Mapp v. Ohio (1961)

Argued: March 29, 1961

Decided: June 19, 1961

Background

As originally written, the Bill of Rights applied only to the national government, not state and local governments. This meant that state and local government officials were able to engage in conduct that would infringe on the rights guaranteed in the first 10 amendments to the Constitution. After the Civil War, the 14th Amendment was ratified, in part, to address this infringement. The amendment's Due Process Clause guarantees that, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without **due process of law**." Over time, the Supreme Court has used the Due Process Clause to apply most Bill of Rights protections to the states through a process called **incorporation**. Because this was done over many years on a case-by-case basis and not all amendments have been applied, the process is known as **selective incorporation**.

To decide if a right should be incorporated, the Supreme Court weighs whether that right is fundamental to liberty and deeply rooted in history and tradition. During the colonial period, the British used general warrants in the American colonies that allowed them to search wherever they wanted and seize whatever they found. This angered the colonists and was among the grievances against King George III and Parliament written in the Declaration of Independence. Many historical documents and cases recognized the individual's right to privacy in their own home.

The Fourth Amendment generally requires the police to get a **search warrant** before conducting a search of someone's home. A search warrant is a document issued by a judge or a magistrate granting law enforcement officers permission to search a particular location to uncover evidence of a crime. An application for a search warrant must be supported by **probable cause**, that is, facts that allow a reasonable person to believe evidence will be found in that location. There are several exceptions to the search warrant requirement, such as emergency circumstances and searches of a person at the time of their arrest.

In a federal case, *Weeks v. United States* (1914), 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 obtained during the search cannot be used against them at trial. However, after *Weeks*, the exclusionary rule applied only to trials taking place in federal courts. *Mapp v. Ohio* considered whether the exclusionary rule should be incorporated against the states and require exclusion of illegally seized evidence from state trials.

Facts

In 1957, a woman named Dollree Mapp worked for an illegal gambling operation in Cleveland, Ohio. The police received an anonymous tip that Virgil Ogletree, who was wanted for questioning about a bombing, was hiding in Mapp's home. The police went to Mapp's home and asked for permission to enter, but she refused to let them in without a search warrant.

Several hours 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 "search warrant," the police physically fought her to get it back. It is believed the paper was not actually a warrant, a theory that was furthered by the fact that Mapp and her lawyers never saw the alleged warrant again, and the police did not produce it at her trial.

The police searched Mapp's home extensively, including a footlocker in the basement that was too small for a man to be hiding inside. In the footlocker, the police found "lewd and lascivious" material they considered pornography. Mapp claimed the materials had been left by a former tenant. Mapp was arrested and convicted of knowingly possessing pornographic materials in violation of an Ohio state law, even though the trial court found there was no evidence that the police actually did have 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 have been excluded from her trial. The state of Ohio disagreed, claiming that the exclusionary rule under the Fourth Amendment only applied to federal trials, not cases in state court for violating state law. Mapp asked the U.S. Supreme Court to hear her case, and the Court agreed.

Issue

Is evidence gained in violation of the Fourth Amendment's prohibition on unreasonable searches and seizures admissible in state courts?

Constitutional Provisions, State Statutes, and Supreme Court Precedents

- **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, Section 1 (Due Process Clause), to the U.S. Constitution**

  "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **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."

- *Weeks v. United States* (1914)

  In a unanimous decision, the U.S. Supreme Court ruled that it was unconstitutional for the police to search Freemont Weeks' home without a search warrant. This case created the **exclusionary rule**, meaning evidence seized in violation of the Fourth Amendment could not be admitted as evidence in a federal trial.

- *Wolf v. Colorado* (1948)

  In this case, Julius Wolf was convicted in a Colorado state court of conspiracy to perform an abortion. He argued that the Fourth Amendment and the Supreme Court's decision in *Weeks v. United States* prohibited evidence seized in an unlawful search from being admitted at trial. Although the Supreme Court agreed that the search was unconstitutional, the Court ruled against Wolf and said the exclusionary rule did not extend to prosecutions in state courts.

Arguments for Mapp (petitioner)

- 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. Therefore, the circumstances changed enough that the Court should overturn the precedent from *Wolf*.
- The history of the Fourth Amendment shows that the right to privacy and security in one's home is an important constitutional value. There is no reason that the right to privacy should be any less respected in a state court.
- The exclusionary rule acts to discourage the police from conducting unlawful searches and seizures. Without extending the exclusionary rule to the states, there is little to discourage police officers from violating the Fourth Amendment.

Arguments for Ohio (respondent)

- In *Wolf v. Colorado*, the Supreme Court ruled that the exclusionary rule did not apply to state courts. The Court should follow that precedent here.
- In *Wolf v. Colorado*, the Supreme Court decided that the exclusionary rule was not an essential part of the Fourth Amendment. Therefore, the exclusionary rule does not need to be expanded.
- Police can still be dissuaded from conducting unlawful searches and seizures without the exclusionary rule. There are other methods of preventing unlawful searches and seizures, such as allowing civil suits against the police.

Decision

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

Majority

Writing for the majority of the Court, Justice Clark examined the history of the Fourth Amendment and found that the right to privacy is a crucial element of the Constitution. Based on this, the Court concluded it is time to "close the only courtroom door remaining open to evidence secured by official lawlessness in flagrant abuse of that basic right." 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. The majority opinion concluded that the only practical way to protect Fourth Amendment rights against invasion by local police officers was to remove the incentive to seize evidence illegally. Therefore, the exclusionary rule recognized in *Weeks v. United States* was extended to the states.

Justice Clark acknowledged that the decision overturns *Wolf v. Colorado*. However, he explained that the factual circumstances surrounding the Court's decision in *Wolf* have changed in the years since the decision. Many states, either by court decision or legislation, have since adopted rules that mirror the exclusionary rule and prohibit evidence gained during an unlawful search from being admitted at trial. Total exclusion of evidence is the only proper way to combat unlawful searches and to protect the constitutional right to privacy.

Dissent

Justice Harlan wrote that the Court should have followed the doctrine of ***stare decisis***, a Latin term that means "let the decision stand." This meant that the Court should have upheld its prior decision in *Wolf v. Colorado*.

Impact

Following the Supreme Court's decision, the case went back to the trial court. This time, Mapp was found not guilty of violating the Ohio statute because the state could not use the evidence seized by the police in their unlawful search. She later moved to New York and in 1971, the police once again searched her home—this time with a valid search warrant. They found $150,000 worth of heroin, along with stolen property, and she was convicted of drug possession. Mapp was sentenced to 20 years to life in prison. She asserted her innocence and believed that the police set her up due to their displeasure with the Supreme Court's decision in *Mapp v. Ohio*. Mapp was eventually paroled in 1980, and following her release, she worked at a nonprofit organization that provided legal assistance to inmates.

The decision in *Mapp v. Ohio* continues to have a significant effect on police procedure. By extending the exclusionary rule to states, the Court provided a much stronger incentive to ensure police officers either get warrants before conducting searches or make sure they have a valid exception to

needing a warrant. 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 be excluded. Some people have criticized the *Mapp* decision, arguing that it is too protective of criminals because it may allow guilty people to avoid conviction when evidence is not properly obtained.

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/.