Written over two hundred years ago, the U.S Constitution protects the freedoms of the American citizen, but in this new day and age, the rights guaranteed by the Constitution are under scrutiny, especially those of the fourth amendment. The fourth amendment protects U.S. citizens from illegal searches and seizures by law enforcement. However, with the law enforcement reading the citizens’ emails and tracking them by the GPS systems embedded in smart phones and tablets, one question arises: Is this a violation of their constitutional rights?

Personal property is very commonly used in the legal system as evidence for court cases. What defines the difference between personal information that is able to be used and that which is not admissible without the possession of a warrant? Reading an email is just the same as examining any other personal document. Important information can just as easily be stored in an email folder as it can be in a file at home. If one cannot gain access to the home and its contents then you should not have access to an email. Reading any email of an unwilling party should be considered a search, and would require a warrant. Citizens deserve privacy for such a personal matter as this. Having a warrant to search for documents contained in an email would be the proper way to act.

The right of privacy also comes into question when justice agencies use the GPS tracking devices in smart phones and tablets to locate an individual. Warrants are not needed in this situation because the people of today already compromise their privacy by using multiple social media sites. In today’s times, the average American tells the world most everything they do and precisely when they do it by posting this information on websites such as Facebook and Twitter. Also, the people targeted in these searches are usually suspected of criminal activity, and therefore, the safety of other citizens trumps the suspects’ right for protection from illegal searches and seizures stated in the fourth amendment. During these situations, it is the location and not the person which is subject to search. This being said, the fourth amendment does not apply to GPS tracking due to the public nature of the information being seized.

The fourth amendment states our personal rights for citizen security, but what are those limits? Warrants are in place to provide first a valid reason for invading a person’s personal life. If a warrant is not necessary to issue then personal things such as email and personal documents should not be searched, it is a violation of privacy. While less personal information, such as a GPS equipped device can be accessed at any time; it is only relaying a location. Therefore, depending on the topic, the fourth amendment rarely defends anything other than searches and seizures.