



# The Great Society

## MAIN IDEA

The demand for reform helped create a new awareness of social problems, especially on matters of civil rights and the effects of poverty.

## WHY IT MATTERS NOW

Reforms made in the 1960s have had a lasting effect on the American justice system by increasing the rights of minorities.

## Terms & Names

- Lyndon Baines Johnson
- Economic Opportunity Act
- Great Society
- Medicare and Medicaid
- Immigration Act of 1965
- Warren Court
- reapportionment

## One American's Story

In 1966, family finances forced Larry Alfred to drop out of high school in Mobile, Alabama. He turned to the Job Corps, a federal program that trained young people from poor backgrounds. He learned to operate construction equipment, but his dream was to help people. On the advice of his Job Corps counselor, he joined VISTA—Volunteers in Service to America—often called the “domestic Peace Corps.”

Both the Job Corps and VISTA sprang into being in 1964, when President Lyndon B. Johnson signed the Economic Opportunity Act. This law was the main offensive of Johnson’s “war on poverty” and a cornerstone of the Great Society.

VISTA assigned Alfred to work with a community of poor farm laborers in Robstown, Texas, near the Mexican border. There he found a number of children with mental and physical disabilities who had no special assistance, education, or training. So he established the Robstown Association for Retarded People, started a parents education program, sought state funds, and created a rehabilitation center. At age 20, Larry Alfred was a high school dropout, Job Corps graduate, VISTA volunteer, and in Robstown, an authority on people with disabilities. Alfred embodied Johnson’s Great Society in two ways: its programs helped him turn his life around, and he made a difference in people’s lives.



▲ VISTA volunteers worked in a variety of capacities. This woman is teaching art to young pupils.

## LBJ's Path to Power

By the time **Lyndon Baines Johnson**, or LBJ, as he was called, succeeded to the presidency, his ambition and drive had become legendary. In explaining his frenetic energy, Johnson once remarked, “That’s the way I’ve been all my life. My daddy used to wake me up at dawn and shake my leg and say, ‘Lyndon, every boy in town’s got an hour’s head start on you.’”

**FROM THE TEXAS HILLS TO CAPITOL HILL** A fourth-generation Texan, Johnson grew up in the dry Texas hill country of Blanco County. The Johnsons never knew great wealth, but they also never missed a meal.

LBJ entered politics in 1937 when he won a special election to fill a vacant seat in the U.S. House of Representatives. Johnson styled himself as a “New Dealer” and spokesperson for the small ranchers and struggling farmers of his district. He caught the eye of President Franklin Roosevelt, who took Johnson under his wing. Roosevelt helped him secure key committee assignments in Congress and steer much-needed electrification and water projects to his Texas district. Johnson, in turn, idolized FDR and imitated his leadership style.

Once in the House, Johnson eagerly eyed a seat in the Senate. In 1948, after an exhausting, bitterly fought campaign, he won the Democratic primary election for the Senate by a margin of only 87 votes out of 988,000.

**A MASTER POLITICIAN** Johnson proved himself a master of party politics and behind-the-scenes maneuvering, and he rose to the position of Senate majority leader in 1955. People called his legendary ability to persuade senators to support his bills the “LBJ treatment.” As a reporter for the *Saturday Evening Post* explained, Johnson also used this treatment to win over reporters.

#### A PERSONAL VOICE STEWART ALSOP

**“The Majority Leader [Johnson] was, it seemed, in a relaxed, friendly, reminiscent mood. But by gradual stages this mood gave way to something rather like a human hurricane. Johnson was up, striding about his office, talking without pause, occasionally leaning over, his nose almost touching the reporter’s, to shake the reporter’s shoulder or grab his knee. . . . Appeals were made, to the Almighty, to the shades of the departed great, to the reporter’s finer instincts and better nature, while the reporter, unable to get a word in edgewise, sat collapsed upon a leather sofa, eyes glazed, mouth half open.”**

