The Supreme Court has been asked to determine two things about the 4th amendment. The first asks if the fourth amendment is violated if the government gets emails that have been sitting on a computer for 180 days without a warrant. The second issue asks if it is violated if the government, without a warrant, tracks peoples movement using their cell phones. In this paper, we will discuss what a violation of the 4th amendment is and if these are violations.

The key parts of the 4th amendment state that we have the right to be secure in our home and property and be protected against unreasonable searches and seizures. In other words, the government can only enter our home or take our things when they have probable cause and can get a warrant. There are some exceptions. The Court has already ruled that the government can do certain things. The following things are not protected: use of pen registers (outgoing calls), flight over property, bank records, garbage, drug dog sniff, vehicle check point, or whatever is in plain sight. None of these exceptions deal with the problem at hand. The court has already looked at some similar issues though. The 4th amendment protects people, not places according to the *Katz* case, which dealt with a private conversation on a phone.

The first question we have is should emails left on your computer for more than 180 days be kept private without a warrant. However, we think the real issue is if your information once it becomes slightly outdated should be kept private? One could argue that emails stored longer than 180 days are basically useless garbage, once the time limit is up the information is no longer under Supreme Court protection. On the other hand in some situations, like planning a big event, 180 days is not much time; therefore, they should wait for probable cause.

The second issue we have to deal with is if the government without a warrant tracks people’s movement, using their cell phone, is that a violation? On one hand, we could say that people know that cell phones work off towers and can be attacked and therefore should not expect privacy when using a cell phone. On the other hand, it is very likely that most people do not know that the government can use their cell phone to track their movements. Thus if the government wants to track people without probable cause they should be informed of this capability.

In conclusion, we do not think that we, the Supreme Court, should decide this issue today. Due to the fact that our forefathers did not have this technology the language of the 4th amendment does not provide an answer. In their time they thought of property as a solid thing. Congress should make a law dealing with these specific issues, because that is their job, not the job of the Court.