

Supreme court holdings



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The Fourth Amendment: An Analysis of Two Supreme Court Holdings Both in *Knotts v. the United States* and *the United States v. Karo*, the main issues at stake are criminal procedure, search and seizure procedures, and the Fourth Amendment. 1

In both these cases, it is a legitimate question to ask if criminal procedure was followed properly.

According to the Supreme Court justices, no warrant was needed in the case of *Knotts v. the U. S.* because it was considered a part of criminal surveillance. This should have been hotly contested, however, as an invasion of the plaintiff's privacy.

For, although there was nothing that inhibited the movement of the plaintiff, clearly this is an impingement on one's personal property and effects—the effect in question being the chloroform drum. However, there are unfortunately legal grounds for this peccadillo of personal privacy to be compromised—such as in the case of “...*Silverman v. United States*, 365 U. S. 505, 509 -512 (1961).” 2

“[This] however, [which held] that, when the Government does engage in physical intrusion of a constitutionally protected area in order to obtain information, that intrusion may constitute a violation of the Fourth Amendment even if the same information could have been obtained by other means.” 3

The search and seizure in *U. S. v. Karo* was highly unusual. However, it was held that “[t]he evidence seized in the house in question, however, should not have been suppressed with respect to any of the respondents.” 4

“ The information that the ether was in the house, verified by use of the beeper without a warrant, would be inadmissible...invalidat[ing] the search

warrant...” 5 So, even though the search warrant was eventually inadmissible, there was enough evidence that was pertinent to the case which was not tainted which allowed for the defendant to finally be prosecuted.

The Fourth Amendment clearly states, “ The right... to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” 6

“[This premise won’t] be violated,...no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.” 7]

To this writer, what is particularly disturbing is that the Fourth Amendment does not guarantee completely against unreasonable searches and seizures, as the plaintiff in Knotts and the defendant in Karo were both subject to actions basically without warrants. Further, what is more cogent is that one needs to impress upon those in power that the authorities must “ obtain a search warrant from a magistrate by showing the need for it, and to conduct themselves according to law. This is an important guarantee of the right of privacy.” 8

To the naked eye it seems that Constitutional rights were violated. In both cases, sufficient evidence was supposedly later found to corroborate with not having invaded personal privacy—and if personal privacy was invaded, Constitutional rights were overshadowed by the necessity to establish probable cause.

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