

**LOOK USE THE FOURTH:  
FOUNDING FATHERS' FOURTH  
AMENDMENT RIGHT  
COLLECTIVELY OR SOLO TO BE  
"SECURE IN THEIR PERSONS,  
HOUSES, PAPERS, AND EFFECTS"<sup>1</sup>**

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I. INTRODUCTION

A. Background and Tale

Football quarterback Tom Brady played for two decades in a town called Boston.<sup>2</sup> There, a

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<sup>1</sup> U.S. CONST. amend. IV. *E.g.*, STAR WARS: EPISODE IV A NEW HOPE (1977); Alisdair Hodgson, "Every Wilhelm Scream in the Star Wars Saga," WhatCulture (Nov. 22, 2019), <https://whatculture.com/film/every-wilhelm-scream-in-the-star-wars-saga>.

<sup>2</sup> *See*, *Stanford v. Texas*, 379 U.S.476 (1965).

The word 'books' in the context of a phrase like 'books and records' has, of course, a quite different meaning. A 'book' which is no more than a ledger of an unlawful enterprise thus might stand on a quite different constitutional footing from the books involved in the present case.

*See Marron v. United States*, 275 U.S. 192, 198-199.

*Id.* at n. 16. *Tom Brady Searched by Cops -- 968 Times!*, TMZ, May 6, 2009, <https://www.tMZ.com/2009/05/06/tom-brady-searched-by-cops-968-times/>.

revolutionary town, his rights were violated.<sup>3</sup> Stories swirl about how many times.<sup>4</sup> At least one account says nearly 1,000 times at a single police station.<sup>5</sup>

It only took 968 questionable criminal background checks -- but at least law enforcement officials in Massachusetts know **Tom Brady** is clean....Authorities are investigating to see who ran the searches and to find out if they were all warranted -- but 968 searches on a guy as flawless as Tom Brady seems a bit excessive to us...<sup>6</sup>

Brady was not the only person violated by the corrupt state agents.<sup>7</sup> He has also been violated by private organizations, such as those searching bags and pants pockets.<sup>8</sup> This is a common problem in America.<sup>9</sup>

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<sup>3</sup> *Tom Brady Searched by Cops -- 968 Times!*, <https://www.tnz.com/2009/05/06/tom-brady-searched-by-cops-968-times/>.

<sup>4</sup> *Id.* "Jar Jar Binks Biography Gallery," StarWars.com.

<sup>5</sup> *Tom Brady Searched by Cops -- 968 Times!*, <https://www.tnz.com/2009/05/06/tom-brady-searched-by-cops-968-times/>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

The media’s framing of the issue, “questionable” searches, seems like it is asking, “Does the government comply with the spirit of the Fourth Amendment?”<sup>10</sup> The answer overall is “no.”<sup>11</sup> The proper question is “How can the government comply with the directive of the Fourth Amendment?”<sup>12</sup> The answer is by “safeguarding” “freedom.”<sup>13</sup> This Article examines the spirit, history, and letter of the law.<sup>14</sup>

## B. Essay Map

The Fourth Amendment is discussed in this Article.<sup>15</sup> Section I introduced the material with a tale about an abuse of the Fourth Amendment.<sup>16</sup>

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<sup>10</sup> *Id.* U.S. CONST. amend. IV.

<sup>11</sup> *Tom Brady Searched by Cops -- 968 Times!*, <https://www.tnz.com/2009/05/06/tom-brady-searched-by-cops-968-times/>. U.S. CONST. amend. IV.

<sup>12</sup> *Tom Brady Searched by Cops -- 968 Times!*, <https://www.tnz.com/2009/05/06/tom-brady-searched-by-cops-968-times/>. U.S. CONST. amend. IV.

<sup>13</sup> *Stanford v. Texas*, 379 U.S.476, 485 (1965).

<sup>14</sup> *See infra*.

<sup>15</sup> U.S. CONST. amend. IV.