—“The New President,” *Saturday Evening Post*, December 14, 1963

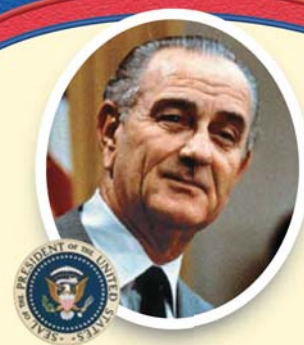
Johnson’s deft handling of Congress led to the passage of the Civil Rights Act of 1957, a voting rights measure that was the first civil rights legislation since Reconstruction. Johnson’s knack for achieving legislative results had captured John F. Kennedy’s attention, too, during Kennedy’s run for the White House. To Kennedy, Johnson’s congressional connections and his Southern Protestant background compensated for his own drawbacks as a candidate, so he asked Johnson to be his running mate. Johnson’s presence on the ticket helped Kennedy win key states in the South, especially Texas, which went Democratic by 47,000 votes. **A**

#### MAIN IDEA

#### Analyzing Motives

**A** Why did Kennedy choose Johnson to be his running mate?

#### KEY PLAYER



**LYNDON B. JOHNSON**  
1908–1973

LBJ received his teaching degree from Southwest Texas State Teachers College in 1930. To finance his own education, Johnson took a year off from college to work at a Mexican-American school in Cotulla, Texas. He later taught public speaking and debate at the Sam Houston High School in Houston. At age 26, he became the state director of the National Youth Administration, a New Deal agency.

As president, Johnson pushed hard for the passage of the Elementary and Secondary Education Act. In 1965, he signed the act at the one-room schoolhouse near Stonewall, Texas, where his own education had begun. Johnson later wrote, “My education had begun with what I learned in that schoolroom. Now what I had learned and experienced since that time had brought me back to fulfill a dream.”

## Johnson’s Domestic Agenda

In the wake of Kennedy’s assassination, President Johnson addressed a joint session of Congress. It was the fifth day of his administration. “All I have I would have given gladly not to be standing here today,” he began. Kennedy had inspired Americans to begin to solve national and world problems. Johnson urged Congress to pass the civil rights and tax-cut bills that Kennedy had sent to Capitol Hill.

WORLD STAGE

### THE WAR IN VIETNAM

As LBJ pushed through his domestic programs, the U.S. grew more interested in halting the spread of communism around the world. In Vietnam, anti-Communist nationalists controlled South Vietnam while Communist leader Ho Chi Minh had taken over North Vietnam. The Geneva Accords had temporarily provided peace, dividing Vietnam along the 17th parallel into two distinct political regions. Despite this treaty, the North was supporting Communist rebels who were trying to take over the South.

Though Presidents Eisenhower and Kennedy had provided economic and military aid to South Vietnam, soon the U.S. would be directly involved in fighting the war.

In February 1964 Congress passed a tax reduction of over \$10 billion into law. As the Democrats had hoped, the tax cut spurred economic growth. People spent more, which meant profits for businesses, which increased tax revenues and lowered the federal budget deficit from \$6 billion in 1964 to \$4 billion in 1966.

Then in July, Johnson pushed the Civil Rights Act of 1964 through Congress, persuading Southern senators to stop blocking its passage. It prohibited discrimination based on race, religion, national origin, and sex and granted the federal government new powers to enforce its provisions.

**THE WAR ON POVERTY** Following these successes, LBJ pressed on with his own agenda—to alleviate poverty. Early in 1964, he had declared “unconditional war on poverty in America” and proposed sweeping legislation designed to help Americans “on the outskirts of hope.”

In August 1964, Congress enacted the **Economic Opportunity Act** (EOA), approving nearly \$1 billion for youth programs, antipoverty measures, small-business loans, and job training. The EOA legislation created:

- the Job Corps Youth Training Program
- VISTA (Volunteers in Service to America)
- Project Head Start, an education program for underprivileged preschoolers
- the Community Action Program, which encouraged poor people to participate in public-works programs. **B**

**THE 1964 ELECTION** In 1964, the Republicans nominated conservative senator Barry Goldwater of Arizona to oppose Johnson. Goldwater believed the federal government had no business trying to right social and economic wrongs such as poverty, discrimination, and lack of opportunity. He attacked such long-established federal programs as Social Security, which he wanted to make voluntary, and the Tennessee Valley Authority, which he wanted to sell.

