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Earl Warren

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For the swing saxophonist and occasional singer, see [Earle Warren](#). For the Wisconsin politician, see [Earl W. Warren](#).

"Justice Warren" redirects here. For other uses, see [Justice Warren \(disambiguation\)](#).

Earl Warren (March 19, 1891 – July 9, 1974)^[1] was an American jurist and politician who served as the 30th [Governor of California](#) (1943–1953) and later the 14th [Chief Justice of the United States](#) (1953–1969).

He is best known for the [liberal](#) decisions of the [Warren Court](#), which outlawed segregation in public schools and transformed many areas of [American law](#), especially regarding the [rights of the accused](#), ending [public school-sponsored prayers](#), and requiring "[one man–one vote](#)" rules of apportionment of election districts. He made the Supreme Court a power center on a more even basis with Congress and the Presidency, especially through four landmark decisions: *[Brown v. Board of Education](#)* (1954), *[Gideon v. Wainwright](#)* (1963), *[Reynolds v. Sims](#)* (1964), and *[Miranda v. Arizona](#)* (1966).

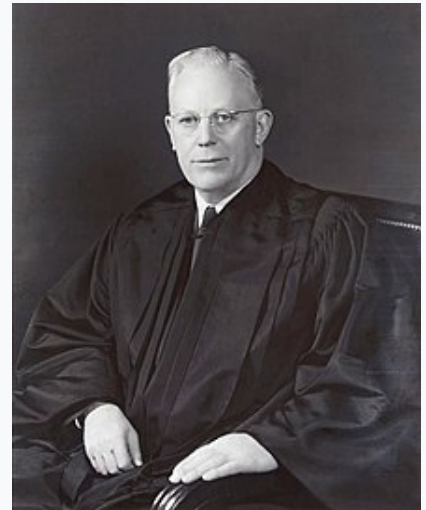
Warren is the only person elected to three consecutive terms as [Governor of California](#), and with those three elected terms he is second only to [Jerry Brown](#) for total gubernatorial wins in California. Before holding these positions, he was the [District Attorney for Alameda County, California](#), and the [Attorney General of California](#).

Warren was the nominee of the [Republican Party](#) for [Vice President](#) in 1948, as the running mate of [Thomas E. Dewey](#). He was appointed to chair what became known as the [Warren Commission](#), which was formed to investigate the 1963 [assassination of President John F. Kennedy](#).

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Earl Warren



14th Chief Justice of the United States

In office

October 5, 1953 – June 23, 1969

Nominated by [Dwight D. Eisenhower](#)

Preceded by [Fred M. Vinson](#)

Succeeded by [Warren E. Burger](#)

30th Governor of California

In office

January 4, 1943 – October 5, 1953

Lieutenant [Frederick F. Houser Goodwin Knight](#)

Preceded by [Culbert Olson](#)

Succeeded by [Goodwin Knight](#)

20th Attorney General of California

In office

January 3, 1939 – January 4, 1943

Governor [Culbert Olson](#)

Preceded by [Ulysses S. Webb](#)

Succeeded by [Robert W. Kenny](#)

Chair of the California Republican Party

In office

1932–1934

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Education, early career, and military service [\[edit\]](#)

Earl Warren was born in Los Angeles, on March 19, 1891, to Mathias H. Warren, a [Norwegian](#) immigrant whose original family name was Varren,^[2] and his wife, Crystal (Hernlund), a [Swedish](#) immigrant. Mathias Warren was a longtime employee of the [Southern Pacific Railroad](#). While thought to have a middle name, he was not given one at birth because his parents "couldn't afford the luxury" for one.^[3] After Mathias was [blacklisted](#) for joining in a strike, the family moved to [Bakersfield, California](#), in 1894. Matthias worked in a railroad repair yard, and Earl had summer jobs in railroading.

Earl Warren grew up in Bakersfield, California where he attended Washington Junior High and Kern County High School (now called [Bakersfield High School](#)). His father was murdered there by an unknown person during a robbery.

In 1912 Warren graduated with a B.A. in political science from the [University of California, Berkeley](#).^[4] In 1914 he earned his J.D. at the [UC Berkeley School of Law](#) (Boalt Hall). He was a member of [The Gun Club secret society](#),^[5] and the [Sigma Phi Society](#), a fraternity with which he maintained lifelong ties. As an undergraduate, Warren also played clarinet in the [Cal Band](#) that was not that well known.^[6]

Warren maintained a lifelong friendship with fellow Cal student [Robert Gordon Sproul](#), who later became president of [University of California](#). In 1948, at the Republican National Convention, Sproul would nominate Warren for vice president.

