

Close Up on the Supreme Court Landmark Cases

Miranda v. Arizona, 1966

Historical Background

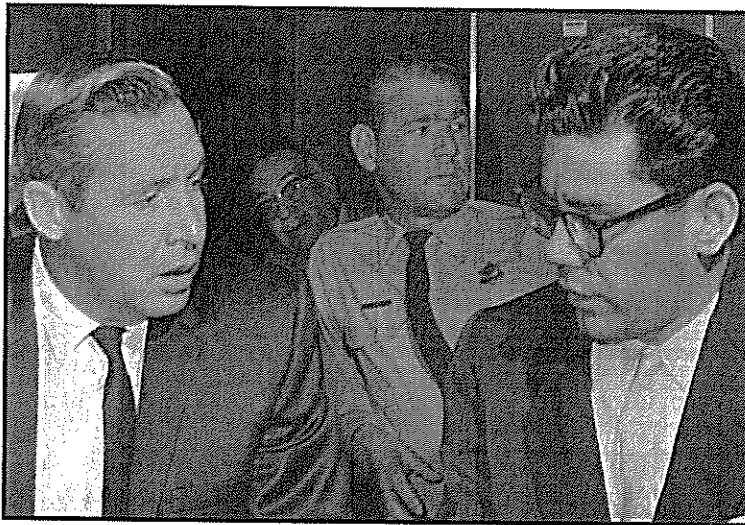
With its decisions in the cases of *Mapp v. Ohio*, 1961, *Gideon v. Wainwright*, 1963, and *Escobedo v. Illinois*, 1964, the Warren Court handed down the bases of what it called the “fundamentals of fairness” standard. At both the State and federal level, the Court sent a clear signal to law enforcement and criminal justice officials. Convictions not made in conformity with the “fairness” standard would likely be overturned. Constitutional guarantees of due process for the accused had to be upheld.

The Court heard a number of similar cases at the same time that it heard *Miranda*, but since this case was listed first on the docket, we have come to know the Court’s collective judgment by this name. The *Miranda* decision distilled the several “fundamental fairness” standards into one succinct statement of the due process rights of the accused. Thanks to television police shows, the *Miranda* warning has become a statement of a citizen’s rights familiar to many Americans.

Circumstances of the Case

A kidnapping and sexual assault occurred in Phoenix, Arizona, in March 1963. On March 13 Ernesto Miranda, 23, was arrested in his home, taken to the police station, identified by the victim, and taken into an interrogation room. Miranda was not told of his rights to counsel prior to questioning. Two hours later, investigators emerged from the room with a written confession signed by Miranda. It included a typed disclaimer, also signed by Miranda, stating that he had “full knowledge of my legal rights, understanding any statement I make may be used against me,” and that he had knowingly waived those rights.

Two weeks later at a preliminary hearing, Miranda again was denied counsel. At his trial he did have a lawyer, whose objections to the use of



Ernesto Miranda (right) leaving the courtroom with his attorney.

Miranda’s signed confession as evidence were overruled. Miranda was convicted of kidnapping and rape, and received a 20-year sentence.

Constitutional Issues

Was a confession an admissible document in a court of law if it was obtained without warnings against self-incrimination and without legal counsel—rights guaranteed to all persons by the 5th and 6th amendments? With whom does the burden of proof rest for determining whether a defendant has legally “waived” his or her rights? What is the standard for judging whether “voluntary confessions” should be deemed admissible? When should an attorney be appointed for a person if he or she cannot afford one?

Arguments

For Miranda: The police clearly violated Miranda’s 5th Amendment right to remain silent, and his 6th Amendment right to legal counsel. Arizona ignored both the *Escobedo* rule (evidence obtained from an illegally obtained confession is inadmissible in court) and the *Gideon* rule (all felony defendants have the right to an attorney) in prosecuting Miranda. His confession was illegally obtained and should be thrown out. His conviction was faulty, and he deserved a new trial.

Close Up on the Supreme Court Landmark Cases *Miranda v. Arizona, 1966*



For Arizona: Ernesto Miranda was no stranger to police procedures. He negotiated with police officers with intelligence and understanding. He signed the confession willingly. The prosecution was proper, his conviction was based on Arizona law, and his imprisonment was just. The Supreme Court should uphold his conviction and should not further cripple the work of police.

