In the two major issues at hand regarding the Fourth Amendment’s coverage of and application towards technology, we, the Supreme Court, have come to a state of concurrence regarding both the government’s desire to keep track of citizens by searching through their “old” correspondence via email and keeping tabs on their physical location by using the GPS technology available on most smart phones, and, in both instances, without a warrant. The most important concept to keep in mind with these debates is that this nation’s justice system is founded upon the ideal that a citizen is innocent until proven guilty, and so the government cannot use private information without probable cause, or in other words without obtaining a lawful warrant.  The question to consider with technology, though, is if certain information, in this case emails and whereabouts, is indeed private.  Thus, after proving that old email and a person’s location via GPS are indeed private, it follows that the government must obtain a warrant before accessing a citizens email (old or new) or location via their cell phone.

In order to decide whether emails that are 180 days old should be available to the government to use, the comparison to material mail is an incredibly useful reference. Physical mail belongs to the receiver of the letter, no matter how long he possesses the letter. Moreover, we believe that these rules apply for all types of mail and correspondence that is explicitly expected to be private, be it physical or digital. To further develop this comparison, imagine a person who enjoys correspondence with his pen pal. Now, imagine that a federal agency for one reason or another decides they want that information. It would be unconstitutional for authorities to enter the man’s home and take his mail without a search warrant, no matter how old the letter is. It is also worth mentioning the possible nefarious and malicious intent of that agency or branch, which this ‘lawfully’ seized information is now to be utilized for. To say that there is a fundamental difference between physical mail and digital mail in regards to expectation of privacy is nothing short of fallacious and contradictory.

Unlike the previous conclusion of old emails being private, we have come to the decision that the data recorded by a GPS is almost always public. It is unreasonable for an individual to expect privacy when traversing areas open to the public. The only caveat to this is when the individual leaves the public eye and resides or passes through private property. When out of the public eye and privacy can be expected and is rational, it is no longer legal for the GPS to be commandeered and supply information. However, until the technology exists where the tracking can recognize when the individual should expect privacy and act accordingly, the warrantless use of GPS’s is found to be illegal.