**The Spirit of the Fourth Amendment**

The Fourth Amendment—which protects our privacy—came into affect in 1792. The framer’s purpose in creating the Fourth Amendment was to eradicate unjust search and seizure while protecting a citizen’s right to maintain a private life. Specifically, the Fourth Amendment protects “persons, houses, papers, and effects, against unreasonable searches and seizures.” Although the framers could not anticipate all of the technology present today, their language allows us to apply their intent to modern situations.

One modern situation that requires the application of the Fourth Amendment is the use of GPS location data acquired from a citizen’s personal property to track citizens without a warrant. Because of its language, the Fourth Amendment does protect GPS location data. The Fourth Amendment references papers and effects. Because of changes in how we communicate, “papers” can apply to any personal information, and “effects” can apply to any personal belongings. That being said, if the framers could have anticipated the concept of cyberspace, they would have advocated for protection within it. For example, personal papers stored behind a locked door are obviously protected by the Fourth Amendment. Whatever is located behind the locked door is the owner’s private possession. In the same way, personal information protected by a password (like on a cell phone) requires the same protection. The password acts as a digital key that safeguards information stored behind a digital “locked door.”

On the other side of the spectrum, the use of drone technology in surveillance of private property does not violate the spirit of the Fourth Amendment because geographic property is included as an extension of a person’s “house.” In all cases, including geographic property, reasonable expectation of privacy must exist before the Fourth Amendment can be applied. The Fourth Amendment does not pertain to effects in plain sight. For example, the Fourth Amendment cannot apply to drug paraphernalia visible through a window. If this principle is applied to any private geographic property, even that which is surrounded by fences, the open canopy negates the expectation of privacy. Essentially, private geographic property can be seen as a “room without a roof”[[1]](#footnote-1) or a room with an open window. This open window, though larger than a traditional one, allows for drones to collect information from private property in the same manner that a passerby can see visible drug paraphernalia in plain view.

As technology evolves and questions of privacy extend into the technological and digital realm, issues related to Fourth Amendment rights will continue to emerge. Responsible parties must consider both the literal diction and the spirit of the amendment, as crafted by the framers. Essentially, we are responsible for safeguarding the framer’s intent, which is to ensure that citizen privacy is sacrosanct within the United States of America.

1. Because of the lyrics “if you feel like a room without a roof…” in the Pharrell Wiliams song “Happy,” we are calling this caveat to the 4th Amendment the Pharrell Exception. [↑](#footnote-ref-1)