Preceded by [Louis B. Mayer](#)

Succeeded by [Justus Craemer](#)

District Attorney of Alameda County

In office

1925–1939

Preceded by [Ezra Decoto](#)

Succeeded by [Ralph Hoyt](#)

Personal details

Born

[Earl Warren](#)

March 19, 1891

[Los Angeles, California, U.S.](#)

Died

July 9, 1974 (aged 83)

[Washington, D.C., U.S.](#)

Political party

[Republican](#)

Spouse(s)

[Nina Meyers](#) (m. 1925)

Children

6

Education

[University of California, Berkeley](#) (BA, JD)

Signature



Military service

Allegiance

 [United States](#)

Service/branch

 [United States Army](#)

Years of service

1917–1918

Rank

 [First Lieutenant](#)

Unit

[91st Division](#)

Warren was [admitted to the California bar](#) in 1914. Warren worked a year for Associated Oil Company in San Francisco, then joined Robinson & Robinson, a law firm in [Oakland](#).



Warren as a U.S. Army officer in 1918

After the United States entered [World War I](#) in April 1917, Warren volunteered for an officer training camp but was rejected due to his hemorrhoids. As a result of contracting [ether pneumonia](#) after an operation to remove the hemorrhoids, he spent several weeks in the hospital, by which time the training camp had closed. Warren enlisted in the [U.S. Army](#) as a private in August, and was assigned to Company I of the [91st Division's 363rd Infantry Regiment](#) at [Camp Lewis, Washington](#). He was made acting [first sergeant](#) of the company and graduated from a three-month officer training course that began in January 1918. After he returned to the company in May as a [Second Lieutenant](#), the regiment was sent to [Camp Lee, Virginia](#), to train draftees. Warren spent the rest of the war there and was discharged less than a month after [Armistice Day](#), following a promotion to [First Lieutenant](#).^[7]

City and District Attorney [[edit](#)]

After the war, he served as a clerk of the Judicial Committee for the 1919 Session of the [California State Assembly](#) (1919–1920), then as the Deputy City Attorney in [Oakland, California](#) (1920–25). Warren came to the attention of powerful Republican [Joseph R. Knowland](#), publisher of *The Oakland Tribune*. He was strongly influenced by California Governor [Hiram Johnson](#) and other leaders of the [Progressive Era](#) to oppose corruption and promote democracy.^[8]

In 1925, Warren was appointed as the [District Attorney of Alameda County](#). Warren was re-elected to three four-year terms. Warren vigorously investigated allegations that a deputy sheriff was taking bribes in connection with street-paving arrangements. He was a [tough-on-crime](#)

District Attorney (1925–1939), who professionalized the DA's office. Warren cracked down on bootlegging and had a reputation for high-handedness, but none of his convictions were overturned on appeal.

Warren took a hard stance against labor in the buildup to the [San Francisco General Strike](#). In *Whitney v. California* (1927) Warren prosecuted a woman under the [California Criminal Syndicalism Act](#) for attending a communist meeting in Oakland.^[9] When in 1936 the killer of a ship officer escaped, Warren successfully prosecuted union organizers on the ship of the murder. As governor, Warren later pardoned the seamen, [Earl King](#), [Ernest Ramsay](#), and [Frank Conner](#), hours before leaving office.^[10]

Warren soon gained a statewide reputation as a tough, no-nonsense District Attorney who fought corruption in government; in a 1931 survey, voters listed him as the best District Attorney in the



The [Alameda County Superior Courthouse](#), completed in 1934

country. He ran his office in a nonpartisan manner, and he strongly supported the autonomy of law enforcement agencies. But he also believed that police and prosecutors had to act fairly. He developed many of his ideas about criminal justice based on his experiences as an active prosecuting attorney.^[11] Many of the law enforcement techniques used at that time would be declared unconstitutional when he sat on the Supreme Court.

Family and social life [[edit](#)]

Warren married Swedish-born widow Nina Elisabeth Palmquist Meyers on October 4, 1925. They had six children. Mrs. Warren died in Washington, at age 100 on April 24, 1993. Warren is the father of Virginia Warren; she married veteran radio and television personality [John Charles Daly](#), on December 22, 1960. Other children include James (adopted son from Ms. Meyers' first marriage), Earl Jr., Dorothy, Nina and Robert.

Warren was very active after 1919 in such groups as the [Freemasonry](#), the [Independent Order of Odd Fellows](#),^[12] the [Benevolent and Protective Order of Elks](#), the [Loyal Order of Moose](#) (obtained the Pilgrim Degree of Merit, the highest award given in the fraternity) and the [American Legion](#). Each one introduced Warren to new friends and political connections. He rose through the ranks in the Masons, culminating in his election in 1935 as the [Grand Master](#) of the Freemasons for the state of California. Biographer Jim Newton says that Warren, "thrived in the Masons because he shared their ideals, but those ideals also helped shape him, nurturing his commitment to service, deepening his conviction that society's problems were best addressed by small groups of enlightened, well-meaning citizens. Those ideals knitted together Warren's Progressivism, his Republicanism, and his Masonry."^[13]

Attorney General of California [[edit](#)]

