The laws of governmental intrusion into a person’s privacy are plainly addressed in the Fourth Amendment. Using a warrant issued by a legal official, citizens’ personal belongings may be searched for incriminating evidence. In today’s society, the forms of a person’s “papers and effects” have evolved to spark controversy. While judicial opinion may shift over the decades with technological advances, law enforcement must never violate current constitutional precedent in the pursuit of criminal behavior.

Prior to the advent of word processing, a person’s “papers” were literally sheets or paper carried on their person, in their home, or in storage. Digital paperless documents, such as Word documents or emails, are a natural modern extension of those papers. These means of written communication are socially sufficient for education and employment, so by not obtaining a warrant or without probable cause, looking at those emails is a blatant violation of the Fourth Amendment.

It has been suggested, however, that the private status of emails older than one hundred eighty days old can expire. Emails of that age are assumed by some to pass into a public-domain classification rendering a warrant irrelevant. This logic fails on two fronts.

One is that a creative work of a person can be legally protected from unauthorized use for a minimum of seventy eight years. This is to protect the intellectual property of the author. Not applying this standard to all written communications or created works is a slippery slope of picking out what is, and is not, open for not just unauthorized use, but incrimination, which is the most extreme abuse of another’s created work.

Second, privacy cannot expire; however, it may be surrendered voluntarily due to specific exemptions in legal precedent, such as flyovers. An individual’s private communication in which sensitive information is passed under a reasonable expectation of privacy is private forever. Just because a person’s great-grandmother keeps her teenage love letters under her bed in a lock box, does not mean anyone has the authority to go break in and read them. That communication is private regardless of its age. Private property does not revert to public property on some designated date.

As to the issue of location via cellphone GPS by which law enforcement passively tracks suspects, the Fourth Amendment does not guarantee privacy from an inherent feature of a purchased product. You assume the risk with use; be it cancer or capture. If the police have probable cause and good evidence, then they should be able to trace a suspect through their phone, but this does not open up the contents of that phone to the police. If you knowingly use a device by which your location is open to anyone with the technology to track you, you are not using it with a reasonable expectation of privacy. Similarly, if you knowingly wear a ULM shirt to class at La Tech, you forfeit a reasonable expectation of respect.