

***Mapp v. Ohio* / Opinion Analysis—Answer Key**

Justice Clark wrote the Majority Opinion of the Court:

<p>V.</p> <p>Moreover, our holding that the exclusionary rule is an essential part of both the Fourth and Fourteenth Amendments is not only the logical dictate of prior cases, but it also makes very good sense. There is no war between the Constitution and common sense. Presently, a federal prosecutor may make no use of evidence illegally seized, but a State's attorney across the street may, although he supposedly is operating under the enforceable prohibitions of the same Amendment. Thus the State, by admitting evidence unlawfully seized, serves to encourage disobedience to the Federal Constitution which it is bound to uphold. Moreover, as was said in</p>	<p>The exclusionary rule was established in <i>Weeks v. United States</i> (1914) when the Supreme Court decided evidence seized in violation of the Fourth Amendment could not be admitted as evidence in a federal trial.</p>
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Source: Clark, Tom Campbell Clark and Supreme Court of the United States, "U.S. Reports: *Mapp v. Ohio*, 367 U.S. 643. 1960," Periodical, <https://www.loc.gov/item/usrep367643/>.

Constitutional Provisions

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."

14th Amendment to the U.S. Constitution, Section 1

"... nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Vocabulary

1. Define the following terms below and others you are not familiar with in your own words. You may wish to consult a legal dictionary at <https://dictionary.law.com/> or <https://www.nolo.com/dictionary>.
 - a. federal: the level of government that controls the United States as a whole rather than just a single state.
 - b. prohibitions: acts not allowed (prohibited) by law.
 - c. prosecutor: person who starts and carries out legal criminal proceedings.
 - d. seized: took possession of.
 - e. Other words you need to define: Student answers will vary.

Observe

2. What do you notice first about the words in this text?

Student answers will vary but may include that the vocabulary is difficult, that it starts with “moreover” a word that is not used in everyday language, that it begins with the Roman numeral V.

Reflect

3. Put this part of the opinion in your own words:

Student answers will vary but should include that the exclusionary rule now will apply to the states (through the Fourth and 14th Amendments).

4. What is the purpose of this piece of the opinion?

The purpose is to explain the decision of the Court regarding the exclusionary rule.

5. Who is the primary audience for this opinion?

The primary audiences for this opinion are the parties in the case and judges and attorneys who will apply this ruling to future cases.

Question

6. What do you still wonder about this source?

Student answers will vary.