

The Warren Court

Background: From 1953 to 1969 the Warren Court led by chief justice Earl Warren expanded civil rights, civil liberties, judicial power, and the federal power in dramatic ways. The court was both applauded and criticized for bringing an end to racial segregation in the United States, incorporating the Bill of Rights (i.e. applying it to states), and ending officially sanctioned voluntary prayer in public schools. This period is recognized as a high point in judicial power that has receded ever since, but with a substantial continuing impact.

Mapp v Ohio – 1961 Search and Seizure

Background: Dorlee 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. Ms. Mapp demanded to see the warrant and a piece of paper was waved in her face. Ms. 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.

Decision: 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.

Escobedo v Illinois 1964 Right To Counsel

Background: 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 soon convicted. Escobedo appealed to the Supreme Court and it overturned the conviction.

Decision: 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 (Where) 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

Background: 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.

Decision: 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.

Engle v Vitale – 1962
Separation of Church and State

Background: 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.

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

Tinker v Des Moines 1969
Symbolic Speech

Background: 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 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.

Decision: 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."