DOWNLOAD PDF KATZ V. UNITED STATES

Chapter 1 : C-SPAN Landmark Cases | Katz v United States

Acting on a suspicion that Katz was transmitting gambling information over the phone to clients in other states, Federal agents attached an eavesdropping device to the outside of a public phone booth used by Katz.

Charles Katz lived in Los Angeles and was one of the leading basketball handicappers in the country in the s. He made his money placing bets for interstate gamblers and keeping a share of the winnings. However, interstate gambling was illegal under federal law, so to avoid detection and prison, he used public telephone booths along Sunset Boulevard to conduct his business. Unfortunately for Katz, the Federal Bureau of Investigation caught on to his activities in February and moved quickly to collect evidence. The FBI identified the three phone booths Katz used on a regular basis and worked with the telephone company to take one out of service. The deck was stacked against Katz. After all, the evidence was damningâ€”his coded language was easily identified as the chatter of a consummate gambler, so it would be difficult to avoid conviction. In that famous case, the ambitious bootlegger Ray Olmstead was brought down by a federal investigation that used a phone wiretapping system to track his calls for months. Private telephone communications, the Court determined, were no different from casual conversations overheard in a public place. Plus, the wiretaps involved no physical intrusion or seizure of private property. Thus, the Fourth Amendment simply did not apply. The Court also held that the Fourth Amendment applies to oral statements just as it does to tangible objects. In arguing against Katz, the government had pointed to the fact that the phone booth was made partly of glass, thereby leaving Katz visible to the outside world. But the Court unequivocally rejected that argument as missing the point: What [Katz] sought to exclude when he entered the booth was not the intruding eyeâ€”it was the uninvited ear. He did not shed his right to do so simply because he made his calls from a place where he might be seen. One who occupies it, shuts the door behind him, and pays the toll that permits him to place a call is surely entitled to assume that the words he utters into the mouthpiece will not be broadcast to the world. To read the Constitution more narrowly is to ignore the vital role that the public telephone has come to play in private communication. And in his lone dissent, Justice Hugo Black, ever the faithful textualist , echoed Olmstead in arguing that the Fourth Amendment did not cover electronic surveillance under the plain text of the amendment. Does the Constitution Require Birthright Citizenship?

Chapter 2 : Katz v. United States Case Brief - Quimbee

Katz v. United States, U.S. (), [1] was a landmark United States Supreme Court case discussing the nature of the " right to privacy " and the legal definition of a " search " of intangible property, such as electronic-based communications like telephone calls.

The Background The case of Katz v. United States began in , when Charles Katz used a public telephone in Los Angeles, California to phone-in illegal gambling bets. Katz used the public phone to place bets with bookies in Miami and Boston. While placing these illegal bets over the phone, Mr. Following the recorded conversations, Katz was arrested and immediately taken into custody by the FBI. In response to the arrest, Charles Katz said the police had violated his rights as an American citizen; he claimed the FBI and the Los Angeles Police Department disrupted his right privacy. The right to privacy is a Constitutional liberty granted to all American citizens. The right to privacy requires all government authorities to protect the privacy of individual American citizens. Because of these rights, the case of Katz v. United States is regarded as groundbreaking and unique. United States trial took place on October 17th of In response to his arrest, Katz appealed the charges and claimed that the FBI lacked sufficient evidence and probable cause to record his telephone conversations. In other words, the government must have solid evidence that you are a criminal or are engaging in illegal activity. Without this evidence, without probable cause, the government cannot invade your privacy. United States trial was decided on December 18th of The case was heard in the Supreme Court of the United States. The Verdict In Katz v. This right is expressed in the 4th Amendment to the United States Constitution. The United States Supreme Court stated that use of a public phone is private in nature. When an individual is making a call, no government agency is allowed to listen to the call unless they have secured probable cause or evidence that points to illegal activity. The 4th Amendment to the United States Constitution does not allow any agency to engage in unlawful searches and seizures of American citizens.