Decision and Rationale

By a 5-4 margin, the Court voted to overturn Miranda's conviction. Writing for the majority, Chief Justice Warren declared that the burden is upon the State to demonstrate that "procedural safeguards effective to secure the privilege against self-incrimination" are followed. "The current practice of 'incommunicado' [unable to communicate with the world] interrogation is at odds with one of our Nation's most cherished principles—that the individual may not be compelled to incriminate himself."

Warren then summarized the case, measuring it against the "fundamental fairness" standards the Court had established. "[I]t is clear," he wrote, "that Miranda was not in any way apprised of his right to consult with an attorney and to have one present during the interrogation, nor was his right not to be compelled to incriminate himself effectively protected in any other manner. Without these warnings [his] statements were inadmissible. The mere fact

that he signed a statement which contained a typed-in clause stating that he had 'full knowledge' of his 'legal rights' does not approach the knowing and intelligent waiver required to relinquish constitutional rights."

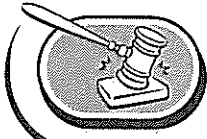
Turning to the standard for a valid waiver of rights, Warren wrote: "[A] valid waiver will not be presumed simply from the silence of the accused after warnings are given or simply from the fact that a confession was in fact eventually obtained.... Moreover, any evidence that the accused was threatened, tricked or cajoled into a waiver will, of course, show that the defendant did not voluntarily waive his privilege."

Warren then spelled out the rights of the accused and the responsibilities of the police. Police must warn a suspect "prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires."

The creation of the Miranda Warning put on the shoulders of the police the burden of informing citizens subject to questioning in a criminal investigation of their rights to "due process." Ernesto Miranda, retracting his confession, was tried again by the State of Arizona, found guilty, and sent to prison. His retrial, based on a prisoner's successful appeal, did not constitute "double jeopardy."

Questions for Discussion

1. Why is it essential that a person be given the right to counsel during police interrogation as well as during the trial?
2. Opponents of the Miranda decision argue that procedural safeguards imposed on police as a result of this ruling undermine criminal investigations. Should such concerns outweigh protection of individual rights?



Close Up on the Supreme Court Landmark Cases

Mapp v. Ohio, 1961

Historical Background

The Warren Court left an unprecedented legacy of judicial activism in the area of civil rights law as well as in the area of civil liberties—specifically, the rights of the accused as addressed in Amendments 4 through 8. In the period from 1961 to 1969, the Warren Court examined almost every aspect of the criminal justice system in the United States, using the 14th Amendment to extend constitutional protections to all courts in every State. This process became known as the “nationalization” of the Bill of Rights. During those years, cases concerning the right to legal counsel, confessions, searches, and the treatment of juvenile criminals all appeared on the Court’s docket.

The Warren Court’s revolution in the criminal justice system began with the case of *Mapp v. Ohio*, the first of several significant cases in which it re-evaluated the role of the 14th Amendment as it applied to State judicial systems.

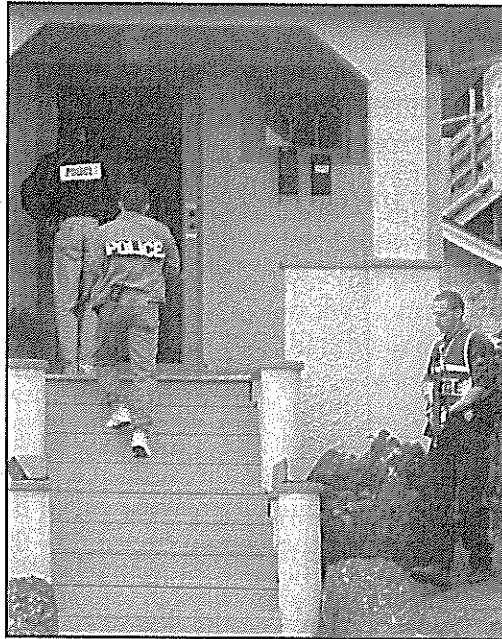
Circumstances of the Case

On May 23, 1957, police officers in a Cleveland, Ohio suburb received information that a suspect in a bombing case, as well as some illegal betting equipment, might be found in the home of Dollree Mapp. Three officers went to the home and asked for permission to enter, but Mapp refused to admit them without a search warrant. Two officers left, and one remained. Three hours later, the two returned with several other officers. Brandishing a piece of paper, they broke in the door. Mapp asked to see the “war-

rant” and took it from an officer, putting it in her dress. The officers struggled with Mapp and took the piece of paper away from her. They handcuffed her for being “belligerent.”

