Fourth Amendment in the American Constitution

Author

Institution

Fourth Amendment in the American Constitution

The constitution has been folded, crumpled up, used as a coloring book, been through the wash, and used to swat flies. It's amazing that it still exists. With that being said, a lot of things that sounded like common sense at the time are now being scrutinized in every way imaginable. The amendment assumes that the government cannot unreasonably search anyone’s home without a warrant. This does not extend fully to vehicles for some reason. The major reason seems to be to catch fleeing felons and for "public" protection.

The 4th amendment of the American constitution puts a constraint on the US government concerning search and seizure of the property of Americans. The Fourth Amendment was enacted by the people who had experience of being searched by Crown authorities without prior warning and a writ of assistance. Their fear was that if the Federal Government became all too authoritative it would start doing the same thing.

Fourth Amendment to the American constitution, in most of the cases, requires a judge to approve warrant enabling the police for searching anyone’ property. There are special cases however practically every one of them includes critical or crisis circumstances where a warrant is just impractical (Cloud, 1996). Remembering that searching anyone without a warrant is hypothetically illegal that the administration is on the snare to legitimize look without a warrant.

The effect of the 4th Amendment on the criminal justice process flow, to the degree it is regarded, lies in the insurance from the idea of "general warrants," the odious capacity of a law office from entering into anybody's home looking for proof of wrongdoing. This was the impetus of the 4th, to rid ourselves of general warrants. And in this regard, it has worked reasonably well, although the blanket gathering of “metadata” by the NSA and others is of concern. Fourth Amendment makes it difficult for the law enforcement agency to spot unlawful bustle and owing to this difficulty unlawful activities become more lucrative (Cloud, 1996). And in an age of moral relativism, where every person seems entitled to construct and follow their own moral path, where eternal truths, such as those contained in the Judeo-Christian heritage, are discarded willy-nilly, the concept of “self-government” becomes less meaningful.

Law Enforcement, in the understandable frustration over dealing with the scum, have over the years worked around the Fourth Amendment to the point where it is becoming all but nullified for all of us. “No-knock” warrants were enacted for the obvious reasons that a drug dealer might and likely would flush his stash down the toilet or otherwise destroy it, or in the days before PCs, a bookie ring would have betting sheets on ‘flash paper’ (rapidly combustible and generally the ash couldn’t be reconstituted into a readable form) (Sklansky, 2000). This progressed into ‘sneak and peek’, where law enforcement had ‘reasonable suspicion’ (a lower form of ‘proof’ than ‘probable cause’) to influence a magistrate to allow them breaking into anyone’ home or business, and collect information without prior notice of the search. Albeit, most of the people would want the scum ‘hooked and booked’, however, this is descending in a ‘slippery slope’ situation where law enforcement and/or politically interested parties can pull off all manner of deceitful and unlawful acts.

Fourth Amendment is one of the most significant sections of the Bill of Rights, because it put a restraint on government authorities for intruding privacy of the citizens. Undoubtedly, 4th constitutional amendment provides citizens with an autonomy, however not full, over themselves, their families, and their properties. Imagine you're sitting in your house watching tv, sleeping in the middle of the night, or eating dinner and a police officer just barges into your house searching for things. Had the 4th constitutional amendment been not contained within in the Bill of Rights, Police and other government officials would become all too powerful to break into anyone’s home and arrest him or take his belongings sans any basis to do so.

# References

Cloud, M. (1996). The Fourth Amendment During the Lochner Era: Privacy, Property, and Liberty in Constitutional Theory. *Stanford Law Review*, 555–631.

Sklansky, D. A. (2000). The fourth amendment and common law. *Colum. L. Rev.*, *100*, 1739.