Chapter 3 : Katz v. United States :: U.S. () :: Justia US Supreme Court Center

United States, U.S. (); (2) by a recording device hidden on the person of such an informant, Lopez v. United States, U.S. (); Osborn v. United States, U.S. (), and (3) by a policeman listening to the secret microwave transmissions of an agent conversing with the defendant in another location, On Lee v.

United States, U. While I join the opinion of the Court, I feel compelled to reply to the separate concurring opinion of my Brother WHITE, which I view as a wholly unwarranted green light for the Executive Branch to resort to electronic eavesdropping without a warrant in cases which the Executive Branch itself labels "national security" matters. Neither the President nor the Attorney General is a magistrate. In matters where they believe national security may be involved, they are not detached, disinterested, and neutral as a court or magistrate must be. Under the separation of powers created by the Constitution, the Executive Branch is not supposed to be neutral and disinterested. Rather it should vigorously investigate Page U. The President and Attorney General are properly interested parties, cast in the role of adversary, in national security cases. They may even be the intended victims of subversive action. Since spies and saboteurs are as entitled to the protection of the Fourth Amendment as suspected gamblers like petitioner, I cannot agree that, where spies and saboteurs are involved adequate protection of Fourth Amendment rights is assured when the President and Attorney General assume both the position of "adversary and prosecutor" and disinterested, neutral magistrate. There is, so far as I understand constitutional history, no distinction under the Fourth Amendment between types of crimes. But the Fourth Amendment draws no lines between various substantive offenses. The arrests in cases of "hot pursuit" and the arrests on visible or other evidence of probable cause cut across the board, and are not peculiar to any kind of crime. I would respect the present lines of distinction, and not improvise because a particular crime seems particularly heinous. When the Framers took that step, as they did with treason, the worst crime of all, they made their purpose manifest. I join the opinion of the Court, which I read to hold only a that an enclosed telephone booth is an area where, like a home, Weeks v. Generally, as here, the answer to that question requires reference to a "place. On the other hand, conversations in the open would not be protected against being overheard, for the expectation of privacy under the circumstances would be unreasonable. The critical fact in this case is that "[o]ne who occupies it, [a telephone booth] shuts the door behind him, and pays the toll that permits him to place a call is surely entitled to assume" that his conversation is not being intercepted. Ante at U. The point is not that the booth is "accessible to the public" at other times, ante at U. This view of the Fourth Amendment was followed in Wong Sun v. New York, U. Also compare Osborn v. In Silverman, we found it unnecessary to reexamine Goldman v. This case requires us to reconsider Goldman, and I agree that it should now be overruled. As elsewhere under the Fourth Amendment, warrants are the general rule, to which the legitimate needs of law enforcement may demand specific exceptions. It will be time enough to consider any such exceptions when an appropriate occasion presents itself, and I agree with the Court that this is not one. This application of the Fourth Amendment need not interfere with legitimate needs of law enforcement. The present Administration would apparently save national security cases from restrictions against wiretapping. When one man speaks to another, he takes all the risks ordinarily inherent in so doing, including the risk that the man to whom he speaks will make public what he has heard. The Fourth Amendment does not protect against unreliable or law-abiding associates. It is but a logical and reasonable extension of this principle that a man take the risk that his hearer, free to memorize what he hears for later verbatim repetitions, is instead recording it or transmitting it to another. The present case deals with an entirely different situation, for as the Court emphasizes the petitioner "sought to exclude. The Berger case also set up what appeared to be insuperable obstacles to the valid passage of such wiretapping laws by States. Notwithstanding these good efforts of the Court, I am still unable to agree with its interpretation of the Fourth Amendment. My basic objection is two-fold: The Fourth Amendment says that "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. In addition the language

