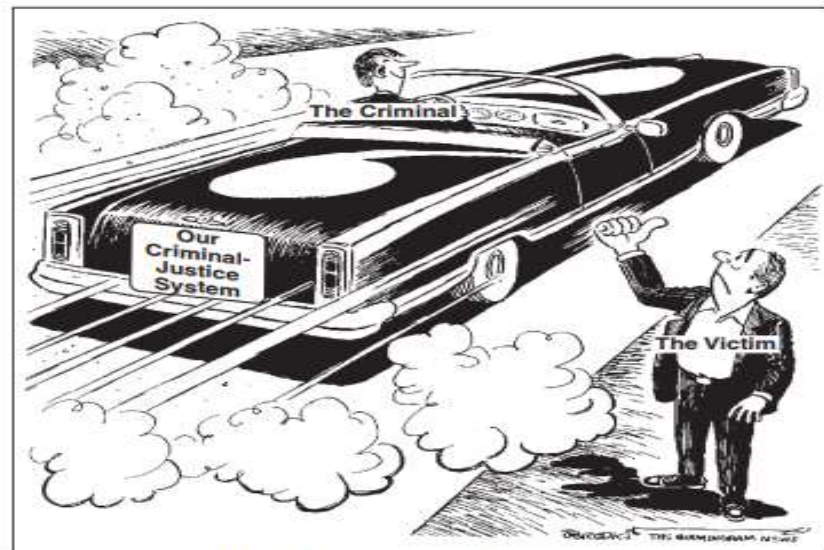
limits on police officer behavior, and penalties for breaking those rules, is firmly established.” As we have seen, a national poll in 1984 revealed that 93% of those surveyed knew that they had a right to an attorney if arrested, and a national poll in 1991 found that 80% of those surveyed knew that they had a right to remain silent if arrested. Perhaps it should not be surprising that, as many of my research subjects told me, some suspects assert their rights prior to the Miranda admonition [warning] or in situations where police warnings are not legally required. Indeed, in the last thirty years, the Miranda rights have been so entrenched [well-established] in American popular folklore as to become an indelible part of our collective heritage and consciousness. . . .

8. According to Richard A. Leo, what is one effect of the Miranda decision on American society?

Document 9: “The Crime Wave,” Time, June 30, 1975

. . . The familiar fact is that the vastly troubled criminal-justice system often exacts no price at all for crime. An adult burglar has only one chance in 412 of going to jail for any single job, according to Gregory Krohm of the Virginia Polytechnic Institute’s Center for the Study of Public Choice. For juveniles under 17, the figure is one in 659 burglaries, with a likelihood of only a nine-month term if the 659-to-1 shot comes in. Many critics are convinced that such odds were created in large part by those constitutional-law rulings of the Warren Court that expanded the rights of criminal defendants. Mapp, Escobedo, Miranda and Wade\* are still names that enrage law-and-order advocates. But despite all the years of talk and four Nixon appointments, the court has so far been willing only to trim some of the rules, not reverse them. The new rulings obviously add to the work of the courts, and some experts believe that they have hampered the criminal-justice system’s capacity to convict guilty offenders, though as yet there have been no studies demonstrating any such significant damage. . . .

Document 10: Cartoon



Source: Charles Brooks, *Birmingham News* (adapted)

9. Based on the cartoon and the Time article, what is one impact of the rulings of the Warren Court on crime?

Document 11: "Miranda warnings upheld, Supreme Court says right now deeply rooted," Florida Times Union, June 27, 2000

WASHINGTON — Refusing to overturn more than three decades of established law enforcement practice, the Supreme Court yesterday strongly reaffirmed its landmark Miranda [Miranda v. Arizona] decision, which requires police to inform criminal suspects of their rights to remain silent and to be represented by an attorney during interrogation.

In a 7-2 opinion written by Chief Justice William H. Rehnquist, the high court ruled that the requirement that criminal suspects be read their "Miranda rights" is rooted in the Constitution and cannot be overturned by an act of Congress. Federal lawmakers passed legislation seeking to undo the Miranda decision in 1968, two years after the ruling.

The seven justices in the majority left open the question of whether they would have reached the same conclusion as the original five-justice Miranda majority about the constitutional rights of criminal suspects. But citing the court's long tradition of respect for precedent, the justices said there were compelling reasons not to overrule it now.

"Miranda has become embedded in routine police practice to the point where the warnings have become part of our national culture," wrote Rehnquist, a frequent and vocal critic of the Miranda decision during his earlier years on the bench. . . .

10. Based on this article, why did the Supreme Court decide not to overturn the decision in Miranda v. Arizona?

- 1. Evaluate the degree to which the Warren Court had a positive or negative impact on the civil rights and liberties of United States Citizens. Your response must be 6-8 sentences and references the text and examples to support your position.**
- 2. Evaluate the degree to which the Warren Court had a positive or effect on American society. Your response must be 6-8 sentences and references the text and examples to support your position.**