<sup>16</sup> *Id. See*, *Pennsylvania v. Nelson*, 350 U.S. 497 (1956); *Aguilar v. Texas*, 378 U.S. 108 (1964); *Marcus v. Search Warrant*, 367 U.S. 717, 724-729 (1961); *Frank v. Maryland*, 359 U.S.

Section II puts forth the law in the Fourth Amendment and in *Stanford v. Texas*.<sup>17</sup> Section III analyzes violations of the law to conclude in Section IV that the government is not “safeguarding” “freedom,” yet is required to follow the law.<sup>18</sup>

## II. FOURTH AMENDMENT AND *STANFORD V. TEXAS*

### A. Fourth Amendment

The United States Constitution includes a Fourth Amendment.<sup>19</sup> Congress states:

#### Fourth Amendment:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation,

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360, 363-366, 376-377 (1959) (dissenting opinion); and *Boyd v. United States*, 116 U.S. 616 (1886).

<sup>17</sup> U.S. CONST. amend. IV. *Stanford*, 379 U.S.476, 485 (1965).

<sup>18</sup> *Stanford*, 379 U.S.476, 485, n. 6 (1965). *See also* FRED S. SIEBERT, FREEDOM OF THE PRESS IN ENGLAND, 1476-1776 (1952), AT 83, 85-86, 97.

<sup>19</sup> U.S. CONST. amend. IV.

and particularly describing the place to be searched, and the persons or things to be seized.<sup>20</sup>

This is the search and seizure rule.<sup>21</sup>

### B. *Stanford v. Texas*<sup>22</sup>

*Stanford v. Texas* explains the Fourth Amendment.<sup>23</sup> In San Antonio on December 27, 1963, Texas law enforcement executed a magistrate's search warrant.<sup>24</sup> During a five hour search of a home, they seized approximately 2,000 books, papers, and pamphlets.<sup>25</sup> The issue was whether the search and seizure were constitutional.<sup>26</sup> Under section nine of Article 6889-3A of the Revised

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<sup>20</sup> *Id.* "Search and Seizure: Amdt4.2 Historical Background on Fourth Amendment," Constitution Annotated, [https://constitution.congress.gov/browse/essay/amdt4-2/ALDE\\_00013706/](https://constitution.congress.gov/browse/essay/amdt4-2/ALDE_00013706/).

<sup>21</sup> U.S. CONST. amend. IV.

<sup>22</sup> *Stanford*, 379 U.S. 476. U.S. CONST. amend. IV.

<sup>23</sup> *Stanford*, 379 U.S. 476, 477.

<sup>24</sup> *Id.* City of San Antonio, "Contact the Mayor," <https://www.sanantonio.gov/Mayor/About/Contact?sendto=Mayor>. Treye Green, *Clay Aiken's Baby's Mother Jaymes Foster Angry about His Lack of Involvement in Son's Life: Report*, INT'L BUS. TIMES (July 8, 2014), <https://www.ibtimes.com/clay-aikens-babys-mother-jaymes-foster-angry-about-his-lack-involvement-sons-life-report-1622036>.

<sup>25</sup> *Stanford*, 379 U.S. 476.

<sup>26</sup> *Id.*

Civil Statutes of Texas, the Suppression Act, enacted in 1955, the Communist Party was outlawed and individual criminal offenses were punishable by a term of imprisonment of up to 20 years.<sup>27</sup> The Fourth Amendment trumped.<sup>28</sup>

Citing *Steele v. United States No. 1*, this Court found that for that Court “[t]o hold otherwise would be false to the terms of the Fourth Amendment, false to its meaning, and false to its history.”<sup>29</sup>

Two centuries have passed since the historic decision in Entick v. Carrington almost to the very day. The world has greatly changed, and the voice of nonconformity now sometimes speaks a tongue which Lord Camden might find hard to understand. But the Fourth and Fourteenth Amendments guarantee to John Stanford that no official of the State shall ransack his home and seize his

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<sup>27</sup> *Stanford*, 379 U.S. 476, 486 n. 1 (citing Art. 6889-3 Tex. Rev. Civ. Stat. (1951) Texas Communist Control Law). Communist individuals and organizations failing to register with the Texas Department of Public Safety were guilty and punishable.

