The fourth amendment guarantees Americans the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures”. This defining statement implies the government is required to have probable cause for a warrant to be issued by the courts.

The issue before us is whether or not the government wanting access to e-mails older than 180 days without a warrant is a violation of the fourth amendment. The fourth amendment protects the rights of individuals from seizure of their “papers” without proper warrants. As technology has advanced since this was first written, do we consider e-mail to be any different from traditional postal mail? Postal mail being on paper, is considered protected by the fourth amendment. Do we consider e-mail to be a different form of communication because it lacks the physical property of being on paper? It is our opinion that e-mail, although lacking the physical property of being written on paper, is still considered a form of communication enhanced by technology. We must consider the intentions of the founding fathers upon construction of the Bill of Rights. They wrote about the times and means of communication available to them. In 1787, the only means of communication was vocally, or by printed material. Do we ignore the fourth amendment’s meaning merely because the technology of today has surpassed that of 1787? We feel that e-mail being considered a form of personal communication is considered as one’s personal “papers” and is protected under the fourth amendment to the United States Constitution. As to e-mail that is older than 180 days old, it is of our opinion this should make no difference. Many people keep papers for long periods of time and electronic mail should have the same treatment as postal mail.

On the second argument, may a government, without warrant, obtain the location of individuals using data from electronic devices, we feel that this is a violation of the fourth amendment. Again, technology has given rise to new methods of use in the form of Global Positioning Satellites (GPS). In 1787 the only means of placing an individual at a location was by sight. However, with today’s technology, aperson can be seen miles away without their knowledge. This is considered a search and seizure of information in violation of the fourth amendment.

Continually we have to recognize what was written by the founding fathers in 1787 must change as society changes. The essential rights and freedoms still exist even though technology has advanced to a point that it can appear to violate them. It is the way we use technology that will dictate our future and the rights and freedoms guaranteed at that time.