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Aice American A Level History, 8

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## Earl Warren

### Early Life-

1. Born in 1891 to a Christian immigrant family in Southern California (father was Norwegian and mother was Swedish)
  - a. his father worked for the Southern Pacific Railroad but was blacklisted for joining a railroad strike.
2. He graduated from the University of California with a Bachelors degree in political science in 1912 and the University of California Berkeley School of Law receiving his J.D (Juris Doctor degree or Doctor of Jurisprudence degree) in 1914.
3. He was a member of Berkeley's Gun Club secret society, where the men "lived for the drink and dies by the gun".
4. In 1914, Warren was admitted to the California bar- permission by a particular court system to a lawyer to practice law in that system. Strongly influenced by Hiram Johnson and many Progressive Era Leaders
5. Also worked for the Associated Oil Company
6. in 1917, Warren enlisted in the U.S. Army for WW1 but was discharged as a 1st lieutenant in 1918.

### City and District Attorney-

1. 1919-1920 Warren served as a clerk for the Judicial Committee for the 1919 Session of the California State Assemble and from 1920-1925 as the deputy city attorney.
2. 1925-1939 Warren was appointed to district attorney and was there for four 4 year terms
  - a. while district attorney he was tough on crimes, which led to professionalizing the DA's office.
  - b. he was seen as a tough. no-nonsense District Attorney
  - c. Was voted as the best district attorney in the country in 1931
3. He strongly supported the autonomy of law enforcement agencies but believed that police and prosecutors had to act fairly as well.

## Family and Social Life-

1. Earl Warren active in groups such as Freemasonry, Independent order of Odd Fellows, the Loyal Order of Moose, and American Legion (all fraternal and social clubs)
  1. He rose through the ranks in the Masons to Grand Master, the highest ranking in the order.
2. Married to Nina Elisabeth Palmquist Meyers, Swedish like his mother, and had six children, one adopted from wife's previous marriage.

## Attorney General of California-

1. Once he was elected, Warren organized state law enforcement and led a statewide anti-crime effort
  - a. one of his major initiatives was to stop gambling ships-ships that housed casinos.
2. Warren was a driving force behind the Japanese Internment, forced relocation and incarceration, during WW2.
  - a. Following the Japanese Attack on Pearl Harbor in December 1941, Warren organized the state's civilian defense program
  - b. "The Japanese situation as it exists in this state today may well be the Achilles heel of the entire civilian defense effort"
  - c. "Since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens...Whenever I thought of the innocent little children who were torn from home, school friends, and congenial surroundings, I was conscience-stricken...it was wrong to react so impulsively, without positive evidence of disloyalty"

## Governor of California-

1. Earl Warren was elected in 1942 for his first term
2. In 1946, he won the primaries due to cross-filling, where he was nominated by the republican party and democratic party.
  - a. he received 90% of the votes.
3. He was also elected for a third term, also as a republican, in 1950, becoming the first governor of California to serve three terms consecutively
4. He was planned and was very efficient
  - a. He pushed for post World War 2 economic planning

- b. Initialized public work projects similar to the New Deal to provide jobs for returning veterans
- 5. 1948, Warren was nominated for Vice President of the Republican National Convention on the ballot with Thomas E. Dewey, however, they lost to Truman

### Supreme Court-

1. Chief Justice Fred M. Vinson died in 1953 and Eisenhower picked Warren to replace him as Chief justice.
  - a. Eisenhower and Nixon were elected.
  - b. Nixon and Warren disliked each other and had bad blood between the both of them
  - c. Eisenhower believed that Warren was the perfect person for the Supreme Court.
2. Warren appealed to liberals and law and order conservatives so he was well liked from each side of the political spectrum
3. Warren was a strong liberal

### Warren Court-

1. Warren had a skill of manipulating the other justices
2. He had the ability to lead the court, forge majorities, and inspire liberal forces
3. He was a more liberal justice than anyone had anticipated
4. The unanimous vote on the Brown V. Board Case furthered the drive of segregation
  - a. Somehow kept all cases dealing with segregation unanimous.
5. Under Warren, the courts became an active partner in growing the nation.
6. Warren worked to nationalize the Bill of Rights by applying it to the states.

