

# CRIMINAL RIGHTS CASES - 4<sup>th</sup> AMENDMENT RIGHT TO BE FREE FROM UNREASONABLE SEARCHES AND SEIZURES

High School level

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Grade	Strand	Standard	Code	Benchmark
9	Citizenship and Government	Rights and Responsibilities	9.1.3.3	Explain the scope and limits of rights of the accused pretrial under the Fourth and Fifth Amendments

**Core Concept:** Why is the right to be free from unreasonable searches and seizures important?

## **Preliminary Activities:**

- Read the text of the Fourth Amendment to the Constitution of the United States here: <https://constitution.congress.gov/constitution/amendment-4/>
- Read the case summary for Mapp v. Ohio, 367 U.S. 643 (1961) here: <https://www.uscourts.gov/about-federal-courts/educational-resources/supreme-court-landmarks/mapp-v-ohio-podcast>

## **Discussion Questions**

1. How would you feel if a police officer, school official, or airport security guard wanted to search your pockets, backpack, bag, or luggage? Would you feel like your privacy was being invaded?
2. How would you feel if law enforcement or school officials wanted to look at messages on your phone? Would you let them? Why or why not?
3. What right does the Fourth Amendment guarantee? Identify the words in the Fourth Amendment that guarantee this right.
4. How did the police violate Mapp's Fourth Amendment rights?
5. Why couldn't the evidence that the police found be used against Mapp in court?
6. Under the "Exclusionary Rule" developed by the Supreme Court, if law enforcement seizes evidence in violation of a person's Fourth Amendment rights, the evidence cannot be used against that person in court. In Mapp, the

Supreme Court held that the Exclusionary Rule applies to criminal prosecutions in state courts as well as federal courts. What do you think the reasons are for the Exclusionary Rule?

7. If evidence of a person's guilt is unlawfully seized by the police and is inadmissible under the Exclusionary Rule, the person might be able to avoid a conviction even though they are guilty. Is it fair that a guilty person might be allowed to go free even though they committed a crime? Explain your answer.
8. How would our society look without the Fourth Amendment?

### Taking it Further: The Fourth Amendment Then and Now

Research the history of the Fourth Amendment and the ways the Supreme Court has interpreted it over time. Next, answer the following questions.

- What were the framers' reasons for drafting the Fourth Amendment?
- How have Fourth Amendment protections changed over time?
- What are some of the issues the Supreme Court has faced as technology has developed?

The following resources and case summaries will provide you with a starting point in answering these questions.

- National Constitution Center, Fourth Amendment Briefing Document: [https://docs.google.com/document/d/1dqHsZpX0ZvpwLjyVZkOmL6MoeZ6OKj56AdaQOkF\\_png/edit](https://docs.google.com/document/d/1dqHsZpX0ZvpwLjyVZkOmL6MoeZ6OKj56AdaQOkF_png/edit)
- National Constitution Center, The Future of the Fourth Amendment: <https://constitutioncenter.org/interactive-constitution/interpretation/amendment-iv/interps/121#the-biggest-challenges-facing-the-fourth-amendment>
- United States v. Jones, 565 U.S. 400 (2012): <https://www.oyez.org/cases/2011/10-1259>
- Riley v. California, 573 U.S. 373 (2014): <https://www.oyez.org/cases/2013/13-132>
- Carpenter v. United States, 138 S.Ct. 2206 (2018): <https://www.oyez.org/cases/2017/16-402>