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17 June 2009 10:25 AM

**Interview with Radley Balko Part III**

by **Conor Friedersdorf**

(My interview with Radley Balko began [here](#). Part two is [here](#).)

**Q. You mentioned no-knock raids -- can you explain what those are, and why you object to them so regularly on your blog?**

No-knock raids are when police force entry into a home without knocking or announcing themselves first. The Supreme Court has recognized that requiring the state to knock and announce before entering a home is part of the Fourth Amendment -- part of the "Castle Doctrine" that extends back into English common law. The problem is that in the same opinion (*Wilson v. Arkansas*), the Court carved out enough exceptions to overwhelm the rule.

Police can now enter your home unannounced if they believe that knocking would endanger their safety, or if they believe it would give you time to destroy evidence, which in most cases means the time you would need to flush your drug stash down the toilet.

The problem with no-knock raids is that they're extremely volatile, confrontational, and leave very little margin for error. They might make sense when you're trying to defuse an already-violent situation -- say to apprehend a dangerous escaped fugitive, or to end a hostage standoff. But most no-knocks today are conducted for the routine service of drug warrants. So they aren't defusing an already violent situation, they're creating violence where there was none before.

When you break into someone's home, particularly while they're sleeping, you invoke a primitive, defensive response in them. It's a particularly dangerous tactic in a country with a history and tradition of gun ownership.

I should also note here that while the law distinguishes a no-knock warrant from a knock-and-announce warrant, I'm not sure there's much practical difference. The real issue here is forced entry -- sending armed, heavily armored cops barreling into private homes. Whether they knock and announce themselves in the seconds before they take the door down probably isn't going to make much difference in how you interpret the threat and how you react, particularly if you're sleeping.

Even if police always got the right house and every raid were performed flawlessly (and [that's obviously not the case](#)), the image of police dressed as soldiers routinely breaking into private homes to serve warrants for non-violent crimes is one we ought to find disturbing. At one time we did. There's an old Cold War saying, "Democracy means that when there's a knock at the door at 3am, it's probably the milkman." Masked government agents dressed in black barging into private homes in the middle of the night was once an image we associated with totalitarian states. We seem to be troublingly comfortable with it, now.

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**James GW**

June 17, 2009 3:35 PM

Drug dealers are racketeers (ala the Mafia). It is the difficulty in prosecuting up rackets that have led to special laws being developed to deal with them. This is why you have "famous criminals" like The Dapper Don and Scarface who become untouchable by police. See your post of the Broken Windows policies. If you owned a house or apartment where you were attempting to raise children in a neighborhood that was deteriorating, you would have modified opinions about inviolable rights that will only protect human beings 60% of the time.

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by **James Fallows**



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