

# US Supreme Court decision broadens police powers of search and seizure

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In a blow to the Fourth Amendment's protection against unreasonable searches and seizures, the Supreme Court ruled on Monday that evidence obtained by police under a false reading of the law is never the less admissible in court on the grounds that the officer made a "reasonable mistake."

The ruling was made regarding *Heien v. North Carolina*, a case in which an officer pulled over a driver while under the mistaken belief that the latter's driving with a single inoperable brake light constituted a violation of state law. After consenting to a vehicle search which revealed narcotics, the defendant, Nicholas Heien, sought to have the evidence suppressed by invoking the Exclusionary Rule, a component of the Fourth Amendment.

The Supreme Court upheld a ruling by North Carolina's Supreme Court, which overturned the decision of a lower court which had found that the police officers search was illegal. "The Fourth Amendment requires government officials to act reasonably, not perfectly, and gives those officials 'fair leeway for enforcing the law,'" Chief Justice John G. Roberts stated in remarks supporting the majority's opinion.

Expanding on the view of the majority, Justice Elena Kagan, an appointee of the Obama administration, stated "If the statute is genuinely ambiguous, such that overturning the officer's judgment requires hard interpretive work, then the officer has made a reasonable mistake." Kagan stressed that such circumstances would be "exceedingly rare."

Rather than being confined to traffic stops, the Court's decision can be interpreted to give police the right to detain and search individuals under practically any circumstances.

In the lone dissenting opinion, Justice Sonia

Sotomayor raised fears that this sort of conclusion would be drawn from the decision. "[The decision] means further eroding the Fourth Amendment's protection of civil liberties in a context where that protection has already been worn down," she said, adding that the concept of the law being "definite and knowable sits at the foundation of our legal system..." and that if officers are given leeway in such cases it may work to undermine the legitimacy of the court.

Reflecting this position, an amicus brief filed by the American Civil Liberties Union (ACLU) noted that "The rule creates new and unjustified burdens on private citizens by sanctioning an expansive new category of traffic stops, together with the 'physical and psychological intrusion' such stops necessarily entail." It added that the ruling ran the risk of "diminishing the public perception of law enforcement officials' knowledge and authority."

The court's attack on the Fourth Amendment has been a continuous one. Other Supreme Court rulings of note have allowed for police to enter private residences without search warrants, citing "exigent circumstances" after the fact, as well as the proliferation and institutionalizing of "no-knock" raids, which involve militarily-armed SWAT team members forcing down doors on suspicions of illegal doing.

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