The Fourth Amendment protects the populace from unreasonable searches of their house, property, and secures people from having their possessions unlawfully seized. The question that comes up is what counts as unlawful search and seizure. At which point is it justified? Two questions need to be answered. Without probable cause, may the government access emails older than 180 days or obtain the location of individuals using GPS data from their cell phones. I feel that that in order to answer these questions we must first look at previously agreed upon changes to the Fourth Amendment.

The first case relevant to these questions is Olmstead v. United States. The government was challenged to find out whether wiretapping was a violation of the Fourth Amendment. The Court decided that Olmstead was in the wrong, as he was sending his information through a separate service, and was thus not able to claim that it was no longer his information.

The second case was Katz v. United States. In this case, the Government placed recording devices near a telephone booth and used that information to shut down illegal gambling. It was decided, his rights were violated, as he had the right to believe that his conversion was to be private.

One current question is how does the Fourth Amendment transfer over into email. Taking the gist of the Olmstead v. United States, agreeing to the terms of a service provider allows the vendor to permit the government access to information. However, if email is considered a form of communication like mail, privacy must be respected. Tampering with mail is a Federal offence, and privacy is expected. When you send a letter, you are not required to sign over your privacy to the United States Postal Service, which has been specifically designed to protect user’s confidentiality. With email, patrons sign the terms and conditions agreement to give providers ownership of email. The only way that email privacy could be compared to mail, is if new protection laws are added. As email is more commonly used than the post, the laws need to evolve along with this technological change. As such, I believe email should be protected as mail is from prying eyes of the government, without issuing a warrant.

Another controversy is the question of whether government should be allowed to access GPS data sent from personal electronic devices. Even though being in public means your right to privacy is forfeited, having your location known at all times is a different matter entirely. This allows government to track anyone’s location at any time, resulting in a huge violation of the Fourth Amendment.

The two questions that were raised were whether the government could view emails that are older than 180 days old, and obtain the location of individuals using GPS data from their cell phones, both without a warrant. It was decided that both of these violated the Fourth Amendment.