In 1964, most American people were in tune with Johnson—they believed that government could and should help solve the nation’s problems. Moreover, Goldwater had frightened many Americans by suggesting that he might use nuclear weapons on Cuba and North Vietnam. Johnson’s campaign capitalized on this fear. It produced a chilling television commercial in which a picture of a little girl counting the petals on a daisy dissolved into a mushroom cloud created by an atomic bomb. When Goldwater advocated intervention in Vietnam, Johnson assured the American people that sending U.S. troops there “would offer no solution at all to the real problem of Vietnam.”

LBJ won the election by a landslide, winning 61 percent of the popular vote and 486 electoral votes, while Senator Goldwater won only 52. The Democrats also increased their majority in Congress. For the first time since 1938, a Democratic president did not need the votes of conservative Southern Democrats in order to get laws passed. Now Johnson could launch his reform program in earnest.

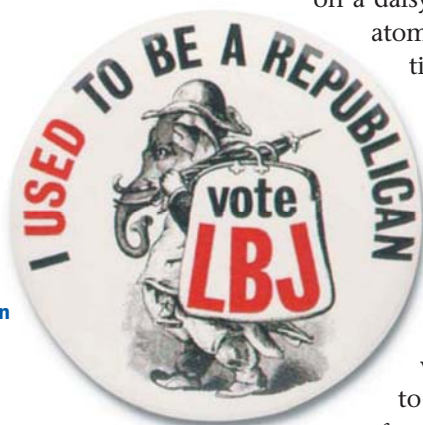
**Background**  
See *poverty* on page R43 in the Economics Handbook.

#### MAIN IDEA

#### Identifying Problems

**B** What problems in American society did the Economic Opportunity Act seek to address?

**Campaign** ▶ buttons like this one capitalized on the nation’s growing liberal democratic sentiments.







## Building the Great Society

In May 1964, Johnson had summed up his vision for America in a phrase: the **Great Society**. In a speech at the University of Michigan, Johnson outlined a legislative program that would end poverty and racial injustice. But, he told an enthusiastic crowd, that was “just the beginning.” Johnson envisioned a legislative program that would create not only a higher standard of living and equal opportunity, but also promote a richer quality of life for all.

### A PERSONAL VOICE LYNDON B. JOHNSON

“The Great Society is a place where every child can find knowledge to enrich his mind and to enlarge his talents. It is a place where leisure is a welcome chance to build and reflect, not a feared cause of boredom and restlessness. It is a place where the city of man serves not only the needs of the body and the demands of commerce but the desire for beauty and the hunger for community. It is a place where man can renew contact with nature. It is a place which honors creation for its own sake and for what it adds to the understanding of the race.”

—“The Great Society,” May 22, 1964

Like his idol FDR, LBJ wanted to change America. By the time Johnson left the White House in 1969, Congress had passed 206 of his measures. The president personally led the battle to get most of them passed.

**EDUCATION** During 1965 and 1966, the LBJ administration introduced a flurry of bills to Congress. Johnson considered education “the key which can unlock the door to the Great Society.” The Elementary and Secondary Education Act of 1965 provided more than \$1 billion in federal aid to help public and parochial schools purchase textbooks and new library materials. This was one of the earliest federal aid packages for education in the nation’s history.

▲ These preschoolers in a Head Start classroom are among the millions of Americans whose daily lives have been affected by Great Society programs.