In 1938, Warren won the primaries in all major parties as state attorney general, thanks to a system called "[cross-filing](#)" and was elected without serious opposition. Once elected, he organized state law enforcement officials into regions and led a statewide anti-crime effort. One of his major initiatives was to crack down on [gambling ships](#) operating off the coast of [Southern California](#).^[14]

Attorney General Warren continued many of the [Progressive Era](#) policies from his predecessor [Ulysses S. Webb](#)'s four decades in office. These included [eugenic forced sterilizations](#) and the [confiscation of land](#) from Japanese owners.^[15] Warren, who was a member of the outspoken anti-Asian society [Native Sons of the Golden West](#),^[16] successfully sought legislation expanding the land confiscations.^[17] Warren continued the confiscations until they were declared unconstitutional in *[Oyama v. California](#)* (1948).

Japanese-American internment [[edit](#)]

As attorney general, Warren is most remembered for being the moving force behind [Japanese internment](#) during World War II. This was the compulsory removal of 120,000 Americans of Japanese descent from the West Coast to inland concentration camps, without any charges or due process - when anti-Japanese racism was extremely prevalent in California. Following the Japanese [Attack on Pearl Harbor](#) in December 1941, Warren organized the state's civilian defense program, warning in January 1942 that, "The Japanese situation as it exists in this state today may well be the Achilles heel of the entire civilian defense effort."^{[18][19]} The concentration camps were upheld by the U.S. Supreme Court in *[Korematsu v. United States](#)* (1944). Warren later said he:


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...[i]t was wrong to react so impulsively, without positive evidence of disloyalty

— *The Memoirs of Earl Warren* (1977)^[20]


Governor of California [[edit](#)]

Running as a Republican, Warren was elected Governor of California on November 3, 1942, defeating the incumbent governor, [Culbert Olson](#), a liberal [Democrat](#). Thanks to cross-filing, he won all the 1946 primaries and was nominated as a candidate by both the Republican and Democratic parties, the only California governor to have done so.^[21] He was re-elected with over 90% of the vote against minor candidates. He was elected to a third term (as a Republican) in 1950, becoming the first person elected governor of California three times. Warren is the only person who has been sent to office in three consecutive California gubernatorial elections. An amendment passed in 1990 sets a limit of two terms for governor. (In 2010, [Jerry Brown](#) became the second person to be elected three times, in 1974, 1978, and [2010](#); Brown was elected to a record fourth term in 2014. As he served before the amendment was passed, he was not prohibited from serving another term.)



Warren as Governor of California 



Governor Warren meets a young "gold miner" as part of the California centennials, 1948–50 

As governor, Warren modernized the office of governor, and state government generally. Like most [progressives](#), Warren believed in [efficiency](#) and planning. During [World War II](#), he aggressively pursued postwar economic planning. Fearing another postwar decline that would rival the depression years, Governor Earl Warren initiated public works projects similar to those of the [New Deal](#) to capitalize on wartime tax surpluses and provide jobs for returning veterans. For example, his support of the Collier-Burns Act in 1947 raised gasoline taxes that funded a massive program of freeway construction. Unlike states where tolls or bonds funded highway construction, California's gasoline taxes were earmarked for building the system. Warren's support for the bill was crucial because his status as a popular governor strengthened his views, in contrast with opposition from trucking, oil, and gas lobbyists.

The Collier-Burns Act helped influence passage of the [Federal Aid Highway Act of 1956](#), setting a pattern for national highway construction.^[22]

Warren also pursued social legislation. He built up the state's higher education system based on the University of California and its vast network of small universities and community colleges.^[23] After federal courts declared the segregation of Mexican schoolchildren illegal in [Mendez v. Westminster](#) (1947) Governor Warren signed legislation ending the segregation of American Indians and Asians.^[24] Governor Warren stopped enforcing California's [anti-miscegenation law](#)

after it was declared unconstitutional in [Perez v. Sharp](#) (1948). He also improved the hospital and prison systems.^[25]

Warren ran for Vice President of the United States in [1948](#) on the Republican ticket with [Thomas E. Dewey](#), his gubernatorial counterpart from the state of New York. Heavily favored to win, they lost in a [stunning upset](#) to the incumbent Democratic President [Harry S. Truman](#) and his VP running mate [Alben W. Barkley](#).

