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## **Earl Warren and Me: A Brief History**



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Assembly Room, A. K. Smiley Public Library

## EARL WARREN AND ME: A BRIEF HISTORY

James H. Belote

To be the first speaker of the year is scary. In the normal course of events, our talks should improve over the year as we learn from each other's mistakes. Logically, that would mean that the last talk of the year will be the best. I'm hesitant to think of what that means about the first talk.

Today I'm going to speak about Earl Warren. Most people vaguely remember him, a California Governor, a Supreme Court Justice, but little else. I'm not a historian, a lawyer, and certainly not a politician, so why choose Earl Warren? Warren is the type person you read about and say, "Wait! What?". He had such a fascinating life that I can only hit the highlights.

Earl Warren was born in Los Angeles, California, March 19, 1891. Both of his parents were Scandinavian in origin. His father, Methias Warren, called Matt, was brought from Norway as a baby. His family initially settled in Illinois and then moved to Iowa. While his family were farmers, Methias was interested in railroads and eventually became a railroad mechanic. Crystal, Earl's mother, was brought to America as a young child from Sweden. The parents met in school and were married. He was 20 and she was 18.

Earl Warren's father wandered as his job required. The family initially moved to San Diego and then to Los Angeles where Earl spent his earlier years. As he grew, Earl realized he had no middle name as his friends did. He asked his father why and was told when he was born, they were too poor to afford one. Both parents worked for Southern Pacific railroad, a powerful industry across the country. At that time, when you were hired for a job, you were considered under contract and the employer dictated the terms. There were no health benefits, no disability, no retirement plan. Employees were not always happy.

Unions were forming. Methias and Crystal Warren joined one. When a strike occurred, the company asked the Federal Government to end it and it did. Everyone in the union were not only fired but blackballed from ever working on the railroad again. Methias, who had a wife and two small children, went several months without work. He was finally hired by a depot in Sumner, California, a small town 3 miles outside of Bakersfield. The town was owned by Southern Pacific but the stop knew Methias was a good mechanic and they needed one. This is where Earl Warren would spend his childhood.

Bakersfield was a raunchy town. It was an East-West crossroads for the railways. There were saloons, gambling houses, and brothels. The town supported 500 prostitutes. Warren's family was not directly touched by this. His parents were Methodists and neither smoked nor drank. Sumner was a small friendly town. Everyone in the family was expected to work and Earl did his share. He did well in school. Earl was left handed but was made to write with his right hand. He actually learned to do this but did everything else with his left. I sympathize deeply with what he went through.

At 12 years old, an incident happened that would change his life. Earl went to a turkey shoot. In this, a turkey is tied to a stake with a rope 6-8 feet long and fired at from around 300 feet. One participant had a pile of birds in front of him. When Earl admired them, he was given one that he proudly took home. The man was a deputy sheriff named Henley. He was also a friend of a well known outlaw. Henley was

with the outlaw one night at a gambling den when the Sheriff and another deputy came to arrest him. A shoot-out occurred. The outlaw killed the sheriff's deputy. The sheriff killed the outlaw. Deputy Henley killed the sheriff but the sheriff identified his assailant before he died. Deputy Henley, the man that Earl met, was tried for murder. The trial was held in the local courthouse and Earl attended every chance he could. He greatly admired the prosecutor and decided he would be a lawyer when he grew up. Deputy Henley was found guilty of murder and sentenced to hang. He avoided this by slicing his throat from ear to ear with a shaving razor.

Earl Warren had satisfactory though not exemplary grades in school. His family sent him to the University of California at Berkeley. He was given tuition and spending money and put on a train to San Francisco. It was the first time he had been away from Bakersfield by himself. A family friend gave him the name of a social club next to the college before he left. He managed to find it and was welcomed. The club later joined a national fraternity, Sigma Phi.

College was a pleasant surprise because of the social opportunities it offered. Warren had a talent for making friends and he did so over many a glass of beer. His autobiography lists La Junta club, Gus Brause's, Pop Kesster, and The First and Last Chance Saloon as some of his favorite bars. He belonged to Skull and Keys, an inter fraternal society, as well as other social organizations. His friends recall Earl was shy around women and not really a good speaker. He persisted in his desire to be a lawyer and after four years of college, was accepted to Berkeley's law school. His grades were not outstanding, but he graduated after two years in 1914.

