

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” –Fourth Amendment of the Constitution

As a justice on the Supreme Court, I am often faced with challenging inquiries regarding the Amendments to the Constitution. Such questions often challenge the moral and ethical aspect of actions the government has undertaken. In this case, that aspect deals with whether the government is infringing upon the Fourth Amendment rights of citizens when they track the location of a citizen through their GPS location data in their phone or when they use a drone to record activities taking place on the private property of a citizen without a warrant. After considering these inquiries, my ruling is that the government is infringing upon a citizen’s Fourth Amendment rights by taking these actions without a warrant.

The Framers wrote the Constitution to protect the citizens from unbalanced government power, and allowing the government to decide whether they need a warrant to gather private information from citizens would be allowing the government to work their way around the Constitution. The government wants to eliminate the necessity of a warrant because, to quote Craig Ducat, to obtain a warrant *“it must set out sufficient facts to enable the judge to reach an independent conclusion that probable cause exists.”* (Ducat, Constitutional Interpretation). There should not be any room for ambiguities in the Constitution; if the Constitution states that the government requires a warrant to investigate into private information, then the government must have a warrant, unless there is absolute reason, supported with evidence, to suspect there is imminent danger.

This statement can be associated with the question of whether the government should be allowed to track the location of a citizen through their GPS location data in their phone without a warrant. Unless there is evidence showing imminent danger connected to the citizen with the phone that can be tracked using the GPS location data, then the government must have a warrant. This statement can also be associated to the situation regarding whether a drone can be used to record activities taking place on the private property of a citizen without a warrant. Again, unless imminent danger is obvious through evidence that relates to whatever activity is taking place on that private property, the government must have a warrant to use the drone as a recorder.

The Constitution was written for the benefit of this country and its inhabitants. As cited from Geoffrey Stone and William Marshall, *“The Framers of the American Constitution were visionaries. They designed our Constitution to endure. They sought not only to address the specific challenges facing the nation during their lifetimes, but to establish the foundational principles that would sustain and guide the new nation into an uncertain future.”*