### After Supreme Court-

1. Earl Warren retired in 1969 and was known as the "super chief"
  - a. Yet, he caused many controversies among conservatives, one of which that wanted to impeach Warren but it was not successful. It did spark political activism of segregationist movements
2. President Johnson trusted Warren and demanded that Warren was the head of the investigation of the assassination of JFK

## Legacy-

1. Earl Warren left an impact on American Values
  - a. civil rights, separation of church and state, police arrest procedures
2. He swore in Eisenhower, Kennedy, Johnson, and Nixon as presidents
3. Warren was not completely liked
  - a. many people wanted to impeach Earl Warren
4. Warren died, five years after his retirement, in 1974, of congestive heart failure.
5. Revolutionized the role of the court

## Honors-

1. Earl Warren was inducted into the California Hall of Fame in 2007
2. the Earl Warren Bill of Rights Project, A campaign underway that calls on the US Supreme Court to renounce its decision affirming the right of the government to round up Japanese Americans into concentration camps, was named in his honor.
3. He was awarded the Presidential Medal of Freedom in 1981

### **Eisenhower and the Warren court**

- Eisenhower believed Warren would make a good conservative leader of the Supreme Court b/c Warren had been elected as the Governor of California as a Republican
  - Eisenhower considered appointing Earl Warren as Chief Justice as one of his greatest mistakes
- Eisenhower privately expressed his dismay for Supreme Court Decisions
  - For example, the Supreme Court upheld a lower court decision sustaining the Montgomery bus boycott on Dec. 20, 1956
    - Eisenhower commented that in some of these things he was more of a "States Righter" than the Supreme Court; he feared that negative reactions to Court decisions in parts of the country would set back progress in race relations
- A number of Supreme Court decisions involving loyalty-security issues and criminal rights agitated Eisenhower and may have adversely influenced his view of the Warren Court

### **Brown v. Board of Education of Topeka**

- Eisenhower endorsed the decision, but in his own personal opinion, he believed that it was not the right way to go
- Although he may not have agreed with the decision, he took the necessary actions to enforce the decision because he knew it was his job to uphold constitutional law no matter what
  - Two days after the Brown v. Board decision, Eisenhower stated: "The Supreme Court has spoken and I am sworn to uphold the constitutional processes in this country; and I will obey."

# The Warren Court Decisions

1945-1960

1. **Who is the chief justice?**

- a. Justice Earl Warren

2. **What is an activist court?**

- a. An activist court is traditionally defined as a court that tends to strike down the actions of the other branches, as opposed to a restrained judge who defers to the other branches on their actions. The term is often used to accuse liberal judges of rewriting the law. Actually, any judge, liberal or conservative can be activist. For instance, Justices Scalia and Thomas think state governments should be allowed to criminalize sodomy, here they are restrained. But when Scalia and Thomas voted to strike down the Gun-Free School Zones act passed by Congress they are being activist. Activism and restraint does not connote a particular Constitutional viewpoint, but instead describe action with reference to government activities.

<u>Case</u>	<u>Year</u>	<u>Decision</u>	<u>Summary</u>
<i>Toolson v. New York Yankees, Inc.</i>	Argued: October 13, 1953 Decided: November 09, 1953	7-2	Baseball antitrust exemption upheld
<i>Wilko v. Swan</i>	Argued: October 21, 1953 Decided: December 07, 1953	7-2	The provisions of the Securities Act of 1933 are not arbitrable
<i>Miller Brothers Co. v. Marylan</i>	Argued: January 05, 1954 Decided: April 05, 1954	5-4	Mail order reseller not required to collect use tax (type of excise tax) unless it had sufficient contact with the state
<i>Brown v. Board of Education of Topeka, Kansas</i>	Argued: December 08, 1952 Reargued: December 08, 1953 Decided: May 17, 1954	9-0	Overtured <i>Plessy v. Ferguson</i> , separate is not equal, state laws establishing separate public schools for black and white children unconstitutional
<i>Hernandez v. Texas</i>	Argued: January 11, 1954 Decided: May 03, 1954	9-0	Mexican-Americans and all other racial groups in the United States had equal protection under the 14 <sup>th</sup> Amendment
<i>Bolling v. Sharpe</i>	Argued: December 10-11, 1952	9-0	African American children in DC were being denied due