Police found neither the bombing suspect nor the betting equipment during their search, but they did discover some pornographic material in a suitcase by Mapp’s bed. Mapp said that she had loaned the suitcase to a boarder at one time

and that the contents were not her property. She was arrested, prosecuted, found guilty, and sentenced for possession of pornographic material. No search warrant was introduced as evidence at her trial.



Police officers must have a judge sign a search warrant before searching a home.

Constitutional Issues

The question before the Court involved 4th Amendment protection against “unreasonable searches and seizures” and the “nationalization” of the Bill of Rights under the 14th Amendment. Was the search of Mapp’s home legal and the evidence admissible under State law and criminal procedure? If

the State criminal procedure code did not exclude the evidence as having been illegally gained, did Ohio law fail to provide Mapp her 4th Amendment protection against “unreasonable searches and seizures”? *Weeks v. United States*, 1914, established the exclusionary rule barring the admission of illegally obtained evidence in federal courts. Should that rule be extended, making evidence gained by an illegal search inadmissible in State courts as well?

Arguments

For Mapp: The police, who possessed no warrant to search Mapp’s property, had acted

Close Up on the Supreme Court Landmark Cases

Mapp v. Ohio, 1961



improperly by doing so. Any incriminating evidence found during the search should, therefore, be thrown out of court and her conviction overturned. If the 4th Amendment did not limit the prerogatives of police on the local and State level, local law enforcement would have a mandate to search wherever, whenever, and whomever they pleased. The exclusionary rule that applied in federal courts should also be applied to State court proceedings.

For the State of Ohio: Even if the search was made without proper authority, the State was not prevented from using the evidence seized because “the Fourteenth Amendment does not forbid the admission of evidence obtained by an unreasonable search and seizure.” In other words, Ohio argued, the 14th Amendment does not guarantee 4th Amendment protections in the State courts. Furthermore, under the 10th Amendment, the States retain their right to operate a separate court system. The Bill of Rights only restricts and limits the actions of the National Government.

Decision and Rationale

In a 6–3 decision, the Court overturned the conviction, and five justices found that the States were bound to exclude evidence seized in violation of the 4th Amendment. In the majority opinion, Justice Tom Clark declared: “We hold that all evidence obtained by searches and seizures in violation of the Constitution [is] inadmissible in

a state court.... Were it otherwise...the assurance against unreasonable...searches and seizures would be [meaningless].”

Clark explained that “Only last year [*Elkins v. United States*, 1960] the Court...recognized that the purpose of the exclusionary rule ‘is to deter—to compel respect for the constitutional guarantee in the only effectively available way—by removing the incentive to disregard it.’” The Court thus ensured that “in either sphere [State or federal]...no man is to be convicted on unconstitutional evidence.” The 4th Amendment sets the standards for searches and seizures by law enforcement officials in the United States, the Court noted, and the 14th Amendment requires judges to uphold those standards in every State.

Evidence gained by an illegal search became inadmissible in State courts as a result of the decision. The 50-year development of the exclusionary rule for illegal evidence, begun in the *Weeks* case, 1914, and continued in *Elkins*, 1960, culminated with the decision reached in *Mapp*, 1961.

The “*Mapp* Rule” has since been modified by decisions of the Burger Court, including *Nix v. Williams*, 1984 (inevitable discovery rule), and *U.S. v. Leon*, 1984 (“good faith” exception), so the exclusionary rule is no longer as absolute as when first handed down in *Mapp*. Critics of the Warren Court charged that it “had gone too far in interfering with police work.”

Questions for Discussion

1. Justice Harlan dissented from the majority decision in *Mapp*, urging that the Court use “judicial restraint” rather than judicial activism. What do you think these terms mean in regard to the role the Court should play in determining government’s role in society? Which do you believe to be the better judicial philosophy?
2. What wording in the 14th Amendment gave the Court a basis for applying the 4th Amendment to a State court proceeding?
3. Should criminals be released from custody because of an error of procedure made by police officers? Why or why not? Explain the rationale for either case.