<sup>28</sup> U.S. CONST. amend. IV. “Final Score - Bucs Lose 9-0 New Orleans Saints in Week 15,” *Buccaneers*, (Dec. 19, 2021), <https://www.buccaneers.com/news/rapid-reaction>; like poet laureate Brady/dubbing a poetic score/before the masses. Ken Berry, “Alien Marriage,” *MAMA’S FAMILY* (1983).

<sup>29</sup> *Stanford*, 379 U.S. 476, 486 (citing *Steele v. United States No. 1*, 267 U.S. 498, 504 (1925)).

books and papers under the unbridled authority of a general warrant—no less than the law 200 years ago shielded John Entick from the messengers of the [k]ing.<sup>30</sup>

The nation was founded on individuals’ familiarity with freedom from search and seizure.<sup>31</sup> The public has “considered it” to be “the true and ultimate expression of constitutional law propositions” “in the minds of those who framed the Fourth Amendment to the Constitution.”<sup>32</sup>

Analyses are to “reflect the teachings” “related” to “safeguarding” “freedom.”<sup>33</sup>

As MR. JUSTICE DOUGLAS has put it, ‘The commands of our First Amendment (as well as the prohibitions of the Fourth and the Fifth) reflect the teachings of *Entick v. Carrington*.... These three amendments are indeed closely related,

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<sup>30</sup> *Id.* Entick v. Carrington, EWHC KB J98 (1765).

<sup>31</sup> *Stanford*, 379 U.S.476, n. 13 (1965) (citing *Boyd*, 116 U.S. 616). U.S. CONST. amend. X.

<sup>32</sup> *Boyd*, 116 U.S. 616, 626-627. U.S. CONST. amend. IX.

<sup>33</sup> See *Marcus*, 367 U.S. 717, 731. *Stanford*, 379 U.S. 476, 484-485. Abe Lincoln’s Fido and Jip may have the same rights as Mary Todd. Abraham Lincoln Birthplace, National Historical Park, Knob Creek, Kentucky, <https://www.nps.gov/abli/planyourvisit/lincoln-pets.htm>. Human rights can be individual rights. *Id.* U.S. CONST. amend. X. Terrorists do not have individual, corporate, or group rights. *Id.*

safeguarding not only privacy and protection against self-incrimination but ‘conscience and human dignity and freedom of expression as well.’ *Frank v. Maryland*, 359 U. S. 360, 376 (dissenting opinion).<sup>34</sup>

In conclusion, “the protection of those freedoms” is “underscored” by fair application.<sup>35</sup> “In short, what this history indispensably teaches is that the constitutional requirement...is to be accorded the most scrupulous exactitude.”<sup>36</sup> “No less a standard could be faithful.”<sup>37</sup>

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<sup>34</sup> *Stanford*, 379 U.S. 476, 485. U.S. CONST. amend. I. U.S. CONST. amend. IV. U.S. CONST. amend. V. Carrington, EWHC KB J98.

<sup>35</sup> *Id.*

<sup>36</sup> See *Marcus*, 367 U.S. 717; *A Quantity of Books v. Kansas*, 378 U.S. 205 (1964). *Stanford*, 379 U.S. 476, 485. U.S. CONST. amend. IX.

<sup>37</sup> *Stanford*, 379 U.S. 476, 485 (discussing the First, Fourth, and Fifth Amendments). U.S. CONST. amend. I. U.S. CONST. amend. IV. U.S. CONST. amend. V.

