

American Government & Politics: A Christian Worldview.
Search Warrant Showdown (15–20 Minutes)

TEACHER INSTRUCTIONS

Goal

Students apply the principles behind the Fourth Amendment by distinguishing between a search warrant and a writ-of-assistance-style search.

Instructions

1. Students may work alone or with a partner.
2. Read the instructions together.
3. Have students complete the handout (give groups 8–10 minutes to complete this part).
4. Review the answers as a class.

Suggested Key

1. B – It allows searches of virtually anywhere without identifying a particular place.
2. V – Specific place and specific items are identified.
3. B – Officers exceed the purpose of the warrant.
4. V – The place and item being searched for are clearly identified.
5. B – There is no specific place, person, or evidence.
6. N – The location is identified, but the warrant does not specify what is being sought.
7. V – The warrant identifies both the place and the property sought.
8. B – This resembles a writ of assistance because it allows broad discretionary searches.
9. V – The place and item sought are specifically identified.
10. B – Mere suspicion based on opinions is not a valid basis for a search.
11. N – The item is identified, but the place to be searched is not.
12. V – The warrant is limited to a specific location and specific property.

Debrief/Wrap-Up Questions

- Which scenarios most closely resemble the British writs of assistance discussed in the reading?
Suggested Key: Scenarios 1, 5, 8, and 10. These searches are broad, vague, or based on general suspicion rather than a specific place and specific evidence. Writs of assistance allowed British officers similar wide-ranging search powers.
- Why might innocent people fear broad search powers even if they have done nothing wrong?
Suggested Key: Broad search powers can invade privacy, damage property, expose personal information, and allow government officials to harass or intimidate people without strong evidence of wrongdoing.
- Why is it important for a warrant to identify both the place to be searched and the items being sought?
Suggested Key: Their experiences with British searches convinced them that unchecked search powers threatened liberty, privacy, property rights, and the security of individuals against government abuse.

- Which scenarios would have been most concerning to American colonists living under British rule?
Suggested Key: Most colonists likely would have objected strongly to Scenarios 1 and 8 because they most closely resemble writs of assistance. Colonists believed such searches gave government officials excessive power and threatened individual liberty and property rights.
- How does the Fourth Amendment attempt to prevent abuses like writs of assistance?
Suggested Key: The Fourth Amendment requires warrants to be based on probable cause and to particularly describe the place to be searched and the persons or things to be seized. This limits arbitrary government searches.
- If government officials were allowed to search anyone at any time, what problems could result?
Suggested Key: Officials could target political opponents, critics, or unpopular groups; privacy would be reduced; innocent people could be harassed; and government power could become abusive or tyrannical.
- Which valid warrant scenario do you think best follows Fourth Amendment principles? Explain.
Suggested Key: Answers may vary, but Scenarios 2, 4, 7, 9, or 12 are strong examples because they clearly identify a specific place and specific items connected to a suspected crime.
- Why do you think the Founders considered protection from unreasonable searches important enough to include in the Bill of Rights?
Suggested Key: Their experiences with British searches convinced them that unchecked search powers threatened liberty, privacy, property rights, and the security of individuals against government abuse.

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Decide whether each scenario (a) is a valid warrant, (b) is a writ of assistance, or (c) needs more information to determine.

1. Officers receive a warrant authorizing them to search “all homes, shops, barns, warehouses, and other buildings where smuggled goods may possibly be found.”
2. A warrant authorizes officers to search David Carter’s warehouse for ten stolen barrels of tobacco marked with the initials “W.B.”
3. Officers have a warrant to search a home for stolen jewelry. While searching, they begin reading the owner’s personal diary to see whether he has committed other crimes.
4. A warrant authorizes officers to search Lisa Turner’s garage for a red motorcycle reported stolen three days earlier.
5. Officers search a neighborhood because several residents believe someone in the area is hiding illegal goods.
6. A warrant authorizes officers to search a business, but it does not identify any particular items they are looking for.
7. Officers receive a warrant to search a storage shed for six stolen bicycles reported missing from a local school.
8. A warrant authorizes officers to enter any property they choose if they suspect untaxed imports might be present.
9. Officers obtain a warrant to search Michael Reed’s basement for a stolen safe containing company records.
10. Officers search a house because the owner frequently criticizes government policies and therefore seems suspicious.
11. A warrant authorizes officers to search a residence for a stolen laptop computer, but the warrant does not identify which residence.
12. Officers obtain a warrant to search a farm for two stolen tractors identified by serial numbers supplied by the owner.