U.S. Supreme Court [\[edit \]](#)

Appointed to Supreme Court [\[edit \]](#)

At the [1952 Republican National Convention](#), Warren stood as a California "[favorite son](#)" candidate for the Presidential nomination, hoping to be a power broker in a convention that might be deadlocked. Warren was stymied, however, when former Whittier congressman and then Senator [Richard Nixon](#), who had previously publicly promised Warren his support, furtively undermined Warren and switched his support to General [Dwight D. Eisenhower](#) when offered the vice-presidency.^[26] Eisenhower and Nixon were elected in the [United States presidential election, 1952](#), and the bad blood between Warren and Nixon was apparent. Warren referred to Nixon as "a crook and a thief" and carried his hatred of the man to his deathbed,^[26] dying one month before Nixon's resignation. President Eisenhower offered, and Warren accepted, the office of [Solicitor General of the United States](#), with the promise of a seat on the Supreme Court. But before it was announced, Chief Justice [Fred M. Vinson](#) died suddenly in September 1953 and Eisenhower picked Warren to replace him as [Chief Justice of the United States](#).^{[27][28]} The choice was strongly supported by Nixon, who allegedly wanted to remove Warren from California politics by shelving him into the Supreme Court.^[29]



Chief Justice Earl Warren



The president wanted what he felt was an experienced jurist who could appeal to liberals in the party as well as law-and-order conservatives, noting privately that Warren "represents the kind of political, economic, and social thinking that I believe we need on the Supreme Court.... He has a national name for integrity, uprightness, and courage that, again, I believe we need on the Court".^[30] In the next few years, Warren led the Court in a series of liberal decisions that revolutionized the role of the Court. Some writers believe that Eisenhower once remarked that his appointment was "the biggest damn fool mistake I ever made".^{[31][32]} However, Eisenhower biographer Jean Edward Smith concluded in 2012 that "Eisenhower never said that. I have no evidence that he ever made such a statement."^[33] Eisenhower gave Warren a recess appointment that began on October 1, 1953. It was made permanent when the Senate acted on March 1, 1954. No serious opposition had appeared and he was confirmed by unanimous voice vote.^[34]

Warren is the last Supreme Court justice to have served as governor of a U.S. state, the last justice to have been elected to statewide elected office, and the last serving politician to be elevated to the Supreme Court.

As Chief Justice, Warren swore in the president in the [second inauguration of Dwight D. Eisenhower](#) in 1957 and his successor [John F. Kennedy](#) in 1961. Warren did not swear [Lyndon B. Johnson](#) when he first became president on the death of Kennedy in 1963, but did [swear in Johnson](#) in 1965. Four years later he [swore in Richard Nixon](#) in 1969.

The Warren Court [[edit](#)]

Main article: [Warren Court](#)

Despite his lack of judicial experience, his years in the Alameda County district attorney's office and as state attorney general gave him far more knowledge of the law in practice than most other members of the Court. He was an effective and persuasive leader, more politically astute than most judicial leaders. Over the years he was effective in forging majorities in support of major decisions, and inspiring liberal forces around the nation.

Initially Warren realized his lack of judicial experience and asked the senior associate justice, [Hugo L. Black](#), to preside over conferences until he became accustomed to the processes. However, Warren learned quickly and soon was in fact, as well as in name, the Court's chief justice.^[35]

When he was appointed, all other justices had been appointed by Democrats, [Franklin D. Roosevelt](#) or Truman, and all were committed [New Deal liberals](#). But they disagreed about the role that the courts should play in achieving liberal goals. The Court was split between two warring factions. [Felix Frankfurter](#) and [Robert H. Jackson](#) led one faction, which insisted upon judicial self-restraint and insisted courts should defer to the policymaking prerogatives of the White House and Congress. [Hugo Black](#) and [William O. Douglas](#) led the opposing faction; they agreed the court should defer to Congress in matters of economic policy, but felt the judicial agenda had been transformed from questions of property rights to those of individual liberties, and in this area, courts should play a more activist role. Warren's belief that the judiciary must seek to do justice placed him with the activists, although he did not have a solid majority until after Frankfurter's retirement in 1962.^[36]

Constitutional historian Melvin I. Urofsky concludes that "Scholars agree that as a judge, Warren does not rank with [Louis Brandeis](#), [Black](#), or [Brennan](#) in terms of jurisprudence. His opinions were not always clearly written, and his legal logic was often muddled."^{[37][38][39]} His strength lay in his public gravitas, his leadership skills and in his firm belief that the Constitution guaranteed natural rights and that the Court had a unique role in protecting those rights.^{[40][41]}

[Political conservatives](#) attacked his rulings as inappropriate and have called for courts to be deferential to the elected political branches. Some [political liberals](#) agreed that the court went too far in some areas^{[42][43]} but insist that most of its controversial decisions struck a responsive chord in the nation and have become firmly established law.^[44]

Decisions [[edit](#)]

Warren was a more liberal justice than anyone had anticipated.^[45] Warren was able to craft a long series of landmark decisions because he built a winning coalition. When Frankfurter retired in 1962 and President [John F. Kennedy](#) named labor lawyer [Arthur Goldberg](#) to replace him, Warren



President Kennedy and Chief Justice Earl Warren with their wives, November 1963

finally had the fifth liberal vote for his majority. [William J. Brennan Jr.](#), a liberal Democrat appointed by Eisenhower in 1956, was the intellectual leader of the activist faction that included Black and Douglas. Brennan complemented Warren's political skills with the strong legal skills Warren lacked and Warren would often have Brennan edit his opinions before they were circulated.^[26] Warren and Brennan met before the regular conferences to plan out their strategy.^[46] Warren actively sought out lower court cases to overrule precedent, directing his clerks to "keep your eyes peeled for a [right to counsel](#) case" as early as 1961.^[26]