of the second clause indicates that the Amendment refers not only to something tangible so it can be seized, but to something already in existence, so it can be described. How can one "describe" a future conversation, and, if one cannot, how can a magistrate issue a warrant to eavesdrop one in the future? It is argued that information showing what Page U. Rather than using language in a completely artificial way, I must conclude that the Fourth Amendment simply does not apply to eavesdropping. Tapping telephone wires, of course, was an unknown possibility at the time the Fourth Amendment was adopted. But eavesdropping and wiretapping is nothing more than eavesdropping by telephone was, as even the majority opinion in Berger, supra, recognized, "an ancient practice which, at common law, was condemned as a nuisance. In those days, the eavesdropper listened by naked ear under the eaves of houses or their windows, or beyond their walls seeking out private discourse. There can be no doubt that the Framers were aware of this practice, and, if they had desired to outlaw or restrict the use of evidence obtained by eavesdropping, I believe that they would have used the appropriate language to do so in the Fourth Amendment. They certainly would not have left such a task to the ingenuity of language-stretching judges. No one, it seems to me, can read the debates on the Bill of Rights without reaching the conclusion that its Framers and critics well knew the meaning of the words they used, what they would be understood to mean by others, their scope and their limitations. This Page U. The Amendment deserves, and this Court has given it, a liberal construction in order to protect against warrantless searches of buildings and seizures of tangible personal effects. But, until today, this Court has refused to say that eavesdropping comes within the ambit of Fourth Amendment restrictions. So far, I have attempted to state why I think the words of the Fourth Amendment prevent its application to eavesdropping. In holding that the interception of private telephone conversations by means of wiretapping was not a violation of the Fourth Amendment, this Court, speaking through Mr. Chief Justice Taft, examined the language of the Amendment and found, just as I do now, that the words could not be stretched to encompass overheard conversations: The description of the warrant necessary to make the proceeding lawful, is that it must specify the place to be searched and the person or things to be seized. But that cannot justify enlargement of the language employed beyond the possible practical meaning of houses, persons, papers, and effects, or so to apply the words search and seizure as to forbid hearing or sight. There, federal agents used a detectaphone, which was placed on the wall of an adjoining room, to listen to the conversation of a defendant carried on in his private office and intended to be confined within the four walls of the room. This Court, referring to Olmstead, found no Fourth Amendment violation. It should be noted that the Court in Olmstead based its decision squarely on the fact that wiretapping or eavesdropping does not violate the Fourth Amendment. As shown supra in the cited quotation from the case, the Court went to great pains to examine the actual language of the Amendment, and found that the words used simply could not be stretched to cover eavesdropping. That there was no trespass was not the determinative factor, and indeed the Court, in citing Hester v. While there was a trespass, there was no search of person, house, papers or effects. Thus, the clear holding of the Olmstead and Goldman cases, undiluted by any question of trespass, is that eavesdropping, in both its original and modern forms, is not violative of the Fourth Amendment. While my reading of the Olmstead and Goldman cases convinces me that they were decided on the basis of the inapplicability of the wording of the Fourth Amendment to eavesdropping, and not on any trespass basis, this is not to say that unauthorized intrusion has not played an important role in search and seizure cases. This Court has adopted an exclusionary rule to bar evidence obtained by means of such intrusions. As I made clear in my dissenting opinion in Berger v. Colorado, concurring opinion, U. See also Mapp v. Ohio, concurring opinion, U. This rule has caused the Court to refuse to accept evidence where there has been such an intrusion regardless of whether there has been a search or seizure in violation of the Fourth Amendment. As this Court said in Lopez v. It has been insisted only that the electronic device not be planted by an unlawful physical invasion of a constitutionally protected area. Neither of these cases "eroded" Olmstead or Goldman. Also, it is significant that, in Silverman, as the Court described it, "the eavesdropping was accomplished by means of an unauthorized physical penetration into the premises occupied by the petitioners," U. As I have pointed out above, where there is an unauthorized intrusion, this Court has rejected admission of evidence obtained regardless of whether there has been an unconstitutional search and seizure. Yet this statement should not becloud the fact that, time and again, the opinion emphasizes