Earl Warren decided to stay in San Francisco. He acquired jobs with several law firms over the next three years. None were challenging. On April 17, 1917, World War 1 began. Earl Warren thought that he should volunteer. He became an officer. He was assigned to teach new recruits in Virginia. Earl was greatly disappointed as he had hoped to go to Europe where the war was. He drilled new recruits with wooden guns instead. The only deaths he saw were from the 1918 Spanish Flu. After peace was declared in 1918, Warren returned to San Francisco with no plans or job offers. Two friends from college had been elected to the California Legislature and offered to find him a job clerking there. The salary was poor but he took it. He didn't realize it, but he would have a job in public service until he retired 50 years later.

Warren took advantage of his position and made friends. Still single, he roomed at a boarding house with a number of legislators. The District Attorney of Alameda county was a man named Decoto. When Warren confided to his friends that he would like to be a prosecutor, they told Decoto they would finance a new position for a deputy vacancy but that he would have to hire Warren to fill it. This didn't seem right to Warren. He called Decoto and told him that he really wanted the job but that he would not take it unless he was hired on his own merit and not because of political pressure. Decoto thanked him. He had promised the next opening to someone else and was under great pressure. Warren decided he had passed up an opportunity but had done the right thing. Shortly, however, another opening became available and Decoto hired Warren, impressed by his honesty.

Despite the low income of his position, Warren was a tireless worker and soon became known as a "go-to" employee. When Decoto moved up the political ladder, Warren was appointed District Attorney of Alameda county to replace him in January, 1925. This advancement also gave Warren enough income to afford a wife. He married Nina Meyers, a widower with a son, in October, 1925.

Warren found the department in serious disarray and moved to put it in order. He also found crime in the judicial system as well as on the streets. A judge, jailers, and a bond company were working together to fleece those arrested out of their bail bond money. The case resulted in a grand jury investigation. He uncovered police protection of gambling dens. Finally he was faced with a corrupt police chief. He had the satisfaction of seeing him jailed. During this time he had to run for re-election every two years.

Warren was a vigorous campaigner. He was capable of remembering the names of his constituents from election to election as well as their children's names. Warren's friendship was effusive. He told the story of being invited to speak at a political rally where the speakers were in alphabetically order. People left after their candidate spoke. His name of course began with a "W". By time his turn to speak came, he was the only one on the platform and there was only one person in the audience. He gave his speech and afterwards, went down to thank the sole person who had stayed for his speech. "Don't thank me," the fellow said. "My name is Young. I'm the last speaker."

Warren's reputation as a strict law enforcement politician became state wide and after 14 years in office, he decided to campaign for the California Attorney General office in 1938. During his campaign, his father, Methias Warren, was murdered in his home by blows to the head. Earl Warren had six children by then and the loss was devastating to the family. He quit his campaign to help with the investigation but the murderer was never found. Despite this tragedy, Warren captured the nomination of the Democratic, Republican, and Progressive primaries and was the sole name to appear on the ballot at the general election. He continued to be aggressive especially against illegal gambling which he had seen impoverish workers when he was in Bakersfield.

In December, 1941, World War II began for the U.S. The Santa Ana area was shelled by a Japanese ship as was Goleta. Two ships were sunk off Santa Cruz. Neither the Navy nor the Air Force were equipped to respond. Bataan and Corrigador fell to Japan and their treatment of prisoners was extremely harsh. The public was frightened. Great concern over the Japanese in California arose. Many had dual citizenship, allowed by Japan. Japanese had purchased land around railroads and air force bases for farming. Commercial Japanese fishermen fished at night, frequently flashing light signals. Because of fear of sabotage, President Roosevelt ordered the Japanese to be placed in inland concentration camps for the duration of the war. As Attorney General, Warren helped with this relocation. Warren says in his autobiography that this action was regrettable but under wartime hysteria, it was inevitable. He is still faulted by many for his participation in this action.

