

Policing the States

The Court simultaneously pushed forward the process of imposing upon the states the obligation to respect the liberties outlined in the Bill of Rights. It required states to abide by protections against illegal search and seizure, the right of a defendant to a speedy trial, the prohibition against cruel and unusual punishment, and the right of poor persons accused of a crime to receive counsel from publicly supplied attorneys. Among the most important of these decisions was the 5-4 ruling in *Miranda v. Arizona* (1966). This held that an individual in police custody must be informed of the rights to remain silent and to confer with a lawyer before answering questions and must be told that any statements might be used in court. The decision made “Miranda warnings” standard police practice.

The Court also assumed the power to oversee the fairness of democratic procedures at the state and local levels. *Baker v. Carr* (1962) established the principle that districts electing members of state legislatures must be equal in population. This “one man, one vote” principle overturned apportionment systems in numerous states that had allowed individuals in sparsely inhabited rural areas to enjoy the same representation as residents of populous city districts.

The justices also moved to reinforce the “wall of separation” between church and state. In 1961, they unanimously declared unconstitutional a clause in Maryland’s constitution requiring that public officials declare their belief “in the existence of God.” In the following year, in *Engel v. Vitale*, they decreed that prayers and Bible readings in public schools also violated the First Amendment. President Kennedy pointed out that Americans remained perfectly free to pray at home or in church, but these rulings proved to be the most unpopular of all the Warren Court’s decisions. Polls showed that 80 percent of Americans favored allowing prayer in public schools.

The Right to Privacy

The Warren Court not only expanded existing liberties but also outlined entirely new rights in response to the rapidly changing contours of American society. Most dramatic was its assertion of a constitutional right to privacy in *Griswold v. Connecticut* (1965), which overturned a state law prohibiting the use of contraceptives. Justice William O. Douglas, who wrote the decision, had once declared, “The right to be let alone is the beginning of all freedom.” Apart from decisions of the 1920s that affirmed the right to marry and raise children without government interference, however, few legal precedents existed regarding privacy. The Constitution does not mention the word. Nonetheless, Douglas argued that a constitutionally protected “zone of privacy” within marriage could be inferred from the “penumbras” (shadows) of the Bill of Rights.