that there has been an unauthorized intrusion: As if this were not enough, Justices Clark and Whittaker concurred with the following statement: In light of this and the fact that the Court expressly refused to reexamine Olmstead and Goldman, I cannot read Silverman as overturning the interpretation stated very plainly in Olmstead and followed in Goldman that eavesdropping is not covered by the Fourth Amendment. It appears that this case is cited for the proposition that the Fourth Amendment applies to "intangibles," such as conversation, and the following ambiguous statement is quoted from the opinion: But far from being concerned Page U. Hayden upholds the seizure of clothes, certainly tangibles by any definition. The discussion of property interests was involved only with the common law rule that the right to seize property depended upon proof of a superior property interest. Thus, I think that, although the Court attempts to convey the impression that, for some reason, today Olmstead and Goldman are no longer good law, it must face up to the fact that these cases have never been overruled, or even "eroded. In interpreting the Bill of Rights, I willingly go as far as a liberal construction of the language takes me, but I simply cannot in good conscience give a meaning to words which they have never before been thought to have and which they certainly do not have in common ordinary usage. I will not distort the words of the Amendment in order to "keep the Constitution up to date" or "to bring it into harmony with the times. By clever word juggling, the Court finds it plausible to argue that language aimed specifically at searches and seizures of things that can be searched and seized may, to protect privacy, be applied to eavesdropped evidence of conversations that can neither be searched nor seized. Few things happen to an individual that do not affect his privacy in one way or another. As I said in Griswold v. But there is not. The Fourth Amendment protects privacy only to the extent that it prohibits unreasonable searches and seizures of "persons, houses, papers, and effects. Certainly the Framers, well acquainted as they were with the excesses of governmental power, did not intend to grant this Court such omnipotent lawmaking authority as that. The history of governments proves that it is dangerous to freedom to repose such powers in courts. For these reasons, I respectfully dissent. In the first place, as I have indicated in this opinion, I do not read Silverman as holding any such thing, and, in the second place, Silverman was decided in Thus, whatever it held, it cannot be said it "has [been] long held. In having to overrule these cases in order to establish the holding the Court adopts today, it becomes clear that the Court is promulgating new doctrine instead of merely following what it "has long held. Such an assertion simply illustrates the propensity of some members of the Court to rely on their limited understanding of modern scientific subjects in order to fit the Constitution to the times and give its language a meaning that it will not tolerate. Oral Argument - October 17, Disclaimer: Justia case law is provided for general informational purposes only, and may not reflect current legal developments, verdicts or settlements. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained on this site or information linked to from this site.

Chapter 4 : Katz V United States - Kids | theinnatdunvilla.com

Facts. Katz was arrested after FBI agents overheard him making illegal gambling bets while in a public phone booth. The agents placed electronic listening and recording devices to the outside of the booth and only heard and recorded Katz's end of the conversations.