***Brown* (1954)** [\[edit \]](#)

Brown v. Board of Education 347 U.S. 483^[27] (1954) banned the segregation of public schools. The very first case put Warren's leadership skills to an extraordinary test. The [NAACP](#) had been waging a systematic legal fight against the "separate but equal" doctrine enunciated in *Plessy v. Ferguson* (1896) and finally had challenged *Plessy* in a series of five related cases, which had been argued before the Court in the spring of 1953. However the justices had been unable to decide the issue and ordered a reargument of the case in fall 1953, with special attention to whether the Fourteenth Amendment's equal protection clause prohibited the operation of separate public schools by the states for whites and blacks.^[47]

While all but one justice personally rejected segregation, the self-restraint faction questioned whether the Constitution gave the Court the power to order its end, especially since the Court, in several cases decided after *Plessy*, had upheld the doctrine of "separate but equal" as constitutional.^[48] The activist faction believed the Fourteenth Amendment did give the necessary authority and were pushing to go ahead. Warren, who held only a recess appointment, held his tongue until the Senate, dominated by southerners, confirmed his appointment. Warren told his colleagues after oral argument that he believed racial segregation violated the Constitution and that only if one considered African Americans inferior to whites could the practice be upheld. But he did not push for a vote. Instead, he talked with the justices and encouraged them to talk with each other as he sought a common ground on which all could stand. Finally he had eight votes, and the last holdout, [Stanley Reed](#) of Kentucky, agreed to join the rest. Warren drafted the basic opinion in *Brown v. Board of Education* (1954) and kept circulating and revising it until he had an opinion endorsed by all the members of the Court.^[49]

The unanimity Warren achieved helped speed the drive to desegregate public schools, which mostly came about under President [Richard Nixon](#). Throughout his years as Chief, Warren succeeded in keeping all decisions concerning segregation unanimous. *Brown* applied to schools, but soon the Court enlarged the concept to other state actions, striking down racial classification in many areas. Congress ratified the process in the [Civil Rights Act of 1964](#) and the [Voting Rights Act of 1965](#). Warren did compromise by agreeing to Frankfurter's demand that the Court go slowly in implementing desegregation; Warren used Frankfurter's suggestion that a 1955 decision (*Brown II*) include the phrase "all deliberate speed".^[50]

The *Brown* decision of 1954 marked, in dramatic fashion, the radical shift in the Court's—and the nation's—priorities from issues of property rights to civil liberties. Under Warren the courts became an active partner in governing the nation. Warren never saw the courts as a backward-looking branch of government.

The *Brown* decision was a powerful moral statement clad in a weak constitutional analysis; Warren was never a legal scholar on a par with Frankfurter or a great advocate of particular doctrines, as was Black. Instead, he believed that in all branches of government common sense, decency, and elemental justice were decisive, not [precedent](#) (*stare decisis*), tradition or the text of

the Constitution. He wanted results. He never felt that doctrine alone should be allowed to deprive people of justice. He felt racial segregation was simply wrong, and *Brown*, whatever its doctrinal defects, remains a landmark decision primarily because of Warren's interpretation of the equal protection clause to mean that children should not be shunted to a separate world reserved for minorities.^[51]

Reapportionment [\[edit \]](#)

The "one man, one vote" cases (*Baker v. Carr* and *Reynolds v. Sims*) of 1962–1964 had the effect of ending the sometimes gross malapportionment of state legislative chambers, to the political detriment of those who lived in more densely populated areas.

Warren's priority on fairness shaped other major decisions. In 1962, over the strong objections of Frankfurter, the Court agreed that questions regarding malapportionment in state legislatures were not political issues, and thus were not outside the Court's purview. For years, underpopulated rural areas had an equal voice in the state legislatures in the Senate where Los Angeles County had only one state senator just like Siskiyou County. Cities had long since passed their peak, and now it was the middle class suburbs that were underrepresented. Frankfurter insisted that the Court should avoid this "political thicket" and warned that the Court would never be able to find a clear formula to guide lower courts in the rash of lawsuits sure to follow. But Douglas found such a formula: "one man, one vote."^[52]

In the key apportionment case, *Reynolds v. Sims* (1964),^[53] Warren delivered a civics lesson: "To the extent that a citizen's right to vote is debased, he is that much less a citizen," Warren declared. "The weight of a citizen's vote cannot be made to depend on where he lives. This is the clear and strong command of our Constitution's Equal Protection Clause." Unlike the desegregation cases, in this instance, the Court ordered immediate action, and despite loud outcries from rural legislators, Congress failed to reach the two-thirds needed to pass a constitutional amendment. The states complied, reapportioned their legislatures quickly and with minimal troubles. Numerous commentators have concluded reapportionment was the Warren Court's great "success" story.^[54]