### III. ANALYSIS

The rule is exact.<sup>38</sup> Freedom is to be protected.<sup>39</sup> The Fourth Amendment of the United States Constitution prohibits unreasonable search and seizure.<sup>40</sup> Policies and laws that are overbroad do not comply with the Fourth Amendment.<sup>41</sup>

The principle underlying the Fourth Amendment is that “each man’s home is his castle.”<sup>42</sup> The Fourth Amendment was written “directly in response to

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<sup>38</sup> *But see, Weeks v. United States*, 232 U.S. 383 (1914); *United States v. Kaplan*, 16 F. 2d 802 (1926). Christina M. Cabanillas, *General Search and Seizure Principles*, Assistant U.S. Attorney’s Office, District of Arizona 1, New Mexico District Attorney Association (NMDAA), Spring Conference (Apr. 24, 2019), [www.nmdas.com/aoda/wp-content/uploads/2019/04/Cabanillas-General-Search-and-Seizure-Principles-NMDAA-Spring-Conference-April-2019-Final-Combined.pdf](http://www.nmdas.com/aoda/wp-content/uploads/2019/04/Cabanillas-General-Search-and-Seizure-Principles-NMDAA-Spring-Conference-April-2019-Final-Combined.pdf); Wayne D. Holly, “*The Fourth Amendment Hangs in the Balance: Resurrecting the Warrant Requirement through Strict Scrutiny*,” 13 NYLS J Human Rights 3 (1997); *State v. Neal*, 142 N.M. 176 (2007).

<sup>39</sup> *Holly*, 13 NYLS J Human Rights 3 (1997). Anthony G. Amsterdam, *Perspectives on the Fourth Amendment*, 58 MINN. L. REV. 349 (1974) (“For clarity and consistency, the law of the Fourth Amendment is not the Supreme Court’s most successful product.”).

<sup>40</sup> Carmen M. Cusack, *Blind Rhyme: The Reasonable Person Standard Violates the First Amendment*, 19 J. L. & SOC. DEVIANCE 3 (2020).

<sup>41</sup> U.S. CONST. amend. IV.

<sup>42</sup> Tom Head & Robert Longley (updated), *The Fourth Amendment: Text, Origins, and Meaning Protection from Unreasonable Search and Seizure*, ThoughtCo., July 31, 2019, <https://www.thoughtco.com/the-fourth-amendment-721515>.

British general warrants, called [w]rits of [a]ssistance, in which the Crown would grant overarching, non-specific search powers” to enforcers.<sup>43</sup>

Through [w]rits of [a]ssistance, officials were free to search virtually any home they liked, at any time they liked, for any reason they liked or for no reason at all. Since some of the founding fathers had been smugglers in England, this was an especially unpopular concept in the colonies. Clearly, the framers of the Bill of Rights considered such colonial-era searches to be ‘unreasonable.’<sup>44</sup>

Law enforcement is required to comply with this principle, the spirit of the law.

Few exceptions “reflect” the founders’ understanding of the Fourth Amendment and the guarantees.<sup>45</sup> Americans’ freedom from search and seizure is protected.<sup>46</sup>

Informed by common law practices, the Fourth Amendment protects the full

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<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Stanford*, 379 U.S. 476, 485.

<sup>46</sup> *Id.*

enjoyment of the rights of personal security, personal liberty, and private property by prohibiting unreasonable searches and seizures. In particular, the Fourth Amendment provides that warrants must be supported by probable cause and that the person to be seized, the place to be searched, and the evidence to be sought is specified in the warrant. The Supreme Court, however, has interpreted the Fourth Amendment to allow exceptions to the warrant requirement.<sup>47</sup>

A known exception is raised by terrorists against the United States in the War on Terror and fighters against the country in the War on Drugs, who lack due process.<sup>48</sup>

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<sup>47</sup> “Search and Seizure: Amdt4.1 Overview of Fourth Amendment,” Constitution Annotated, [https://constitution.congress.gov/browse/essay/amdt4-1/ALDE\\_0000055/](https://constitution.congress.gov/browse/essay/amdt4-1/ALDE_0000055/). See U.S. CONST. amend. IV. JOSEPH STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES § 1902 (1833). See e.g., “Searches and Seizures,” CONSTITUTION OF THE STATE OF FLORIDA § 12 (1968), <https://www.flsenate.gov/Laws/Constitution#A1S12>. U.S. CONST. amend. XI. DECLARATION OF INDEPENDENCE (1776).

