

## **Mapp v. Ohio (1961)**

**Argued:** March 29, 1961

**Decided:** June 19, 1961

### **Background and Facts**

The Fourth Amendment states, “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.” It means that the police must get a search warrant before searching someone’s home except in a few situations. A search warrant is a document issued by a judge granting law enforcement officers permission to search a specific location to uncover evidence of a crime.

In a 1914 federal case, *Weeks v. United States*, the U.S. Supreme Court created the exclusionary rule. The Court ruled that, if federal law enforcement officers violate someone’s Fourth Amendment rights and search their home without a warrant, any evidence seized during the search cannot be used against them at trial. After *Weeks*, the exclusionary rule applied only to trials taking place in federal courts.

In a 1948 U.S. Supreme Court case, *Wolf v. Colorado*, the Court ruled that the exclusionary rule did not apply to state courts. However, many states passed laws that prevented the use of evidence gained from an unlawful search or seizure during trials.

In 1957, a woman named Dollree Mapp lived in Cleveland, Ohio. The police received a tip that a man who was wanted for questioning about a bombing was hiding in Mapp’s home. The police went to Mapp’s home and asked to come in, but she refused to let them in without a search warrant.

Later, the police came back to Mapp’s house, this time with a piece of paper they claimed was a search warrant. When Mapp took the paper, the police physically fought her to take it back. It is believed the paper was not actually a warrant. Mapp and her lawyers never saw the paper the police said was a warrant again, and the police did not have it at her trial.

The police searched all over Mapp’s home, including a footlocker in the basement. Inside the footlocker, they found obscene magazines that were illegal at the time in Ohio. Mapp was arrested and convicted of knowingly possessing obscene magazines, even though the court found there was no evidence that the police had a search warrant.

Mapp appealed her conviction. She argued that the search violated the Fourth Amendment because the police did not have a warrant and that the illegally seized evidence should not have been allowed in her trial. The state of Ohio disagreed, claiming that the exclusionary rule only applied to federal trials, not cases in state court. Mapp wanted the Supreme Court to overrule their decision in *Wolf v. Ohio*. Mapp asked the U.S. Supreme Court to hear her case, and the Court agreed.

**Issue**

Can evidence gained in **violation** of the Fourth Amendment's prohibition on unreasonable searches and seizures be used as evidence in state courts?

**Arguments for Mapp (petitioner)**

- The history of the Fourth Amendment shows that the right to privacy and security in one's home is an important right in the Constitution. There is no reason that the right to privacy should be any less important in a state court.
- The exclusionary rule discourages federal officers from conducting unlawful searches and seizures. Without the exclusionary rule, there is little to discourage state and local police officers from violating the Fourth Amendment.
- Since the decision in *Wolf v. Colorado*, many states passed laws that prevented the admission of evidence gained from an unlawful search or seizure during trials. Since states are adopting the exclusionary rule, the Court should reconsider their decision in *Wolf*.

**Arguments for Ohio (respondent)**

- The exclusionary rule was not actually written in the Fourth Amendment. The Fourth Amendment does not state what should happen to the evidence if a search is “unreasonable.”
- Police are still discouraged from conducting unlawful searches and seizures without the exclusionary rule. There are other methods of preventing unlawful searches and seizures, such as allowing the police to be sued in court.
- In *Wolf v. Colorado*, the Supreme Court ruled that the exclusionary rule did not apply to state courts. The Court should not overturn their past decisions unless there has been a clear violation of the Constitution.

**Decision**

In a 6-3 decision, the Supreme Court overturned *Wolf v. Colorado* and found for Mapp, ruling that the exclusionary rule does apply to the states.

Writing for the majority of the Court, Justice Clark examined the history of the Fourth Amendment and found that the right to privacy is an important part of the Constitution. He wrote that, because the right to privacy is so important, it should be protected in state courts just as much as it is in federal courts. Therefore, the exclusionary rule recognized in *Weeks v. United States* was extended to the states as well.

### **Impact of the Case**

The decision in *Mapp v. Ohio* continues to have a significant effect on police procedure. By extending the exclusionary rule to states, the Court encouraged police officers to get warrants before conducting searches. Later cases extended the exclusionary rule to include all evidence found as a result of an illegal search. Referred to as the “fruit of a poisonous tree” doctrine, this means that, if evidence found during an illegal search leads police to additional evidence, the additional evidence will also not be allowed in court. Some people have criticized the *Mapp* decision, arguing that it is too protective of criminals because it may allow guilty people to avoid being found guilty when evidence is not properly obtained.

### **Glossary**

- **appeal (appealed)**: to formally request that a lower court decision be examined and reconsidered by a higher court.
- **Exclusionary Rule**: rule that prohibits the use of illegally obtained evidence in a criminal trial.
- **federal**: the level of government that controls the United States as a whole rather than just a single state.
- **obscene**: offensive or indecent; usually relating to sexual matters.
- **search (searches)**: to look over carefully in order to find something; to explore.
- **search warrant**: an order issued by a judge or magistrate giving police the power to search and seize items related to a crime.
- **seize (seizure)**: to take possession of.
- **unreasonable**: not supported by a warrant or by a valid exception to a warrant requirement (as when there is reasonable suspicion) and, therefore, unconstitutional; not reasonable.
- **unconstitutional**: not allowed by or contained in the Constitution. If a law is unconstitutional, it will be struck down, meaning it is no longer a law.
- **violate (violation)**: to break or disregard (a law or promise, for example).

Additional information about *Mapp v. Ohio*, including background at three reading levels, opinion quotes and summaries, teaching activities, and additional resources, can be found at <https://www.landmarkcases.org/>.