New York, U. The Berger case also set up what appeared to be insuperable obstacles to the valid passage of such wiretapping laws by States. Notwithstanding these good efforts of the Court, I am still unable to agree with its interpretation of the Fourth Amendment. My basic objection is two-fold: The Fourth Amendment says that 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. The first clause protects "persons, houses, papers, and effects against unreasonable searches and seizures. In addition the language of the second clause indicates that the Amendment refers not only to something tangible so it can be seized, but to something already in existence, so it can be described. How can one "describe" a future conversation, and, if one cannot, how can a magistrate issue a warrant to eavesdrop one in the future? It is argued that information showing what [p] is expected to be said is sufficient to limit the boundaries of what later can be admitted into evidence; but does such general information really meet the specific language of the Amendment, which says "particularly describing"? Rather than using language in a completely artificial way, I must conclude that the Fourth Amendment simply does not apply to eavesdropping. Tapping telephone wires, of course, was an unknown possibility at the time the Fourth Amendment was adopted. But eavesdropping and wiretapping is nothing more than eavesdropping by telephone was, as even the majority opinion in Berger, supra, recognized, an ancient practice which, at common law, was condemned as a nuisance. In those days, the eavesdropper listened by naked ear under the eaves of houses or their windows, or beyond their walls seeking out private discourse. There can be no doubt that the Framers were aware of this practice, and, if they had desired to outlaw or restrict the use of evidence obtained by eavesdropping, I believe that they would have used the appropriate language to do so in the Fourth Amendment. They certainly would not have left such a task to the ingenuity of language-stretching judges. No one, it seems to me, can read the debates on the Bill of Rights without reaching the conclusion that its Framers and critics well knew the meaning of the words they used, what they would be understood to mean by others, their scope and their limitations. This [p] principle, however, does not justify construing the search and seizure amendment as applying to eavesdropping or the "seizure" of conversations. The Amendment deserves, and this Court has given it, a liberal construction in order to protect against warrantless searches of buildings and seizures of tangible personal effects. But, until today, this Court has refused to say that eavesdropping comes within the ambit of Fourth Amendment restrictions. United States, U. So far, I have attempted to state why I think the words of the Fourth Amendment prevent its application to eavesdropping. In holding that the interception of private telephone conversations by means of wiretapping was not a violation of the Fourth Amendment, this Court, speaking through Mr. Chief Justice Taft, examined the language of the Amendment and found, just as I do now, that the words could not be stretched to encompass overheard conversations: The Amendment itself shows that the search is to be of material things -- the person, the house, his papers or his effects. The description of the warrant necessary to make the proceeding lawful, is [p] that it must specify the place to be searched and the person or things to be seized. But that cannot justify enlargement of the language employed beyond the possible practical meaning of houses, persons, papers, and effects, or so to apply the words search and seizure as to forbid hearing or sight. There, federal agents used a detectaphone, which was placed on the wall of an adjoining room, to listen to the conversation of a defendant carried on in his private office and intended to be confined within the four walls of the room. This Court, referring to Olmstead, found no Fourth Amendment violation. It should be noted that the Court in Olmstead based its decision squarely on the fact that wiretapping or eavesdropping does not violate the Fourth Amendment. As shown supra in the cited quotation from the case, the Court went to great pains to examine the actual language