<sup>48</sup> U.S. CONST. amend. V.

A congressional website demonstrates the “idea that freedom from unreasonable searches and seizures is a fundamental right.”<sup>49</sup>

Few provisions of the Bill of Rights grew so directly out of the colonial experience as the Fourth Amendment, which protects against the government’s use of writs of assistance....The idea that freedom from unreasonable searches and seizures is a fundamental right had been a long-standing tenet of English political thought. Every man’s house is his castle was a celebrated maxim in England, as demonstrated in the 1603 *Semayne’s Case*. A civil case regarding execution of process, *Semayne’s Case* recognized the homeowner’s right to defend his house against unlawful entry, even by the [k]ing’s agents, and the authority of government officers to enter property upon notice in order to arrest or execute the [k]ing’s process.<sup>50</sup>

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<sup>49</sup> “Amdt4.2 Historical Background on Fourth Amendment,” Constitution Annotated, [https://constitution.congress.gov/browse/essay/amdt4-2/ALDE\\_00013706/](https://constitution.congress.gov/browse/essay/amdt4-2/ALDE_00013706/).  
<sup>50</sup> *Id.* See also *Atkinson v. Gurich*, 248 P. 3d 356 (2011). British rights forbid search and seizure. It is a topos, a literary theme. *United States v. Gervato*, 340 F. Supp. 454 (1972). *Anspach v. United States*, 305 F. 2d 960 (10th Cir.) (1962).

“Landmark” jurisprudence demands that “discretionary power” will not be “given to messengers to search where their suspicions may chance to fall. If such a power is.... delegate[d]..., it certainly may affect....every man..., and is totally subversive of the liberty of the subject.”<sup>51</sup> “Polemical” ideas must receive fair “governmental policies.”<sup>52</sup>

At common law, “an opinion sweeping in terms” is “subversive of all the comforts of society.”<sup>53</sup> Even “those alleged to be criminal in nature contrary to the genius of the law”<sup>11</sup> “warrant...a showing of probable cause.”<sup>54</sup>

The Supreme Court has said that *Entick v. Carrington* is a great judgment, one of the landmarks of English liberty, one of the permanent monuments of the British Constitution, and a guide to an

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<sup>51</sup> “Amdt4.2 Historical Background on Fourth Amendment,” Constitution Annotated, [https://constitution.congress.gov/browse/essay/amdt4-2/ALDE\\_00013706/](https://constitution.congress.gov/browse/essay/amdt4-2/ALDE_00013706/). Carrington, EWHC KB J98

<sup>52</sup> *Id.* Wilkes v. Wood, 98 Eng. 489 (C.P. 1763). “Prohibition on Racing of and Wagering on Greyhounds or Other Dogs,” CONSTITUTION OF THE STATE OF FLORIDA § 32 (1968), <https://www.flsenate.gov/Laws/Constitution#A1S12>.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

understanding of what the Framers meant in writing the Fourth Amendment.<sup>55</sup>

Cases discussing search and seizure must “reflect” the founders’ ideas and individuals’ and the public’s freedom under the Fourth Amendment.<sup>56</sup> “It is these landmark cases, the Court has noted that the battle of individual liberty and privacy was finally won.”<sup>57</sup>

James Madison’s construction of Fourth Amendment guarantees overcomes policies and cases harming Americans, the states, and the United States.<sup>58</sup> The rule is constant and exceptions are rare.<sup>59</sup> Colonial smugglers were protected against

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<sup>55</sup> *Stanford v. Texas*, 379 US 476 (1965). “In an opinion...this Court has characterized as a wellspring...the rights now protected by the Fourth Amendment.” *Id.* at 484. “This history was, of course, part of the intellectual matrix within which our own constitutional fabric was shaped.” *Id.* at 484 (citing *Marcus*, 367 U.S. 717, 724). *People v. Gifford*, 325 NE 2d 81 (1975); *The People v. Kimmel*, 34 Ill.2d 578 (1966). *Carrington*, EWHC KB J98.

