The government does not have to issue a search warrant to access e-mails older than one-hundred and eighty days, and also does not have to obtain a search warrant to find your location through the picking up of transmission signals from any device: cell phone, tablet, smart phone nor laptop. Once these signals leave your phone, they are open to any interception for investigative purposes. Just as with garbage being put out for pick-up making it open for the public, once an electrical signal leaves your phone and enters the air, it is also open to the public.

Once you buy a product, such as a cellular device, or open an e-mail account with Yahoo!®, there are terms you must agree to in order to be able to use said products. Using this technology is a privilege, not a right. Don’t acquire those objects if you don’t accept the rules. Consumers need to understand that anything they send can be seen by others.

One should not have an expectation of privacy when dealing with the authorities monitoring your e-mail or phone because the Fourth Amendment protects only the people. Not their possessions. As in the case Olmstead v. the United States, it was determined that wire tapping Mr. Olmstead and using that evidence against him in court was not covered in the Fourth Amendment nor the Fifth Amendment.

It is in the interest of National Security and how to best keep domestic tranquility that monitoring a known fugitive or suspect in a case at the expense of a single individual’s privacy is worth it.

The dissenting opinion is as follows.

One would need to consider the verdict in the Katz v. United States to truly get a view of the situation. The verdict is that you needed to obtain a search warrant before you are legally able to wire tap an individual’s phone. That would mean that one would need to acquire a search warrant to view emails older than one-hundred and eighty days and track the location of a cellular device.

Look at it like this, just because something is old, in this case one-hundred and eighty days old, doesn’t make it garbage or is no longer relevant. Doing so would amount to the same as a police officer walking into your home uninvited, picking up letters that were mailed to you off your table, read them, and then leave. That is a clear breach of privacy.

The same can be said for tracking a cell phone’s location. Although you may send a signal, that is still your personal signal. It’s like putting a letter inside an envelope, and then mailing it. The reason for the envelope is to mask what was written and not allow anyone to read it until it arrives at the correct location.

In conclusion, all that can be determined is that the safety of many is of greater importance than the privacy of one.