Right to Privacy Case Study

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Author Note

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According to Paul Freund, a Harvard Law Professor, *“the Court should never be influenced by the weather of the day but inevitably they will be influenced by the climate of the era.*” There are sound words that continue to hold more and more precedence as the time moves on and we enter an era whether laws put into place, and practices considered the norm, a century ago no longer hold water. This is because changing times has highlighted new, debatable issues that need to be addressed in a manner that not only solves the problem but also sets the right precedent for future generations.

One such issue is the right to privacy and how the US constitution deals with it. Firstly, the US constitution contains no express right to privacy for an individual. One can argue that the Bills of Rights did safeguard certain aspects of privacy, but it is still severely lacking. For instance, the first amendment addresses the privacy of beliefs, the third amendment provides privacy of home, fourth amendment against unlawful search and seizures and the fifth amendment against self-incrimination (Berkin, 2016). While all these amendments in bills of rights provide us with some semblance of privacy, it is severely lacking in other areas. This is covered by the ninth amendment, which states that “count of specific rights in the Bill of Rights should not be understood to deny or deride different rights held by the general population” (McConnell, 2009). However, even with the ninth amendment in place, the law enforcement agencies still had the right to access our private and confidential information, however and whenever they wanted. All they had to state was that our personal records were needed for an investigation and they could have access to them. Back in the day when everyone uses landline telephones, this was not an issue. However, with changing times and the availability of cellphones, digital privacy became a major concern, especially after the Snowden revelations (Gellman, Blake, & Miller, 2013).

Thus, in a landmark ruling by the U.S. supreme court stated that authorities and the government could not access an individual’s cellphone location history without a due cause and a search warrant (*US v. Carpenter*, 2016). In 2011, four men were arrested for their part in an armed robbery. One of the four men confessed to having given the FBI the cellphone details of the other three men, the information used by FBI to obtain their records. On the information received, the men were charged for aiding and abetting a robbery. However, the government’s warrantless access to personal records was recognized by the supreme court as the violation of the individual’s fourth amendment rights. This ruling was very narrow and did not address several significant issues, such as real-time cell site location information and information downloaded by the tower that the cellphone is connected to. However, it overturned a number of laws created and put in place in the past century and served as one of many steps towards ensuring digital and personal privacy for an individual, especially from government authorities (Liptak, 2018).

Given the fact that the 21st century is hailed as the era of the internet, digital privacy has given rise to a new set of debates. We put plenty of our personal information online at our own discretion, we still hold the right to ensure that the law enforcement agencies and any third-parties are still protecting our privacy without giving rise to a civil argument over the significance of personal privacy and protection. In a perfect world, we would not have to work for something that should be our birthright, to have complete autonomy over our lives. However, we do not live in a perfect world, and ensuring that we keep ourselves and our loved ones safe is a struggle we need to work for every single day of our lives.

**References**

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