	<p>Reargued: December 8-9, 1953  Decided: May 17, 1954  (same day as <i>Brown</i> case)</p>		<p>process of the law as guaranteed under the 5th amendment because there was no legitimate government purpose to assign school attendance based on race</p>
<p><i>United States v. Harriss</i></p>	<p>Argued: October 19, 1953  Decided: June 07, 1954</p>	<p>5-3 (?) (Justice Clark took no part in the decision)</p>	<p>Upheld the Regulation of Lobbying Act, which reduced the influence of lobbyists. Court also said that the act only applied to paid lobbyists who directly communicated with members of Congress on pending legislation</p>
<p><i>Berman v. Parker</i></p>	<p>Argued: October 19, 1954  Decided: November 22, 1954</p>	<p>8-0 (Justice Jackson did not participate because he died 10 days before the oral arguments were heard)</p>	<p>private property could be taken for a public purpose with just compensation</p>
<p><i>United State v. International Boxing Club of New York, Inc.</i></p>	<p>Argued: November 10, 1954  Decided: January 31, 1955</p>	<p>7-2</p>	<p>Antitrust exemption granted by previous rulings to professional baseball is specific and unique to it and does not cover boxing despite similarities to baseball as currently exists</p>
<p><i>Tee-Hit-Ton Indians v. United States</i></p>	<p>Argued: November 12, 1954  Decided: February 07, 1955</p>	<p>5-4</p>	<p>Federal government did not owe Indian tribe compensation for timber taken from tribal-occupied lands in Alaska under the 5th Amendment</p>
<p><i>Commissioner v. Glenshaw Glass Co.</i></p>	<p>Argued: February 28, 1955  Decided: March 29, 1955</p>	<p>7-1 (Justice Harlan did not take part in the hearing or decision of the case)</p>	<p>Congress, in enacting income taxation statutes that comprehend "gains or profits and income derived from any source whatever," intended to tax all gain</p>

			except that which was specifically exempted
<i>Williamson v. Lee Optical Co.</i>	Argued: March 02, 1955 Decided: March 28, 1955	8-0 (Justice Harlan did not take part in the hearing or decision of the case)	state laws regulating business will only be subject to rational basis review, and that the Court need not contemplate all possible reasons for legislation
<i>Corn Products Regining Co. v. Commissioner</i>	Argued: October 18, 1955 Decided: November 07, 1955	8-0 (Justice Harlan did not take part in the hearing or decision of the case)	Futures contracts on corn of food company were capital assets and gains and losses on them were no capital but ordinary income and loss
<i>United Gas Pipe Line Co. v. Mobile Gas Service Corp.</i>	Argued: November 07-08, 1955 Decided: February 27, 1956	9-0	A gas company could not unilaterally modify a rate in a contract on file with the Federal Power Commission
<i>Federal Power Commission v. Sierra Pacific Power Co.</i>	Argued: November 08, 1955 Decided: February 27, 1956	9-0	A contract rate filed under the Federal Power Act is unlawful only if the rate is so low as to affect the public interest by being unduly discriminatory, excessively burdensome to consumers, or a threat to continued service.
<i>Griffin v. Illinois</i>	Argued: December 07, 1955 Decided: April 23, 1956	5-4	there is "no meaningful distinction" between denying indigent defendants the right to appeal and denying them a trial
<i>Radovich v. National Football League</i>	Argued: January 17, 1957 Decided: February 25, 1957	6-3	Antitrust exemption for professional baseball is specific to that sport and does not apply to professional football
<i>Reid v. Covert</i>	Argued: May 03, 1956 Reargued: February 27, 1957	6-2 (Justice Whittaker took no part in the	The Constitution supersedes all treaties ratified by the United



	Decided: June 10, 1957	consideration or decision of the case)	States Senate. The military may not try the civilian wife of a soldier under military jurisdiction.
<i>Watkins v. United States</i>	Argued: March 07, 1957 Decided: June 17, 1957	6-1 (Justices Burton and Whittaker took no part in the consideration or decision of the case)	Court held that the activities of the House Committee were beyond the scope of congressional power
<i>Yates v. United States</i>	Argued: October 08-09, 1956 Decided: June 17, 1957	6-1 (Justices Brennan and Whittaker took no part in the consideration or decision of the case)	The Court held that to violate the Smith Act, one must encourage others to take some action, not simply hold or assert beliefs. Ninth Circuit Court of Appeals reversed and remanded.
<i>Roth v. United States</i>	Argued: April 22, 1957 Decided: June 24, 1957	6-3	obscenity was not "within the area of constitutionally protected speech or press," First Amendment was not intended to protect every utterance or form of expression, such as materials that were "utterly without redeeming social importance," Court held that the test to determine obscenity was "whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest"
<i>Conley v. Gibson</i>	Argued: October 21, 1957 Decided November 18, 1957	9-0	General allegations of discrimination were sufficient to fulfill the Rule 8 requirement of a "short plain statement."

