



Mapp v. Ohio

Annotation Station

For the primary source evidence, use these guided reading practices.

○ Circle words you don't know, and take a moment to find the definition.

Highlight in **YELLOW** phrases that confuse you. Use context clues to figure out their meaning.

Highlight in **RED** examples of the dangers or restrictions faced by the individual.

Highlight in **GREEN** examples of rights and freedoms enjoyed by the individual.

☆ Star the items that make you wonder and wish to explore further.

Background

In 1957, Cleveland police officers forcibly entered the home of Dollree Mapp looking for someone who was wanted for recent crimes. The police search did not find the person or any evidence linking Ms. Mapp to those crimes. However, during their search, police found obscene material that was illegal under state law at the time. Despite the search being unsuccessful in its original intent, Ms. Mapp denying ownership of the obscene materials found, and no search warrant being provided, Ms. Mapp was still arrested and tried for the possession. In 1958, Ms. Mapp was convicted and sentenced from one to seven years in jail.

Ms. Mapp's lawyer appealed her case to the Ohio Supreme Court arguing that his client's constitutional rights were violated because police obtained the evidence illegally. Eventually, the case made its way to the U.S. Supreme Court where a 6–3 decision was made in Mapp's favor. The majority opinion ruled in order to protect people's Fourth Amendment rights, illegally obtained evidence cannot be used in court. This is now referred to as the exclusionary rule.

Evidence 1

The Fourth Amendment to the U.S. Constitution

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The Fourth Amendment protects people from illegal searches and seizures.

Source: *The U.S. Constitution*



Evidence 2

Supreme Court Majority Opinion

We hold that all evidence obtained by searches and seizures in violation of the Constitution is, by that same authority, inadmissible in a state court. . . .

Were it otherwise, then . . . the assurance against unreasonable federal searches and seizures would be ‘a form of words,’ valueless and undeserving of mention in a perpetual charter of inestimable human liberties, so too, without that rule the freedom from state invasions of privacy would be so ephemeral and so neatly severed from its conceptual nexus with the freedom from all brutish means of coercing evidence as not to merit this Court’s high regard as a freedom “implicit in ‘the concept of ordered liberty.’” . . . To hold otherwise is to grant the right but in reality to withhold its privilege and enjoyment. Only last year the Court itself recognized that the purpose of the exclusionary rule ‘is to deter—to compel respect for the constitutional guaranty in the only effectively available way—by removing the incentive to disregard it.’ . . .

Having once recognized that the right to privacy embodied in the Fourth Amendment is enforceable against the States, and that the right to be secure against rude invasions of privacy by state officers is, therefore, constitutional in origin, we can no longer permit that right to remain an empty promise. Because it is enforceable in the same manner and to like effect as other basic rights secured by the Due Process Clause, we can no longer permit it to be revocable at the whim of any police officer who, in the name of law enforcement itself, chooses to suspend its enjoyment. Our decision, founded on reason and truth, gives to the individual no more than that which the Constitution guarantees him, to the police officer no less than that to which honest law enforcement is entitled, and, to the courts, that judicial integrity so necessary in the true administration of justice.

The majority opinion for the 1961 court case, *Mapp v. Ohio*, was written by Justice Tom Clark.

Source:

[U.S. Reports: Mapp v. Ohio, 367 U.S. 643 \(1961\).](#) | [Library of Congress](#)



Evidence 3

“Court On Evidence”

June 19, 1961

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Court: On Evidence

The Supreme Court, reversing its 1949 decision, ruled on Monday that the Constitution forbids the use of illegally seized evidence in State criminal trials.

Since 1914, illegally seized evidence has been forbidden in Federal courts under the requirements of the Fourth Amendment.

This rule of exclusion, however, did not apply to State criminal courts and the Supreme Court, in *Wolf v. Colorado*, underscored this fact in 1949.

At that time, 29 of the 48 States admitted illegally seized evidence, such as might be obtained without a search warrant or through a wiretap. As of early last week, the figure was down to 24 of 50 States.

Then came the historic, 5 to 4 decision on Monday, in the case of *Mapp v. Ohio*, eliminating the long-standing difference between the rules of State and Federal courts.

It was one of the most important limitations ever imposed on State criminal procedures by the Supreme Court and its effects in 24 States, including New York, will be wide-ranging.

The high court issued two other major rulings on Monday.

- By 9 to 0, it struck down a provision of the Maryland Constitution which compelled officeholders to declare belief in God. The ground: It was a religious test which invaded the individual's right to religious freedom.

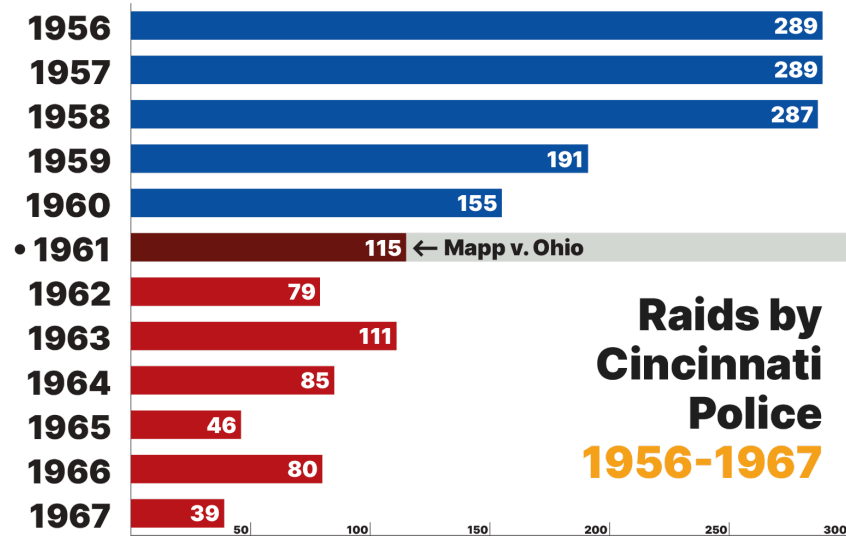
- A majority of five held that a man compelled to join a railway union may prevent the union from spending his dues for political purposes which he opposes.

Image source:

<https://chroniclingamerica.loc.gov/lccn/sn83045462/1961-06-25/ed-1/seq-42/>



Evidence 4



This chart shows the number of police raids in Cincinnati before and after the *Mapp v. Ohio* Supreme Court decision. Many cities saw a similar trend due to the new precedent.

Data Source:

<https://www.semanticscholar.org/paper/Effects-of-Criminal-Procedure-on-Crime-Rates%3A-Out-Atkins-Rubin/1789e207f6706b89f418ba02491eb8b726f276f8>

Questions

Check for understanding:

Background: What was the main constitutional question for this case?

Evidence 1: What rights does the Fourth Amendment protect?

Evidence 2: What was the majority opinion in the case? What evidence does Justice Tom Clark use to support the majority opinion?

Evidence 3: Based on the newspaper article, what can you assume about the exclusionary rule in federal cases?

Evidence 4: What general conclusion can be taken from the chart?

Group discussion:

1. Did the Fourth Amendment change after the *Mapp v. Ohio* decision?
2. Is the current language in the Fourth Amendment sufficient enough to protect our rights?
3. Explain your reasoning using the evidence provided.