

## **Mapp v. Ohio / Background •—Answer Key**

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As you read the background summary of the case below, look for the **important vocabulary terms**. You can find definitions for these terms on the separate vocabulary handout.

Dollree Mapp lived in Cleveland, Ohio. One day, the police broke into Mapp's house to look for a **suspected** bomber. Mapp had refused to let the police into her house earlier because they did not have a **search warrant**. When the police broke in, they showed Mapp a piece of paper. They said the paper was a search warrant, but they would not let her see it.

The police searched Mapp's house without her permission. They looked in her room, her daughter's bedroom, the kitchen, the living room, and the basement. In the basement they found a trunk. Inside the trunk were **obscene** pictures, photographs, and books. The police did not find the bomber, but they arrested Mapp anyway. They said she broke the law by having obscene materials.

The court found her guilty. Mapp then **appealed** her case to the Supreme Court of Ohio. She said that her rights were violated in the search. The Supreme Court of Ohio said that the actions of the police were probably illegal. However, they also said that the **evidence** (the illegal obscene materials) the police found could be used against Mapp, even though the search itself may have been illegal. Mapp then appealed her case to the Supreme Court of the United States.

The Fourth Amendment to the U.S. Constitution protects people from **unreasonable** searches by the government. In Mapp's case, the U.S. Supreme Court had to decide when a search is legal and whether evidence from an illegal search could be used in a criminal case. In 1961, the Supreme Court ruled in the case of *Mapp v. Ohio*.

### **Questions to Consider**

1. Was Mapp right to not let the police enter her house? Why or why not?

Student answers will vary. One can make a case that Ms. Mapp was justified in denying the police entrance to her house on the grounds that they did not have a search warrant, which is required by the Fourth Amendment. On the other hand, one could argue that Mapp was not justified. The police had probable cause to believe a suspect wanted in a recent bombing was hiding in her home. It is possible that this suspect was a threat to the community and that therefore the police could not afford to wait for a search warrant.

2. Was there anything unreasonable about the police search of Mapp's house? Explain.

Student answers will vary. Some will argue that the search was unreasonable because the police did not have a warrant. Others will say that the search was reasonable because the police were looking for a suspected bomber who may have been a threat to the community. They may not have had time to wait for a warrant. Those arguments focus on entering the

house. Others may focus on opening the trunk. Did the police have reason to believe there was a bomber in the trunk?

3. The U.S. Supreme Court must protect both individual people and society. In this case, whom do you think they should protect first? Mapp? Society? Explain your answer.

A case can be made for either response. One could argue that the protection of society should be given more weight because a suspected bomber could pose an immediate threat to the community, in which case it is acceptable to temporarily suspend individual rights in order to protect the group as a whole. On the other side of the coin, one could argue that the rights of Ms. Mapp should have been given more weight. The police clearly were not that concerned that the bomber was a threat to the community as they had already staked out the house for several hours. They could have waited a little longer to get a proper search warrant. It is also clear that they would not have expected to find a bomber inside the trunk.