<i>McGee v. International Life Ins. Company</i>	Argued: November 20, 1957 Decided: December 16, 1957	9-0	Court continued its trend towards a greater expansion of personal jurisdiction that falls within the Constitutional limits of due process California did not violate the Due Process Clause by entering a judgment on the Texas corporation.
<i>Lambert v. California</i>	Argued: April 03, 1957 Reargued: October 16-17, 1957 Decided: December 16, 1957	5-4	Los Angeles Municipal Code requiring all convicted felons to register with the chief of police held unconstitutional under the Due Process Clause of the 14 <sup>th</sup> Amendment
<i>One, Inc. v. Olesen</i>	Submitted: June 13, 1957 (court didn't hear an oral argument) Decided: Decided January 13, 1958	<i>Per curiam</i> , (9-0)	first U.S. Supreme Court ruling to deal with homosexuality, Pro-homosexual writing is not per se obscene
<i>Perez v. Brownell</i>	Argued: May 01, 1957 Reargued: October 28, 1957 Decided: March 31, 1958	6-3	A native-born US citizen who leaves the country to avoid the draft and participate in foreign elections is not entitled to US citizenship upon return
<i>Trop v. Dulles</i>	Argued: May 02, 1957 Reargued: October 28-29, 1957 Decided: March 31, 1958	5-4	Loss of citizenship is cruel and unusual punishment in violation of the 8 <sup>th</sup> Amendment
<i>Sherman v. United States</i>	Argued: January 16, 1958 Decided: May 19, 1958	9-0	Government cannot overcome entrapment defense by dissociating itself from informant's conduct; prior related offenses not sufficient to demonstrate predisposition to commit crime if they

			occurred long before investigation began
<i>Byrd v. Blue Ridge Rural Electric Cooperative, Inc.</i>	Argued: January 28, 1958 Reargued: April 28-29, 1958 Decided: May 19, 1958	6-3	refined the doctrine regarding in what instances courts were required to follow state law, State law does not apply because the laws in question were more procedural than substantive, and because other considerations mandated that state law should not apply.
<i>Ellis v. United States</i>	?	?	?
<i>Kent v. Dulles</i>	Argued: April 10, 1958 Decided: June 16, 1958	5-4	Court held that the right to travel is an inherent element of "liberty" that cannot be denied to American citizens
<i>Societe Internationale Pour Participations Industrielles et Commerciales, S.A. v. Rogers</i>	Argued: May 01, 1958 Decided: June 16, 1958	8-0 (Justice Clark took no part in the consideration or decision of the case.)	court considered whether a district court could dismiss a case based on the petitioner's failure to comply with the court's order to produce records of the petitioner's Swiss Bank account, an act which would have amounted to a violation of Swiss law.
<i>NAACP v. Alabama</i>	Argued: January 15-16, 1958 Decided: June 30, 1958	9-0	Alabama sought to prevent the NAACP from conducting further business in the state. After the circuit court issued a restraining order, the state issued a subpoena for various records, including the

			NAACP's membership lists. The Supreme Court ruled that Alabama's demand for the lists had violated the right of due process guaranteed by the Fourteenth Amendment to the United States Constitution.
<i>Speiser v. Randall</i>	Argued: April 08–09, 1958 Decided: June 30, 1958	7-1 (Justice Warren took no part in the consideration or decision of the case.)	Case addressing the State of California's refusal to grant to ACLU lawyer Lawrence Speiser, a veteran of World War II, a tax exemption because that person refused to sign a loyalty oath as required by a California law enacted in 1954. The court reversed a lower court ruling that the loyalty oath provision did not violate the appellants' First Amendment rights
<i>Cooper v. Aaron</i>	Argued: September 11, 1958 Decided: September 12, 1958	9-0	held that the states were bound by the Court's decisions and had to enforce them even if the states disagreed with them
<i>United Gas Pipe Line Co. v. Memphis Light, Gas, &amp; Water Division</i>	Argued: October 20–21, 1958 Decided: December 08, 1958	5-3 (Justice Clark took no part in the consideration or decision of the case.)	A gas company could may unilaterally modify a rate in a contract by filing a new rate schedule if the contract specifies that the rate is that on the rate schedule on file with the Federal Power Commission
<i>Cammarano v. United States</i>	Argued: November 19, 1958 Decided: February 24, 1959	9-0	business may not deduct expenses they incurred for the "promotion or defeat

