

# The exclusionary rule: a fourth amendment analysis case study

[Law](#), [Evidence](#)



The Exclusionary Rule is one of the more important rules that is utilized in the American judicial system. The entire American judicial system is designed to protect the individual's rights from the government, and to limit the amount of power that the federal and state governments have over the citizenry. In criminal trials, the individual is considered innocent by the government until proven guilty; this is to protect the individual citizen against unfair or untrue allegations, and to ensure that all citizens receive a fair trial when they are accused of criminal activity.

The exclusionary rule or the exclusionary principle is a principle of law that is derived from the Fourth, Fifth and Fourteenth Amendments to the United States Constitution. The Founding Fathers were very concerned with the idea of police power and the individual's right to privacy, but the logistics of privacy rights were left for the courts to decide. Obviously, the police and other authority and law-enforcement personnel must have the power to search and detain individuals; the problem that the courts have long been faced with is how to balance the individual's right to privacy, personal property, presumed innocence, and protection against self-incrimination with the necessary police power to maintain order. The exclusionary rule is the set of rules that govern whether or not a piece or pieces of evidence have been obtained legally by the police, and are therefore legal for use by the prosecution in a criminal trial (Wilson, 1988).

The exclusionary rule, as previously stated, has foundations in both the Fourth and Fifth Amendments to the United States Constitution, for different reasons. The Fourth Amendment to the Constitution protects the individual from illegal searches and seizures by the government or law-enforcement

personnel (Wilson, 1988).

Many issues that arise in court that have to do with the exclusionary principle are based on Fourth Amendment challenges. Police and other law-enforcement officials must follow a very specific set of protocol when it comes to searching property and seizing property from individuals; when these protocols are not followed, the evidence seized may be considered inadmissible in court, even if it is proof of the defendant's illegal activity. There can also, however, be Fifth and even Sixth Amendment challenges to evidence based upon the exclusionary rule. The Fifth Amendment states that no person may be compelled to act as a witness against him or herself-- every American citizen is protected against self-incrimination in criminal proceedings (Wilson, 1988). In certain cases, the exclusionary rule has even been used to protect the individual's right to counsel, a right given in the Sixth Amendment to the Constitution of the United States of America. It has also been used to protect the rights of the individual in regards to due process in criminal proceedings, which is given in the Fourteenth Amendment to the Constitution.

Many people believe that the rights that the individual has against unreasonable search and seizure, double jeopardy, self-incrimination, and so on are very black and white. However, many years of legal precedents had to be established before the rules as they exist today became accepted as law. Indeed, during the early years of the exclusionary rule fight, many judicial professionals were worried that the extra restrictions placed on the police would be very detrimental to society, as they would allow far too many criminals to go free based on police misconduct (Taylor, 1983).

Exclusionary rule cases are fundamentally important to the justice system in the United States, particularly insofar as they concern evidence. One doctrine that is important is the “fruit of the poisonous tree” doctrine-- that is, the law states that when a piece of evidence is obtained illegally by law enforcement, then all the evidence that was procured as a result of the tainted evidence cannot be considered by the court (Wilson, 1988).

Three of the most important exclusionary-rule cases in United States judicial history are *Weeks v. United States* (1914), *Rochin v. California* (1952), and *Mapp v. Ohio* (1961). Each of these cases dealt with a different aspect of the exclusionary rule, and established different precedents for procedural rules for law enforcement officers and other members of the judicial and penal systems (Wilson, 1988).

*Weeks* is one of the first exclusionary rule cases that the Supreme Court ruled on, early in 1914. Indeed, this is the case that first brought about the mention of the “exclusionary rule;” prior to this time, the police and other government personnel were allowed much more freedom in regards to what they were allowed to do during searches and seizures of people’s personal property.

The facts of the *Weeks* case are relatively simple: the police entered the home and searched *Weeks*’ belongings, confiscating some official papers that were later used to convict *Weeks* of a felony-- in this case, the transport of lottery tickets across state lines, through the mail (“*Weeks v. United States*,” 1914). The Supreme Court of the United States was presented with the question of whether or not the police seizure of *Weeks*’ papers and the warrantless search of his home was a violation of *Weeks*’ Fourth Amendment

protections against unreasonable search and seizure by the federal government (“Weeks v. United States,” 1914).

The Supreme Court ruled that Weeks’ Fourth Amendment rights were, in fact, violated by the search and seizure of his property without a warrant. This was a watershed moment in the American criminal justice system, as it is one of the first cases where the decision clearly favors the individual over the police power (Wilson, 1988). Weeks’ contention that his Fourth Amendment rights were violated became the basis for many other, future arguments concerning the exclusionary rule in law.

