



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, police went into Dollree Mapp's house in Cleveland looking for someone they thought was involved in recent crimes. They did not find that person or any evidence linking Mapp to the crimes. But they did find some illegal stuff during the search. Even though Mapp said the illegal things weren't hers and the police didn't have a warrant to search her place, she still got arrested and sent to jail for having them.

Mapp's lawyer said this was not fair and took her case to the Ohio Supreme Court. He said the police broke the rules by searching her place without a good reason. The case went all the way to the U.S. Supreme Court, where most of the judges (5–3) agreed with Mapp. They said if the police get evidence illegally, like by searching without a good reason, that evidence can't be used in court. This is to make sure people's rights are protected, and it is called 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 say that if the police get evidence by searching or taking things from people in a way that goes against the rules in the Constitution, then that evidence cannot be used in a state court.

If it were allowed, then the promise of being protected from unfair searches by the government wouldn't mean much. It's like saying you have a right to something, but then not letting you actually have it. We need to make sure this promise of privacy from the government is taken seriously, otherwise, it's not worth much.

We need to make sure police follow the rules, and if they don't, then the evidence they get shouldn't be used in court. This is important because it makes sure that the Constitution's rules are respected, and it helps stop police from breaking those rules just to get evidence.

We're saying that if the Constitution protects your privacy from the government, then that protection should actually mean something. It shouldn't be something that police can ignore whenever they want in the name of doing their job. Our decision makes sure everyone gets what they're supposed to: people get their privacy protected, police still get to do their job fairly, and the courts keep their integrity in making sure justice is done right.

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

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

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.

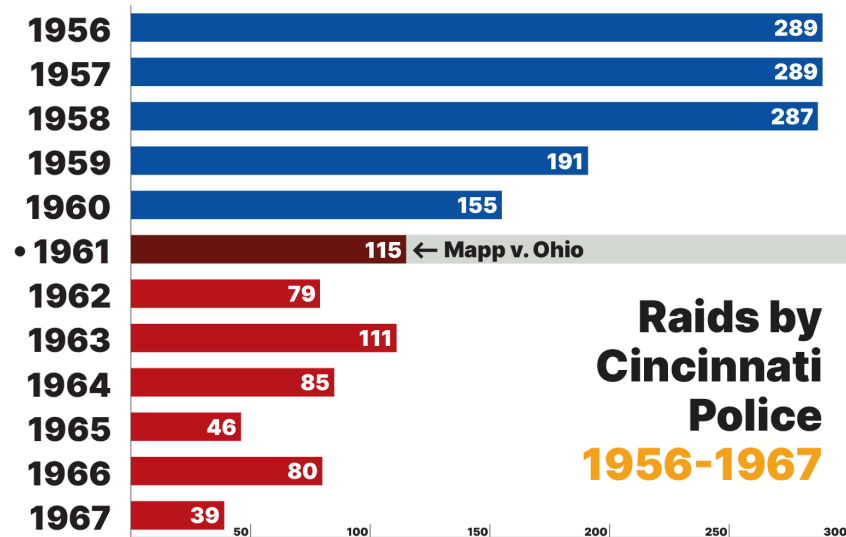
- A majority of five held that a man compelled to join a railway union may prevent the union from spending his dues for political purposes which he opposes.

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 before and after the *Mapp v. Ohio* Supreme Court decision.

Data Source:

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

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.