Carpenter v. United States in Depth Look

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On June 22, 2018, the Supreme Court decided on the most recent and paramount technological argument about the fourth amendment. This case deals with how the government is legally allowed to obtain cell site location information (CSLI) of a citizen. While the case was a close call, with a 5-4 majority opinion, the court agreed that the government has to have a warrant with proper probable cause to obtain an individual's CSLI from a third-party (wireless provider). After reading the majority opinion and dissenting opinions, I agree with the Supreme Court's decision based on the details discussed in the following paragraphs.

The case begins when police arrest Timothy Carpenter and three other men with the suspicion that they were involved in a series of robberies. Carpenter confessed to detectives that he and other individuals had robbed Radio Shack and T-Mobile stores. He even gave the FBI the telephone numbers of those involved in the crimes, including his own. Prosecutors then obtained the cell phone records of the suspects under the Stored Communications Act. This act is a federal law that allows phone records to be released if it is relevant to an ongoing investigation. From this order, the FBI gained cell-site records along with cell-site location information (CSLI). Carriers collect CSLI data that has an exact time, date, and precise area location when a person connects their phone to a cell site. When dealing with CSLI it is crucial to note that an individual's phone can connect to a cell-site tower without interacting with their phone. The FBI relied heavily on the CSLI obtained to charge and convict Carpenter because it placed him near the robberies at the same time they occurred. Mr. Carpenter moved to suppress his CSLI data based on his fourth amendment rights that he had a reasonable expectation of privacy. He argues the FBI should have gotten a warrant and not the Stored Communications Act that allows phone records to be released if it is relevant to the case. The District Court denied Mr. Carpenter's motion. When Carpenter tried to appeal his case to the Sixth Circuit Court of Appeals, they

agreed with the District Court that he had no reasonable expectation of privacy since he shared his records with his wireless carriers. Ultimately, Carpenter was charged and convicted at the lower-level courts, but he decided to challenge them and appeal to the Supreme Court.

Although the Supreme Court's decision was a narrow one, the Court decided that Carpenter was under the protection of the fourth amendment and that cell-site location information does require a warrant before obtaining records from third parties. The majority opinion is based on four cases that set precedents including Katz v. United States, Smith v. Maryland, U.S. v. Miller, and Riley v. California. The first case to be argued was Katz v. United States in 1967 when the FBI tried to introduce evidence about his phone calls that the agents had eavesdropped in on and recorded. The Supreme Court decided that Katz's oral statements were protected by the fourth amendment. The Court established "it is unconstitutional under the Fourth Amendment to conduct a search and seizure without a warrant anywhere that a person has a reasonable expectation of privacy unless certain exceptions apply" including oral statements ("Katz v. United States"). This case expanded the limitations of the fourth amendment and set the precedent for the Supreme Court to determine the protections that fall under the fourth amendment. Next, in 1976 in United States v. Miller the Court decided that "the Fourth Amendment does not prohibit the obtaining of information revealed to a third party and conveyed by him to Government authorities" ("United States v. Miller"). In a similar case in 1979, Smith v. Maryland, the Supreme Court determined that when police recorded telephone numbers from a particular line it did not violate the fourth amendment since the information was going to a third party (the phone company) ("Smith v. Maryland). Both of the decisions were essential in Carpenter's case because of the third-party principle. The difference between Carpenter's case and the two cases above is personal location. Personal location, unlike other

information, has a reasonable expectation of privacy whether it is recorded/owned by a third party or shared by that third party with the government. The two prior cases did not have reasonable expectations of privacy. Lastly and likely the most important is Riley v. California which was recently decided in 2014. This case set the precedent on search and seizure of mobile phones and noted that they are, “minicomputers filled with massive amounts of private information, which distinguished them from the traditional items that can be seized from an arrestee's person” (Riley v. California). CSLI is much like the private information that is stored on an individual's phone and has the same reasonable expectation of privacy. This precedent likely helped the most when making the final decision. Overall, all the cases are precise precedencies that helped the Court make a new precedent about personal location and CSLI.

After inspecting, dissecting, reading, and researching about Carpenter v. United States, I fully agree with the majority opinion of the Supreme Court. There are several reasons for this agreement based on arguments made in the majority opinion and even after reading the dissenting opinions. Privacy, in general, has been an issue in the technological age and the government can easily take advantage and abuse the powers they hold. When it comes to modern phones, most people cannot survive or be successful without one. These phones contain people’s entire lives and more personal information than people ever thought possible. Individuals constantly have their phones and because of the multitude of cell towers available, tracking location is easier than ever. If the government is allowed to obtain cell-site records based on a possibility that it is reasonable and pertains to their case, then when and what would be off-limits? Warrants protect the citizens of this country by allowing other with no bias to judge whether it is necessary and right to access the personal information of a suspect. While the dissenting opinions do make a good argument that “The Court has twice held that individuals

have no Fourth Amendment interests in business records which are possessed, owned, and controlled by a third party," ("Carpenter v. United States, 585 U.S. ___ (2018)") those records were not such precise personal information that it only takes a matter of minutes to figure out where someone has been for the past several months. The Supreme Court's majority opinion in Carpenter v. United States helps protect our personal information and how easily the government access that information. I believe this court case will help future Supreme Court justices in their endeavors to practice the United States law as intended while protecting the rights of its citizens.

Works Cited

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