At the time, this did not harm his reputation. After 4 years as Attorney General, he ran for governor in 1942 and was elected. He was considered a moderate and was popular with both parties. During his first term as governor, Warren realized how California was growing. He was able to improve the public health system, build hospitals and help the prisons without going into debt. He was easily re-elected in 1946. Warren realized however that the Republican party was in disarray because of the previous depression and the popularity of Roosevelt. He thought it deserved better and assumed leadership. He correctly noted that while people in California voted for the man, the rest of the country voted for the party.

Warren's election in 1946 was not without distractions. It was Warren's habit to support whom he thought was the best candidate without regard to the party. One of these people was Congressman Voorhis, a Democrat who had supported Warren's programs. A Republican was running against him, an

unknown 33 year old man who had just been discharged as a Lieutenant Commander from the Navy named Richard M. Nixon. Nixon ran an aggressive and what Warren considered a smear campaign against Voohis. Warren did not approve of his campaign style and decided he would not support either man. Nixon was angry over this and a silent distrust began that would persist over the course of both their lives.

As leader of the California Republican party, Warren led the delegation to their Presidential convention in 1948. He was considered a potential candidate but let it be known he was more interested in remaining governor. The selected candidate was Thomas Dewey, the governor of New York. Dewey was young, 42, and a very ambitious man. His young age caused some concern. One senator commented "Dewey has thrown his diaper into the ring." To increase the appeal of the ticket, pressure was brought on Warren and he finally, after much persuasion, consented to be Dewey's vice-presidential running mate. With Roosevelt finally out of the way, Republicans thought after 16 years that their time had come to reclaim the White House. Dewey was not a good campaigner however. He tended to be stiff and formal. His opponent, Democrat Harry Truman, the sitting President, was an excellent campaigner with fiery speeches. He traveled through small towns railing against "that no-good do nothing Congress." His speeches were punctuated by cries from the crowd of "Give 'em Hell, Harry!" Truman won, and Warren returned to his governorship.

Warren was re-elected in 1950 to an unprecedented third term as California governor. He now had a national reputation and support for a presidential nomination. His campaign again was marred by subtle conflict with Nixon. A senate seat became open. Nixon had gained a reputation as a stalwart against Communism by partaking in the Hiss case, a famous case in which a Soviet spy was uncovered. The Democrat running for the Senate seat was Congresswoman Helen Douglas. Nixon was financed by a private group and decided to run for the senate seat for the Republicans. He labeled Douglas as "soft on communism" and called her "the Pink Lady." Warren thought this was unnecessary and refused to support Nixon either in the primary or the final election. Nixon was elected but appeared to hold no animosity towards Warren, telling him he would support his presidential aspirations. Unknown to Warren and the Republican party, Nixon then sent private letters to his supporters asking them who they would like to see as Republican nominee, Warren or Eisenhower. Eisenhower won the poll.

California delegates votes were pledged to Warren on the first ballot for the Republican presidential convention and he chartered a train in 1952 to Chicago for them. The other two candidates were Taft, a dry and humorless senator from Ohio, who had control of the election machinery, and Eisenhower, the very popular war hero. Nixon, one of the appointed delegates, boarded the train in Denver and tried to persuade the delegates to vote for Eisenhower, Warren later discovered.

The convention was carried on black and white television and I recall watching what I could. Politicians weren't used to TV scrutiny and could be seen making deals in the aisles. Taft had the politics but Eisenhower had the popularity. Eisenhower took the presidential nomination and selected Nixon to run for vice-president. Warren and Eisenhower had a long closed talk after the nominations. What was said was not recorded. There is speculation in the biographies that Warren was offered the next seat on the Supreme Court in return for campaigning for Eisenhower. Both Warren and Eisenhower deny this in their autobiographies. Warren did campaign for Eisenhower and those states he spoke in did go Republican.

