Once a person has been accused of a crime, they have a certain set of rights known as the rights of the accused. These rights protect citizens of the United States from certain charges. These rights are the writ of habeas corpus, right to trial by jury, protection from self incrimination, double-jeopardy. The fifth right protects people from cruel, excessive, or unusual punishment. The sixth right is that everyone is entitled to the due process of law. A warrant is a document issued by a legal or government official authorizing law enforcement or some other body to make arrests, search property, or seize property. A writ of assistance is a written order issued by a court, instructing a law enforcement officer such as a sheriff or tax collector to perform a certain task. The way these rights and warrants are interpreted and issued depends on the principles and values of the judge.

While all these rights are very important; they must be interpreted by a judge or jury. The highest judge in America is the Supreme Court. The role of the Supreme Court is to check the actions of congress and the president and preside over cases involving the violation of rights. In the case of Olmsted v. United States in 1923, the Supreme Court in a 5-4 decision decided it was legal for government authority to perform wiretaps without a warrant or permission from a judge. However, in 1967 in the case of Katz v. United States, it was decided that for any type of wire tap or search into personal information requires a warrant. However, if someone willingly complies with a request a warrant isn’t needed.

The principles involved in cases involving cyber security and cyber infrastructure must be applied differently than those involving physical crime or terrorism. For example in a case involving a hacking and seizing by government officials of private information without a warrant (such as emails, texts, or electronically traced GPS locations,) some might argue that the fourth amendment was violated and others might say that the government has the right to observe any electronic information that they desire. However, most judges would agree that is a violation of their fourth amendment rights to unreasonable search and seizer. The Supreme Court has decided time and time again that the government cannot access any type of personal information without a warrant, even information online. However another important debate in today’s society is, do companies you buy your internet access from have the right to sell personal information to advertisers or even observe what you’re doing. One opinion is that if you subscribe to a free service like Facebook, Google, or Gmail, then they have the right to access whatever personal information you leave on their page. However, if you pay for a service, like ATT internet access then they must have your permission to use personal information. All people have certain rights, but the argument here is are these laws still valid in cyberspace?