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" Our Homes Are Supposed To Be Our Castles"

[Damon W. Root](#) | May 16, 2011

The Cato Institute's Tim Lynch [explains what the Supreme Court got wrong today](#) in its 8-1 decision in *Kentucky v. King*:

In this case, the police were after a drug dealer after he fled from a controlled-buy transaction. The dealer entered some apartment but the police were unsure of the unit number. As the police got closer, they could smell marijuana coming from a nearby apartment. Instead of posting an officer nearby and applying for a warrant, they decided to bang on the door, shouting "Police!" Hearing some rustling inside, the police broke down the door so evidence could not be destroyed. The occupants were arrested on drug charges and they later challenged the legality of the police entry and search. (As it happens, the dealer the police were trying to capture was found in another apartment.)

The lower courts have generally frowned on what they describe as exigencies manufactured by police conduct, but the Supreme Court has now overturned those lower court precedents by a 8-1 vote. In dissent, Justice Ginsburg asked the right question: "How 'secure' do our homes remain if police, armed with no warrant, can pound on doors at will and, on hearing sounds indicative of things moving, forcibly enter and search for evidence of unlawful activity?"



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