The Chief Justice of the Supreme Court in 1952 was Fred Vinson, a poker buddy of Truman. It was not a well run court. Justices had little respect for Vinson and the court itself had many bitter feuds. Unexpectedly, Vinson died of a heart attack on September 8, 1953. Associate Justice Frankfurter, a former Harvard law professor, told one of his clerks that Vinson's death was the first evidence he had ever had that God existed. Frankfurter himself was a problem. When the judges had a closed discussion session, Frankfurter would tend to lecture the other judges. Justice Douglas would not tolerate this. When Frankfurter stood, Douglas would leave the room, saying over his shoulder, "Call me when he's finished."

Eisenhower, after being assured that Warren was a conservative Republican, finally did appoint Warren as Chief Justice. Warren was delighted. He was growing tired of being governor and had no plans on leaving office. He was given five days to arrive in Washington DC. which he accomplished. In addition to an unsettled court, there was another problem waiting. On the docket was a case on segregation that the court had been unsuccessfully discussing. It would be the biggest and most controversial case of Warren's career.

What was segregation? Growing up in Georgia, to me it was a way of life. It was more than two groups of people who avoided each other however. Warren in his autobiography describes it this way:

"Southern states required separate entrances, seating arrangements, and exits for all public facilities, separate waiting rooms in rail, water, and air facilities, whether public or private, separate drinking facilities everywhere. Segregation was enforced at all places of public entertainment, including parks, beaches, playgrounds, libraries, auditoriums, and circuses. States provided for separate phone booths, school textbooks, elevators, barbershops, and taxicabs. White and Black were forbidden from competing with or against each other. This principle extended to boating, fishing, or even checkers. Segregation was present in hospitals, prisons, mental institutions, and nursing homes."

Most people knew a Black only as their maid or "yard boy". My brother and I were kept by a Black maid during World War II while both parents worked. She would bring her children to play with us during the day, Willie Lee and The-Otis. We became close friends and didn't realize until many years later how unique the situation was.

Segregation became institutionalized in 1895 when the Supreme court ruled on the case of Plessy vs. Ferguson. Plessy was a man one-eighth Black (one great grandparent was Black) who was forced to ride in the "colored" coaches of the train. In appearance, he was Caucasian. He had himself arrested boarding a "White" coach and pursued the case to the Supreme Court. The court used the 14<sup>th</sup> amendment, ratified July 9, 1868 to guarantee the end of slavery, which read in Section 1:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of its laws."

The court held that this law said that Blacks had to be treated equally but there was nothing to abolish distinctions based on color. The court also said that Blacks should be ashamed of themselves to think that separation meant that Whites thought they were inferior. With that ruling, Segregation became the law of the land and the ruling would have to be reversed to change the culture, a tall mountain to climb.

The case before the court when Earl Warren became Chief Justice was entitled *Brown vs the Board of Education* and was actually a combination of five suits from across the South. It sought to force the states to give equal educational facilities to grade schools. It was pursued by Thurgood Marshall, a brilliant Black lawyer who headed the legal services of the National Association for the Advancement of Colored People (NAACP). They had despaired of overturning the John Crow laws but hoped they could force states to provide better school conditions. The Brown case was the name case from Topeka, Kansas. The most southern case was drawn from Clayton County, South Carolina. The county was 70% black. Schools were tar paper shacks with no heat, running water or toilet facilities. All Blacks who signed the petition for better schools had been fired from their jobs immediately.

The arguments began December 9, 1952. Marshall represented the NAACP and John Davis, a Democratic nominee for president in 1924 and who had appeared before the Supreme Court more than any other living person, spoke for segregation. Vinson was still Chief Justice. The court was hopelessly divided. Frankfurter devised delaying tactics and the cases were not continued until December 7, 1953 with the new Chief Justice, Earl Warren. The court was still divided with a number of Southerners, Black from Alabama, Reed from Kentucky, and Clark from Texas, who did not want to vote against their states.

Their decision did not have to be announced until the end of the judicial year, May, 1954. Warren knew what his decision would be and furthermore, wanted the court to be unanimous. Anything less would mean more delays. Warren stressed to the court that they were voting on the principle of the issue. Implementation was not their job. Warren worked with each justice. Warren and Reed went to dinner five times. Warren had lunch with one justice twenty times. He met them at their homes and on walks around the block.

