

Case brief- Katz vs. United States

I'll be writing about one of the landmark cases of u. s. constitutional law which interpreted The fourth Amendment of Constitution. Name of the case is Katz v. United States of America and it was heard in year 1967. My brief will contain 3 parts. First will be summary of facts of the case, next will be the legal issue and finally it'll be ruling and reasoning of court.

1.

The instant case involves the following circumstances. Federal agents watched for a certain time Katz, because he was visiting bank and then telephoning from two or three telephone booths almost every day. Petitioner was charged with transmitting wagering information by telephone in violation of federal law. FBI agents placed an electronic listening device to the top of telephone booth that petitioner used and recorded his calls. These records were used as main evidence in front of the Court. Petitioner was charged with transmitting wagering information by telephone in violation of federal law.

2.

What is the legal issue in this case? In my opinion we can talk about one really important legal issue. As I mentioned at the beginning it deals with constitutional law specifically the Fourth Amendment. The issue is whether the Fourth Amendment of the Constitution protects telephone conversations conducted in a phone booth and secretly recorded from introduction as evidence against a person?

3.

The Court of Appeals affirmed petitioner's conviction and stated that the Fourth Amendment wasn't violated because there was no physical entrance into the area occupied by (the petitioner). The Court held that "the Fourth Amendment protects people, not places. What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection"¹. Katz petitioned U.S. Supreme Court for certiorari.

Supreme Court granted certiorari and reversed Court of Appeals rulings. The court held that public telephone booths are granted the protection of the Fourth Amendment. Two-pronged privacy test was used to decide whether government action is a search. There have to be actual expectation of privacy and reasonable expectation of privacy. That means that person firstly have to be on place that is recognized as private and secondly he actually expects to have privacy. Both was fulfilled in this case.

¹ *US Courts: Educational Resources: Classrooms to Courtrooms: Fourth Amendment: Katz vs. United States: Cell phone surveillance: Facts and case summary* [online]. Administrative Office of the US Courts [cit. 28.11.2012]. Dostupné z: <http://www.uscourts.gov/EducationalResources/ClassroomActivities/FourthAmendment/CellPhoneSurveillance/FactsAndCaseSummary.aspx/>