

Katz v. united states, 389 u.s. 347 (1967)

Law



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Define Fourth Amendment terminology, including persons, houses, papers, and effects and identify when a search occurs. The provision in the Fourth Amendment seeks to protect the people's right to freedom and privacy from despotic governmental incursions. It is unreasonable to rummage through an individual's house, papers, effects or the individual in question without a warrant. A person's dwelling is private but one is subject to a warrantless arrest if they are standing outside the surrounding of their house, which is not private. According to the Amendment, a search shall only occur when there is probable cause that has support from an Oath or affirmation (Clancy, p. 39). The court is obligated to identify any possible reason for a warranted search or seizure.

2. Distinguish between governmental and private actions for purposes of the Fourth Amendment

The Fourth Amendment provision only applies where the government conducts the searches and seizures. Thereby the clause excludes private investigations by austere private persons such as unsavory spouses, privately hired investigators, or intrusive neighbors. In a few exceptions, the concerns of the Fourth Amendment arise when actions taken by a private person are in conjunction with law implementation. However, the constitution protects whatever an individual seeks to perpetuate as private that is in an area accessible to the public.

3. Define "reasonable expectation of privacy"

In accordance with the Supreme Court, individuals have a reasonable expectation of privacy in their bodies, personal effects, and clothing.

Homeowners own a privacy interest that extends inside their houses and extends to their immediate outside surrounding (McCord et al., p. 192). The

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expectation of privacy does not appertain to private property held to the public and thus is not protected by the Fourth Amendment. Nonetheless, items seen through or information gathered by augmented surveillance could be subject to the provisions of the Fourth Amendment.

4. How does the Fourth Amendment apply to this case? Be specific

It is unlawful to intercept a telephone call. In addition, when one intends to make a call they expect privacy regardless of the medium used (Schulhofer, p. 125). Hence, the Fourth Amendment rightfully protects the petitioner against invasion of privacy. The judge disregarded the term “constitutionally protected area” in the context of the Fourth Amendment and explained that constitutionally it is not a right to privacy. The government had enough evidence to establish that the petitioner was using the specific telephone to transmit gambling information to persons in other states thereby committing a federal offense but acquired the information illegally.

5. Does this case involve governmental or private actions for the purpose of the Fourth Amendment? Explain.

The case involves private actions for the purpose of the Fourth Amendment. The courts seek to determine the extent to which private actions in public places may need constitutional protection. The court did not validate their conduct by explaining that the named agents did not acquire a formal go-ahead by an authorized magistrate to undertake the said intrusion.

Intrusions conducted without the prior assent of a judge are unreasonable as per the Fourth Amendment (Dörr and Weaver, p. 45).

6. In this case, has there been an infringement on reasonable expectation of privacy? Explain.

There has been an infringement on reasonable expectation of privacy

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because once an individual is in the confines of a telephone booth they expect privacy. The government's tapping of the telephone booth to eavesdrop ultimately violated the privacy of the petitioner. The telephone booth is not a constitutionally protected area as the Fourth Amendment only protects people not places. The petitioner was entitled to his privacy since he paid the expected toll fees and locked the door and did not expect publicity of his conversation.

Works Cited

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