

We are in a new age, a digital one. My generation, Generation Z, is often thought of as the generation of technology. The generations to come after will be very dependent on technology as well, if not more so. Nowadays, phones are not just used to make calls or send texts. We are so dependent on technology that smartphones, tablets, and computers hold most of our private information. This is why technology should be protected from unreasonable searches and seizures just as much as persons, houses, papers, and other effects. Unreasonable search and seizure in the digital age is a warrantless search or seizure of a personal electronic device without probable cause or a specific exception.

The U.S. Constitution has been around for hundreds of years. Among other things, it ensures our citizens' basic rights and freedom. We must all follow the Constitution, but throughout the years, the courts have had to decide where to draw the line. Particularly the Fourth Amendment: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches or seizures..."

A case from 1967 that supports this point of view is *Katz v United States*. Though this was before the digital age, it is directly relevant to this topic. The Supreme Court ruled it a violation of the fourth amendment for the police to secretly attach a listening device to a public telephone booth and record conversations, because this amendment guarantees people a "reasonable expectation of privacy". It is reasonable for any person to expect to have private conversation without being listened to. In some cases, exceptions can be made to the fourth amendment and police can search warrantless with a probable cause. However, the police had no knowledge of who would use the phone booth that day nor a specific exception or probable cause to listen to everyone that used it. Though it was a public phone booth, people were not told they were being recorded which is a violation of privacy.

In another important case, *Riley v California*, the Court determined that police could not search an individual's phone without a warrant, although he had just been arrested. The Court explained about private information stored on electronics that "The fact that technology now allows an individual to carry such information in his hand does not make the information any less worthy of the protection for which the Founders fought." If someone is in immediate danger, evidence is about to be destroyed, or a suspect is about to escape, searching warrantless is allowed. However, none of these were the case at the time.

I strongly agree with the Court's ruling of about the *Riley v California* case. Our founding fathers ensured that our important and private information was protected. Now that we can carry around this information in our hand, there is no reason that its safety should not be guaranteed. It is still the same information, just stored differently. Furthermore, the beginning of the fourth amendment is "The right of the people to be secure in their persons, papers, and effects against, unreasonable searches or seizures." If someone owns an electronic device, it is one of their effects and is thus protected by the fourth amendment.

Electronic devices hold most of our our private information, and should therefore be protected from unreasonable searches and seizures just as much everything else our founding fathers fought to protect. The Constitution was written many years ago. Since then technology has taken over, so the application of our laws should adapt to fit our new country.

## Works Cited

Strasser, Mr. Ryan. "Fourth Amendment." *Legal Information Institute*, Legal Information Institute, 5 June 2017, [www.law.cornell.edu/wex/fourth\\_amendment](http://www.law.cornell.edu/wex/fourth_amendment).

Essay Prompt Source Material

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