



1998

Monday Morning Quarterback: Maryland v. Wilson Revisited: Introduction

Reginald L. Smith

Follow this and additional works at: <http://scholarworks.law.ubalt.edu/lf>



Part of the [Law Commons](#)

Recommended Citation

Smith, Reginald L. (1998) "Monday Morning Quarterback: Maryland v. Wilson Revisited: Introduction," *University of Baltimore Law Forum*: Vol. 28 : No. 1 , Article 2.

Available at: <http://scholarworks.law.ubalt.edu/lf/vol28/iss1/2>

This Article is brought to you for free and open access by ScholarWorks@University of Baltimore School of Law. It has been accepted for inclusion in University of Baltimore Law Forum by an authorized editor of ScholarWorks@University of Baltimore School of Law. For more information, please contact snolan@ubalt.edu.

MONDAY MORNING QUARTERBACK: *MARYLAND V. WILSON* REVISITED

Introduction

Ordinarily, a traffic stop might be a brief, uneventful encounter between a police officer and a motorist, having no long term impact on the law or society in general. That was arguably not the case as a result of events occurring on June 8, 1994, when a car traveling on Interstate 95 in Baltimore County was pulled over by a Maryland State Trooper for speeding and the driver and his suddenly nervous passenger were ordered out of the car. Little did anyone know that what ensued would give rise to one of the most significant cases ever to come before the United States Supreme Court. Thus the issue: whether a police officer may, during a traffic stop, require a passenger to exit the vehicle?

As compelling as the issues in *Maryland v. Wilson* were, it was the protagonists -- because they are so prominent in, and so closely connected with, the Maryland legal community -- that drew the greatest attention. Attorney General J. Joseph Curran, Jr. and Professor Byron L. Warnken, both of whom are University of Baltimore-trained lawyers, squared off in the showdown of showdowns.

For Attorney General Curran, it was an opportunity to resolve an issue that had divided courts across the country: at what point must the Fourth Amendment individual privacy interests of motorists and their passengers give way to the safety of police officers? Curran had been in front of the Supremes on other occasions and was on familiar ground. Now, faced with this latest challenge, could he be successful?

Professor Warnken, arguing for the respondent, found himself in a strangely unfamiliar position. As Director of the National Law Enforcement Rights Center, Professor Warnken usually lends his support to police officers, their organizations, and their causes. Although he had never argued a case before the high court before, he had served as lead counsel on the petitioner's brief in a case arising out of the Rodney King incident. This time, however, he was working for "the other side." Could he pull it off?

Finally, there was United States Attorney General Janet Reno, who in her five years as the country's top prosecutor, had never argued a case before the Supreme Court. Certainly her presence would illustrate the importance of the proceedings. Would she be the wild card?

Mr. Curran, a graduate of the University of Baltimore School of Law, has been the Attorney General of Maryland since 1986. Professor Warnken, a *cum laude* graduate of the Law School, has taught there for over twenty years. Assistant Attorney General Kathryn Grill Graeff, with whom Mr. Curran collaborated on this article, received her law degree from the University of Maryland School of Law. The editors of the *Law Forum Journal* are deeply indebted to each of them for sharing their time, candor, and experience.

- Reginald L. Smith