

Editorial: Smart phones and the 4th Amendment

Publisher's note: *This editorial is from the April 27, 2014, New York Times.*

More than 90 percent of American adults own a mobile phone, and more than half of the devices are smart phones. But "smartphone" is a misnomer. They are personal computers that happen to include a phone function, and like any computer they can store or wirelessly retrieve enormous amounts of personal information: emails, photos and videos; document files; financial and medical records; and virtually everywhere a person has been.

On Tuesday, the Supreme Court will consider whether law enforcement officers during an arrest may search the contents of a person's mobile phone without a warrant. The court should recognize that new technologies do not alter basic Fourth Amendment principles, and should require a judicial warrant in such circumstances.

The court is considering the issue in two separate cases. In one, Boston police officers arrested a man on drug charges and seized his flip phone. After seeing an incoming call on the phone's outer screen, they opened the phone and checked the call log, which led them to an apartment where they found drugs, money and firearms.

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