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The Fourth Amendment Handbook

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BOOKS

The Fourth Amendment Handbook, by William W. Greenhalgh. American Bar Association, 1995; (109 pp., \$59.95 for non-Section members, \$49.95 for members).

Reviewed by **Gerald F. Uelmen**, professor of law, Santa Clara University, Santa Clara, California.

This handbook presents, in chronological order, a summary of every Fourth Amendment ruling of the U.S. Supreme Court from *Weeks* (1914) to *Bostick* (1991). There are 344 of them. It also includes the best summary, written by Judge Charles E. Moylan, Jr., of Fourth Amendment doctrine that I've ever read. The value of this book to law students will be obvious, although Bill Greenhalgh would not have appreciated its potential to supply "canned briefs" for the lazy! Bill strongly believed in the value of carefully reading and briefing a case. I know, because I still have the briefs I prepared for the class he taught to prepare the Prettyman interns at Georgetown to go to court in 1966. We interns all groaned when he gave us a list of hundreds of cases to read and brief. We only wanted his practical insights into navigating our clients through the Court of General Sessions. We thought we had enough of briefing cases in three years of law school.

It didn't take us long to learn the power of a precedent, however, especially in making a motion to suppress. Judges in those days were no less reluctant to grant suppression motions than they are today. I'll never forget the thrill of winning my first suppression motion. My client was arrested when a police officer took his car keys and opened the trunk of his car, where he discovered six auto batteries with freshly cut cables. My client was parked in the same parking lot where six commuters had just encoun-

tered difficulty starting their cars. The judge correctly concluded there was no consent to search, suppressed the batteries, and my client walked out of court a free man. As I left the courthouse 20 minutes later, I remember saying a prayer that my car would start! But the Fourth Amendment had been vindicated.

Nothing is more persuasive to a judge than to whip out a citation to a Supreme Court precedent, especially one he vaguely remembers. Criminal

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defense lawyers will encounter lots of vaguely remembered old friends among these cases. I found the chronological order helpful, having followed the cases as they came down. I frequently have a

better memory of *when* a case was decided than its name. (Remember that case that came down the week before Amy was born? You know, right after that big snowstorm.)

The book's greatest weakness, however, is the thin topical index. If you're trying to find that case where the guy was arrested for having a stolen credit card while he was eating in Ship's Restaurant, the index won't help much. If you don't remember when it was decided (1976) or its name (*Watson*), you may have to spend some time digging for it. The box-chart format of Greenhalgh's summaries is complemented nicely by Judge Moylan's superb "conceptualization" of the Fourth Amendment. Judge Moylan's checklists of issues put all the leading cases in context, so one can easily flip from his text to the Greenhalgh summary and get the facts and precise holding of the case.

There's also a chronology of the Supreme Court justices who decided these cases. Each case summary identifies the vote, who delivered the opinion of the court, and who dissented. A notation also alerts you if the case was subsequently overruled. I was amazed to see how many were.

There's a lot of valuable detail here, packed into a very concise format. This handbook will be a useful tool for both scholars and practitioners. It's also a wonderful way to remember Bill Greenhalgh. Bill was on a first-name basis with all these cases. The case of *Mapp v. Ohio*, for example, is "the *Mapp* case" to most lawyers and judges. To Bill Greenhalgh, it was "the *Dolly Mapp* case." There are many of us who were first infected with a passion for the Fourth Amendment by Bill Greenhalgh's example. Bill's real legacy is the legion of lawyers and judges he taught and trained and inspired, who will keep the fire of the Fourth Amendment burning. His handbook is a wonderful way to keep Bill constantly with us, tucked in our briefcases. CJ

