



Against Government Invasion

June 6, 2024

Unconstitutional searches of private property by a renegade Tennessee government agency may be coming to an end.

Unanimously upholding an earlier decision, a Tennessee Court of Appeals has [ruled](#) that no, Tennessee Wildlife Resources Agency employees have *no* right to ignore No Trespassing signs on private land—not even to enter it, let alone install cameras there in search of a crime.

The court ruled in a case [brought by](#) the Institute for Justice on behalf of Terry Rainwaters and Hunter Hollingsworth.

“TWRA claimed unfettered power to put on full camouflage, invade people’s land, roam around as it pleases, take photos, record videos, sift through ponds, spy on people ... all without consent, a warrant, or any meaningful limits on their power,” says IJ attorney Joshua Windham.

“This decision confirms that granting state officials unfettered power to invade private land is anathema to Tennesseans’ most basic constitutional rights.”

The ruling cites the observation of legal scholar John Orth that “‘general warrants’ and ‘writs of assistance,’ authorizing officers to search anyone, anytime, for evidence of any crime” were among the abuses leading to adoption of the Fourth Amendment of the U.S. Constitution prohibiting “unreasonable searches and seizures.”

“The various state constitutions adopted after the Revolution almost invariably forbade the practices,” Orth notes.

According to the new ruling, Tennessee’s constitution does too. But we may not be quite done. The TWRA can appeal, which means that the case may end up in the Tennessee Supreme Court.

This is Common Sense. I’m Paul Jacob.