Case 15: Gideon v. Wainwright (1963)**Right to a Lawyer**

THE ISSUE Under the Constitution, is a poor person accused of a serious crime guaranteed the free assistance of a lawyer?

WHAT'S AT STAKE?

For the thousands of poor people accused of crime each year, the right to have a more even playing field with the prosecution.

FACTS AND BACKGROUND

Clarence Earl Gideon was accused of breaking and entering into a Florida poolroom and stealing money. When Gideon's case came to trial he could not afford to hire a lawyer. He asked that the court supply him with one for free. The judge refused. Gideon conducted his own defense but was found guilty. While in prison, Gideon handwrote a document called a writ. It asked the U. S. Supreme Court to review his case. He claimed that by refusing to appoint a lawyer to help him, the Florida court had violated his right to a lawyer.

Because of his poverty, the Supreme Court allowed him to file his document for free. When the Court accepted the case, it appointed a lawyer to represent him before the Court. His lawyer was Abe Fortas, who later became a Supreme Court justice.

Fortas argued that the Sixth Amendment, which guarantees people the right to a lawyer in criminal trials, applied to the states because of the 14th Amendment. The 14th Amendment says that no state "shall deprive any person of life, liberty, or property without due process of law." ("Due process" includes trial by jury and other procedures that make trials fair.) Fortas said that depriving Gideon of a lawyer made his trial unfair and violated his right to due process.

THE DECISION

By a 9-0 margin, the Court agreed with Gideon. Justice Hugo Black wrote for the Court. He pointed out that the Sixth Amendment says that "the accused shall enjoy the right . . . to have the Assistance of Counsel [a lawyer] for his defense." The Sixth Amendment applies to the federal courts. The Supreme Court had held in previous cases that defendants in federal court had to have a free lawyer if they wanted one. Many states had passed laws giving accused people the right to a free lawyer. In this decision, the Court held that, because of the 14th Amendment, all states must make free lawyers available. Justice Black

said that it was an “obvious truth” that “assistance of counsel” is necessary for a fair trial in any court.

Black pointed out that “governments . . . spend vast sums of money . . . to [prosecute] defendants.” If we are to achieve the goal that “every defendant stands equal before the law,” then we must recognize that defendants need lawyers to present their side of the case and balance the scales of justice. In Black’s words, “lawyers’ in criminal court are necessities, not luxuries.” Gideon got a new trial, with a lawyer to defend him. The lawyer was able to call new witnesses and cast doubt on the prosecution’s witnesses. Gideon was acquitted in this trial.

THE IMPACT OF THE DECISION

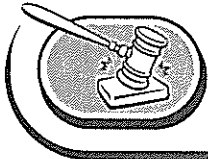
Gideon was one of several Supreme Court cases that extended the right to a lawyer. One said that lawyers had to be made available even in trials for minor crimes (misdemeanors) that might involve jail time. The Court held in another case that free lawyers must be available to help defendants pursue their right to appeal their conviction.

Today, all states either have public defenders who defend poor people or have a system where courts appoint a lawyer for each defendant who needs one. Some people say that the playing field is still uneven. Prosecutors’ offices are generally larger and have more resources than public defender offices. Nonetheless, now no defendant has to go to court without a lawyer.

QUESTIONS

1. What does the Sixth Amendment say about the right to a lawyer? Do you think these words require free lawyers for poor people accused of a crime? How else does the Sixth Amendment help assure fair trials?

2. What does the 14th Amendment say about due process? Does due process require free lawyers for poor people accused of a crime?