## Great Society Programs, 1964–1967

### POVERTY

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>1964 Tax Reduction Act</b> cut corporate and individual taxes to stimulate growth.</p> <p><b>1964 Economic Opportunity Act</b> created Job Corps, VISTA, Project Head Start, and other programs to fight the “war on poverty.”</p> | <p><b>1965 Medicare Act</b> established Medicare and Medicaid programs.</p> <p><b>1965 Appalachian Regional Development Act</b> targeted aid for highways, health centers, and resource development in that economically depressed area.</p> |
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### CITIES

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| <p><b>1965 Omnibus Housing Act</b> provided money for low-income housing.</p> <p><b>1965 Department of Housing and Urban Development</b> was formed to administer federal housing programs.</p> | <p><b>1966 Demonstration Cities and Metropolitan Area Redevelopment Act</b> funded slum rebuilding, mass transit, and other improvements for selected “model cities.”</p> |
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### EDUCATION

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| <p><b>1965 Elementary and Secondary Education Act</b> directed money to schools for textbooks, library materials, and special education.</p> <p><b>1965 Higher Education Act</b> funded scholarships and low-interest loans for college students.</p> | <p><b>1965 National Foundation on the Arts and the Humanities</b> was created to financially assist painters, musicians, actors, and other artists.</p> <p><b>1967 Corporation for Public Broadcasting</b> was formed to fund educational TV and radio broadcasting.</p> |
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### DISCRIMINATION

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| <p><b>1964 Civil Rights Act</b> outlawed discrimination in public accommodations, housing, and jobs; increased federal power to prosecute civil rights abuses.</p> <p><b>1964 Twenty-Fourth Amendment</b> abolished the poll tax in federal elections.</p> | <p><b>1965 Voting Rights Act</b> ended the practice of requiring voters to pass literacy tests and permitted the federal government to monitor voter registration.</p> <p><b>1965 Immigration Act</b> ended national-origins quotas established in 1924.</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### ENVIRONMENT

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| <p><b>1965 Wilderness Preservation Act</b> set aside over 9 million acres for national forest lands.</p> <p><b>1965 Water Quality Act</b> required states to clean up their rivers.</p> | <p><b>1965 Clean Air Act Amendment</b> directed the federal government to establish emission standards for new motor vehicles.</p> <p><b>1967 Air Quality Act</b> set federal air pollution guidelines and extended federal enforcement power.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### CONSUMER ADVOCACY

- |                                                                                                                                                                                                                         |                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>1966 Truth in Packaging Act</b> set standards for labeling consumer products.</p> <p><b>1966 National Traffic and Motor Vehicle Safety Act</b> set federal safety standards for the auto and tire industries.</p> | <p><b>1966 Highway Safety Act</b> required states to set up highway safety programs.</p> <p><b>1966 Department of Transportation</b> was created to deal with national air, rail, and highway transportation.</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### SKILLBUILDER Interpreting Charts

What did the Great Society programs indicate about the federal government’s changing role?

**HEALTHCARE** LBJ and Congress changed Social Security by establishing Medicare and Medicaid. **Medicare** provided hospital insurance and low-cost medical insurance for almost every American age 65 or older. **Medicaid** extended health insurance to welfare recipients. 

**HOUSING** Congress also made several important decisions that shifted the nation’s political power from rural to urban areas. These decisions included: appropriating money to build some 240,000 units of low-rent public housing and helping low- and moderate-income families pay for better private housing; establishing the Department of Housing and Urban Development (HUD); and appointing Robert Weaver, the first African-American cabinet member in American history, as Secretary of HUD.

#### MAIN IDEA

#### Comparing

-  How are Medicare and Medicaid similar?



### MAIN IDEA

#### Analyzing Effects

**D** How did the Immigration Act of 1965 change the nation's immigration system?

**IMMIGRATION** The Great Society also brought profound changes to the nation's immigration laws. The Immigration Act of 1924 and the National Origins Act of 1924 had established immigration quotas that discriminated strongly against people from outside Western Europe. The Act set a quota of about 150,000 people annually. It discriminated against southern and eastern Europeans and barred Asians completely. The **Immigration Act of 1965** opened the door for many non-European immigrants to settle in the United States by ending quotas based on nationality. **D**

**THE ENVIRONMENT** In 1962, *Silent Spring*, a book by Rachel Carson, had exposed a hidden danger: the effects of pesticides on the environment. Carson's book and the public's outcry resulted in the Water Quality Act of 1965, which required states to clean up rivers. Johnson also ordered the government to search out the worst chemical polluters. "There is no excuse . . . for chemical companies and oil refineries using our major rivers as pipelines for toxic wastes." Such words and actions helped trigger the environmental movement in the United States. (See Chapter 32.)

