

***Mapp v. Ohio* / Background ●●**

Dollree Mapp lived in Cleveland, Ohio. After receiving information that a person wanted in connection with a recent bombing was hiding in Mapp's house, Cleveland police officers knocked on her door and demanded entrance. Mapp called her attorney for advice and subsequently refused to let the police in when they failed to produce a search warrant. After several hours of surveillance and the arrival of more officers, the police again sought entrance to the house. Although Mapp did not allow them to enter, they gained access by forcibly opening a door. Once the police were inside the house, Mapp demanded to see their warrant. One of the officers held up a piece of paper claiming it was a search warrant. Mapp grabbed the paper but an officer recovered it and handcuffed Mapp "because she had been belligerent." Dragging Mapp upstairs, officers proceeded to search not only her room, but also her daughter's bedroom, the kitchen, dinette, living room, and basement.

In the course of the basement search, police found a trunk containing "lewd and lascivious" books, pictures, and photographs. Mapp claimed the materials had been left by a former tenant. Mapp was arrested for violating Ohio's criminal law prohibiting the possession of obscene materials. At trial, the court found her guilty of the violation based on the evidence presented by the police. When Mapp's attorney questioned the officers about the alleged warrant and asked for it to be produced, the police were unable or unwilling to do so. Nonetheless, Mapp was found guilty and sentenced to one to seven years in the Ohio Women's Reformatory.

Upon her conviction, Mapp appealed her case to the Supreme Court of Ohio. Her attorney argued that she should never have been brought to trial because the material evidence resulted from an illegal, warrantless search. Because the search was unlawful, he maintained, the evidence was illegally obtained and must be excluded. In its ruling, the Supreme Court of Ohio recognized that "a reasonable argument" could be made that the conviction should be reversed "because the 'methods' employed to obtain the [evidence] ... were such as to 'offend' a sense of justice." But the court also stated that the materials were admissible evidence. The court explained its ruling by differentiating between evidence that was peacefully seized from an inanimate object (the trunk) rather than forcibly seized from an individual. Based on this decision, Mapp's appeal was denied and her conviction upheld.

Mapp appealed to the Supreme Court of the United States. The case came down to this fundamental question: May evidence obtained through a search in violation of the Fourth Amendment be admissible in state criminal proceedings? 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 is “unreasonable” nor does it specify how evidence obtained from an unreasonable search should be treated.

While never previously addressing the specific question presented by Mapp’s case, the U.S. Supreme Court had made attempts to determine what constitutes a reasonable search and what evidence can be used in court. It first wrestled with these issues in *Boyd v. United States* (1886) when the Court declared that “any forcible and compulsory extortion of a man’s own . . . private papers to be used as evidence to convict him of a crime . . . is within the condemnation of . . . [the Fourth Amendment]. Later, in *Weeks v. United States* (1914), the Court ruled that the Fourth Amendment “put the courts of the United States and federal officials . . . under limitations . . . and forever secure[d] the people, their persons, houses, papers and effects against all unreasonable searches and seizures” The ruling in *Weeks* established the exclusionary rule meaning a federal court cannot use unlawfully seized evidence to establish guilt at trial. By including only U.S. and federal officials in its ruling, however, the Court still left open the question of whether evidence unlawfully seized could be used in a state criminal court proceeding. In *Wolf v. Colorado* (1949), the Court for the first time discussed the effect of the Fourth Amendment on the states. It concluded that the Due Process Clause of the 14th Amendment incorporated, or made applicable to the states, the Fourth Amendment to the Constitution. However, the ruling in *Wolf* also made clear that “in a prosecution in a State court for a State crime the 14th Amendment does not forbid the admission of evidence obtained by an unreasonable search and seizure.” In other words, the exclusionary rule did not apply to the states.

Some states, including Ohio, felt that they should be able to make their own determination regarding the admissibility of illegally obtained evidence. Nevertheless, in 1960 the Supreme Court of the United States agreed to hear Mapp’s case and reconsider the decision it had reached in *Wolf* by determining whether the U.S. Constitution prohibited state officials from using evidence obtained in violation of the Fourth Amendment. The decision in *Mapp v. Ohio* was handed down in 1961.

Questions to Consider

1. In your opinion, was Dollree Mapp justified in denying the police entrance to her house? Explain your reasoning.

2. The Fourth Amendment states “The right of the people to be secure . . . against unreasonable searches and seizures shall not be violated” If 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.

3. Complete the chart below based on your reading:

Case	How did this decision extend the rights of individuals?	How did this decision constrain the rights of individuals?
<i>Boyd v. United States</i> (1886)		
<i>Weeks v. United States</i> (1914)		
<i>Wolf v. Colorado</i> (1949)		

4. Why didn’t the Court’s decision in *Wolf v. Colorado* protect Mapp?

5. 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 trunk containing "lewd and lascivious" materials. With this in mind, do you think the rights of Mapp or society should have been given more weight? Why?