

A danger to fourth amendment rights 302 wk3



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A Danger to Fourth Amendment Rights A Danger to Fourth Amendment Rights The majority's dismissal of the dissent is not satisfying not only due to possible growing tensions with minority community but also because it implies more value on the law enforcement officials' constitutional rights compared to the rights of the people they serve. The dissatisfaction arises out of the fact that the police appear to have their constitutional rights more valued than to the people they work for. The Terry case, in as far this issue is concerned has placed government officials at the top line with the citizens at the bottom line. In reality, it should be the other way round where people are at the top and government at the bottom. The Terry case seems to have turned around the powers of the citizens and the government. Since the government is run for the people, by the people, and belongs to the people, it is important that people the people's demands supersede the constitution. The decision in Terry's case can be viewed as the beginning of the end for the United States of America and her citizens. There was official destruction of freedom from tyranny that according to Douglass' prediction led to Americans being assumed guilty until confirmed innocent. This caused America loss of what sets her apart from other nations. The erosion of freedoms is clear at the Travel and Security Agency agents who openly molest the Americans through naked body scans and enhanced body searches, an act that even the police cannot do. According to Hamilton (2006), this violates the fourth amendment that states as follows: " The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated. And no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the

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persons or things to be seized," Law. cornell. edu (N. d., Par 1) .

Douglas' position was more of a prophetic warning for only free country in the world at that time. It would have been better if the majority adopted his position, as it would have helped them in making the fourth amendment more powerful. In such a case, the rights of the people would end up more valued than the rights of the law enforcement officials.

The Warren court gave the police more powers and created a model dangerous to the freedoms of the fourth amendment since the court wanted to replace the conventional construct with confidentiality based theory of the amendment. Thus, the Warren liberal court replaced the traditional theories that both imposed procedural requirements and enforced property-base substantive rights with a fresh emphasis upon privacy as the only value of the fourth amendment as stated by Rivera, Baker and Roberts (2010). This change erroneously concluded that the procedural protections found in the warren clause and implemented by exclusionary remedy were enough to secure the rights of the fourth amendment. This has led to erosion of human rights traced majorly to the application of the liberal theories.

References

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