**CONSUMER PROTECTION** Consumer advocates also made headway. They convinced Congress to pass major safety laws, including a truth-in-packaging law that set standards for labeling consumer goods. Ralph Nader, a young lawyer, wrote a book, *Unsafe at Any Speed*, that sharply criticized the U.S. automobile industry for ignoring safety concerns. His testimony helped persuade Congress to establish safety standards for automobiles and tires. Precautions extended to food, too. Congress passed the Wholesome Meat Act of 1967. "Americans can feel a little safer now in their homes, on the road, at the supermarket, and in the department store," said Johnson.

## NOW & THEN

### MEDICARE ON THE LINE

When President Johnson signed the Medicare bill in 1965, only half of the nation's elderly had health insurance. Today, thanks largely to Medicare, nearly all persons 65 years or older are eligible.

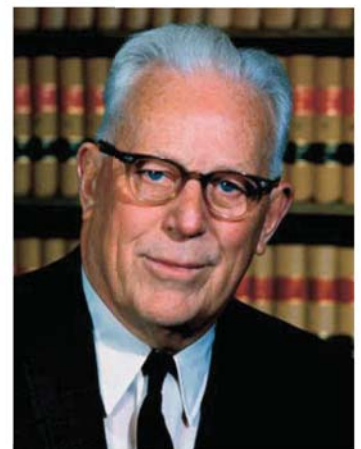
In 2006, federal spending on Medicare was \$374 billion. Experts have debated whether Medicare can be sustained as people live longer, health care costs increase, and the baby boomer generation approaches retirement age. Though most Americans are not in favor of cutbacks to Medicare, the Balanced Budget Act of 1997 reduced federal spending on Medicare from 1998 through 2002 by \$112 billion. In 2006, a new Medicare prescription drug coverage began.

## Reforms of the Warren Court

The wave of liberal reform that characterized the Great Society also swept through the Supreme Court of the 1960s. Beginning with the 1954 landmark decision *Brown v. Board of Education*, which ruled school segregation unconstitutional, the Court under Chief Justice Earl Warren took an activist stance on the leading issues of the day.

Several major court decisions in the 1960s affected American society. The **Warren Court** banned prayer in public schools and declared state-required loyalty oaths unconstitutional. It limited the power of communities to censor books and films and said that free speech included the wearing of black armbands to school by antiwar students. Furthermore, the Court brought about change in federal and state reapportionment and the criminal justice system.

**CONGRESSIONAL REAPPORTIONMENT** In a key series of decisions, the Warren Court addressed the issue of **reapportionment**, or the way in which states redraw election districts based on the changing number of people in them. By 1960, about 80 percent of Americans lived in cities and suburbs. However, many states had failed to change their congressional districts to reflect this development; instead, rural districts might have fewer than 200,000 people, while some urban districts had more than 600,000. Thus the voters in rural areas had more representation—and also more power—than those in urban areas.



Chief Justice  
Earl Warren

*Baker v. Carr* (1962) was the first of several decisions that established the principle of “one person, one vote.” The Court asserted that the federal courts had the right to tell states to reapportion—redivide—their districts for more equal representation. In later decisions, the Court ruled that congressional district boundaries should be redrawn so that districts would be equal in population, and in *Reynolds v. Sims* (1964), it extended the principle of “one person, one vote” to state legislative districts. (See *Reynolds v. Sims*, page 774.) These decisions led to a shift of political power throughout the nation from rural to urban areas.

**RIGHTS OF THE ACCUSED** Other Warren Court decisions greatly expanded the rights of people accused of crimes. In *Mapp v. Ohio* (1961), the Court ruled that evidence seized illegally could not be used in state courts. This is called the exclusionary rule. In *Gideon v. Wainwright* (1963), the justices required criminal courts to provide free legal counsel to those who could not afford it. In *Escobedo v. Illinois* (1964), the justices ruled that an accused person has a right to have a lawyer present during police questioning. In 1966, the Court went one step further in *Miranda v. Arizona*, where it ruled that all suspects must be read their rights before questioning. (See *Miranda v. Arizona*, page 694.)

