75 years of progressive regression

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"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."

~ Fourth Amendment

Welcome to President Obama's brave new dystopian world of anti-Fourth Amendment fascism where he is pushing radical policies allowing the IRS to read your emails without a warrant; Senate Minority Leader Mitch McConnell, R-Ky., recently had his private office conversation illegally bugged, possibly by Democratic Party agents and published in Mother Jones (a la Nixon's Watergate); and tens of thousands of drones are watching, recording and armed to bomb American citizens on American soil without judicial oversight or due process.

While the Fourth Amendment is often mentioned in connection with the Fifth, Sixth and Eighth Amendments – the other primary provisions of the Bill of Rights regarding the criminal due process guarantees of citizens – and is historically connected to the adoption of the Third Amendment to abolish the hated practice of British officers using the general writ of assistance to enter private homes, conduct searches and seize personal property of the American colonists. Under the tyranny of King George III, the British officers wantonly abused the private property of the colonists and were not required to put forward a single, specific reason to justify a search warrant or give a good reason for the taking of people's personal property. In the majority cases, the writ of assistance was used to confiscate items thought to have violated the severe British customs laws of the colonial era.

The twin foundations of the Fourth Amendment, the probable cause and warrant requirements, are an expressed historical indictment against the hatred the framers had for the Revolutionary-

era practices of English rule. However, similar to the First Amendment, the guarantees of the Fourth Amendment did not pertain to state and local law enforcement practices until well after the ratification of the 14th Amendment (1868). It wasn't until almost 80 years later when FDR's handpicked progressive activists on the Supreme Court in Wolf v. Colorado (1949) arrogantly ignored 160 years of judicial precedent (*stare decisis*) and marginalized the original intent of the constitutional framers, ruling that the 14th Amendment due process clause made the Fourth Amendment binding on the states (e.g., "Incorporation Doctrine"), whereby evidence seized in violation of the probable cause or warrant requirements could not be used against a criminal suspect.

The Incorporation doctrine is the most reactionary of judicial legislation commonly invoked by modern judges, which has essentially turned the U.S. Constitution into an activist document of progressive, socialist change over the past 70 years since FDR's "New Deal Court" systematically devastated Natural Law, the Rule of Law, fundamental constitutional jurisprudence and the original intent of the constitutional framers – creating such unconstitutional, judicial politics as the following:

- Footnote 4—Carolene Products v. United States (1938) (FDR's Progressive Court summarily rejected 150 years of Natural Law jurisprudence [particularly the so-called ' Lochner Era': 1897-37] and out of whole cloth created minimal scrutiny [rational basis review] to economic regulations, and proposed new intermediate and strict scrutiny levels of review for certain other types of cases).
- Korematsu v. U.S. (1944) (Court affirmed the constitutionality of FDR's Executive Order 9066, which ordered Japanese [as well as German and Italian] Americans into internment camps during World War II regardless of citizenship).
- Everson v. Board of Education (1947) (Court enacted the virulently anti-Christian doctrine separation of church and state).
- Planned Parenthood of Southeastern Pennsylvania v. Casey (1992) (Court's plurality opinion upheld the constitutional right to have an abortion [Roe v. Wade] and altered the standards for analyzing restrictions of that right, invalidating one regulation but upholding the other four).
- Lawrence v. Texas (2003) (Court struck down in the 6–3 ruling the sodomy law in Texas and, by extension, invalidated sodomy laws in 13 other states, making same-sex sexual activity legal in every U.S. state and territory, thus launching a Second Sexual Revolution using same-sex marriage battles America is entangled in 10 years later in 2013).
- National Federation of Independent Business v. Sebelius (2012) (Court upheld Congress' power to enact most provisions of the Patient Protection and Affordable Care Act [ACA] and the Health Care and Education Reconciliation Act [HCERA], aka "Obamacare" including a requirement for most Americans to have health insurance by 2014).

The Court's most controversial decision on the Fourth Amendment was Mapp v. Ohio (1961), which established the anti-constitutional exclusionary rule where critical evidence gathered by the police can be withheld from proving defendant's guilt if a single judge deems the evidence "tainted" or derivative of the so-called "fruit of the poisonous tree." This is judicial tyranny writ

large!

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