

other places in search of materials connected with John Wilkes' polemical pamphlets attacking not only governmental policies but the King himself.<sup>4</sup>

Entick, an associate of Wilkes, sued because agents had forcibly broken into his house, broken into locked desks and boxes, and seized many printed charts, pamphlets, and the like. In an opinion sweeping in terms, the court declared the warrant and the behavior it authorized subversive "of all the comforts of society," and the issuance of a warrant for the seizure of all of a person's papers rather than only those alleged to be criminal in nature "contrary to the genius of the law of England."<sup>5</sup> Besides its general character, the court said, the warrant was bad because it was not issued on a showing of probable cause and no record was required to be made of what had been seized. *Entick v. Carrington*, the Supreme Court has said, is a "great judgment," "one of the landmarks of English liberty," "one of the permanent monuments of the British Constitution," and a guide to an understanding of what the Framers meant in writing the Fourth Amendment.<sup>6</sup>

In the colonies, smuggling rather than seditious libel afforded the leading examples of the necessity for protection against unreasonable searches and seizures. In order to enforce the revenue laws, English authorities made use of writs of assistance, which were general warrants authorizing the bearer to enter any house or other place to search for and seize "prohibited and uncustomed" goods, and commanding all subjects to assist in these endeavors. Once issued, the writs remained in force throughout the lifetime of the sovereign and six months thereafter. When, upon the death of George II in 1760, the authorities were required to obtain the issuance of new writs, opposition was led by James Otis, who attacked such writs on libertarian grounds and who asserted the invalidity of the authorizing statutes because they conflicted with English constitutionalism.<sup>7</sup> Otis lost and the writs were issued and used, but his arguments were much cited in the colonies not only on the immediate subject but also with regard to judicial review.

<sup>4</sup> See also *Wilkes v. Wood*, 98 Eng. 489 (C.P. 1763); *Huckle v. Money*, 95 Eng. Rep. 768 (K.B. 1763), *aff'd* 19 Howell's State Trials 1002, 1028; 97 Eng. Rep. 1075 (K.B. 1765).

<sup>5</sup> 95 Eng. 817, 818.

<sup>6</sup> *Boyd v. United States*, 116 U.S. 616, 626 (1886).

<sup>7</sup> The arguments of Otis and others as well as much background material are contained in Quincy's *MASSACHUSETTS REPORTS*, 1761–1772, App. I, pp. 395–540, and in 2 *LEGAL PAPERS OF JOHN ADAMS* 106–47 (Wroth & Zobel eds., 1965). See also Dickerson, *Writs of Assistance as a Cause of the American Revolution*, in *THE ERA OF THE AMERICAN REVOLUTION: STUDIES INSCRIBED TO EVARTS BOUTELL GREENE* 40 (R. Morris, ed., 1939).