These rulings greatly divided public opinion. Liberals praised the decisions, arguing that they placed necessary limits on police power and protected the right of all citizens to a fair trial. Conservatives, however, bitterly criticized the Court. They claimed that *Mapp* and *Miranda* benefited criminal suspects and severely limited the power of the police to investigate crimes. During the late 1960s and 1970s, Republican candidates for office seized on the “crime issue,” portraying liberals and Democrats as being soft on crime and citing the decisions of the Warren Court as major obstacles to fighting crime. **E**

#### MAIN IDEA

#### Contrasting

**E** What were the differing reactions to the Warren Court decisions on the rights of the accused?

## POINT

### “The Great Society succeeded in prompting far-reaching social change.”

Defenders of the Great Society contend that it bettered the lives of millions of Americans. Historian John Morton Blum notes, “The Great Society initiated policies that by 1985 had had profound consequences: Blacks now voted at about the same rate as whites, and nearly 6,000 blacks held public offices; almost every elderly citizen had medical insurance, and the aged were no poorer than Americans as a whole; a large majority of small children attended preschool programs.”

Attorney Margaret Burnham argues that the civil rights gains alone justify the Great Society: “For tens of thousands of human beings . . . giving promise of a better life was significant . . . . What the Great Society affirmed was the responsibility of the federal government to take measures necessary to bring into the social and economic mainstream any segment of the people [who had been] historically excluded.”

## COUNTERPOINT

### “Failures of the Great Society prove that government-sponsored programs do not work.”

The major attack on the Great Society is that it created “big government”: an oversized bureaucracy, too many regulations, waste and fraud, and rising budget deficits. As journalist David Alpern writes, this comes from the notion that government could solve all the nation’s problems: “The Great Society created unwieldy new mechanisms like the Office of Economic Opportunity and began ‘throwing dollars at problems . . . .’ Spawned in the process were vast new constituencies of government bureaucrats and beneficiaries whose political clout made it difficult to kill programs off.”

Conservatives say the Great Society’s social wel-

fare programs created a culture of dependency. Economist Paul Craig Roberts argues that “The Great Society . . . reflected our lack of confidence in the institutions of a free society. We came to the view that it is government spending and not business innovation that creates jobs and that it is society’s fault if anyone is poor.”

### THINKING CRITICALLY

#### CONNECT TO HISTORY

- 1. Evaluating** Do you think the Great Society was a success or a failure? Explain.

**SEE SKILLBUILDER HANDBOOK, PAGE R17.**

#### CONNECT TO TODAY

- 2. Analyzing Social Problems** Research the most pressing problems in your own neighborhood or precinct. Then propose a social program you think would address at least one of those problems while avoiding the pitfalls of the Great Society programs.

## Impact of the Great Society

The Great Society and the Warren Court changed the United States. People disagree on whether these changes left the nation better or worse, but most agree on one point: no president in the post–World War II era extended the power and reach of the federal government more than Lyndon Johnson. The optimism of the Johnson presidency fueled an activist era in all three branches of government, for at least the first few years.

The “war on poverty” did help. The number of poor people fell from 21 percent of the population in 1962 to 11 percent in 1973. However, many of Johnson’s proposals, though well intended, were hastily conceived and proved difficult to accomplish.

