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## CHAPTER TWO: THE FOURTH AMENDMENT

### LESSON ONE

## YOU BE THE JUDGE

### Case 1: *Terry v. Ohio*, 392 U.S. 1 (1968)

In Cleveland, Ohio, a police detective in plain clothes was assigned to patrol an area looking for shoplifters or pickpockets. One day he saw two men on a corner talking to each other. One man left the other and walked past several stores, looking carefully in one store window. The second man did the same thing. Each man repeated this walk five or six times. A third man joined the two and spoke with them briefly.

The detective feared that the men wanted to rob a store and that they might have guns. Since they might have guns, the detective also had reason to fear for his own safety. He approached the men and asked their names. They mumbled something. The detective spun one man around and frisked him (patted the outside of his clothing). He felt a gun in the left inside breast pocket of the overcoat. He removed the overcoat and found the gun. The detective frisked the second man and found a gun in the outer pocket of his overcoat. No weapon was found on the third man.

All three men were taken to a police station. The two men who had the guns were arrested and formally charged with carrying concealed weapons without a license, a violation of a state law.

### ACTIVITY 1 FOR LESSON ONE

1. Do you believe that the three men were properly<sup>1</sup> stopped by the police detective? Why or why not?
  
2. Do you believe that it was proper to frisk the men? Why or why not?

1. The terms *properly* and *proper* are often used in legal opinions. A definition might be “in accordance with legal principals.” A police officer’s proper actions follow correct police procedure which is based on rights guaranteed by the Bill of Rights. If a police officer follows improper procedure and violates a suspect’s rights, this may damage the ability to prosecute a case, but the officer’s improper actions are generally not something for which s/he would be prosecuted.

**LESSON TWO****WHAT DOES THE FOURTH AMENDMENT SAY?**

“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, and particularly describing the place to be searched, and the persons or things to be seized.”

**ACTIVITY FOR LESSON TWO****WHAT DOES THE FOURTH AMENDMENT MEAN?**

In the activity below, circle the words or phrases which you believe are the best substitutes for the words of the amendment that are in italics. If you prefer, write in words or phrases of your own.

1. The right of the people to be *secure*
  - a. to be safe
  - b. to have control over
  - c. to decide
  - d. \_\_\_\_\_
2. in their *persons*,
  - a. relatives
  - b. friends
  - c. bodies
  - d. \_\_\_\_\_
3. houses, papers, and *effects*,
  - a. results
  - b. belongings
  - c. groceries
  - d. \_\_\_\_\_
4. against *unreasonable*
  - a. arbitrary
  - b. suitable
  - c. unthinking
  - d. \_\_\_\_\_
5. searches and *seizures*,
  - a. arrest
  - b. forceful taking
  - c. sentences
  - d. \_\_\_\_\_
6. shall not be *violated*,
  - a. abused
  - b. limited
  - c. dishonored
  - d. \_\_\_\_\_