On May 17, 1954 Warren announced the court's decision. In a unanimous decision, the court had found that segregation was inherently unequal, based on the conditions described and psychological testing of children themselves. By virtue of the 14<sup>th</sup> amendment, "separate but equal" had no place in the field of education. The decision affected 12 million school children.

In Georgia, I opened the paper the next morning to see a picture of Herman Talmadge, our governor with his hand pressed to his head on the capitol steps. Another governor said "Not now, not today not forever." I didn't really appreciate how this state-sponsored resistance affected me until several years later. In 1960, six years after the decision, I was a senior medical student covering an emergency room trying to earn some cash. I started talking to a Black orderly and asked him what his plans were. He said that he was going to be a physician. I asked him had he applied to any schools yet. He said yes, and he had been accepted at Medical schools at Harvard, Princeton, and several others and he was having trouble deciding where to go. My jaw dropped. Both of my parents were working to help me through school "How can you afford those?" I asked.

"That's a funny thing," he said. "I applied to the University of Georgia. I live in Georgia and wanted to practice here. They sent me a letter saying they would pay my board and tuition to any school outside of Georgia if I would withdraw my application."

My parents would be paying his tuition as well as mine. Did I really want to practice in such a state?

The school decision was only the first of many court battles on segregation. It was followed by the defiance of the court ruling in Little Rock, Arkansas by Governor Faubus who closed the schools in Arkansas for a year rather than integrate. This was followed by “busing” as a method to integrate. Through all of this defiance the Warren court remained true to their ruling.

While a paper could be written on what followed, we will move on to other skirmishes. In addition to segregation, the late fifties were the time of a great communist scare. America had entered into a cold war with Russia and a number of congressmen made reputations on the suppositions that the government was riddled with spies. Indeed there were a few, but there were far more people who had dallied in it. They had joined the Communist party because their friends had or because it sounded like a good thing to do socially at the time. Many of these people suddenly found themselves in front of congressional investigative committees. When they couldn't or wouldn't name their associates, they were held in contempt of court and given jail sentences. The Supreme Court was adamant that their rights be protected. Cases were reversed because you have the right to protest and the government can not retaliate against that alone (Amendment I), and you have the right to face your accuser (Amendment VI). These decisions made the Eisenhower administration unhappy and infuriated the congress. Senator McCarthy suggested that Warren was a communist.

In 1962, a case, *Baker vs Carr*, arrived from Tennessee. With the growth of cities, rural areas had become overly represented in terms of their population. A group of disenfranchised voters asked that the state's districts be rearranged so that voting would be truly representative, that is “one man, one vote.” Warren agreed and was able to convince the court to so vote. Congress tried to pass bills that would reverse the ruling since this was a wide spread practice, especially in the South. Presently, the court is still implementing this ruling.

In June 1962, another decision rocked the country in *Engel vs Vitale*. Engel was a Unitarian who had children in a public school. Every morning there was a reading of the Bible and a prayer lasting 10 minutes. When he complained to the school that they were Unitarians and didn't believe in the Trinity, the school excused his children to the hall during the devotion period. This did not satisfy him and he sued. The case eventually made its way to the Supreme Court. It found the first amendment supported the case and outlawed school prayer. In a country where 70% of the population belong to some type of Christian organization, this caused an uproar. Warren became known as a Godless communist. Placards appeared saying “In God we trust- not Earl Warren”. Warren himself was a religious man. He said he thought the ruling was the right thing to do under the constitution.

In 1963 I was a senior pediatric resident at the thirteen story Charity Hospital in New Orleans, Louisiana. The hospital was one of a few in the nation that was outstanding in its supply of needy patients. It ranked with Los Angeles County, San Francisco General, and Cook County Hospitals as a place where one could see the unimpeded progress of any disease on any given day. I had been on call every other night for almost 3 years by that time. The one great relief of that year was that the pediatric department would pay for your expenses to one medical meeting in another city. Not only would you hear fresh lectures, but drug companies vied for your attention, distributing free pens, banquets, and sometimes top performers to entertain you and acquaint you with the name of the latest baby formula.

