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## **Katz v. United States (1967)**

### **– CASE BRIEF –**

Citation: 389 U.S. 347

Docket No.: —

Date Filed: 1967-12-18



## Katz v. United States (1967) – Case Brief

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Unknown Court

**Source URL:**

<https://www.courtlistener.com/opinion/107564/katz-v-united-states/>

**Judges:**

Black, Brennan, Douglas, Harlan, Marshall, Stewart, White

**Procedural History:****Attorneys:**

Burton Marks and Harvey A. Schneider argued the cause and filed briefs for petitioner., John S. Martin, Jr., argued the cause for the United States. With him on the brief were Acting Solicitor General Spritzer, Assistant Attorney General Vinson and Beatrice Rosenberg.

**Facts:**

In this case, the FBI placed an electronic listening and recording device on the outside of a public telephone booth used by Katz to determine if he was making illegal bets. The federal government argued that no search occurred because the device only monitored sounds transmitted in the airwaves (Page 349-350).

**Issue:**

Whether the Fourth Amendment protects a person's right to privacy in his conversations when he is in a public place and knows that his words are not being addressed to the person eavesdropping on his conversation (Page 351).

## **Rule of Law:**

The Fourth Amendment protection against unreasonable searches and seizures extends to electronic communications that individuals have a reasonable expectation of privacy in, such as phone conversations (Page 351).

## **Holding & Reasoning:**

The Court held that the Fourth Amendment applies to electronic surveillance of private communications. The Court rejected the 'trespass' doctrine, which limited Fourth Amendment protection to physical intrusions, and adopted a two-part test for determining whether a search has occurred: (1) did the individual have an expectation of privacy in the place or thing searched? and (2) was that expectation reasonable? In this case, Katz had both an actual and reasonable expectation of privacy in his phone conversation (Page 351-353).

## **Disposition:**

The Supreme Court reversed the judgment of the court of appeals and remanded the case for further proceedings (Page 359).

## **Dissent:**

Justices Black and Stewart dissented from the majority opinion. Justice Black argued that the Fourth Amendment only protected against physical trespasses, not electronic eavesdropping. He also criticized the Court for expanding the scope of the Fourth Amendment without amending the Constitution (Page 358-359).

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