

A Celebration of the Fourth, on the Fourth

by [Mark Stanley](#) [1]
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Today, as Americans celebrate their independence, CDT is also celebrating the [Fourth Amendment](#) [2] to the United States Constitution:

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...

Recent national developments—from the proliferation of drones to revelations about NSA data collection—have focused the public's attention on the Fourth Amendment, raising important questions about how this right should be applied in the digital age.

As technology progresses in ways that enrich us but also provide easy access to intimate details of our lives, it's imperative that the checks and balances that protect against government overreach do not fall behind. Unfortunately, privacy protections haven't always kept pace with technology. In the midst of revelations about surveillance programs, [people across the country are beginning to organize](#) [3] to reclaim their Fourth Amendment rights. Several bills, both in Congress and at the state level, present an opportunity to turn the tide in favor of privacy.

This spring, a bipartisan bill to update the Electronic Communications Privacy Act (ECPA) passed out of the powerful Senate Judiciary Committee. The [bill](#) [4], introduced by Senators Patrick Leahy (D-VT) and Mike Lee (R-UT), would require the government—from the DOJ to the IRS—to obtain a warrant from a judge before accessing the contents of email and documents stored online. Currently, the government argues that it can obtain this information *without* a warrant. The Leahy-Lee ECPA reform bill is expected to go to a floor vote in the coming months. The bill also has a [counterpart](#) [5] in the House, introduced by Representatives Kevin Yoder (R-KS) and Tom Graves (R-GA). The Yoder-Graves bill has 111 cosponsors from both sides of the aisle, showing the widespread political support for this issue.

And it isn't just Congress: In June, Texas became a national leader by enacting [legislation](#) [6] that requires law enforcement to obtain a warrant before accessing the content of electronic communications. The bill passed the state legislature handily. Then, two weeks ago, Montana [became the first state](#) [7] to enact comprehensive legislation requiring law enforcement to obtain a warrant before accessing location information generated by cell phones.

There has also been a powerful response to the widely reported revelations about the [NSA data collection and surveillance programs](#) [8]. CDT has [pointed](#) [9] to the mass collection of Americans' phone records under Section 215 of the PATRIOT Act as particularly troubling. Many Members of Congress have [expressed concern](#) [10], and multiple bills have been introduced to curb this collection program, including a bipartisan [bill](#) [11] from Senate Judiciary Chairman Leahy.

This Fourth of July, CDT urges our readers to contact their Members of Congress to support these efforts to safeguard civil liberties. You can use [VanishingRights.com](#) [12] to send a message to your Senator in support of ECPA reform, or you can find your Members' phone numbers [here](#) [13].

Happy Fourth.

as you make no substantive changes and clearly give us credit. [Details](#).

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- [4] <http://www.leahy.senate.gov/download/ecpa-bill-2013>
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- [11] <http://www.leahy.senate.gov/download/sch13282>
- [12] <http://www.vanishingrights.com>
- [13] <http://www.contactingthecongress.org>