The meeting I chose to attend was a big one. It was on caring for children with cerebral palsy. As a child I had made friends with a number of children with this disorder. Now President Kennedy had



persuaded congress to fund research and aid, and the convention would report what had been accomplished. The meeting was to begin November 23, in Dallas, Texas.

The afternoon of November 22, I was traveling around the hospital to make certain my patients would be cared for in my absence. I stepped on the elevator and realized the elderly Black operator was crying. I looked at the stony faces of the residents on the elevator. "President Kennedy is dead." one said.

I arrived in Dallas the next morning, a Saturday. It was a city of zombies. Everyone seemed to have something else on their minds. Everything had been canceled but the lectures. That afternoon, as I walked down the hall to the next lecture, a friend stopped me. "Oswald was just killed by a guy named Ruby on TV," he said. The meeting was shortened to two days and there was no reason to go out of the hotel. I returned to New Orleans with relief.

Most of you may have similar memories of that time. Earl Warren was deeply affected. His family and that of Kennedy had grown close and frequently entertained each other. Warren had been at a reception earlier that week with President Kennedy. As Kennedy prepared to leave for Dallas, he waved at Warren over the crowd. Warren waved back and yelled, "Watch out for those wild Texans, Mr. President. They're a rough bunch!" His friendship and the death of his own father by assassination made the situation thoroughly depressing.

There were also some nasty legal problems as well. Despite the fact of previous assassinations of presidents, it was not a federal crime to assassinate a president. This meant that there was an immediate call for local, state, Congress and Senate investigations. It was known that Oswald was the murderer. He was dead and no punishment could be rendered. The question was, did he act alone? Was this a conspiracy? The new president, Lyndon Johnson, could only see confusion and cross purposes from the multiple investigations. He decided that an investigation should be held and it should be headed by someone of principle. He sent an emissary to Earl Warren asking him to take the job.

Warren sent back a refusal note. He had said that Kennedy's death was like losing a son. His feelings were strong. Warren had delivered the eulogy at Kennedy's funeral at his wife's request. He also wanted to keep the judicial and the legislative branches as separate as possible. The court had been under attack for years and the John Birch Society had dotted the landscape with "Impeach Earl Warren" signs. He then returned to court business only to receive a call from President Johnson that it was urgent that he come to the White House immediately and meet with him. Johnson told him the death had international repercussions and if not thoroughly investigated, could lead to nuclear war, that Warren was under his command since he was Commander in Chief, and that Warren would be committing treason if he shirked this duty. He convinced Warren in less than half an hour to take the head of the commission. Warren was said to have left the office with tears in his eyes.

President Johnson signed an order creating the commission on November 29. Six other prominent politicians were appointed to the commission. They were given the freedom to use any means, any branch of the government possible to uncover the facts. Warren continued his Supreme Court duties while he chaired the commission, an almost daily job. Warren was now 72. He was frequently up all night reviewing the evidence. Warren questioned Ruby, Oswald's killer, for 4 hours himself. The commission concluded June 17, 1964 after questioning 552 witnesses, reviewing 25,000 FBI interviews, 1,500 Secret Service interviews, and 3,100 exhibits. The report was published August 2,

1964 was 888 pages in length and was agreed on by all members of the commission. The full study was published 2 months later. It was 26 volumes, weighing more than 54 pounds, and contained 10 million words. Chairman Warren and his commission unanimously concluded the assassination was the work of one man and no conspiracy was involved. Since Kennedy's death, there has developed a "cottage industry" of fault finding with the report. There was a second investigation in 1976 by Congress, a movie, and well over 500 books written on the assassination. While minor oversights and choices of the commission have been found, their basic conclusion still stands.

One final note of information of the incident never seems to have impressed the public. Oswald was in the Marines for a tour of duty and was a trained marksman with the rifle. He practiced at a firing range for several months before the assassination with the rifle and pistol used. The distance between the window he fired from and Kennedy's head was 80 yards, considered an easy shot by the riflemen who testified.

In 1966, a small time crook named Miranda was arrested for kidnapping and rape. He was 23 years old and had tried to rape three women, succeeding the third time. He was brought in for a lineup for identification. No one recognized him. Afterwards, Miranda asked a policeman how he did. The policeman told that he had been identified, a lie. "I guess I better own up," Miranda said.