Due process and rights of defendants (1963–66) [\[edit \]](#)

In *Gideon v. Wainwright*, 372 U.S. 335[↗] (1963) the Court held that the [Sixth Amendment](#) required that all indigent criminal defendants receive publicly funded counsel (Florida law, consistent with then-existing Supreme Court precedent reflected in the case of *Powell v. Alabama*, required the assignment of free counsel to indigent defendants only in capital cases); *Miranda v. Arizona*, 384 U.S. 436[↗] (1966) required that certain rights of a person interrogated while in police custody be clearly explained, including the right to an [attorney](#) (often called the "[Miranda warning](#)").

While most Americans eventually agreed that the Court's desegregation and apportionment decisions were fair and right, disagreement about the "due process revolution" continues into the 21st century. Warren took the lead in criminal justice; despite his years as a tough prosecutor, he always insisted that the police must play fair or the accused should go free. Warren was privately outraged at what he considered police abuses that ranged from warrantless searches to forced confessions.

Warren's Court ordered lawyers for indigent defendants in *Gideon v. Wainwright* (1963), and prevented prosecutors from using evidence seized in illegal searches, in *Mapp v. Ohio* (1961). The famous case of *Miranda v. Arizona* (1966) summed up Warren's philosophy.^[55] Everyone, even one accused of crimes, still enjoyed constitutionally protected rights, and the police had to

respect those rights and issue a specific warning when making an arrest. Warren did not believe in coddling criminals; thus in *Terry v. Ohio* (1968) he gave police officers leeway to stop and frisk those they had reason to believe held weapons.

Conservatives angrily denounced the "handcuffing of the police."^[56] They attacked Warren using official FBI statistics that showed violent crime and homicide rates shooting up nationwide; in New York City, for example, after steady to declining trends until the early 1960s, the homicide rate doubled in the period from 1964 to 1974 from just under 5 per 100,000 at the beginning of that period to just under 10 per 100,000 in 1974. After 1992 the homicide rates fell sharply.^[57]

First Amendment [edit]

The Warren Court's activism stretched into a new turf, especially First Amendment rights. The Court's decision outlawing mandatory school prayer in *Engel v. Vitale* (1962) brought vehement complaints that continue to the present.^[58] Warren worked to nationalize the *Bill of Rights* by applying it to the states. Moreover, in one of the landmark cases decided by the Court, *Griswold v. Connecticut* (1965), the Warren Court announced a constitutionally protected *right of privacy*.^[59] With the exception of the desegregation decisions, few decisions were unanimous. The eminent scholar Justice *John Marshall Harlan II* took Frankfurter's place as the Court's self-constraint spokesman, often joined by *Potter Stewart* and *Byron R. White*. But with the appointment of *Thurgood Marshall*, the first black justice, and *Abe Fortas* (replacing Goldberg), Warren could count on six votes in most cases.^[60]

Warren Commission [edit]

Main article: Warren Commission

Less than a week after the assassination, President Johnson demanded in the name of patriotic duty that Warren head the governmental commission to investigate the death of John F. Kennedy. It was an unhappy experience for Warren, who did not want the assignment. As a judge, he valued candor and justice, but as a politician he recognized the need for secrecy in some matters. He insisted that the commission report should be unanimous, and so he compromised on a number of issues in order to get all the members to sign the final version. Many conspiracy theorists have attacked the commission's findings ever since, claiming that key evidence is missing or distorted and that there are many inconsistencies in the report. The Commission concluded that the assassination was the result of a single individual, *Lee Harvey Oswald*, acting alone.^{[61][62]} Fears of possible Soviet or Cuban foreign involvement in the assassination necessitated the establishment of a bipartisan commission that, in turn, sought to depoliticize Oswald's role by downplaying his Communist affiliations. The commission weakened its findings by not sharing the government's deepest secrets. The report's lack of candor furthered antigovernment cynicism, which in turn stimulated conspiracy theorists who propounded any number of alternative scenarios, many of which appear mutually contradictory.^{[63][64]}



Commissioner Warren presents his report to President Johnson on September 24, 1964. ✎

Retirement delayed [edit]

In June 1968, Warren, fearing that Nixon would be elected president that year, worked out a retirement deal with President Johnson. Associate Justice [Abe Fortas](#), who was secretly Johnson's top adviser, brokered the deal in which Warren would retire upon confirmation of his successor, Fortas was nominated to be Chief Justice, and [Homer Thornberry](#) was nominated as an Associate Justice to take Fortas's seat. The plan was foiled by Senate Republicans, who ripped into Fortas's record and blocked his nomination with a [filibuster](#), prompting Fortas to withdraw from consideration and rendering

