

# Good golly, Miss Dolly

By R. Marc Kantrowitz



The call to the police came in at 3 in the morning. An explosion had obliterated the front porch and door to the home of a gangster known simply as "The Kid."

When Dolly Mapp heard the news, she knew she had a problem on her hands. When the police came looking for one of the bombers at her house, her problems grew. What happened next is huge.

One of our nation's leading constitutional law cases is *Mapp v. Ohio*, decided in 1961. *Mapp* held that the exclusionary rule, which prohibited the introduction at trial of evidence illegally obtained by the police, applied to the states.

Who was Mapp and how did she find herself at the center of legal history?

Dollree "Dolly" Mapp was born in Austin, Texas, on Oct. 31, 1924, to a racially mixed couple. At 10, she either ran away or simply moved to Cleveland to live with an aunt.

While Mapp's background is somewhat unclear, her great beauty, allure and street savvy were readily apparent.

Pregnant as a young teenager, she gave birth to what would be her only daughter. She also ran with a fast crowd of gangsters, with whom she occasionally dabbled in the numbers racket, and boxers. She married one: the highly regarded Jimmy Bivens, who in his career would defeat eight world champions.

The abusive Bivens unfortunately could not turn off the brutality he brought to the ring and Mapp quickly left him. She soon took up with former boxing champion Archie Moore, to whom she was briefly engaged. When he broke it off, she sued him for \$750,000.

It was The Kid, himself a future boxing impresario, however, who would propel her skyward.

The bombing on May 20, 1957, sent a message: If you run an illegal gambling operation, make sure you pay off the local crime boss. The Kid hadn't.

The police launched an investigation and in three days hit the jackpot when an anonymous tip came in advising them to search the house on Milverton Road in the Shaker Heights section of Cleveland. There they would find Virgil Ogletree, one of those responsible for the bombing, as well as a large amount of gambling materials.

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*Judge R. Marc Kantrowitz sits on the Appeals Court. He thanks Tim Ferriter, an intern from Northeastern University School of Law, for his background research, which was based, in large part, on books by Carolyn Long, Priscilla Zotti and Samuel Dash. Kantrowitz can be contacted at [rmackantrowitz@comcast.net](mailto:rmackantrowitz@comcast.net).*

The owner of the home? Dolly Mapp.

As Ogletree was also a player in the gaming world, the police thought their information golden when they spotted Ogletree's car outside Mapp's apartment. In due time, the police gained entrance to Mapp's dwelling via her back door. How they did so was subject to some discrepancy. While the police insisted they merely pried the door open, Mapp insisted that they smashed it.

Regardless, Mapp demanded to see a warrant. When a paper was produced, Mapp quickly snatched it and shoved it in her bra. A struggle ensued, the police desperate to retrieve the phony warrant.

The paper was retrieved, as was Ogletree, gambling material and "four little pamphlets, a couple of photographs and a little pencil doodle — all of which [were] alleged to be pornographic."

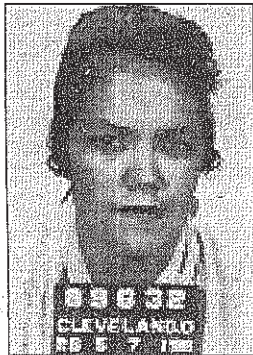
Mapp was charged with possession of both gambling paraphernalia and lewd and lascivious books, pictures and photographs. She beat the first charge, but was convicted of the second.

On appeal, she argued that the evidence should've been suppressed as it was illegally seized. She lost in state court and turned to the U.S. Supreme Court.

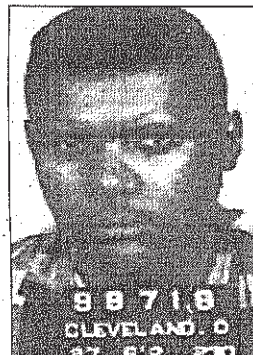
While the exclusionary rule outlawing the introduction of unlawfully seized evidence applied to the federal courts since 1914, it did not apply to the states, unless a state so chose to adopt it.

The justices heard the case of Mapp and the doodle drawing, pamphlets and pictures she allegedly owned, and held that the exclusionary rule indeed applied to all states. If the evidence was illegally seized from Mapp, it could not be used as evidence against her.

The decision shook the legal world. History had been made. It remains the law today, firmly entrenched and recognized.



DOLLY MAPP



THE KID

## LAW 'n HISTORY

### Epilogue

After her legal adventures, Mapp relocated to Queens, N.Y. In 1970, her home was raided. This time the police had a valid search warrant and seized \$150,000 in heroin and \$100,000 in stolen property.

Mapp was convicted and sentenced to serve 20 years to life under New York's harsh new sentencing laws. In 1981, her sentence was commuted by a sympathetic New York governor, Hugh Carey.

As for The Kid, he testified against those accused of the bombing. The jury was hung and there was no retrial.

The Kid himself had two separate murder charges in his background, one in 1954 and a second in 1966. He was acquitted of the first, the jury believing that he justifiably killed Hillary Brown. He wasn't so fortunate on the second, although he was convicted of the lesser charge of manslaughter. He served four years in prison.

Upon his release in 1971, he became America's foremost boxing promoter. His name? Don King.

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