Close Up on the Supreme Court Landmark Cases

New Jersey v. T.L.O., 1985

Historical Background

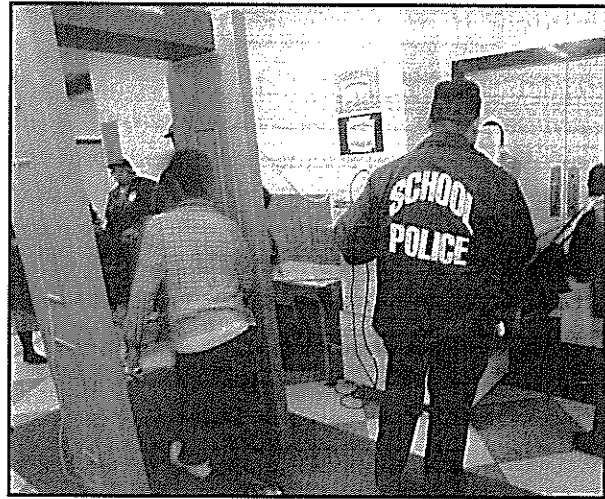
The Supreme Court has a long history of upholding citizens' protections against unreasonable searches and seizures—a right guaranteed by the 4th Amendment. In *Weeks v. United States*, 1914, the Court ruled that evidence obtained by police illegally is not admissible in federal court—a practice known as the exclusionary rule. The Court decided that such evidence is also inadmissible in State courts in *Mapp v. Ohio*, 1961. The Supreme Court extended 4th Amendment protections to include not only tangible property, but also intangible items obtained without a warrant, such as phone conversations (*Katz v. United States*, 1967). However, the 4th Amendment does not apply to such items as garbage placed on a curb (*California v. Greenwood*, 1988).

But does the 4th Amendment clause apply to students? In 1985, a New Jersey high school student was arrested as a result of a search and seizure conducted by her assistant vice-principal. The constitutionality of the search was questioned and ultimately the Supreme Court faced the task of establishing parameters for searches and seizures in schools.

Circumstances of the Case

In 1980, a teacher at Piscataway High School in Middlesex County, New Jersey, found T.L.O. and another girl smoking in a restroom—a place that was by school rule a nonsmoking area. The two girls were taken to the principal's office where T.L.O.'s companion admitted that she had been smoking in the restroom. T.L.O. denied smoking there. She denied that she smoked at all. An assistant vice-principal demanded to see T.L.O.'s purse. Searching through it he found a pack of cigarettes. He also found rolling papers, a pipe, marijuana, a large wad of dollar bills, and two letters that indicated that T.L.O. was involved in marijuana dealing at the high school.

T.L.O. was taken to the police station where she confessed that she had sold marijuana at the school. A juvenile court sentenced her to a



Metal detectors are now used in many schools across the country, as in this Philadelphia, Pennsylvania high school.

year's probation. The State Supreme Court overturned the decision, stating that T.L.O.'s 4th Amendment rights had been violated. The State of New Jersey asked that the Supreme Court hear its appeal.

Constitutional Issues

Do students in school have the same rights under the 4th Amendment as adults? Does "probable cause" have to be established for the search of a student in school, or is "reasonable cause" enough?

Arguments

For New Jersey: School officials act for the parents of students. Like parents, they do not need a warrant to make searches or seize evidence. School officials also must have broad powers to control student conduct, including the powers of search and seizure. T.L.O.'s behavior furnished a reasonable basis for the search of her purse; therefore, the exclusionary rule does not apply.

For T.L.O.: Public school officials are employees of the State, not representatives of parents. They do not have the right to act as parents. Because school officials are employees of the State, they are obligated to respect every stu-

Close Up on the Supreme Court Landmark Cases *New Jersey v. T.L.O., 1985*



dent's rights, including his or her right to privacy. The search of T.L.O.'s purse and the seizure of its contents were unreasonable acts, which led to her confession; therefore, the exclusionary rule applies.

Decision and Rationale

The Court ruled by a margin of 6–3 in favor of New Jersey. Justice Byron White wrote the Court's opinion. White recognized that students in public schools have a constitutional right to privacy under the 4th Amendment and that school officials are bound by constitutional restrictions. But the opinion also stated that the rights of children and adolescents are not the same as those of adults and that school officials have a responsibility to maintain the discipline necessary for education. "The school setting," White wrote, "...requires some modification of the level of suspicion of illicit activity needed to justify a search." The rights of students must be balanced against the needs of the school setting.

Usually, White noted, "probable cause" that a legal violation has occurred must exist. But White agreed with a lower court finding that a "school official may properly conduct a search of a student's person if the official has a reasonable suspicion that a crime has been...committed, or reasonable cause to believe that the search is necessary to maintain school discipline...." In other words, in a school, a search could be reasonable under the 4th Amendment without probable cause, so long as it was sup-

ported by reasonable suspicion or reasonable cause. The assistant vice-principal's search was considered reasonable under this definition.

