



Life Story: Earl Warren

The accomplished attorney general and California governor who led the Supreme Court as Chief Justice during a 16-year period of many Constitutional decisions protecting individual rights

Background

Earl Warren was born on March 19, 1891 in Los Angeles, California. His parents, Methias (Matt) and Crystal, both immigrated to the midwestern United States from Scandinavia as infants, and were extremely poor. The couple had two children—Earl, and a daughter, Ethel. Shortly before Earl turned five years old, the family moved north to a small townhouse in Bakersfield, California, where Matt worked as a car repairman on the Southern Pacific Railroad. At the time, both Los Angeles and Bakersfield were small but growing railroad towns. Earl recalled that in his neighborhood, “there were no organized social or recreational activities for either school children or adults. There was no theater, nor for some years even a library. It was just a dusty frontier railroad town.”

Matt, who never was able to get his own education, strongly supported Earl’s schooling. When Earl was five years old, Matt persuaded the principal to let him start first grade a year early. Earl exceeded expectations, and skipped to the third grade at the end of the year. He was one of the few students from his grammar school to move onto high school—most went straight to work, typically on the railroad. He started high school when he was 12 years old; the youngest and smallest boy in the school.

Outside of school, Earl played clarinet in the town band and spent time with his many pets. His favorite was his burro, Jack, whom he described as his closest companion. Starting at age nine, he held various summer jobs, including working on grocery wagons, bookkeeping, and a newspaper delivery route. From age 15 through law school, he worked seasonally in different departments of the Southern Pacific Railroad. His father encouraged him to save every dollar he earned, and always assumed the responsibility of providing for the family. This included funding Earl’s college education. In 1908, Earl started at the University of California at Berkeley. He stayed in Berkeley to study at the university’s new law school, and graduated with his law degree in 1914.

After law school, Earl worked for an oil company and a law firm. When the United States entered World War I in 1917, he enlisted in the army. The army never deployed him overseas, and discharged him a year later. In 1918, Earl got a job as a legislative aide and worked his way up through the local government. In 1920, he was promoted to be a deputy on the Alameda County, California district attorney’s staff. Five years later, he was appointed the district attorney. For 13 years, he fought against corruption and violent crime, establishing a reputation as a tough and effective prosecutor. During this time, Earl met his wife, Nina Palmquist Meyers. Nina’s family, like Earl’s, immigrated from Scandinavia (Sweden) and settled in California. The couple married on October 14, 1925, and together had six children. After a successful tenure at the county level, Earl received a nomination

for attorney general of California in 1938. Sadly, tragedy struck the Warren family during the campaign. Earl's father, Matt, was murdered during a robbery. The crime remains unsolved today.

During his time as Attorney General of California, the Japanese military attacked the U.S. naval base at Pearl Harbor on December 7, 1941. At the time, U.S. military intelligence reported that fishing boats off the west coast, many of which were operated by Japanese workers, were sending signals to enemy submarines. In the interest of national defense, Attorney General Warren testified in support of a proposal to require people of Japanese descent to move from the West Coast. In February 1942, President Franklin D. Roosevelt issued Executive Order 9066, authorizing the creation of "military areas" where "any and all persons may be excluded. In practice, about 122,000 people of Japanese descent, including 70,000 American citizens, were forcibly moved to 10 "relocation centers," where they were incarcerated until the war's end. Earl reflected in his 1977 memoir, "I have 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."

Earl was elected governor of California in 1942. As governor, he passed legislation that funded improvements for the state's hospital and prison systems, a highway program, and old-age and unemployment benefits. He won reelection an unprecedented three times. He leveraged this experience in two presidential campaigns. In 1948, he became the Republican nominee for vice president. He and his running mate, Thomas Dewey, lost to Harry Truman. Four years later, Earl's 1952 presidential campaign ended when General Dwight D. Eisenhower won the Republican party nomination. Afterward, Earl worked on the Eisenhower campaign.

The Supreme Court

When Eisenhower won the presidency, Earl went back to his regular duties as governor. He had already decided not to seek a fourth term, and still hoped that his next stop would be the White House. The president called him in early December 1952 with the disappointing news that he did not have a place on his **cabinet** for Earl, but promised him the next Supreme Court vacancy. That vacancy opened much sooner than anticipated. On September 8, 1953, Chief Justice Fred Vinson suddenly died. The president did not expect Chief Justice to be the first available seat on the Court when he made his promise to Earl, but ultimately nominated him to fill the position. He thought Earl would make a good chief justice because he was politically moderate, was known for his integrity, and demonstrated strong managerial skills as governor. Earl began that month as interim Chief Justice, and the Senate officially confirmed his nomination on March 1, 1954.

One of Earl's earliest cases was *Brown v. Board of Education* (1954). In this school segregation case, the Chief Justice believed that it was important to achieve a unanimous vote. He thought that the issue was so politically divisive that the country needed a clear message from the Supreme Court about what the Constitution required. At the same time, he was aware that three Justices were from the South and would have to return to their states and face their neighbors. After hearing

arguments, he broke with precedent. Instead of surveying the group about the case during the weekly Conference, he held private and informal conversations with the Justices over the next few months (always in their offices—never his). Justice Stanley F. Reed of Kentucky, was the last holdout. “Stan, you’re all by yourself in this now,” Earl pressed, “You’ve got to decide whether it’s really the best thing for the country.” On May 17, 1954, Chief Justice Warren read the unanimous decision proclaiming that “the ‘separate but equal’ doctrine adopted in *Plessy v. Ferguson* has no place in the field of public education.” Another important race-based case was *Loving v. Virginia* (1967), which ruled that a Virginia **anti-miscegenation** law violated the **Fourteenth Amendment’s** Equal Protection Clause. As the Chief Justice stated in his majority opinion, “the freedom to marry, or not marry, a person of another race resides with the individual, and cannot be infringed by the State.”

