**277 U.S. 438 (1928)**

**OLMSTEAD ET AL.  
v.  
UNITED STATES.  
GREEN ET AL.  
v.  
SAME.  
McINNIS  
v.  
SAME.**

Nos. 493, 532 and 533.

**Supreme Court of United States.**

Argued February 20, 21, 1928.

Decided June 4, 1928.

CERTIORARI TO THE CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT.

[439\*439](http://scholar.google.com/scholar_case?case=5577544660194763070&hl=en&as_sdt=6&as_vis=1&oi=scholarr#p439) *Mr. John F. Dore,* with whom *Messrs. F.C. Reagan* and *J.L. Finch* were on the brief, for petitioners in No. 493.

*Mr. Frank R. Jeffery,* for petitioner in No. 533, and some of the petitioners in No. 532.

*Messrs. Arthur E. Griffin, George F. Vanderveer,* and *Samuel B. Bassett,* on a brief for petitioners in No. 532.

*Mr. Michael J. Doherty,* Special Assistant to the Attorney General, with whom *Solicitor General Mitchell* was on the brief, for the United States.

*Messrs. Otto B. Rupp, Charles M. Bracelen, Robert H. Strahan,* and *Clarence B. Randall* on behalf of The Pacific Telephone and Telegraph Company, American Telephone and Telegraph Company, United States Independent Telephone Association, and the Tri-State Telephone and Telegraph Company, as *amici curiae,* filed a brief by special leave of Court.

MR. CHIEF JUSTICE DEVILLE delivered the opinion of the Court.

Without a warrant, it is acceptable in the court of law to use GPS location data on a person’s cellular device to track your location. There is no violation of the fourth amendment because, as stated in Olmstead vs. United States, there was no unreasonable search or seizure. When one uses a GPS to find a location, the location is public information because we do not look into the private of that location. It is available to retrieve the same information without GPS because one can physically follow to know where a person is at. The use of GPS data is simply a loophole to get out of physically doing something. With today’s presence of advanced technology, time is of the essence since everything can be done quicker than humans can possibly do it themselves. GPS location is not an unreasonable search because the users of the GPS data did not acquire any private information from the location.

MR. JUSTICE YOLO, dissenting

The government may not make use of GPS location data from your cell phone to track your location if there is no warrant present. Without undeniable evidence, there is no probable cause to use the GPS tracking because it invades the people’s Fourth Amendment rights. Cell phones can be classified as papers in the Fourth Amendment because they have many documents and apps on them such as Twitter and Instagram. Overall, the government should not use GPS location to track cell phones without a warrant.

**476 U.S. 207 (1986)**

**CALIFORNIA  
v.  
CIRAOLO**

[No. 84-1513.](http://scholar.google.com/scholar?scidkt=2343975494205638429&as_sdt=2&hl=en)

**Supreme Court of United States.**

Argued December 10, 1985

Decided May 19, 1986

CERTIORARI TO THE COURT OF APPEAL OF **CALIFORNIA**, FIRST APPELLATE DISTRICT

[208\*208](http://scholar.google.com/scholar_case?case=13894501388713609672&q=california+v.+ciraolo&hl=en&as_sdt=8000006&as_vis=1#p208) *Laurence K. Sullivan,* Deputy Attorney General of **California**, argued the cause for petitioner. With him on the briefs were *John K. Van de Kamp,* Attorney General, *Steve White,* Chief Assistant Attorney General, and *Eugene W. Kaster,* Deputy Attorney General.

*Marshall Warren Krause,* by appointment of the Court, 472 U. S. 1025, argued the cause for respondent. With him on the brief was *Pamela Holmes Duncan.*[[\*]](http://scholar.google.com/scholar_case?case=13894501388713609672&q=california+v.+ciraolo&hl=en&as_sdt=8000006&as_vis=1" \l "[1])

Briefs of *amici curiae* urging affirmance were filed for the American Civil Liberties Union et al. by *C. Douglas Floyd, Alan L. Schlosser,* and *Charles S. Sims;* for the Civil Liberties Monitoring Project by *Amitai Schwartz;* and for the National Association of Criminal Defense Lawyers by *John Kenneth Zwerling.*

[209\*209](http://scholar.google.com/scholar_case?case=13894501388713609672&q=california+v.+ciraolo&hl=en&as_sdt=8000006&as_vis=1#p209) CHIEF JUSTICE BURGER delivered the opinion of the Court.

We granted certiorari to determine whether the Fourth Amendment is violated by aerial observation without a warrant from an altitude of 1,000 feet of a fenced-in backyard within the curtilage of a home.

CHIEF JUSTICE YOLO delivered the opinion of the Court.

The government may not use a drone to record activities occurring within private property without a warrant because that would be a direct violation of the 4th amendment. The fourth Amendment clearly states that people have the right to be secure in their homes. If someone became aware of drone surveillance over their private property (their home) they’d feel uncomfortable and insecure. This isn’t necessarily because they have things to hide, it’s because

most people like to feel safe and expect privacy in their homes. Your home is your sanctuary. You have the right to feel comfortable and safe in it. By taking away your security, the government is stripping you of the rights given to you in the 4th amendment. Therefore, the government should be required to receive warrants to use drones for recording within private property.