of the Amendment, and found that the words used simply could not be stretched to cover eavesdropping. That there was no trespass was not the determinative factor, and indeed the Court, in citing Hester v. While there was a trespass, there was no search of person, house, papers or effects. Thus, the clear holding of the Olmstead and Goldman cases, undiluted by any question of trespass, is that eavesdropping, in both its original and modern forms, is not violative of the Fourth Amendment. While my reading of the Olmstead and Goldman cases convinces me that they were decided on the basis of the inapplicability of the wording of the Fourth Amendment to eavesdropping, and not on any trespass basis, this is not to say that unauthorized intrusion has not played an important role in search and seizure cases. This Court has adopted an exclusionary rule to bar evidence obtained by means of such intrusions. As I made clear in my dissenting opinion in Berger v. Colorado, concurring opinion, U. See also Mapp v. Ohio, concurring opinion, U. This rule has caused the Court to refuse to accept evidence where there has been such an intrusion regardless of whether there has been a search or seizure in violation of the Fourth Amendment. As this Court said in Lopez v. It has been insisted only that the electronic device not be planted by an unlawful physical invasion of a constitutionally protected area. Neither of these cases "eroded" Olmstead or Goldman. Also, it is significant that, in Silverman, as the Court described it, "the eavesdropping was accomplished by means of an unauthorized physical penetration into the premises occupied by the petitioners," U. As I have pointed out above, where there is an unauthorized intrusion, this Court has rejected admission of evidence obtained regardless of whether there has been an unconstitutional search and seizure. Yet this statement should not becloud the fact that, time and again, the opinion emphasizes that there has been an unauthorized intrusion: For a fair reading of the record in this case shows that the eavesdropping was accomplished by means of an unauthorized physical penetration into the premises occupied by the petitioners. At , emphasis added. As if this were not enough, Justices Clark and Whittaker concurred with the following statement: In light of this and the fact that the Court expressly refused to reexamine Olmstead and Goldman, I cannot read Silverman as overturning the interpretation stated very plainly in Olmstead and followed in Goldman that eavesdropping is not covered by the Fourth Amendment. It appears that this case is cited for the proposition that the Fourth Amendment applies to "intangibles," such as conversation, and the following ambiguous statement is quoted from the opinion: But far from being concerned [p] with eavesdropping, Warden v. Hayden upholds the seizure of clothes, certainly tangibles by any definition. The discussion of property interests was involved only with the common law rule that the right to seize property depended upon proof of a superior property interest. Thus, I think that, although the Court attempts to convey the impression that, for some reason, today Olmstead and Goldman are no longer good law, it must face up to the fact that these cases have never been overruled, or even "eroded. In interpreting the Bill of Rights, I willingly go as far as a liberal construction of the language takes me, but I simply cannot in good conscience give a meaning to words which they have never before been thought to have and which they certainly do not have in common ordinary usage. I will not distort the words of the Amendment in order to "keep the Constitution up to date" or "to bring it into harmony with the times. By clever word juggling, the Court finds it plausible to argue that language aimed specifically at searches and seizures of things that can be searched and seized may, to protect privacy, be applied to eavesdropped evidence of conversations that can neither be searched nor seized. Few things happen to an individual that do not affect his privacy in one way or another. As I said in Griswold v. But there is not. Dissenting opinion, at The Fourth Amendment protects privacy only to the extent that it prohibits unreasonable searches and seizures of "persons, houses, papers, and effects. Certainly the Framers, well acquainted as they were with the excesses of governmental power, did not intend to grant this Court such omnipotent lawmaking authority as that. The history of governments proves that it is dangerous to freedom to repose such powers in courts. For these reasons, I respectfully dissent. In the first place, as I have indicated in this opinion, I do not read Silverman as holding any such thing, and, in the second place, Silverman was decided in Thus, whatever it held, it cannot be said it "has [been] long held. In having to overrule these cases in order to establish the holding the Court adopts today, it becomes clear that the Court is promulgating new doctrine instead of merely following what it "has long held. Such an assertion simply illustrates the propensity of some members of the Court to rely on their limited understanding of modern scientific subjects in order to fit the Constitution to the times and give its language a meaning that it

will not tolerate. The case you are viewing is cited by the following Supreme Court decisions.

Chapter 5 : Katz v. United States: The Fourth Amendment adapts to new technology - National Constitution

Following is the case brief for Katz v. United States, U.S. (). Case Summary of Katz v. United States: The FBI, using a device attached to the outside of a telephone booth, recorded petitioner's phone conversations while in the enclosed booth.

Chapter 6 : Katz v. United States (U.S.) - Wikisource, the free online library

United States, the United States Supreme Court ruled in favor of Katz, stating that the Police Department and the FBI violated his right to privacy. This right is expressed in the 4th Amendment to the United States Constitution.

Chapter 7 : Katz V United States - Cases | theinnatdunvilla.com

The Supreme Court's landmark Katz v. United States decision introduced a new test for Fourth Amendment searches and seizures. In this lesson, you will be introduced to the facts of the case, as.

Chapter 8 : Katz v. United States - Wikipedia

In Katz v United States, U.S. (), the U.S. Supreme Court held that warrantless wiretapping constituted a search under the Fourth Amendment, concluding that a physical intrusion was unnecessary.

Chapter 9 : Katz v. United States | US Law | LII / Legal Information Institute

13 Katz v. United States: The Untold Story Harvey A. Schneider I. INTRODUCTION In October I had the privilege of arguing Katz theinnatdunvilla.com States1 before the United State Supreme Court.*