4th Amendment Controversy

The government has been charged with engaging the use of GPS data on cellular telephones to track locations and using drones to record activities within private properties, both without a proper warrant. In the case of US vs. Citizens, nine justices agree with the majority opinion that it is an egregious violation of the Fourth Amendment and greatly impedes the privacy rights of United States citizens. Implementing stare decisis based on the landmark case Katz vs. United States, public areas are not subjected to constitutional protections. As such, it is determined that on the opposite end of the spectrum, the Constitution provides safeguards and also limits government intrusions of private property. Along with this conclusion, an individually purchased electronic device belongs only to that individual, and government officials do not have a right to tamper with this property when the citizen has displayed no reasonable suspicion that might suggest a threat. Cellular devices and other personally owned electronics are protected by the constitution on the premise that citizens have a right to have their life separate from the government and are naturally granted the civil liberty of keeping their information private. Most citizens would find it a violation of their rights to have their personal phone conversations listened to and investigated because it strips away their basic freedoms of privacy and allows the government to obtain information that they have no permission or need to have. In the same sense, it is a violation to have a citizen’s location determined at all times because the private life of an American is no concern of a government official.

The Fourth Amendment states that citizens have a protection against improper searches and seizures, and enacting drones to gather knowledge and information in their own private living quarters is found to be a major violation of their rights. Citizens should be granted the ability to reasonably assume that they are free from persecution and cannot be condemned for actions or words spoken in the perimeter of their own personal property. The American government is not granted permission to intrude on this belief of privacy, and it is the majority opinion that having a drone fly above private property without a warrant to do so is a complete violation of the citizens’ right to expect a safe environment in their own home. As Edward Coke stated, a man’s house is his castle. This means that once an individual has left the constitutionally unprotected environment of the public and entered his own house, he is automatically granted the freedom to express himself and do what he pleases without the interference of the government. The government does not have the right to engage the use of drones or any type of device to gather information from innocent citizens when there is no warrant or reason to do so.

Our founding fathers could not have foreseen the technological abilities available to the government to intrude into our lives. However, they understood that the basic premise of life, liberty and the pursuit of happiness is fundamental to a free nation, and constructed the fourth amendment to prevent the powers to be to interfere in our lives. Being able to use electronic technology to pry into our privacy is fundamentally flawed and should not be tolerated.