

MAPP v. OHIO (1961)

The Exclusionary Rule

The Facts

On May 23, 1957, three police officers went to the home of Mrs. Mapp pursuant to information that a person was hiding there “who was wanted for questioning in connection with a recent bombing” and that papers connected with a gambling operation were in the house. When the police knocked on the door and demanded entry, Mrs. Mapp immediately called her attorney and refused to admit the officers without a search warrant. They advised headquarters of the situation and undertook a surveillance of the house.

About three hours later, the officers returned with other police officers and sought entrance. When Mrs. Mapp did not come to the door, they forced it open. Mrs. Mapp demanded to see a search warrant. She grabbed the paper “and placed it in her bosom.” In the struggle that followed, the officer recovered the paper, handcuffed Mrs. Mapp, and forcibly took her upstairs to her bedroom where officers searched everything, including personal papers and a photo album. They searched the rest of the house and in the basement they found a trunk of obscene books and pictures. Mrs. Mapp was arrested for the possession of these materials and was convicted of the charged crime. At the trial, there was no search warrant produced by the prosecution, nor was its absence explained.

Issues for Discussion

1. Was the search of Mrs. Mapp’s home a reasonable or unreasonable search? Why?
2. Did the police officers have sufficient time to get a search warrant from a judge to conduct a search of the Mapp home?
3. If you were a judge in a criminal trial and you suspected that the police used illegal means to secure evidence against the defendant, what would you do? Would you allow the evidence to be used? Would you lecture the police about proper methods of securing evidence?
4. What if the police acted in good faith, believing they had a good search warrant, but they were mistaken?
5. Suppose a female robber held up a pizza parlor and shot the baker in the process. Later the police found the gun when they stopped her car for running a red light and had her open the car trunk. Her finger prints were on the gun used to shoot the baker. Would you ignore the illegal search and convict her of the crime? Would you do anything concerning the illegality of the search?

Decision of the United States Supreme Court

Evidence concerning a crime which is obtained in violation of the Fourth Amendment to the Constitution can not be admitted at a state criminal trial.

Reasoning of the Court

Earlier decisions of the Court (for example, *Weeks v. United States*, 282 U. S. 383 (1914)) held that evidence obtained in violation of the Fourth Amendment could not be used at a federal criminal trial. However, the Court said (in *Wolf v. Colorado*, 338 U. S. 25 (1949)) that this rule did not apply to state criminal trials because the concept of due process of law in the Fourteenth Amendment did not require that states adopt such a rule.

Overruling *Wolf*, the Court in *Mapp* concluded that there was no justification for this inconsistency which prevented a federal prosecutor from using illegally seized evidence, yet allowed the state prosecutor to use such evidence. The Court stated the purpose of this exclusionary rule — that no evidence obtained by police through an unreasonable search and seizure could be admitted at trial — was to deter illegal search and seizure practices by law enforcement officers by removing the incentive to resort to such practices. Therefore, if police obtained evidence illegally, it could not be used in criminal prosecutions. The Court noted that since the exclusionary rule was designed to protect the citizen's right to privacy, it should be equally applicable to the state as it was to the federal government. It was recognized that the rule would allow some guilty criminals to go free because the police blundered, but the Court reasoned that the alternative would allow state courts to overlook the illegal practices by the police officers in order to convict a guilty party.

Since the search of Mrs. Mapp's home was clearly unreasonable, her conviction was reversed because the state used illegally seized evidence to convict her.

Three dissenting Justices of the Supreme Court would have allowed the evidence to be used. They argued that the Court should follow its precedent established in 1949.