

Providing DNA to the Government for Crime-Fighting Purposes

In June 2013, the U.S. Supreme Court upheld the practice of gathering DNA from suspects who have been arrested, but not charged, for burglary or violence. The case before the Court claimed that Maryland had unconstitutionally conducted searches of arrestees by gathering DNA and that this violated the individuals' Fourth Amendment protections against unreasonable searches and seizures. In a 5–4 vote, the Court upheld the Maryland law (and in doing so, the laws in many other states). This means that one can be required, without the presentation of a warrant by law enforcement, to provide DNA material via a cheek swab, which will be entered into the national Combined DNA Index System (CODIS) database.

Those who agree with the ruling note that the enhancement of the data found in CODIS will result in the solution of many crimes. This will remove from society violent offenders and burglars who have so far escaped attention, which benefits us all. After all, if a person has not committed a crime, why would he or she worry about a harmless cheek swab?

In contrast, this ruling has alarmed many people for a variety of reasons. First, many view this activity as a violation of a citizen's Fourth Amendment protection against unreasonable search and seizure. (Clearly, the

Court did not agree.) Second, many worry about expansion of this program to other types of crime. Why not require warrantless submission of DNA by arrestees for DUI, white-collar crimes, traffic violations, environmental crimes, and cybercrimes? What about those accused of bullying, soliciting prostitutes, using drugs, and so on? After all, if DNA is a sort of contemporary fingerprint, what is to prevent the requirement of submitting DNA for all activities that now require the submission of fingerprints? This includes not only people in the criminal justice system, but those in the military and those in particular jobs (e.g., working for the federal government with a clearance).

Think About It

1. What sort of policy would you implement if you had the power to do so?
2. How would you balance the need to protect the masses with constitutional rights guaranteed to individuals?
3. Would you be willing to sacrifice the rights of one person to ensure the safety of the majority?
4. What laws would you be willing to undermine to prevent future terrorist attacks?