The fourth amendment protects us from unwarranted searches and seizures. In order for police to search and seize things they must have a warrant issued by a judge. In order to get a warrant, they must have a reasonable belief that a crime is being committed and evidence supporting that belief. We have the fourth amendment to protect our right to privacy. Our founding fathers thought that this was important to include because the British were allowed to come into our homes and search for no immediate reason.

Under the fourth amendment, a home is considered to be a man’s castle. Our homes are where we keep all our most valuable and private things and as such we are protected inside them. That protection extends to anywhere we expect privacy. According to the Supreme Court holding in Katz even our communications, though the messages travel by wires outside of our homes, are protected if we expect privacy in the place where we are making the communication from. It is important to remember though that the expectation of privacy has to be reasonable. For example, if you are talking on your cell phone in a public area you do not have a reasonable expectation of privacy so those communications would not be protected.

Although the fourth amendment says that it protects our privacy, it seems that some laws go against it. For example there is a law that states that if emails are older than 180 days the government is allowed to search through them without a warrant. We believe that this is a search and seizure that should be protected by the fourth amendment. We believe this for several reasons. First, having emails stored in your password protected account is just like having papers stored in your house. We are saving them for a reason, they are not trash, and if we did not want them any longer we would delete them. There is an expectation of privacy. Second, 180 days is a long time. If they felt the need to look through our email and have adequate cause, they could obtain a warrant within that same time frame.

Another questionable practice is the government using the GPS tracker in electronic devices to obtain your location. We do think this qualifies as a search under the fourth amendment because they are able to find us whenever we carry this device. The amendment does extend to searches and seizures of us. What we question is if we have a reasonable expectation of privacy. Most people know that their phones have GPS tracking, so we know they can find us. It is our choice if we have our cell phone on or off. However, we do think it can turn into a violation if the government goes too far. Using it to find our location once is one thing; the government watching us all the time is an invasion of privacy and should require a warrant.