

# Mapp v. ohio, 1961 essay sample



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According to the Court's decision, why may illegally seized evidence not be used in a trial?

Justice Tom C. Clark wrote on the courts behalf saying that it was logically and constitutionally necessary that the exclusion doctrine be insisted upon, even in the states. This doctrine is essential to the right of privacy, therefore evidence that is found illegally without a warrant must not be used in a trial, for this would be unconstitutional.

Why, according to Justice Clark, is it better for a criminal to go free than to convict the criminal with illegally seized evidence?

Under the exclusion doctrine, if the police accidentally seize evidence illegally—even if it proves a criminal guilty—the evidence must be thrown out. Justice Clark responded to this problem saying, “ The criminal goes free, if he must, but it is the law that sets him free. Nothing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence.”

What was the illegally seized evidence in the Mapp case?

The police found material in Mapp's house that they deemed obscene, including lewd and lascivious book and pictures in her possession.

What was the “ double standard” referred to in the Court's decision?

The double-standard related to the differing rules under which federal and state police operated, and the complications that arose when state and federal agencies both worked on a case.

Do you agree with the Court's decision in the Mapp case? Give reasons for your answer.

I absolutely agree with the Court's decision in the case. Dollree Mapp knew her rights of privacy and it would be unconstitutional for only federal courts to agree with these rights and not states. This protection of privacy is stated in the Constitution, therefore the entire United States should comply with this doctrine.