

Bruce A. Newman. *Against that Powerful Engine of Despotism*. (Lanham, MD: University Press of America, 2007), pp. 128. \$23.95 ISBN 0761836551

**Rare is the book** capable of lending the much needed clarity of argument against the contemporary revisionist understanding of our Constitution. Even more exceptional is the book focused upon our Bill of Rights, specifically the Fourth amendment. Bruce Newman, professor of Political Science at Western Oklahoma State College, has written such a book and none too soon.

In the wake of expanding state and federal bureaucracies, ever-divisive political ideologies promoted in classrooms, and judicial activism, a revival of public discourse on our Fourth Amendment rights is as prescient as it is timely. Lesser known than the First and Second Amendments (the Third Amendment prohibits the quartering of military personnel without the owner's consent during peacetime), the Fourth Amendment deals primarily with government searches of property and property owners. But a sentence, it reads as follows:

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.

Private property is the hallmark of the Fourth Amendment because as The Founders understood too well, private property is the hallmark of a free society. For them, as for us, the protection of private property was crucial and in fact tantamount to our freedom. Private property means just that: a personal possession that, by virtue of private ownership, shields the citizen against the ambitions of government overreach. Newman writes:

A system of private property helps check government by limiting its scope. There is a sphere of life that government must stay out of.

If the Fourth Amendment establishes a boundary between public and private, contemporary court rulings, specifically those that deal with government searches of property, have encroached upon individual liberty. Newman writes that today,

The government has weakened protections against searches of property, especially commercial property, while expanding protections against searches in public areas.

The emergence of the “administrative warrant” is an example of government encroachment. In recent decades court rulings have been supported by the philosophy that government must expand its regulation of business for the public good. This allows government officials to obtain a search warrant without probable cause and is in stark opposition to the original understanding of the Fourth Amendment which required warrants for searches of property, even commercial property. One would even be in line with the Founders’ thinking to say that the Fourth Amendment was created to prevent warrants of the “administrative” variety.

Throughout the book, Newman provides example after example and thus gives the reader the needed philosophical contrast of argument between the original intent of The Founders and their colonial experience with the contemporary revisionist argument. His conclusion, supported by laudable scholarship is most convincing: “Justice would be better served by a return to the original understanding of the Fourth Amendment.”

Accessible to scholars and a general audience, my only concern

with this excellent book is that, at 128 pages, it leaves the reader wanting more.

Tim Weldon  
University of St. Francis

