Supreme Court of the United States

CITIZENS UNITED v. FEDERAL AGENCIES OF THE UNITED STATES GOVERNEMENT

No. 08-205.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF LOUISIANA

Argued June 13, 2014. Decided June 14, 2014.

Be it known that on this 13th day of June, 2014, it was brought before this court the issue of government use of GPS location data retrieved from personal cell phones, without the issuance of a search warrant. The Fourth Amendment to the Constitution of the United States of America provides for the protection of citizens’ rights from warrantless searches of personal property. A citizen making use of a personal cellular device has a reasonable expectation of privacy when carrying and/or using the device. A cellular phone is a personal mobile device, and not a static location, and must be considered as an extension of the person in possession. As such, any information obtained from the device is protected under the Constitution of the United States. This court finds that the use of cellular GPS location data for the purpose of tracking an individual’s location by the government, without the issuance of a warrant, is a direct violation of the 4th amendment rights of the individual in possession of the cellular device.

Be it also known that on this 13th day of June, 2014, it was brought before this court the issue of government use of drone aircraft to record activities occurring within the boundaries of private property, without the issuance of a search warrant. Per Katz v. United States (1967) the Fourth Amendment was found to protect people, not places. Any activity knowingly exposed to the public by an individual, be it on private or public property, is not reasonably expected to be private. The use of drone aircraft to record activities occurring within private property, and without the reasonable expectation of privacy, is within the power of the United States Government. Any attempt made by an individual to conceal the activity from public view implies a reasonable expectation of privacy, and as such, these activities are protected by the Constitution of the United States.

Judgment is rendered hereafter, and shall be recorded as such.

After hearing the arguments and examining the evidence presented by both parties in this case, this court has decided that the Federal Agencies of the United States Government DO NOT have the authority to make use of cellular GPS location data from personal cellular devices without the issuance of a warrant.

After hearing the arguments and examining the evidence presented by both parties in this case, this court has decided that the Federal Agencies of the United States Government DO have the authority to record activity on personal property by the use of drone aircraft, if and only if reasonable measures are not made to conceal the activity, thereby removing an individual’s reasonable expectation of privacy.

