

Reading Scenarios Answer Key

1. "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated," reads the 4th amendment. That means that if Eddie Murphy were a real-life cop, his trick of breaking in to places without a warrant would be giving him serious problems. For more than 30 years, evidence uncovered by police in this way has been excluded from state and federal courts. The "exclusionary rule," the Court decided in the 1961 case *Mapp. v. Ohio*, was the only way to keep cops from acting like the criminals they catch. Cleveland police had broken in on a Ms. Mapp, whom they suspected of harboring a criminal. Instead, after ransacking the place, they found obscene materials. With these as evidence, Mapp was convicted of possession of pornography.

Ms. Mapp, however, was saved by the Supreme Court, which ruled that allowing the use of evidence seized legally "tends to destroy the entire system of constitutional restraints on which the liberties of the people rest."

Had Eddie Murphy wanted to play by the rules, he would have gone to a judge to get a search warrant by proving he had "probable cause" to believe that evidence of a crime would be found. According to the Supreme Court, police may search without a warrant only when they're in danger or the evidence is likely to be destroyed.

2. Mel Gibson may look great on the big screen, but he suffers from a severe lack of legal knowledge. He does not know about the important Miranda case. In 1963, Ernesto Miranda was arrested in Phoenix, Arizona at the warehouse where he worked. The charges were serious-kidnapping and rape-and after hours of questioning, Miranda confessed. He was convicted, but on appeal the Supreme Court ruled that the confession could not be used in court. By not informing Miranda of his rights, the Justices said, the police had violated his 5th Amendment right to due process under the law. Since that decision, cops have been required to advise suspects that they have the right to remain silent, the right to consult a lawyer, and that everything they say can be used against them.

3. No one, states the 5th Amendment, can be deprived of his or her freedom without due process of law.

Simply put, the police cannot coerce, or force, a suspect to give information. Even techniques more subtle than Russo's have been outlawed. Thus, confessions have been thrown out of court when police tricked a suspect by pretending to arrest his sick wife or threatening to take away his children. "Safeguards must be provided against the dangers of the overzealous," wrote Justice Felix Frankfurter in 1943, so that "brutality (is not) substituted for brains as an instrument of crime detection."

4. Eastwood does not appear to have spent long hours studying the 6th Amendment, which requires that every suspect "have the assistance of counsel for his defense." He does not seem to know about *Escobedo*, the 1964 case in which the Supreme Court extended that right to suspects under interrogation. Of course, it's hard to feel a lot of sympathy for Clint's suspect: he's a serial killer. But then, Danny Escobedo was no great role model either. He was convicted of murder in Illinois after he confessed during a police interrogation. The Supreme Court, however, ruled that since police would not let Escobedo see his lawyer, the information they got from him during the interrogation was inadmissible in court. "If the exercise of constitutional rights will thwart the effectiveness of a system of law enforcement," wrote Justice Arthur Goldberg, "then there is something wrong with that system."

5. VIOLATION OF THE 6th AMENDMENT Guarantee of the Right to Counsel.
6. VIOLATION OF THE 7th AMENDMENT Guarantee of right to a jury trial in civil cases in federal court (and the District of Columbia is under the jurisdiction of a federal court).
7. VIOLATION OF THE 8th AMENDMENT Guarantee of freedom from cruel and unusual punishment.
8. VIOLATION OF THE 5th & 6th AMENDMENTS Guarantee of the Right to freedom from self-incrimination and right to counsel.
9. VIOLATION OF THE 3RD AMMENDMENT. Guarantee of the right not to quarter (house) soldiers in peacetime in private homes.
10. NO VIOLATION. The 4th amendment protects against unreasonable search and seizure, but airport security procedures are reasonable deterrents to airplane hijacking.
11. VIOLATION OF THE 10th AMENDMENT Reservation of power to the people and the states. Under principles of federalism, if the Constitution does not grant the power to the federal government (as in this case, for regulating education), it is a power reserved to the states and the people.