<sup>56</sup> *Stanford v. Texas*, 379 US 476, 485.

<sup>57</sup> “Amdt4.2 Historical Background on Fourth Amendment,” Constitution Annotated, [https://constitution.congress.gov/browse/essay/amdt4-2/ALDE\\_00013706/](https://constitution.congress.gov/browse/essay/amdt4-2/ALDE_00013706/). Edward DeBlasio, “The Victory,” *DYNASTY* (Sept. 24, 1986).

<sup>58</sup> “Amdt4.2 Historical Background on Fourth Amendment,” Constitution Annotated, [https://constitution.congress.gov/browse/essay/amdt4-2/ALDE\\_00013706/](https://constitution.congress.gov/browse/essay/amdt4-2/ALDE_00013706/).

<sup>59</sup> *Id.* (discussing search incident to arrest).

royalty's writs of assistance to search extending up to six months after the royals' deaths.<sup>60</sup> "The Fourth Amendment was the founding generation's response to the reviled...and...unrestrained search for evidence of criminal activity."<sup>61</sup> "Our law holds the property of every man so sacred, that no man can set his foot upon his neighbour's [*sic*] close without his leave; if he does he is a trespasser, though he does no damage at all."<sup>62</sup>

Despite the law inexpert government employees have violated citizens (e.g., data search).<sup>63</sup> The

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<sup>60</sup> "Amdt4.2 Historical Background on Fourth Amendment," Constitution Annotated, [https://constitution.congress.gov/browse/essay/amdt4-2/ALDE\\_00013706/](https://constitution.congress.gov/browse/essay/amdt4-2/ALDE_00013706/).

<sup>61</sup> *Id.* at n. 1 (citing *Riley v. California*, 573 U.S. 373, 403 (2014)). See THE RIGHTS OF THE COLONISTS AND A LIST OF INFRINGEMENTS AND VIOLATIONS OF RIGHTS, 1772 (discussing Samuel Adams). *Id.* at n. 2. 1 B. SCHWARTZ, THE BILL OF RIGHTS: A DOCUMENTARY HISTORY 199, 205–06 (1971).

<sup>62</sup> 1195 Eng. Rep. 817 (1705). See 35 Coke's Repts. 91a, 77 Eng. Rep. 194 (K.B. 1604); 519 Howell's State Trials 1029, 95 Eng. Rep. 807 (1765); 619 How. St. Tr. 1153, 98 Eng. Rep. 489 (1763); *Wood*, 98 Eng. 489; *Huckle v. Money*, 95 Eng. Rep. 768 (K.B. 1763); 19 Howell's State Trials 1002, 1028, 97 Eng. Rep. 1075 (K.B. 1765).

<sup>63</sup> *Contra*, *What Does the Fourth Amendment Mean?*, U.S. Courts, <https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does-0>. "An officer may conduct a pat-down of the driver and passengers during a lawful traffic stop; the police need not believe that any occupant of the vehicle is involved in a criminal activity." (citing *Arizona v. Johnson*, 555 U.S. 323 (2009)). *Id.*

government must closely obey the spirit and letter of the law.<sup>64</sup> Private organizations are not exempted.<sup>65</sup> Searches are illegal.<sup>66</sup> They must obey the Fourth Amendment when enforcing security measures (e.g., automated teller machine personal identification number (ATM PIN)).<sup>67</sup> The following organizations are required to obey the Fourth Amendment: Department of Homeland Security, port authorities, Transportation Security Administration, schools (i.e., state and private universities), banks, stadiums and parks, insurers and lenders, homeowner associations, county libraries, malls and laboratories, airports (e.g., state and federal), and local police.<sup>68</sup> Abuse is impermissible, therefore constitutional remedies are owed.<sup>69</sup>

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<sup>64</sup> U.S. CONST. amend. IV.

