

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

Suspicious that Dollree Mapp might be hiding a person suspected in a bombing, the police went to her home in Cleveland, Ohio. They knocked on her door and demanded entrance. On the advice of her lawyer, Mapp refused to let them in because they did not have a warrant.

After observing her house for several hours and recruiting more officers to the scene, the police forced their way into Mapp's house. When Mapp confronted them and demanded to see their search warrant, one of the officers held up a piece of paper. He claimed it was the search warrant. Mapp grabbed the paper, but an officer recovered it and handcuffed Mapp. The police dragged her upstairs and searched her bedroom. Finding nothing there they went to other rooms in the house, including the basement.

As a result of their search of the basement, the police found a trunk containing pornographic books, pictures, and photographs. They arrested Mapp and charged her with violating an Ohio law against the possession of obscene materials. At the trial the police officers did not show Mapp and her attorney the alleged search warrant or explain why they refused to do so. Nevertheless, the court found Mapp guilty and sentenced her to one to seven years in a women's jail.

Mapp appealed her case to the Supreme Court of Ohio. Mapp's attorney argued that because the police had no warrant, their search of her home was unconstitutional. Because the search was illegal, he said, the evidence gained from the search was also illegal and, therefore, should not have been allowed in Mapp's trial. In the ruling, the Court disagreed and said that because the evidence was taken peacefully from the trunk, rather than by force from Mapp, it was legal. Mapp's appeal was denied and her conviction upheld.

Mapp then appealed her case to the Supreme Court of the United States. The case came down to this fundamental question: Is evidence obtained through a search that violates the Fourth Amendment admissible in state courts? 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 . . . and particularly describing the place to be searched, and the persons or things to be seized." The Fourth Amendment, however, does not define when a search or seizure becomes "unreasonable." It also does not explain how evidence obtained from an unreasonable search should be treated.

Mapp's case was not the first case to ask this kind of question. In several rulings over the hundred years leading up to *Mapp*, the U.S. Supreme Court had tried to answer questions about what, exactly, the Fourth Amendment means. They had agreed that neither federal nor state officials could conduct "unreasonable searches." Furthermore, in *Weeks v. United States*, the Court established the exclusionary rule meaning federal officials cannot use unlawfully seized

evidence to establish guilt at a federal trial. However, they did not rule on whether states could use unlawfully seized evidence to convict a criminal. Some states, including Ohio, felt that they should be able to make their own determination regarding this issue. Doing so would be consistent with historical tradition—states had always supervised the operation of their criminal justice systems.

In 1960, the U.S. Supreme Court agreed to hear Mapp's case and determine whether the Fourth and 14<sup>th</sup> Amendments (which said the Fourth Amendment applies to the states), prohibited state officials from using evidence obtained in an unreasonable search. The decision in *Mapp v. Ohio* was handed down in 1961.

## Questions to Consider

1. In your opinion, was Mapp right to not let the police enter her house? Explain your reasoning.

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. The Fourth Amendment states “The right of the people to be secure . . . against unreasonable searches and seizures shall not be violated . . . .” Pretend that you were a justice for the Supreme Court of Ohio. What, if anything, would you find unreasonable about the search of Mapp's house? Explain.

Student answers will vary but may include, “If I were a judge on the Ohio Supreme Court, I would find the lack of a search warrant to be unreasonable in the search of Mapp's house. I might also question why, if police were truly searching for a bombing suspect, they opened a trunk in her basement.”

3. The U.S. Supreme Court must balance the protection of the rights of individuals against the protection of society. If the police had not searched Mapp's house they would never have found the pornography. With this in mind, do you think the rights of Mapp or society should have been more important? Explain.

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.