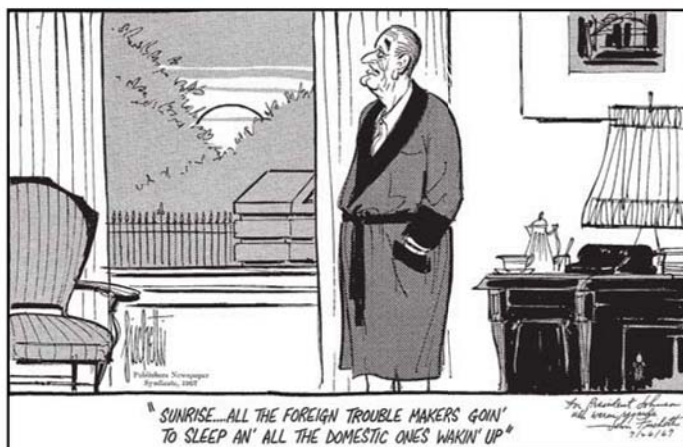
Johnson’s massive tax cut spurred the economy. But funding the Great Society contributed to a growing budget deficit—a problem that continued for decades. Questions about government finances, as well as debates over the effectiveness of these programs and the role of the federal government, left a number of people disillusioned. A conservative backlash began to take shape as a new group of Republican leaders rose to power. In 1966, for example, a conservative Hollywood actor named Ronald Reagan swept to victory in the race for governor of California over the Democratic incumbent.

Thousands of miles away, the increase of Communist forces in Vietnam also began to overshadow the goals of the Great Society. The fear of communism was deeply rooted in the minds of Americans from the Cold War era. Four years after initiating the Great Society, Johnson, a peace candidate in 1964, would be labeled a “hawk”—a supporter of one of the most divisive wars in recent U.S. history. **F**

### MAIN IDEA

#### Identifying Problems

**F** What events and problems may have affected the success of the Great Society?



As this cartoon points out, President Johnson had much to deal with at home and abroad. This autographed copy was presented to President Johnson by the cartoonist.

### SECTION 3

## ASSESSMENT

**1. TERMS & NAMES** For each term or name, write a sentence explaining its significance.

- Lyndon Baines Johnson
- Great Society
- Immigration Act of 1965
- reapportionment
- Economic Opportunity Act
- Medicare and Medicaid
- Warren Court

### MAIN IDEA

#### 2. TAKING NOTES

List four or more Great Society programs and Warren Court rulings.

| Great Society Programs | Warren Court Rulings |
|------------------------|----------------------|
| 1.                     | 1.                   |
| 2.                     | 2.                   |
| 3.                     | 3.                   |
| 4.                     | 4.                   |

Choose one item and describe its lasting effects.

### CRITICAL THINKING

#### 3. EVALUATING LEADERSHIP

Explain how Lyndon Johnson’s personal and political experiences might have influenced his actions as president. **Think About:**

- his family’s background and education
- his relationship with Franklin Roosevelt
- his powers of persuasion

#### 4. ANALYZING VISUAL SOURCES

Look at the political cartoon above. What do you think the artist was trying to convey about the Johnson administration?





## MIRANDA v. ARIZONA (1966)

**ORIGINS OF THE CASE** In 1963, Ernesto Miranda was arrested at his home in Phoenix, Arizona, on charges of kidnapping and rape. After two hours of questioning by police, he signed a confession and was later convicted, largely based on the confession. Miranda appealed. He claimed that his confession was invalid because it was coerced and because the police never advised him of his right to an attorney or his right to avoid self-incrimination.

**THE RULING** The Court overturned Miranda's conviction, holding that the police must inform criminal suspects of their legal rights at the time of arrest and may not interrogate suspects who invoke their rights.

### LEGAL REASONING

Chief Justice Earl Warren wrote the majority opinion in *Miranda v. Arizona*. He based his argument on the Fifth Amendment, which guarantees that an accused person cannot be forced "to be a witness against himself" or herself. Warren stressed that when suspects are interrogated in police custody, the situation is "inherently intimidating." Such a situation, he argued, undermines any evidence it produces because "no statement obtained from the defendant [while in custody] can truly be the product of his free choice."

For this reason, the Court majority found that Miranda's confession could not be used as evidence. In the opinion, Chief Justice Warren responded to the argument that police officials might find this requirement difficult to meet.

**"Not only does the use of the third degree [harassment or torture used to obtain a confession] involve a flagrant violation of law by the officers of the law, but it involves also the dangers of false confessions, and it tends to make police and prosecutors less zealous in the search for objective evidence."**

### LEGAL SOURCES

#### U.S. CONSTITUTION

##### U.S. CONSTITUTION, FIFTH AMENDMENT (1791)

"No person . . . shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law."

