

Case Brief Assignment

Case/Parties: Mapp v. Ohio (1961)

Facts: Dollree Mapp was convicted for possession of lewd books and pictures, but the evidence used against her was obtained by officers who forced their way into her home with no warrant or probable cause. Mapp appealed her case to the Supreme Court, arguing that the Fourth Amendment protections should apply to state and local courts.

Issues: Should the Fourth Amendment protections against search and seizure apply to cases at the state and local levels rather than just the federal level?

Holding: 6-3 vote in favor of defendant, Mapp. Evidence collected in violation of the protections provided by the Fourth Amendment cannot be used in state courts, as well as federal courts as had previously been the law.

Reasoning:

Majority Reasoning (Justice Clark)

A. Rule: The Fourth Amendment's right of privacy is enforceable against the States through the Due Process Clause of the Fourteenth Amendment, therefore the same sanction of exclusion is also enforceable against them.

a. The purpose of the exclusionary rule is to prevent illegally obtaining evidence and to respect the constitutional guarantee in the only effective way.

b. Allowing states to use evidence acquired illegally would be disobeying the Constitution that they are sworn to uphold.

B. Application: The evidence against Mapp was obtained unconstitutionally and therefore cannot be used against her in any level of court.

Separate Opinions: Concurring 1 (Justice Black): The protections of the Fourth and Fifth Amendment combined create a basis that not only justifies, but requires an exclusionary rule.

Concurring 2 (Justice Douglas): Believed this was a good case to reverse the asymmetry that the decision in *Wolf v. Colorado* created.

Dissenting (Justice Harlan): A study showed that nearly half of the states still adhered to the non-exclusionary rule, the federal government should not force the states to follow the exclusionary rule.

Analysis: This was an extremely important case because it overturned previous court decisions and finally extended the protections of the Fourth Amendment and the exclusionary principle to the state and local level courts. I agree with the decision and the reasoning given by the majority of the Justices. If the protections of the Fourth Amendment are only enforced at the federal level, the amendment protects the rights of very few people, because most cases where it applies occur at the state or local level.

Discussion: [insert opinion about why you selected the case, as well as why you think the court chose to hear the case, given the large number of writs of certiorari the Court receives each term].

Case Brief Assignment

Case/Parties: Katz v. United States (1967)

Facts: Charles Katz was using a public pay phone booth to transmit illegal gambling wagers. The FBI had wire tapped the phone booth and used the recording of his private conversation to incriminate him. Katz challenged his conviction, but the Court of Appeals sided with the FBI, saying that there was no physical intrusion into the phone booth to obtain the information so the evidence was therefore valid.

Issues: Is a physical intrusion necessary to constitute a search?

Does the right to privacy extend to pay phone booths and other public spaces?

Holding: 7-1 vote in favor of the defendant, Katz. The protection of the Fourth Amendment from unreasonable search and seizure was extended by this decision to include individuals who had a “reasonable expectation of privacy”.

Reasoning:

Majority Reasoning (Justice Stewart)

- A. Rule: The Fourth Amendment protects a private conversation from unreasonable search and seizure, regardless of location.
 - a. Wiretapping constitutes a search, physical intrusion is not necessary.
 - b. A person who enters a phone booth and shuts the door behind them to have a conversation is entitled to assume that no one besides the intended recipient is listening to the conversation, thus a private conversation can take place in a public area.

B. Application: The electronic search on behalf of the FBI into Charles Katz' private conversation in the phone booth violated his Fourth Amendment rights, and the evidence thus gathered against him cannot be used to incriminate him.

Separate Opinions: Concurring (Justice Harlan): Added to the majority opinion by saying that a person's conversation is protected if they have "reasonable expectation of privacy".

Dissenting (Justice Black):

A. The Fourth Amendment was meant only to protect "things" from search and seizure, not personal privacy.

B. Wiretapping is analogous to eavesdropping, and if the Fourth Amendment was meant to protect against eavesdropping, the drafters of the Bill of Rights would have explicitly stated that.

Analysis: I agree with the ruling and reasoning of the majority opinion on this case. Without a warrant, electronic searches of an individual's private conversation is just as invasive as a physical intrusion into their home. This is an important case because it expanded the scope of protection of the Fourth Amendment to include circumstances that would become more common with the advancement of technology.

Discussion: [insert opinion about why you selected the case, as well as why you think the court chose to hear the case, given the large number of writs of certiorari the Court receives each term]