Thornberry's nomination moot. Warren remained on the Court, and Nixon was elected. In early 1969, Warren learned that Fortas had made a secret lifetime contract for \$20,000 a year to provide private legal advice to [Louis Wolfson](#), a friend and financier in deep legal trouble; Warren immediately asked Fortas to resign, which he did after some consideration.^[65]

Warren presided over the Court's October 1968 term and retired in June 1969; Nixon named [Warren E. Burger](#) to succeed him. Warren regretted his decision, reflecting "If I had ever known what was going to happen to this country and this Court, I never would have resigned. They would have had to carry me out of there on a plank".^[26] Burger, despite his distinguished profile and conservative reputation, proved to be quite ineffective in stopping Brennan's influence within the court, so the "Warren Court" legacy continued in many respects until about 1986, when [William Rehnquist](#) became Chief Justice and took firmer control of the agenda.^[66]

Legacy [[edit](#)]

Earl Warren had a profound impact on American values. As Chief Justice, his term of office was marked by numerous rulings on civil rights, separation of church and state, and police arrest procedure in the United States. [Anthony Lewis](#) described Warren as "the closest thing the United States has had to a [Platonic Guardian](#)".^[26]

Warren's critics found him a boring person. "Although Warren was an important and courageous figure and although he inspired passionate devotion among his followers...he was a dull man and a dull judge," observed [Dennis J. Hutchinson](#).^[26] According to Justice [Potter Stewart](#), Warren's philosophical foundation were the "eternal, rather bromidic, platitudes in which he sincerely believed" and "Warren's great strength was his simple belief in the things we now laugh at: motherhood, marriage, family, flag, and the like."^[26] He was highly moralistic but not particularly cerebral, with his biographer Bernard Schwartz concluding that with "Warren's bluff masculine bonhomie, his love of sports and the outdoors, and his lack of intellectual interests or pretensions, we end up with a typical representative of the middle America of his day."^[26]

Warren retired from the Supreme Court in 1969. He was affectionately known by many as the "Superchief", although he became a lightning rod for controversy among [conservatives](#): signs declaring "[Impeach](#) Earl Warren" could be seen around the country throughout the 1960s. The unsuccessful impeachment drive was a major focus of the [John Birch Society](#)^[67] and sparked the political activism of [Southern Baptist evangelist Jerry Falwell](#)^[68] who would later found the [Moral Majority political action committee](#), partially in response to U.S. President [Jimmy Carter](#) questioning the tax exempt status of [private schools](#).

As Chief Justice, he swore in four consecutive Presidents: Eisenhower (in 1957), Kennedy (in 1961), Johnson (in 1965) and Nixon (in 1969).



Chief Justice Warren swears in President Nixon on January 20, 1969.

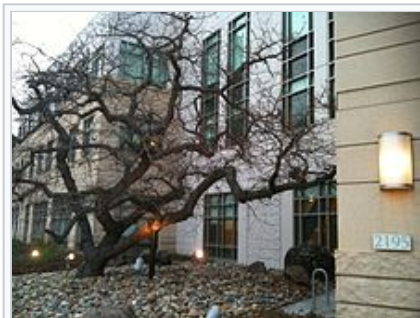
Death [edit]

Five years into retirement, Warren died at [Georgetown University Hospital](#) in Washington, D.C., at 8:10 PM on July 9, 1974.^[69] On that date, he was visited by Justices Brennan and Douglas. Warren could not resist asking his friends whether the Court would order President Nixon to release the sixty-four tapes demanded by the [Watergate](#) investigation. Both justices assured him that the court had voted unanimously in *[United States v. Nixon](#)* for the release of the tapes. Relieved, Warren died just a few hours later, safe in the knowledge that the Court he had so loved would force justice on the man who had been his most bitter foe.^[70]

His funeral was held at [Washington National Cathedral](#), and he was interred at [Arlington National Cemetery](#).^{[71][72]} Warren is one of two former California governors whose final funeral services took place in Washington, D.C., the other being [Ronald Reagan](#), whose final funeral service was his [state funeral](#), held thirty years later, also at Washington National Cathedral.

Honors [edit]

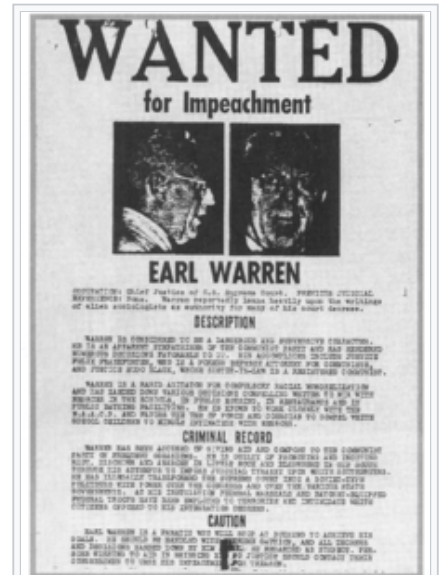
On December 5, 2007, California Governor [Arnold Schwarzenegger](#) and First Lady of California [Maria Shriver](#) inducted Warren into the [California Hall of Fame](#), located at [the California Museum](#).^[73] The [Earl Warren Bill of Rights Project](#) is named in his honor. He was awarded the [Presidential Medal of Freedom](#) posthumously in 1981. An extensive collection of Warren's papers, including case files from his Supreme Court service, is located at the Manuscript Division of the [Library of Congress](#) in Washington, D.C. Most of the collection is open for research.



