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The rights of conscience and opinion must be equally & completely exempted from government regulation.



James Madison

CONGRESS SHALL MAKE NO LAW
RESPECTING THE FREEDOM OF SPEECH,
RELIGION, PRESS, ASSEMBLY, OR PETITION.





The Fourth Amendment

“The right of the people to be secure in their persons, houses, papers, and effects, **against unreasonable searches and seizures**, shall not be violated, and no **Warrants** shall issue, but upon probable cause, supported by **Oath or affirmation**, and particularly describing the place to be searched, and the persons or things to be seized.”

Carpenter v. United States, 2018
Signe Wilkinson by Signe Wilkinson





James Otis Arguing Against the Writs of Assistance in the Old Towne House



NO. 18, A SAFE PLACE—WILKES IN THE TOWER, 1763

*A Safe Place -
Wilkes in the
Tower, 1763,
'The Graphic',
1885 (WOA
5308)*

John Adams



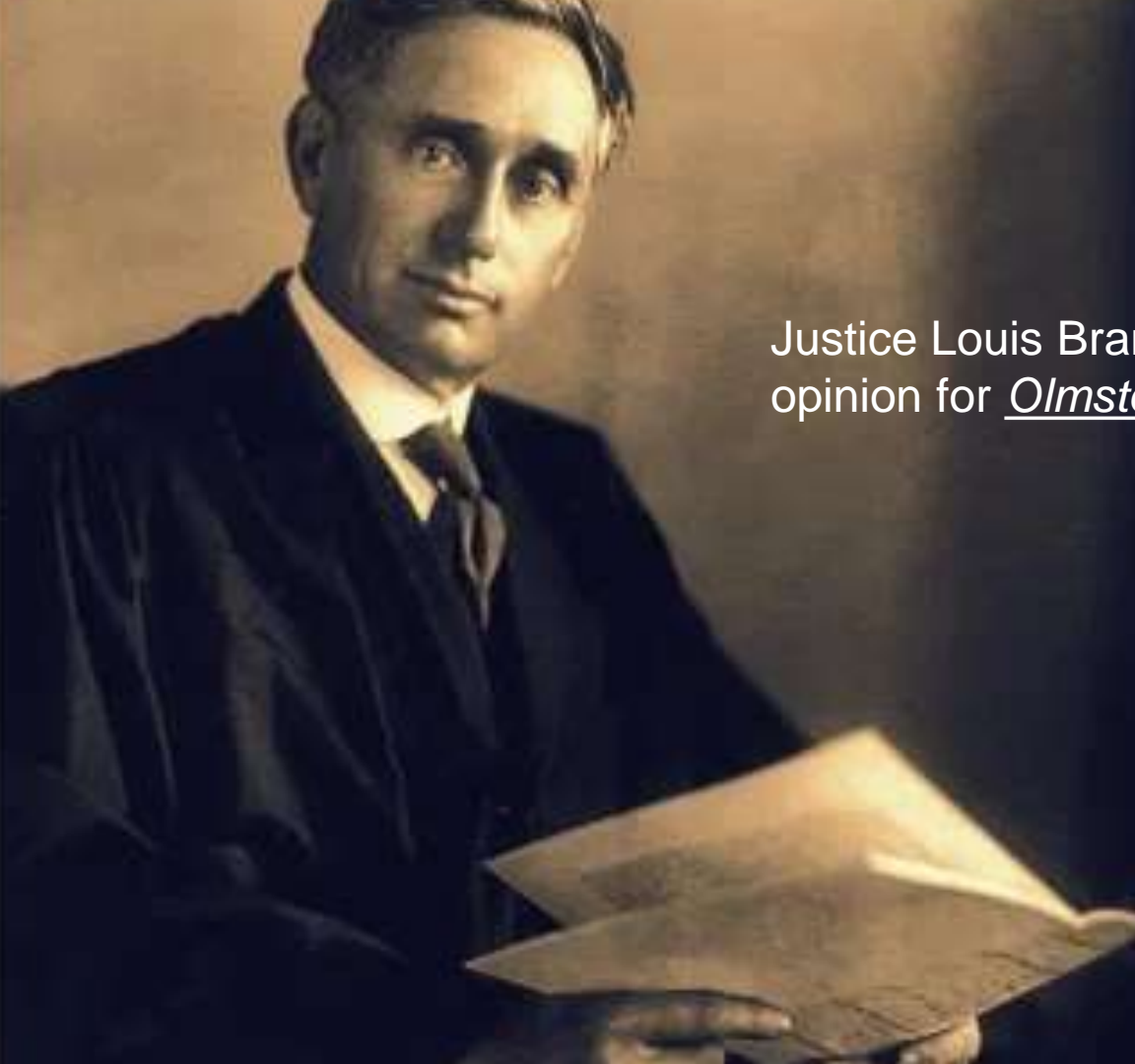
Virginia Declaration of Rights banned “**general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of fact committed.**”

<https://www.archives.gov/founding-docs/virginia-declaration-of-rights>

The Massachusetts Constitution of 1780 was especially influential.

“Every subject has a right to be secure from all unreasonable searches and seizures, of his persons, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in the warrant to a civil officer, to make a search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; And no warrant ought to be issued, but in cases, and with the formalities, prescribed by the laws.”

<https://www.mass.gov/guides/john-adams-the-massachusetts-constitution>



Justice Louis Brandeis, dissenting in his opinion for *Olmstead v. United States* in 1928.



December 18, 1967, the Supreme Court ruled in [*Katz v. United States*](#), expanding the [Fourth Amendment](#) protection against “unreasonable searches and seizures” to cover electronic wiretaps.

Third Party Doctrine

***Smith v. Maryland (1979)*
and *United States v.*
*Miller (1976)***

The Court held that government access to telephone calling records and bank records, respectively, were not Fourth Amendment searches for which warrants were required.



Third Party Doctrine

***Jones v. United States* (2012) and *Riley v. California* (2014)**

A federal court in *California* ruled that police must get a warrant before obtaining a user's location records. The court found individuals have a "reasonable expectation of privacy" in their cell phone location data, based on the Supreme Court's recent decisions in *United States v. Jones* and *Riley v. California*.



CONTACT INFORMATION

Ksautner@constitutioncenter.org

Education@ConstitutionCenter.org

ConstitutionCenter.org

Twitter:

@ConstitutionCtr

@ksautner

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