

## CONTROLLING LEGAL PRINCIPLES

*Free Exercise Clause Decision – The “Contemplation of Justice”*

*Mapp v. Ohio, 367 U.S. 643 (1961)*



The Court noted that

"constitutional provisions for the security of person and property should be liberally construed. . . . It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon." At p. 635.

***There is no war between the Constitution and common sense.***

[Footnote 4]

Respecting the "substantiality" of the federal questions tendered by this appeal, appellant's Jurisdictional Statement contained the following:

"The Federal questions raised by this appeal are substantial for the following reasons: "

"The Ohio Statute under which the defendant was convicted **violates one's sacred right to own and hold property**, which has been held inviolate by the Federal Constitution. **The right of the individual"**

**"to read, to believe or disbelieve, and to think without governmental supervision is one of our basic liberties**, but to dictate to the mature adult what books he may have in his own private library seems **to be a clear infringement of the constitutional rights of the individual"**