



Viewing Guide for *Mapp v. Ohio* 1961

The Background of the Fourth Amendment: (00:00 to 1:47)

1. What were writs of assistance and how did the British use them before the Revolutionary War?
2. After the Revolutionary War, what did the Framers of the U.S. Constitution do to provide protections for U.S. citizens against these general types of searches and seizures?

Stop and Think: (Stop at 1:22 to answer this section before continuing the video) **Baylor Professor Brian Serr speaks of a “balance between order and liberty” created by the Fourth Amendment. Which is most important to you—order or liberty? Why do you feel this way?**

3. What was the problem that still needed to be resolved in cases where police found evidence even through illegal searches and seizures?

Two Prior Key Supreme Court Cases: (1:47 to 7:30)

4. What was the question the Supreme Court answered in the 1914 case of *Weeks v. U.S.*?
5. What did the Supreme Court decide in *Weeks v. U.S.*?
6. What was the problem that still remained?

7. What was the 1949 Supreme Court case that dealt with whether the Fourth Amendment applied to the states? What did the Supreme Court decide in this case?

8. What is the definition of incorporation and how has it developed?

9. In *Wolf v. Colorado* what did the Supreme Court decide concerning the exclusionary rule and the states?

Stop and Think: Read the two arguments below concerning the exclusionary rule and decide with which one you agree. Explain your reasoning.

- a. The police may have conducted an illegal search and seizure, but the solution to this is to fire or discipline the officer. If the illegally seized evidence proves a person guilty, it should still be used.

- b. The protection of the Fourth Amendment is useless if the exclusionary rule is not applied to all illegal searches and seizures. The police shouldn't be allowed to violate the Fourth Amendment just to catch the criminals.

Background of *Mapp v. Ohio*: (7:30 to 9:58)

1. Who was Dollree Mapp and what did police believe she had done?

2. What did the police do with regard to Ms. Mapp in the summer of 1959?

3. What happened to the "so called" warrant?

4. What were the results of the search police then conducted?

5. What happened concerning the search warrant at her trial?

6. What was the result of Mapp's criminal trial?

Stop and Think: Which of the following statements expresses your opinion about this case at this point? Explain your choice.

- a. Dollree Mapp is guilty of possession of obscene materials which police found in a search of her home.**
- b. Dollree Mapp might be guilty of possessing obscene materials, but the police illegally obtained these materials. Therefore, the state should not be permitted to use this evidence against her at trial.**

U.S. Supreme Court Case: (9:58 to 12:53)

- 1. What was the result of Ms. Mapp's appeal to the Ohio Appeals Court and the Supreme Court of Ohio?**
- 2. What did the U.S. Supreme Court decide in the Mapp case?**
- 3. What was the result of the Supreme Court's decision in Mapp for state and local police?**
- 4. Why did the Supreme Court believe this was the best remedy?**

Stop and Think: Do you agree or disagree with the Supreme Court's decision? Use the quote below that best supports your position as you explain your answer.

- a. **“Presently a federal prosecutor may make no use of evidence illegally seized but a state’s attorney across the street may, although he is supposedly operating under the enforceable prohibitions of the same amendment. Thus a state, by admitting evidence unlawfully seized, serves to encourage disobedience to the Federal Constitution which it is bound to uphold.”**
- b. **“...if evidence seized in violation of the Fourth Amendment can be used against an accused, his right to be secure against such searches and seizures is of no value, and might as well be stricken from the Constitution.”**
- c. **“For us the question remains as it has always been, one of state power, not one of passing judgment on the wisdom of one state course or another.”**

Conclusions of the Experts: (12:54 to the end)

1. **Why is this still a controversial decision?**

2. **Why is *Mapp v. Ohio* considered to be a landmark case?**

Conclusion: Answer the following question:

After learning about this case, review what you said at the beginning about the importance of liberty or order to you. Explain why you still have the same answer or why you have now changed your mind.