In his partial dissent, Justice William Brennan wrote that the "decision sanctions school officials to conduct full scale searches on a 'reasonableness' standard whose only definite content is that it is not the same test as the 'probable cause' standard found in the text of the Fourth Amendment." In other words, he was concerned that the unclear distinction between "probable" and "reasonable" cause would discourage teachers from carrying out permissible searches.

The Court's decision would serve as a precedent in cases to come. In *Bethel School District v. Fraser*, 1986, the Court upheld school disciplinary action taken against a student who delivered a sexually explicit speech nominating a fellow student for elective office. Although the case dealt with 1st Amendment protections rather than those of the 4th Amendment, the Court based the decision on the following: "In *New Jersey v. T.L.O.* (1985)... we reaffirmed that the constitutional rights of students in public school are not automatically coextensive with the rights of adults in other settings."

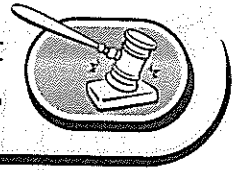
In the 1990s, the *T.L.O.* decision was used a number of times in Supreme Court cases to allow the use of metal detectors and protective searches in school. The Court has likened such searches to airport scanning and highway checkpoints for drunk drivers.

Questions for Discussion

1. Does White's standard find the right balance between a student's right to privacy and a school's concern with discipline? Why or why not?
2. Should warrantless searches be limited to cases involving violent, unlawful, or seriously disruptive conduct?

Chapter 18: Close Up on the Supreme Court

Korematsu v. United States, 1944



Case Summary

Fred Korematsu refused to obey the wartime order to leave his home and report to a relocation camp for Japanese Americans. He was arrested and convicted. After losing in the Court of Appeals, he appealed to the United States Supreme Court, challenging the constitutionality of the deportation order.

Can groups' liberties be limited during wartime?

The Court's Decision

The Supreme Court upheld the order excluding persons of Japanese ancestry from the West Coast war zone during World War II. Three justices dissented.

Justice Hugo Black delivered the opinion of the Court. He began with the observation that legal restrictions on the rights of a single racial group will always be "suspect" and that "courts must subject them to the most rigid scrutiny." However, they are not necessarily unconstitutional. The exclusion order imposed hardships "upon a large group of American citizens. ... But hardships are a part of war.... Compulsory exclusion of large groups of citizens from their homes, except under circumstances of direst emergency and peril, is inconsistent with our basic governmental institutions. But when under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger."

Justice Owen Roberts wrote in his dissent that this "is the case of convicting a citizen as a punishment for not submitting to imprisonment in a concentration camp, based on his ancestry, and solely because of his ancestry, without evidence or inquiry concerning his loyalty and good disposition towards the United States." Justice Robert Jackson noted that comparable burdens were not imposed upon descendants of the other nationalities (German, Italian) with whom the United States was also at war.

More on the Case

After the war, Fred Korematsu continued his efforts to clear his name. The ruling in *Korematsu* troubled jurists and civil libertarians because it suggested that basic civil rights could give way to

prejudice and hysteria. Congress enacted the Japanese American Evacuation Claims Act of 1948 to provide some monetary compensation to citizens who had lost their homes or businesses during the internment. Ultimately, in 1983, Korematsu succeeded in persuading a federal judge in San Francisco to set aside his conviction for violating the wartime order.

Congress reassessed the internment in the early 1980s, and in 1983 issued a report called *Personal Justice Denied* which determined that military considerations had not required the removal of Japanese Americans and concluded that the *Korematsu* decision has been "overruled in the court of history." In 1988, Congress issued a formal apology for the suffering and loss of property the internment had caused, and in 1989 authorized reparations of \$20,000 to each of the approximately 60,000 survivors of the internment camps. Many of those who were imprisoned had been farmers in California who were pressured to sell, at rock-bottom prices, land that is now worth millions of dollars. In 1998, President Clinton presented Fred Korematsu with the Presidential Medal of Freedom.

Questions for Discussion

1. Although Justice Black ruled against Mr. Korematsu, his opinion acknowledged that cases of racial exclusion were difficult. Do you agree or disagree with his opinion? Explain.
2. The majority's decision in *Korematsu* was clearly influenced by the times in which it was decided. Under what circumstances—if any—is it appropriate for the justices to take current events into account in making their decisions?