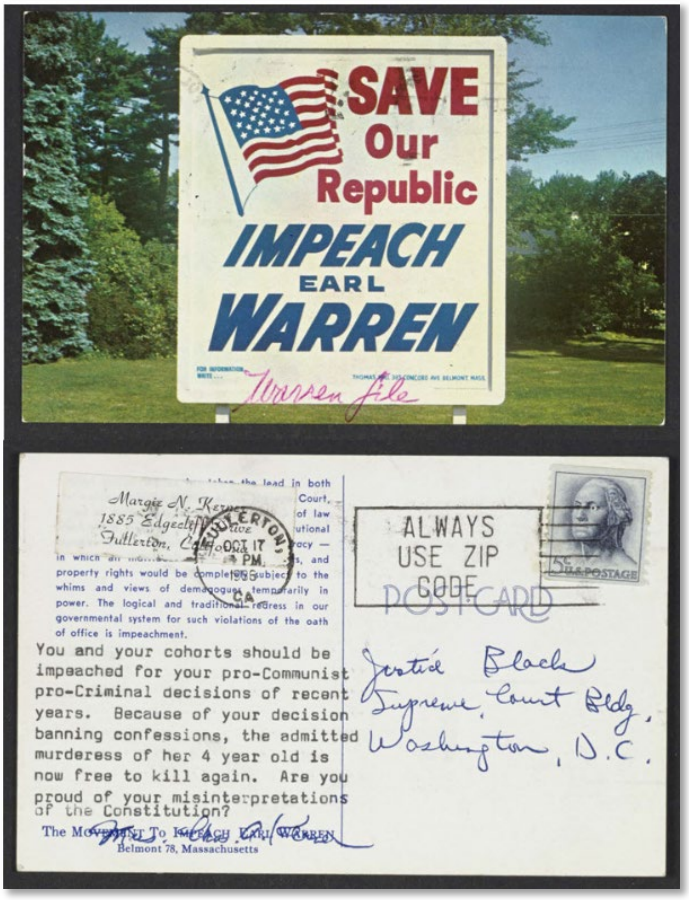
Miranda v. Arizona / Document Analysis—Answer Key



"Save Our Republic: Impeach Earl Warren," October 17, 1966, Postcard, Hugo L. Black Papers, Manuscript Division, Library of Congress, https://www.loc.gov/law/help/digitized-books/miranda-v-arizona/miranda-documents.php.

Background

Earl Warren was the Republican governor of California. He was nominated by President Dwight D. Eisenhower (also a Republican) to be Chief Justice of the United States. In 1954, he was confirmed by the Senate. President Eisenhower expected Chief Justice Warren to make conservative decisions; however, in his first term on the Supreme Court he wrote the unanimous opinion in *Brown v. Board of Education of Topeka, Kansas,* which desegratated public schools. By the mid-1960s the Warren Court made many decisions to protect the rights of the accused including *Mapp v. Ohio* (1961), which extended the exclusionary rule to states; *Gideon v. Wainwright* (1963), which required states to provide attorneys for poor defendants; and *Miranda v. Arizona* (1966), which required police to inform people in custody of their right to stay silent in order to not incriminate themselves and their right to have an attorney provided.

An "Impeach Earl Warren" movement was started by people who opposed the Warren Court's decisions. However, as stated in Article III of the U.S. Constitution, justices "*shall hold their Offices during good Behaviour*" meaning they have life terms. Article II states that civil officers, including justices, may only be impeached for "*Treason, Bribery, or other high Crimes and Misdemeanors.*"

Observe

1. What do you notice first about the front of the postcard?
   Student answers will vary but may include the flag, "SAVE Our Republic," "IMPEACH EARL WARREN," or the signature.
2. What do you notice first about the back of the postcard?
   Student answers will vary but may include the postmark, the return address, the typed text of the message, the signature, the lack of a street address, or the George Washington stamp.

Reflect

3. Why do you think someone sent this postcard?
   Student answers will vary but may include because they were angry about "pro-Criminal" decisions made by the Warren Court like *Mapp v. Ohio*. They may have been hoping to influence Justice Black's decisions in the future.
4. What can you tell about the point of view of the person who sent the postcard?
   Student answers will vary but may include because they were angry enough to want to impeach Chief Justice Warren. This person thinks that Justice Black and Chief Justice Warren have misinterpreted the Constitution.
5. What do you learn about the reaction of some people to the decision in Mapp v. Ohio (1961) and others that protected the rights of the accused from this postcard?
   Student answers will vary but may include that many people disagreed with the decision in *Mapp v. Ohio*. They may cite that fact that there were enough people who were angry and wanted to impeach Chief Justice Warren to have postcards printed.
6. Do you think everyone had this reaction to the decisions?
   Student answers will vary but may include that it is likely that some people supported this decision as well.
7. Article III of the U.S. Constitution states this about the life terms of Supreme Court justices: "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour." Article II states that public officers such as justices "shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." Considering these two constitutional provisions, do you think Chief Justice Earl Warren could be impeached?
   Considering these two constitutional provisions it is not likely that Chief Justice Earl Warren could be impeached. There are not provisions to impeach a justice because their decisions are unpopular or even wrong. There is no evidence that the Chief Justice committed "Treason, Bribery, or other high Crimes and Misdemeanors."

Question

8. What do you still wonder about?
   Student answers will vary.