

Third & Fourth Amendments TIMELINE

The Supreme Court finds that the police conducted an illegal search and seizure

→ 1914

Without a search warrant, the police enter a man's home and take private documents that are then used to convict him of sending lottery tickets through the mail. In *Weeks v. United States* (1914) the Supreme Court unanimously rules that the police seizure of Weeks's belongings violated his constitutional rights and that the government further violated the Fourth Amendment when it refused to return his possessions.

States are bound by the Fourth Amendment

→ 1949

Fourth Amendment protections against unreasonable searches and seizures apply to officers of state governments (such as police officers or school officials) as well as to officers of the federal government, the Supreme Court decides in *Wolf v. Colorado*.

The "Exclusionary Rule" is applied to the states

→ 1961

In *Mapp v. Ohio*, the Supreme Court applies the Fourth Amendment to the states. It holds that evidence obtained in an illegal search and seizure is not admissible at a state trial, as well as a federal court trial. This principle is commonly known as the Exclusionary Rule, because it excludes illegally gathered evidence.

A general right to privacy is recognized

→ 1965

Addressing a state law that prohibited married couples from purchasing contraceptives, the Supreme Court, in *Griswold v. Connecticut*, rules that the Constitution gives individuals a "zone of privacy." In reaching this decision, the Court lists various constitutional provisions, including the Third, Fourth, and Ninth Amendments, as evidence that the framers intended such a right of privacy to exist, even though the Constitution does not contain a specific reference to that right.

People have a reasonable expectation of privacy

→ 1967

In *Katz v. United States*, the Supreme Court rules that a criminal defendant's Fourth Amendment right to be free from unreasonable search and seizure was violated when, without a warrant, police wiretapped a public phone booth used by the defendant. The Court also cites the Third Amendment (along with the First and Fifth) to find that individuals enjoy a general right to be free from government involvement in their private affairs.

Police can search suspects when they have reasonable suspicion

→ 1968

Whenever possible, the police should obtain a warrant before conducting a search of a person or his or her property. In *Terry v. Ohio*, the U.S. Supreme Court recognizes an exception to the general rule, allowing that the police may "pat down" the outside of a suspect's clothing and search the immediate area for weapons when they have a "reasonable suspicion" of illegal activity.



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Courts prohibit the eviction of strikers for soldiers

1982

In the only federal court ruling on an alleged violation of the Third Amendment, the U.S. Court of Appeals for the Second Circuit, in *Engblom v. Carey*, rules in favor of seventy guards in a New York State prison. The guards had been evicted from their employee residences on the prison grounds while they were on strike, and the state prison had given their houses as temporary quarters to the National Guardsmen called in to keep the peace during the strike. The court saw the guardsmen as equivalent to “soldiers” and ruled that the prison guards enjoyed a right to privacy in their residences, even if the prison owned their housing.

Evidence can be accepted on “good faith”

1984

The Supreme Court recognizes a “good faith” exception to the Exclusionary Rule in *United States v. Leon*, allowing police to use evidence that was obtained with a warrant issued in good faith but later found to be invalid.



Aerial surveillance of homes is legal.

Photo: David Ingham/Wikimedia Commons

Aerial surveillance of homes is legal

1986

Acting on a tip and without a warrant, a police officer flew a plane over the backyard of a suspected marijuana dealer and observed and photographed marijuana plants growing in the yard. Attaching his pictures of the yard as evidence, he obtained a warrant for the search of the home. The homeowner argues that the officer’s aerial surveillance was an illegal search under the Fourth Amendment, but fails to get the evidence excluded and pleads guilty to the charges. The Supreme Court in *Ciraolo v. California* does not find the flight to be an illegal search. Even though the homeowner had erected a tenfoot fence to maintain his privacy, the court concludes that he had no reasonable expectation of privacy when the yard remained “knowingly exposed” to observation by the naked eye from an aerial view.

U.S.A. Patriot Act is passed

2001

In the aftermath of the terrorist attacks on September 11, 2001, Congress passes the U.S.A. Patriot Act to enable capture of those responsible for the attacks and prevent future attacks. The act provides for a dramatic expansion of the federal government’s authority to monitor suspected terrorists’ communications (including those made by e-mail and telephone), and to obtain online records such as organization membership lists and individuals’ purchases.



President Bush signs the U.S. A. Patriot Act.

Photo: Wikimedia Commons

Schools may conduct random student drug testing

2002

In *Vernonia School District v. Acton* (1995) the Supreme Court finds that a school district’s policy requiring students participating in interscholastic sports to consent to random drug testing does not violate the Fourth Amendment. The Court stipulates that the use of random testing requires a balancing of a student’s privacy with the school’s legitimate interest in protecting students from harm. It expands upon that decision in *Board of Education v. Earls* (2002), which finds that an Oklahoma school district’s policy of random drug tests for student participants in non-athletic extracurricular activities was also permissible.

The government cannot imprison suspected terrorists indefinitely

2003

The United States detains suspected terrorists at Guantanamo Bay, Cuba. In *Padilla v. Rumsfeld*, the U.S. Court of Appeals cites the Third Amendment in its finding that President George W. Bush lacks the authority to keep accused terrorist José Padilla confined indefinitely, reasoning that although the Constitution has a few specific grants of special authority to Congress that allow it to override individual rights—e.g., the Third Amendment’s provision for housing soldiers in private homes during war—it makes no such grants of authority to the President.



Guards at Guantanamo Bay, Cuba

Photo: Wikimedia Commons