

# Weeks v. united states

Law



The Case against the Exclusionary Rule The Case Against the Exclusionary Rule The exclusionary rule is designed to protect citizens from being abused by government officials by way of removing the motivation for unlawful search and seizure of personal property. It basically states that a warrant is required in order to search and retain the property of any citizen. If it is determined that any evidence submitted against a citizen has been unlawfully obtained, such evidence will be found inadmissible in court. Take for example, the case of Weeks vs. U. S (1914). Weeks had been convicted of a crime due to evidence that had been illegally obtained. The police had entered his house without a warrant and searched through his personal property. Finding objects, namely papers, that they felt would lead to a conviction, they confiscated the personal property of Weeks, later using it against him during the trial. The evidence that the police had obtained proved vital in leading to a conviction. However, Weeks, in a stand for his rights filed a complaint, bringing to light this violation. The case reached the Supreme Court, who decided that Weeks' rights had indeed been violated by the illegal search and seizure of his property and that the resulting decision should be reversed (Weeks vs. U. S., 1914).

Now there are many who would argue on behalf of the exclusionary rule. For example, the exclusionary rule has often been considered a candidate for abolishment but it has been argued that “ the drive to abolish the exclusionary rule is fundamentally misguided on constitutional grounds, for the rule can and should be justified on separation of power principals, which conservatives generally support” (Lynch, 1998). However, the constitution was established to uphold principals that the founding fathers believed were important to the country. No doubt, they did not envision a place where the <https://assignbuster.com/weeks-v-united-states/>

truth could be suppressed and criminals could get away with crimes due to issues of 'red tape'. The exclusionary rule has the ability to suppress the truth. In fact, this rule is not actually contained in the constitution but is said to be derived from the constitution. As it has been reported, "the justices who announced the rule viewed it as judicially implied but constitutionally mandated" (Seligman, 2010). However, what is brought forth through implication is subject to perception, and so arguable. Any instance where those proven guilty beyond a doubt can get away is an issue that needs to be examined and reformed. Otherwise, the law can become meaningless and void; its powers without effect.

In the case of *Weeks vs. U. S* (1914), the evidence that had been obtained from Weeks' residence had led to a conviction. This means that he was indeed guilty of the crime and it had been proven with evidence. However, Weeks was allowed to get away with his crime due to this rule. Had the police actually used a warrant, Weeks would have been required to fulfill his sentence. Nevertheless, thanks to the exclusionary rule, he got away with his crime. His freedom does not represent his innocence, but the ineffectiveness of the justice system. Surely there are other ways in which the people may be protected from abuse by their government without being allowed to get away with crime.

#### References

Lynch, T. (1998) In Defense to the Exclusionary Rule. No. 319.

Seligman, K. (2010) The Rise and fall of the Exclusionary Rule: Can it Survive Hudson, Herring and Brendlin? First District Appellate Project Training Seminar.

*Weeks vs. U. S* 232 U. S. 383 (1914).

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