			of legislation" as "ordinary and necessary" business expenses on their federal income tax filing
<i>Bartkus v. Illinois</i>	Argued November 19, 1957 Reargued October 21–22, 1958 Decided March 30, 1959	Final: 5-4 (at first, it was 0-8 for Illinois)	The case established the dual sovereign exception to the Double Jeopardy Clause, enabling state and federal prosecutions for substantially similar events.
<i>Frank v. Maryland</i>	Argued: March 05, 1959 Decided: May 04, 1959	5-4	resisting an inspection of his house without a warrant did not violate the Due Process Clause of the Fourteenth Amendment (reversed by <i>Camara v. Municipal Court of City and County of San Francisco</i> in 1967)
<i>Beacon Theatres, Inc. v. Westover</i>	Argued: December 10, 1958 Decided: May 25, 1959	5-3 (Frankfurter took no part in the consideration or decision of the case.)	Only under the most imperative circumstances can right to jury trial of legal issues be lost through prior determination of equitable claims
<i>Louisiana Power &amp; Light Co. v. City of Thibodaux</i>	Argued: April 02, 1959 Decided: June 08, 1959	6-3	Abstention doctrine?????
<i>Barenblatt v. United States</i>	Argued: November 18, 1958 Decided June 08, 1959	5-4	As long as Congressional inquiry is pursued to "aid the legislative process" and to protect important government interests, then it is legitimate. Congressional committee had authority to compel a college professor to answer questions

			about his Communist Party membership.
<i>Smith v. California</i>	Argued: October 20, 1959 Decided: December 14, 1959	9-0	The decision deemed unconstitutional a city ordinance that made one in possession of obscene books criminally liable because it did not require proof that one had knowledge of the book's content, and thus violated the freedom of the press guaranteed in the First Amendment. Ordinance violated Due Process Clause of Fourteenth Amendment because it did not contain any element of the scienter.
<i>Bates v. City of Little Rock</i>	Argued: November 18, 1959 Decided: February 23, 1960	9-0	State governments cannot compel the disclosure of an organization's membership lists when it inhibits freedom of association. - companion case to NAACP v Alabama
<i>United States v. Raines</i>	Argued: January 12, 1960 Decided: February 29, 1960	9-0	Overtaken the ruling of a U.S. District Court, which had held that a law authorizing the Federal Government to bring civil actions against State Officials for discriminating against black citizens was unconstitutional.
<i>Federal Power Commission v.</i>	Argued: December 07, 1959 Decided: March 07, 1960	6-3	The Federal Power Commission did indeed have the right to seize land from the Tuscarora Indian Tribe

<i>Tuscarora Indian Nation</i>			with just compensation. (eminent domain over Native American lands)
<i>Flora v. United States</i>	Argued: May 20, 1958 Reargued: November 1959 Decided: March 21, 1960	8-1	A taxpayer must pay the full amount of an income tax deficiency assessed by the Commissioner of Internal Revenue before he may challenge its correctness by a suit in a federal district court for refund under 28 U.S.C. § 1346(a)(1).
<i>Dusky v. United States</i>	Argued: oral arguments not heard because the defendant was declared not able to stand a competent trial Decided: April 18, 1960	9-0	Court affirmed a defendant's right to have a competency evaluation before proceeding to trial
<i>Commissioner v. Duberstein</i>	Argued: March 23, 1960 Decided: June 13, 1960	7-2	definition of a 'gift' for taxation purposes
<i>Flemming v. Nestor</i>	Argued: February 24, 1960 Decided: June 20, 1960	5-4	Court upheld the constitutionality of Section 1104 of the 1935 Social Security Act. In this Section, Congress reserved to itself the power to amend and revise the schedule of benefits.
<i>Boynton v. Virginia</i>	Argued: October 12, 1960 Decided: December 05, 1960	7-2	Racial segregation in public transportation is illegal under the Interstate Commerce Act.