Earl Warren Hall at [University of California, Berkeley](#) was designed to architecturally accommodate this [Mongolian Oak](#).^[74]

A number of educational and governmental institutions have been named for Warren. In 1977, Fourth College, one of the six [undergraduate](#) colleges at the [University of California, San Diego](#), was renamed [Earl Warren College](#) in his honor. The California State Building in San Francisco; [Earl Warren Middle School](#) in [Solana Beach, California](#); elementary schools in [Garden Grove](#), and [Lake Elsinore, California](#); a junior high school in his home town of [Bakersfield, California](#); high schools in [San Antonio, Texas](#) ([Earl Warren High School](#)), and [Downey, California](#) ([Warren High School](#)); and a building at the high school he attended ([Bakersfield High School](#)) are named for him, as are the showgrounds in [Santa](#)

[Barbara, California](#). The freeway portion of [State Route 13](#) in Alameda County is the Warren Freeway. The Warren Reading Room at Boalt Hall was also named in his honor.



An "Impeach Earl Warren sign", posted in San Francisco in October 1958



Grave at Arlington National Cemetery

He was honored by the [United States Postal Service](#) with a 29¢ [Great Americans series](#) postage stamp.^[75]

Electoral history [[edit](#)]

Earl Warren electoral history

[[show](#)]

Cultural references [[edit](#)]



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[Super Chief: The Life and Legacy of Earl Warren](#), a documentary about Warren, was produced in 1989.

Warren is portrayed by former New Orleans' District Attorney and Warren Commission critic [Jim Garrison](#) in [Oliver Stone's *JFK*](#).

Warren is mentioned in [Stephen King's](#) novel *[11/22/63](#)*.

Was played by [Richard Kiley](#) in the 1991 miniseries *[Separate but Equal](#)*.

Warren is referenced in [Kurt Vonnegut's](#) book *[Slaughter House Five](#)* as an "Impeach Earl Warren" sticker behind Billy Pilgrim's car.

Warren was referenced in the *[King of the Hill](#)* episode "[Bobby Slam](#)" by [Hank Hill](#).

In the [alternate history *Colonization*](#) trilogy by [Harry Turtledove](#) (part of the [Worldwar](#) overall franchise), Warren is depicted as being the President of the United States in the early 1960s, 20 years after the first arrival of the alien Lizards.

The satirical song "The John Birch Society" by [The Chad Mitchell Trio](#) asks "Do you want Justice Warren to be your commissar?"

In an episode of *[The Simpsons](#)* from the [fourth season](#) entitled "Itchy & Scratchy: The Movie", Marge asks "Homer, do you want your son to become Chief Justice of the Supreme Court or a sleazy male stripper?" Homer responds: "Can't he be both, like the late Earl Warren?"

In 2005, President [George W. Bush](#) nominated [Harriet Miers](#) to succeed the retiring [Sandra Day O'Connor](#) on the Supreme Court. Miers met with several Senators, including Democrat [Patrick Leahy](#), who asked Miers to name her favorite Supreme Court justices. Miers reportedly responded, "Warren", prompting Leahy to ask whether she meant liberal icon Earl Warren. Miers replied that she meant [Warren Burger](#), a conservative who nevertheless was reviled by many Republicans, particularly for voting with the majority in the landmark abortion case of *[Roe v. Wade](#)*.^[91] Miers ultimately withdrew from consideration, and the Senate later confirmed [Samuel Alito](#) to succeed O'Connor.

See also [edit]

Articles about his time as Chief Justice

- [List of Justices of the Supreme Court of the United States](#)
- [List of law clerks of the Supreme Court of the United States](#)
- [List of United States Chief Justices by time in office](#)
- [List of U.S. Supreme Court Justices by time in office](#)
- *Super Chief: The Life and Legacy of Earl Warren*, a 1989 documentary film
- [United States Supreme Court cases during the Warren Court](#)




Articles about his time before becoming Chief Justice

- [Earl King, Ernest Ramsay, and Frank Conner](#), murder case he prosecuted in [Alameda County, California](#)

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43. ^ Powe 2000, p. 101. Powe reports "a fear not only among conservatives but among moderates as well as some liberals that the Justices had gone too far in protecting individual rights and in so doing had moved into the legislative domain."
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- Oral History Interview with Earl Warren, from the Lyndon Baines Johnson Library [↗](#)
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