#### RELATED CASES

##### MAPP v. OHIO (1961)

The Court ruled that prosecutors may not use evidence obtained in illegal searches (exclusionary rule).

##### GIDEON v. WAINWRIGHT (1963)

The Court said that a defendant accused of a felony has the right to an attorney, which the government must supply if the defendant cannot afford one.

##### ESCOBEDO v. ILLINOIS (1964)

The Court held that a suspect has the right to an attorney when being questioned by police.



▲ Ernesto Miranda (at right) converses with attorney John J. Flynn in February 1967.

## WHY IT MATTERED

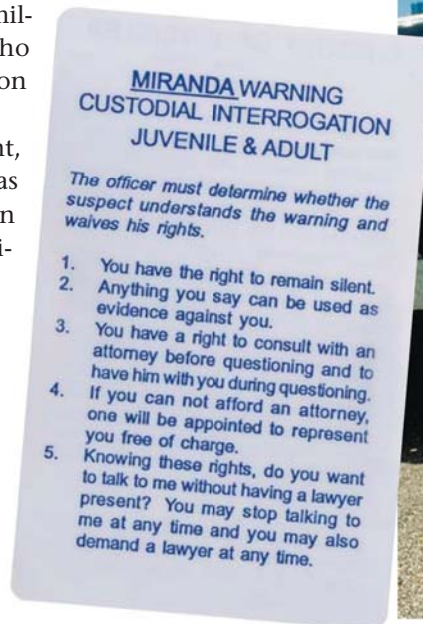
*Miranda* was one of four key criminal justice cases decided by the Warren Court (see Related Cases). In each case, the decision reflected the chief justice's strong belief that all persons deserve to be treated with respect by their government. In *Miranda*, the Court directed police to inform every suspect of his or her rights at the time of arrest and even gave the police detailed instructions about what to say.

The rights of accused people need to be protected in order to ensure that innocent people are not punished. These protections also ensure that federal, state, or local authorities will not harass people for political reasons—as often happened to civil rights activists in the South in the 1950s and 1960s, for example.

Critics of the Warren Court claimed that *Miranda* would lead to more crime because it would become more difficult to convict criminals. Police departments, however, adapted to the decision. They placed the list of suspects' rights mentioned in *Miranda* on cards for police officers to read to suspects. The statement of these rights became known as the *Miranda* warning and quickly became familiar to anyone who watched a police show on television.

As for the defendant, Ernesto Miranda, he was retried and convicted on the basis of other evidence.

(right) This card is carried by police officers in order to read suspects their rights. (far right) An officer reads a suspect his rights.



## HISTORICAL IMPACT

The *Miranda* decision was highly controversial. Critics complained that the opinion would protect the rights of criminals at the expense of public safety.

Since *Miranda*, the Court has continued to try to strike a balance between public safety and the rights of the accused. Several cases in the 1970s and 1980s softened the *Miranda* ruling and gave law enforcement officers more power to gather evidence without informing suspects of their rights. Even so, conservatives still hoped to overturn the *Miranda* decision.

In 2000, however, the Supreme Court affirmed *Miranda* by a 7-to-2 majority in *Dickerson v. United States*. Writing for the majority, Chief Justice William Rehnquist argued, "There is no such justification here for overruling *Miranda*. *Miranda* has become embedded in routine police practice to the point where warnings have become part of our national culture."



## THINKING CRITICALLY

### CONNECT TO HISTORY

1. **Drawing Conclusions** Critics charged that *Miranda* incorrectly used the Fifth Amendment. The right to avoid self-incrimination, they said, should only apply to trials, not to police questioning. Do you agree or disagree? Why?



SEE SKILLBUILDER HANDBOOK, PAGE R18.

### CONNECT TO TODAY

2.  **INTERNET ACTIVITY** [CLASSZONE.COM](http://CLASSZONE.COM)

Visit the links for Historic Decisions of the Supreme Court to research laws and other court decisions related to *Mapp* and *Miranda*. Then, prepare a debate on whether courts should or should not set a guilty person free if the government broke the law in establishing that person's guilt.