The Weeks case became the foundation for many other judicial philosophies that are often taken for granted in the United States today. Prior to the Weeks decision, state officials could obtain evidence illegally and then give it to federal prosecutors to use in federal cases against defendants (Wilson, 1988). Weeks essentially ended this “silver platter doctrine,” although it was not until a later case when the exclusionary rule was extended to apply to state officials as well as the federal government (Wilson, 1988). Justice Day delivered the opinion of the court, writing:

If letters and private documents can thus be seized and held and used in evidence against a citizen accused of an offense, the protection of the 4th Amendment, declaring his right to be secure against such searches and seizures, is of no value, and, so far as those thus placed are concerned, might as well be stricken from the Constitution. The efforts of the courts and their officials to bring the guilty to punishment, praiseworthy as they are, are not to be aided by the sacrifice of those great principles established by years of endeavor and suffering which have resulted in their embodiment in the

fundamental law of the land (“ Weeks v. United States,” 1914)

Thus, the Supreme Court held that the rights of the individual to be secure in his or her person is not and cannot be overwhelmed by the police power of the state, and that to allow police power to overwhelm individual rights would be a miscarriage of justice (“ Weeks v. United States,” 1914).

The police clearly had enough evidence to suggest that Weeks was participating in illegal activity in this case, but they did not manage to secure a legal search warrant. They could have foregone the illegal search and instead, waited for a legal search warrant as a way to avoid the whole situation.

Weeks has become the foundation that many exclusionary rule questions are built upon; the decision in Weeks was firmly argued, and builds upon the text of the Fourth Amendment in such a way that it is difficult to argue the logic of the case. When the Supreme Court ruled that Weeks’ rights had been violated, they were essentially saying that even criminals in the United States are possessed of all the same rights that the average citizen has, a concept that existed in name only for a very long time in the United States. The decision in Weeks was not the last time the exclusionary rule was addressed by the Supreme Court of the United States. Unlike Weeks, however, the question and the facts presented in the Rochin case were very different. Rochin was in his home when the police entered it without a search warrant. Rochin possessed several “ capsules,” which contained some kind of illicit substance; to avoid detection by the police, he swallowed them (“ Rochin v. California,” 1952). The police, unable to obtain the evidence that they were looking for, began to beat Rochin, eventually jumping on his

stomach in an attempt to get him to expel the pills (“Rochin v. California,” 1952). When this did not work, the police brought Rochin to the hospital and demanded that the doctor extract the evidence, which they then used to prosecute Rochin (“Rochin v. California,” 1952).

In Rochin, the Supreme Court answered the question of whether the police’s actions were a violation of the Due Process Clause of the Fourteenth Amendment. They also considered whether or not the exclusionary rule applied to the evidence obtained when police violate a citizen’s right to due process as it is explained in the Fourteenth Amendment (Wilson, 1988).

There were multiple problems that the Justices faced in this case. The first is that the police actions were clearly reprehensible, but it was difficult to answer a question about the legality of their actions on a constitutional level, something that Justice Frankfurter acknowledged in his majority opinion (“Rochin v. California,” 1952). The majority quoted the California Supreme Court decision: “Had the evidence forced from defendant's lips consisted of an oral confession that he illegally possessed a drug . . . , he would have the protection of the rule of law which excludes coerced confessions from evidence [We] find no valid ground of distinction between a verbal confession extracted by physical abuse and a confession wrested from defendant's body by physical abuse” (“Rochin v. California,” 1952). After the Rochin decision, the individual’s body is considered as much of a sanctuary as his or her mind; violating this to obtain evidence is, the Court said, a violation of both the Due Process Clause and the Fifth Amendment’s restrictions on self-incrimination.

The final important exclusionary rule case is the case of Mapp v. Ohio (1961).

Perhaps one of the most famous lines from the *Mapp v. Ohio* case is as follows: "our holding that the exclusionary rule is an essential part of both the Fourth and Fourteenth Amendments is not only the logical dictate of prior cases, but it also makes very good sense. There is no war between the Constitution and common sense" ("*Mapp v. Ohio*," 1961).

In the *Mapp* case, Mapp was presented with a fake search warrant by the officers who came to search her home; when they entered her home looking for a bombing suspect, they found nothing pertaining to the bomb. However, they did find pornography, and they used that to arrest and sentence Mapp ("*Mapp v. Ohio*," 1961).

However, the Supreme Court chose to extend the exclusionary rule to the states at this point in judicial history: not only are the federal courts restricted by the exclusionary rule, but the state courts are similarly disallowed from using this evidence to prosecute a citizen for illegal behavior.

Today, there are strict rules that govern searches and seizures. These rules have been born from the rules outlined in the Fourth, Fifth, and Fourteenth Amendment, in addition to the exclusionary rule. Without the exclusionary rule, the police and law enforcement would have far too much power over the personal lives of the average American citizen.

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