Written by **Bob Adelmann** on May 18, 2021

Supreme Court: Gun Confiscation Without a Warrant Is Unconstitutional

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In a major setback to efforts to disarm American gun owners, the Supreme Court on Monday ruled unanimously — *unanimously!* — that the seizure of handguns from a residence by police without a warrant was unconstitutional.

The facts of the case — *Caniglia v. Strom* — are these, from the ruling:

> During an argument with his wife, petitioner Edward Caniglia placed a handgun on the dining room table and asked his wife to "shoot [him] and get it over with."
>
> His wife instead left the home and spent the night at a hotel. The next morning, she was unable to reach her husband by phone, so she called the police to request a welfare check.
>
> The responding officers accompanied Caniglia's wife to the home, where they encountered Caniglia on the porch. The officers called an ambulance based on the belief that Caniglia posed a risk to himself or others.
>
> Caniglia agreed to go to the hospital for a psychiatric evaluation on the condition that the officers not confiscate his firearms.
>
> But once Caniglia left, the officers located and seized his weapons.

Caniglia sued, claiming that the officers had entered his home and seized him and his firearms without a warrant in violation of the Fourth Amendment.

The first ruling went against Caniglia and he appealed to the First Circuit Court of Appeals. That court upheld the lower court ruling. Caniglia appealed to the Supreme Court, which heard the case and ruled in his favor on Monday, overturning the lower courts' decisions, with vigor.

Attorneys for the Biden administration claimed that under a previous high court ruling, *Cady v. Dombrowski*, decided in 1971, an exception to the Fourth Amendment was made that should be expanded.

This is what the Biden administration claimed in their brief: "The touchstone of the Fourth Amendment is reasonableness." Here is the actual language from the Fourth Amendment to the U.S. Constitution:

> 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.

The Biden attorneys said that the exception to the Fourth Amendment in *Cady* should be expanded from what the court decided in that case:

> For criminal investigations, this Court has generally incorporated the Warrant Clause into the Fourth Amendment's overarching reasonableness requirement, but it has not generally done so for searches or seizures objectively premised on justifications other than the investigation of wrongdoing.
>
> The ultimate question in this case is therefore not whether the respondent officers' actions fit within some narrow warrant exception, but instead whether those actions were reasonable.
>
> And under all of the circumstances here, they were.

So, according to the Biden administration attorneys, the demand for a warrant written into the amendment by the Founders was "some narrow exception." Instead, they claimed, the issue is one of "reasonableness." It used the phrase from *Cady* that the Fourth Amendment guarantee had an exception for police when they were performing a "community caretaking function" in moving a disabled vehicle from traffic following an accident without being required first to obtain a warrant to do so.

The Biden attorneys made plain what they sought:

> Understanding the core purpose of the [Fourth Amendment] doctrine leads inexorably to the conclusion that it should not be limited to the motor vehicle context.
>
> Threats to individual and community safety are not confined to the highways.
>
> Given the doctrine's core purpose, its gradual expansion since *Cady*, and the practical realities of policing, we think it plain that the community caretaking doctrine may, under the right circumstances, have purchase outside the motor vehicle context.
>
> We so hold.

Justice Clarence Thomas, writing for all the justices, said "nuts" to such thinking:

> The First Circuit saw no need to consider whether anyone had consented to respondents' [police] actions; whether these actions were justified by "exigent circumstances"; or

> whether any state law permitted this kind of mental-health intervention.
>
> All that mattered was that [the police's] efforts … fell "within the realm of reason," and generally tracked what the [First Circuit] court viewed to be "sound police procedure."

Thomas concluded:

> The First Circuit's "community caretaking" rule … goes far beyond anything this Court has recognized….
>
> What is reasonable for vehicles is different from what is reasonable for homes … we thus vacate the judgment below and remand [send it back to the First Circuit] for further proceedings consistent with this opinion.

Eric Pratt, Senior Vice President of Gun Owners of America (GOA) and Gun Owners Foundation (GOF), both of which filed *amicus curiae* (friendly briefs) with the court in support of Caniglia, put this momentous decision in its proper context:

> The Supreme Court today smacked down the hopes of gun grabbers across the nation. The Michael Bloombergs of the world would have loved to see the Supreme Court grant police the authority to confiscate firearms without a warrant.
>
> But the Supreme Court unanimously ruled that the Fourth Amendment protections in the Bill of Rights protect gun owners from such invasions into their homes.

As the *New American* has repeatedly stated, the war against gun ownership is ongoing. Monday's unanimous ruling by the Supreme Court accomplishes at least two things: 1) It restores a modest amount of confidence in its support of the Constitution, which confidence has recently and repeatedly been eroded by the court in other decisions, and 2) it plants a firm anchor in the ground of constitutional law that protects both the Fourth and, by inference, the Second Amendments from the continuing attacks by tyrants intent on disarming the American public.