Under Chief Justice Warren’s leadership, the Court issued decisions that recognized and protected democracy and individual rights. For example, the Court held in *Baker v. Carr* (1962) that courts had the power to review legislative voting districts. Their review was important because some state legislatures had not updated their districts in decades, creating disproportionate representation for voters. Earl considered the decision, authored by Justice William Brennan, “the most important case of [his] tenure.” He wrote, paraphrasing Abraham Lincoln, “I am of the opinion that *Baker v. Carr* is so important because...ours is a government of *all* the people by *all* the people, and for *all* the people.”

Several of the Court’s landmark cases during Earl’s Chief Justiceship articulated the rights of accused persons under the Constitution. *Mapp v. Ohio* (1961) held that evidence obtained without a search warrant could not be used in a state trial. This practice, Earl wrote for the Court, violated the individual’s protection under the Fourth Amendment against unreasonable search and seizure. Then, in *Gideon v. Wainwright* (1963), the Court held that access to a lawyer is a fundamental right and essential to a fair trial. Finally, in *Miranda v. Arizona* (1966), the Court recognized the **Fifth Amendment’s** protection against self-incrimination, establishing that upon arrest a person must be informed of their rights to remain silent and to a lawyer.

As Chief Justice, Earl was a leader among nine otherwise co-equal justices. Justice William Brennan remembered him as “naturally **gregarious** and open, with a warm and engaging smile. It was impossible to dislike him.” These characteristics were vital for building consensus and establishing majorities. Another factor was the composition of the Court. Chief Justice Warren benefitted from sharing the bench with like-minded jurists. As justices serve for life and are appointed by different presidents, it is rare for a Court to have such a consistent majority. William Brennan, who voted with Earl 98 percent of the time, was a particularly strong ally. This cooperation, along with his natural leadership, facilitated the many decisions made under Earl that recognized and protected individual rights.

Outside of his duties as Chief Justice, Earl chaired President Lyndon B. Johnson's commission to investigate the death of President John F. Kennedy, who was **assassinated** on November 22, 1963. Johnson believed that an investigation was necessary to address the circulating conspiracy theories about Kennedy's death. The Chief Justice initially declined the new president's request to lead the commission. He insisted that it was "not in the spirit of constitutional separation of powers to have a member of the Supreme Court serve on a presidential commission," though others had done so in the past. He ultimately accepted the appointment. After 10 months of investigation, the Warren Commission Report was filed on September 21, 1964.

Legacy

Earl retired from the Court in 1969. In his retirement, he enjoyed his favorite hobbies: hunting, fishing, and traveling. He traveled around the world with his wife, Nina, speaking at college campuses in the U.S. and attending international conferences. He suffered a fatal heart attack on July 9, 1974, and died at age 83. During his 16 years as Chief Justice, the Court issued decisions that resolved the most pressing Constitutional issues raised at that time involving school desegregation, civil rights, and the due process of law. Earl was remembered by Justice Brennan with this tribute: "People were his concern, especially ordinary people—the disadvantaged, the down-trodden, the poor, the friendless...He strongly believed that individual human dignity was the primary value fostered and protected by the Constitution." Earl and Nina, who lived until 1993, were buried in Arlington National Cemetery. He received an Army honor funeral, recognizing his service in World War I.

Vocabulary

- **Bipartisan** – involving cooperation, agreement, and compromise between two major political parties.
- **Cabinet** – the president's advisory body that includes the 15 heads of the 15 executive departments
- **Anti-miscegenation** – against interracial marriage or intimate relations
- **Fourteenth Amendment** – ratified in 1868, granted citizenship to all persons born or naturalized in the United States—including formerly enslaved people—and guaranteed all persons "equal protection of the laws."
- **Fourth Amendment** – protects citizens from unreasonable search and seizure. The government may not conduct any searches without a warrant, and such warrants must be issued by a judge and based on probable cause.
- **Fifth Amendment** – provides that citizens not be subject to criminal prosecution and punishment without due process. Citizens may not be tried on the same set of facts twice and are protected from self-incrimination (the right to remain silent). The amendment also establishes the power of eminent domain, ensuring that private property is not seized for public use without just compensation.
- **Gregarious** – fond of the company of others; sociable.
- **Assassinated** – murdered for political reasons

Discussion Questions

1. How did Earl stand out from his peers during his childhood and school years?
2. How did Earl's perspective on the imprisonment of Japanese Americans change over time?
3. Why do you think it was important to Chief Justice Warren to try to get a unanimous decision in *Brown v. Board of Education*?
4. How did the Court under Chief Justice Warren recognize individual rights? Give three examples.
5. Why was Chief Justice Warren hesitant to lead the investigation of President Kennedy's assassination?

Special thanks to Jeffrey Earl Warren, grandson of the Chief Justice, for his review and additional information.