Exclusionary Rule

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Your discussion will be assisted by your knowing how the exclusionary rule evolved, and why some think it is an important means for preventing unreasonable searches and seizures while others regard it as an unfair way of denying evidence.
What is the Exclusionary Rule?

The exclusionary rule is a cornerstone of the Fourth Amendment of the United States Constitution, which protects the privacy and security of citizens against unreasonable searches and seizures. The rule is based on the principle that evidence obtained in violation of the Fourth Amendment must be excluded from trial, as the Supreme Court has held that the practice of allowing such evidence undermines the integrity of the judicial branch of government. Unlike the Fifth Amendment, which protects against self-incrimination, the exclusionary rule is designed to deter the police from conducting searches and seizures without proper cause.

The rule is grounded in the Fourth Amendment, which prohibits the unreasonable seizure of the person or property of a citizen of the United States. The rule is often referred to as the "exclusionary rule" because it excludes evidence obtained in violation of the amendment from being used in federal court.

History of the Rule

In 1914, in Weeks v. United States, the Supreme Court held that evidence obtained in violation of the Fourth Amendment was inadmissible in federal court. This was the first case in which the Court held that the Fourth Amendment was enforceable against the federal government. In 1928, in Mapp v. Ohio, the Court extended the exclusionary rule to state courts, holding that state courts must also exclude evidence obtained in violation of the Fourth Amendment.

Court rulings have reinforced the principle that evidence must be excluded if obtained in violation of the Fourth Amendment. In 1962, in Chapman v. California, the Court held that the exclusionary rule is an essential part of the Fourth Amendment and that it is a fundamental aspect of the American legal system. In 1965, in Weeks v. United States, the Court held that the exclusionary rule is not limited to physical evidence but extends to all evidence obtained in violation of the Fourth Amendment.

Circumstances that give rise to the exclusionary rule

There are three main exceptions to the rule:

1. Consent: if the defendant consents to the search, the evidence is not excluded.
2. Compelled testimony: if the defendant is compelled to provide testimony, the evidence obtained from that testimony is excluded.
3.Voluntary evidence: if the evidence is obtained voluntarily, it is not excluded.

Criticism of the Rule

The exclusionary rule has been criticized for its inefficiency in deterring unlawful searches and seizures. Some argue that the rule is too lenient and that it allows too much evidence to be used in court. Others argue that the rule is too strict and that it allows too much evidence to be excluded.

Recent Developments

The exclusionary rule is still a topic of debate in the legal community. Some argue that it should be abolished, while others argue that it should be strengthened. The rule continues to be a subject of legal scholarship and judicial decision-making.
Since most fourth amendment violations do not involve serious crimes, the immediate effect of this ruling on the exclusionary rule is minor. Nevertheless, many Court observers expect further modifications of the exclusionary rule in other good-faith circumstances brought before the courts.

No review of the contemporary status of the exclusionary rule would be complete without reference to the several legislative bills under consideration in congressional committees. Some bills would broaden the good-faith exception adopted by the Supreme Court in 1984. Others would abolish the exclusionary rule altogether. The rule would be replaced by the right of a victim or a government for damages, and by a mechanism for disciplining law enforcement officers who violate fourth amendment rights. Both of these types of bills rely on the assumption that the exclusionary rule is not a constitutional requirement and can therefore be changed through legislation. Congress refused to adopt any of these changes in 1984, and any change in heart since then has yet to be demonstrated.

The fate of the exclusionary rule in the long run is difficult to predict. It has endured for 70 turbulent years. Do the Lopez and Shepardy decisions portend further modifications and exceptions to the rule by our highest Court? To some, the dissent in those cases “now appears that the Court’s victory over the fourth amendment is complete.” Undoubtedly, in several of the justices in the majority, the decisions are a blow to the chief justice of the U.S. Supreme Court. Chief Justice Burger has called “conceptually sterile and practically ineffective.”

The exclusionary rule is a simple rule of evidence that masks complex issues regarding the Constitution, morality, security, and the ends of the criminal justice system. The resolution of the exclusionary rule debate will require answers to the larger questions briefly outlined in this commentary.

References


Case References

Discussion Questions
1. With regard to the exclusionary rule’s effectiveness at deterring police misconduct, on whom should the burden of proof lie—the rule’s proponents or its critics? Express your opinion another way. If the evidence on deterrence is inconclusive, should the rule be retained or abolished?
2. Is the integrity of the judicial process enhanced or diminished by the existence of the exclusionary rule?
3. If the exclusionary rule is not required by the Constitution, do courts have authority to create and enforce it? Do legislatures have authority to limit or abolish it?
4. What alternatives to the exclusionary rule, if any, might be suggested as more effective deterrence of unlawful police activities?
5. If the exclusionary rule just unjust, or a mixture of both? Apart from the constitutional question, does a person have a moral right not to be convicted on the basis of illegally obtained evidence?
END