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> “Tom Brady Booted after Training in Closed Park, Tampa ...,” TMZ, April 20, 2020, <https://www.tnz.com/2020/04/20/tom-brady-cited-for...> Apr 21, 2020.

<sup>69</sup> U.S. CONST. amend. IV.

#### IV. CONCLUSION

In conclusion, the Fourth Amendment must be followed.<sup>70</sup> “Safeguarding” “freedom” prevents abuses that violate the law.<sup>71</sup> The meaning of the Fourth Amendment is a legal requirement.<sup>72</sup> Fourth Amendment guarantees protect the home, vehicle, and belongings.<sup>73</sup> The law must be upheld;<sup>74</sup> thus,

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<sup>70</sup> *Id.*

<sup>71</sup> *Stanford v. Texas*, 379 U.S.476, 485 (1965).

<sup>72</sup> U.S. CONST. amend. IV.

<sup>73</sup> *Id.* See “Come a little bit closer. You’re my kind of man, so big and so strong. Come a little bit closer. I’m all alone, and the night is so long.” Jay & The Americans, “Come A Little Bit Closer” (1964), <https://www.youtube.com/watch?v=nRU38XbX6Xw>. *E.g. id.* at 2:24 (*see possibly*, jaguar expression) *id.*

<sup>74</sup> *Boyd*, 116 US 616.

It may be that it is the obnoxious thing in its mildest and least repulsive form; but illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. *Id.* at 635.

*United States v. Johnson*, 431 F. 2d 441 (5th Circ.) (1970).

Fourteenth Amendment equal protection groups people differently, and animals too, under the Fourth Amendment. U.S. CONST. amend. XIV and *Florida v. Jardines*, 569 U.S. 1 (2013). Threat of fondling, such as during frisk and handcuffing, are impermissible. *See id.*

enforcement is required.<sup>75</sup> New dicta, policies, and statutes must conform to the Fourth Amendment.<sup>76</sup>

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<sup>75</sup> “Amdt4.2 Historical Background on Fourth Amendment,” Constitution Annotated, [https://constitution.congress.gov/browse/essay/amdt4-2/ALDE\\_00013706/](https://constitution.congress.gov/browse/essay/amdt4-2/ALDE_00013706/) at n. 18-19 “extending the protection” (citing *Boyd*, 116 U.S. 616). See, *Gouled v. United States*, 255 U.S. 298 (1921) and *Warden v. Hayden*, 387 U.S. 294 (1967), but see *id.* at 303 (“reserving the question whether there are items of evidential value whose very nature precludes them from being the object of a reasonable search and seizure.” “Amdt4.2 Historical Background on Fourth Amendment,” Constitution Annotated, [https://constitution.congress.gov/browse/essay/amdt4-2/ALDE\\_00013706/](https://constitution.congress.gov/browse/essay/amdt4-2/ALDE_00013706/)). Personal space and thoughts are to be free. *Id. Weeks*, 232 U.S. 383, 392; *Carroll v. United States*, 267 U.S. 132, 158 (1925); *Agnello v. United States*, 269 U.S. 20, 30 (1925) (asking “whether...there is to be a rule or a principle” “Amdt4.2 Historical Background on Fourth Amendment,” Constitution Annotated, [https://constitution.congress.gov/browse/essay/amdt4-2/ALDE\\_00013706/](https://constitution.congress.gov/browse/essay/amdt4-2/ALDE_00013706/)). See e.g., *United States v. United States District Court*, 407 U.S. 297, 319–20 (1972)).

<sup>76</sup> The Immigration and Nationality Act 287(a)(3) and CFR 287 (a)(3).