

**LESSON THREE****SOME PAST DECISIONS OF THE SUPREME COURT****Case 1: PERSON — STOP AND FRISK — *Sibron v. New York*, 392 U.S. 40 (1968)**

One day a police officer was patrolling his beat in New York City. Between 4 P.M. and midnight the officer saw a man speak with six or eight persons. The officer knew that the six or eight persons were drug addicts. The officer did not hear the conversations. Moreover, the officer did not see the man hand anything to the drug addicts or take anything from them. In the late evening the officer entered a restaurant. There the officer saw the man speak with three other persons, also known drug addicts. Again, the officer did not hear the conversations or see anything handed to the addicts or taken from them.

The police officer went up to the man he had been watching and said, "You know what I am after." At the same time the officer put his hand into the man's pocket and pulled out several thin, translucent envelopes. They turned out to contain cocaine. The man was arrested for possession of cocaine, a violation of a state law.

The issue was whether the officer had the right to stop and search the man.

**Case 2: HOME — *Mapp v. Ohio*, 367 U.S. 643 (1961)**

Police officers in Cleveland, Ohio, went to the home of a woman. They told her that they were looking for a man in order to question him about a recent bombing. They also said they were looking for evidence of a policy or numbers operation.<sup>1</sup>

While the police officers waited outside, the woman called her lawyer. She then refused to allow the police to enter and, apparently, they had no search warrant. They broke in and searched the house where they found books and papers which they claimed were obscene. They arrested the woman for possession of obscene materials, a violation of a state statute.

The issues were: 1) whether the officers had the right to enter the woman's home without a warrant; and 2) whether the evidence taken could be introduced into evidence in a state court.

1. Policy or numbers operations can take different forms. A player bets that certain numbers will be drawn. If those numbers are drawn, the player wins a sum of money. The amount the player wins depends on the amount of money bet. These illegal policy or numbers operations are to be distinguished from some legal lottery contests which a number of states have.

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### Case 3: EAVESDROPPING — *Katz v. United States*, 389 U.S. 347 (1967)

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FBI (Federal Bureau of Investigation) agents suspected that a man was placing bets illegally over the telephone. They attached a device to a telephone booth so that they could overhear his conversations. The man was arrested and prosecuted for illegally betting by telephone—specifically, transmitting gambling information by telephone in violation of a federal statute.

The issue was whether the Fourth Amendment was violated when the police eavesdropped on a telephone conversation without a warrant permitting them to do so.

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### Case 4: AUTOMOBILES — *Carroll v. United States*, 267 U.S. 132 (1925)

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Police officers, acting undercover, went to an apartment in Grand Rapids, Michigan in an attempt to purchase liquor illegally. At the time, December of 1921, it was illegal to sell liquor in the United States.<sup>1</sup>

In the apartment, three men agreed to sell three cases of whiskey to the officers for \$130 per case. The three men left the apartment saying they would return in a short time. They drove away in an Oldsmobile Roadster automobile. One of the men returned later and said that they could not get the liquor that night but would bring it back the next day. For some unknown reason, the men did not return the next day.

Several days later the same police officers were patrolling a road leading from Detroit, Michigan to Grand Rapids, Michigan. They saw two men in the same Oldsmobile Roadster which the three men selling liquor had used several days earlier. The police officers believed that the two men in the car—two of the same men who had been in the apartment—were transporting liquor illegally. The police officers stopped the car and searched it. They had no search

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1. The Eighteenth Amendment was ratified in 1919 and repealed in 1933 by the Twenty-first Amendment. The Eighteenth Amendment prohibited the "manufacture, sale or transportation of intoxicating liquors" within the United States and further prohibited their import into or export from the United States. Congress was authorized to pass laws to enforce the amendment.

warrant. The officers found liquor and arrested the two men for transporting liquor illegally. The men were charged with violating a federal statute for the possession and transportation of liquor with the intent to violate the Eighteenth Amendment to the Constitution ("Prohibition").

The issues were: 1) whether the police had probable cause to believe a crime was being committed, and 2) whether the police could search a car without a warrant.

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Case 5: OUTSIDE OF A HOME — *California v. Greenwood*, 486 U.S. 35 (1988)

Police officers in Laguna Beach, California, received information that a person was dealing in drugs. One police officer asked a garbage collector to bring her the person's garbage which had been put out on a sidewalk. The police had no warrant to search the garbage. When they searched the garbage, they found items which indicated drug use. Based on these facts, the police obtained a search warrant for the house. There they found cocaine and hashish. They arrested the occupant of the house and prosecuted him for violating federal laws prohibiting possession of narcotics.

The issue was whether the police had the right to search discarded garbage without a warrant.

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**ACTIVITY FOR LESSON THREE**

**ANALYZING SOME PAST DECISIONS OF THE SUPREME COURT**

For each case in Lesson Three, answer the questions in the Guide for Analyzing Cases. Be ready to discuss each of these cases during the next class period—especially whether you agree or disagree with the Supreme Court's decision and your reasons.

