“Crime is contagious. If a government becomes a law-breaker, it breeds contempt for law… it invites anarchy” (Brandeis). This quote is one of great importance for not only civil libertarians, but for all Americans. The quote is directed toward those who fully support the 4th Amendment, which guarantees all citizens protection from unlawful search and seizure, and to be secure in their “persons, houses, papers, and effects”. Thus the question is asked, what is unlawful search and seizure? How do we determine such legality? In nearly all instances, even in the newfound “cyber-age”, a warrant is always needed; even when answering the questions: may the government have access to email older than 180 days, or obtain the location of a person using GPS data from personal devices (such as phones), without a warrant? Or would that be a violation of the 4th Amendment?

To begin, I will answer the first question: may the government have access to email older than 180 days, or would that be a violation of the 4th Amendment? In the instance of the government hacking, or breaking into, your personal email, then the answer is absolutely no, for many reasons; namely, the right to an acceptable level of privacy and a reasonable expectation of privacy. Can we agree to say that an email, unless proven otherwise, is a private message between two people? Can we also agree, as a country, that an email is private? Surely your personal information can be kept personal, can’t it? Unless the person who receives an email, or vice versa, gives consent for the government to use it as evidence, then it is surely a constitutional violation if a government can peer into your personal life, without written rhyme or reason.

The same applies to the next question: may the government track you with your own cell-phone’s GPS? Again, no, no they cannot. If there is a serious security concern involved with a person (warranting a trace), then a warrant would be used. But if the government does not obtain one, and tracks that said person, and does so conspicuously, then they would surely be violating the 4th; because if the government is so explicit in their search, and without written Oath or detailed accounts, then they are, surely, violating our constitutional right.

Every year the world becomes more inter-connected and more “cyber”. Nearly all cell-phones carry GPS trackers-- and almost everyone owns a computer. But because these are now so common, they need to be protected, and are protected, under the 4th Amendment. Effects, and even papers, could be considered emails, and on most people’s person is a cellphone. With that being said, I fully believe the above questions are not questions at all, and should be expressed as statements: statements of our Freedom and our Rights. The Government cannot have access to 180 day-old emails, and obtain a person’s location with their own phone’s GPS, without a warrant; for it is protected by the 4th Amendment.