

ASK FOR A WARRANT IF THE GOVERNMENT WANTS TO SEARCH YOUR HOME

El Derecho Del Pueblo

Columna de comentario [Limitaciones al riesgo de policía](#) abogado y maestro Matthew "Mateo" Katz.

The People's Right

A column of social comment [Distancing](#) legal advice by attorney and teacher Matthew "Mateo" Katz.

Imagine that several police officers appear out of nowhere, banging on the front door to your home. You go to the door and ask what the problem is. You've never had any criminal activities occur within or near your house, so you are very surprised that this is going on! The police demand that you let them in. They tell you that they are looking for your long-lost relative, Umberto, who now you remember was involved in some illicit activities...

So. WHAT DO YOU DO??? Quite simply, you ask to see the officers' warrant. Unless the house is on fire, there is little reason that police could have to enter your home immediately without first following the law and obtaining a court order, signed by a judge, authorizing their entry. This court order, called a warrant, should specifically authorize the search of your home, specifically identify the location and who, if anyone, is to be arrested.

Again, the reason society employs police is so that they enforce the law, not violate it. Thus, when police break the highest law in the land, the United States Constitution, the courts provide "remedies" that common people can turn to in order to enforce these rights. When police violate our right to be free from unreasonable searches and seizures, a criminal defense attorney can file a "Motion to Suppress" any evidence obtained in violation of the constitution, and the court, if, after a hearing is held, believes that there truly was a violation by law enforcement, it can throw out the evidence. There are also lawsuits that can be filed for malicious prosecution and civil rights violations.

The 4th Amendment to the Constitution is one of the most underappreciated legal rights we have, particularly since September 11, 2001, after which everybody seems to happily subject themselves to airport searches and all forms of government intrusion into our private lives.

When the authors of the Constitution wrote this highest law of our land, they held strongly in their minds the images of British troops haphazardly barging into colonists' homes, ravaging their personal belongings, raping and torturing people, etc. Thus, they ensured that the following words made it into the most powerful, highest law of our country:

“The right of the people to be secure in their persons, papers, houses and effects against unreasonable search and seizure shall not be violated and no warrants shall issue but upon probable cause, supported by oath or affirmation and particularly describing the places to be searched and persons or things to be seized.”

If you feel that your rights have been violated, you can take action to defend yourself and your community. Contact a private attorney to file a lawsuit on your behalf, or contact the following agencies, many of who will charge nothing for their services:

American Civil Liberties Union (312) 201-9740 or see www.aclu-il.org .

Chicago Lawyer's Committee for Civil Rights Under Law (312) 630-9744 or see www.clccrul.org .

Northwestern University Law School Clinic Children and Family Justice Center (for youth): 312-503-0396
www.law.northwestern.edu/cfjc/