

Constitutional Law: Violation of the Fourth Amendment

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History of the Fourth Amendment

What most people are not aware or tend to be ignorant of is the fact that it is quite dangerous to turn a blind eye to history (Schulhofer, 2012, p. 17). Those living in the 21st Century have easily forgotten where the majority of their freedoms come from. Military commanders, leaders of countries as well as various societies have completely ignored history with awe-inspiring outcomes.

Considering the fact that the Fourth Amendment is rather important to America, it is quite fitting to study the history behind its beginning and its integration into the United States Constitution (McInnis, 2010, p. 50). The Fourth Amendment has its derivation dating back from 1791 where it was introduced to the US Constitution and made part of the Bill of Rights.

This Amendment is specifically intended to protect individuals from the unlawful searching of their homes as well as private property without authorized search warrants (Johnson, 2009, p.74). For this unreasonable factor to be determined two essential interests must be balanced; these are, the intrusion on a person's Fourth Amendment rights, and legitimate government interests, for instance, public safety (Carmen, 2013, p.41).

The initiators of the Amendment believed that being free from the intrusion of the government into one's home is a natural right and therefore indispensable to liberty (Taslitz, 2006, p.101). Once the Fourth Amendment was made part of the US Constitution, it was first and foremost implemented in the federal government.

However, it was later related to the states via the Due Process Clause of the 14th Amendment (Schulhofer, 2012, p. 21). The Fourth Amendment is important as it dictates that law enforcement officers behave in an ethical manner and requires that a search be founded on probable cause (McInnis, 2010, p. 51).

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