Miranda then admitted he was guilty and gave a confession, which was typed and a copy signed by him. The confession was used at trial to convict him and he received a sentence of 20 to 30 years. A lawyer reviewed his case in prison and realized that he had been tricked into testifying against himself without council. He had done these things because he did not know his rights granted in the fifth and sixth Amendments to the constitution. The case wound itself up through the court system and was accepted for a hearing by the Supreme Court as *Miranda vs Arizona*. It was their decision that Miranda's rights were violated. If he did not know what they were, he should have been informed. His conviction was voided and he was sent back for retrial.

All police forces are now required to read your rights when you are arrested. The public once again was upset. This action would handicap the police. It would allow guilty criminals who would be convicted go free. In addition to being a Godless communist, Warren was now labeled "lawless".

There was little thought given as to why the Founding Fathers included these rights in the Amendments. They had been mistreated by the English for years. People take their freedoms for granted. Once you are arrested, those freedoms disappear. You are now a prisoner and can be transported and locked up against your will. What you think of as freedom are actually privileges that are suspended when a policeman says "You're under arrest." This was an area that was close to Warren's heart. After all, he had been a District Attorney for 12 years and seen the full range of criminal activity as well as corruption in those officials who were supposed to manage it. In his autobiography, Warren noted that this change in the law "was no assistance to hardened underworld types because they already know what their rights are and demand them." The Miranda warning is similar to what the Federal Bureau of Investigation had been using for years. Despite the re-enforcement of the rights of those arrested, the court was blamed for crime in general and in the Presidential election of 1968, Nixon successfully used the theme of "law and order" to be elected.

Did you ever wonder what happened to Miranda, the eye of this storm? He was taken back to court and tried, this time without using his confession. He was convicted again and given a 20 years sentence. He

eventually was released on parole. Four years after his release, he got into a knife fight in a bar and was killed. His assailants were, you guessed it, read their Miranda rights and arrested. They were taken to jail, booked, and released on bond. They promptly disappeared and have never been seen.

Warren was 77 by 1968. His health was not good and he found he was tiring more quickly. He wanted to leave the court but also wished to ensure that he would be replaced by someone with a similar philosophy of law. In the sixties, as the Republican party had become more conservative, he had become closer to the Democratic frame of reference. Johnson was unable to replace him before he left office and in 1968, Nixon was elected.

Warren resigned from the court June, 1969. He had administered the oath of office to President Nixon and knew in doing so he had no more easy entrance to the White House. Nixon presided over his resignation ceremony and both he and Warren were mutually complimentary, though no historian thought forgiveness was intended. The Warren era was done. Earl Warren was admired the world over and had an international reputation. He traveled, made speeches and was the recipient of many rewards. Warren died July 9, 1974 from a cardiac arrest. He is buried in Arlington National Cemetery.

Nina, Warren's wife lived into the early 1990's. Their children and grandchildren spread across America, although most of them settled in California. They were good representatives of Warren, becoming lawyers, judges, educators and even politicians.

Warren is still controversial. The decisions of his court are being challenged daily. Look at the stories in the paper tomorrow morning and you will find several. Was he the prototypical American, arising from humble beginnings and following his ideals through life while becoming an increasingly disciplined man? Or, was he another politician who was sucked up in the vortex of liberal politics in the 50's and 60's? Whatever the feelings are, his life affected us all. Warren's experience with the sequestration of the Japanese in World War II taught him that racial intolerance is degrading when it becomes legitimized, no matter what reasons are claimed. He rescued the country from the path of segregation. However terrible the repercussions were from that decision, few doubt that the consequences of continuing the legality would have been worse. Lincoln freeing the slaves was only the first step in what is becoming a long journey.

Warren's battle to have our country achieve legalized equality of opportunity was matched by his appreciation of individual freedom. He recognized that our freedoms are privileges and unless they are protected, they will be taken away by a government that at times does not always seem to be bound by moral restraints.

Was he right or not? What do you think?

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