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**THE FOURTH
AMENDMENT**

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.

**MEMORANDUM IN SUPPORT
PROHIBIT THE USE OF REVERSE LOCATION AND REVERSE KEYWORD SEARCHES
(A.84 (QUART)/S.296 (MYRIE))**

Restore The Fourth writes in strong support of A.84/S.296, to prohibit the use of reverse location and reverse keyword searches.

We are a national civil liberties organization, founded in 2013 in the wake of the Snowden revelations, and focusing on issues of privacy, government surveillance and the Fourth Amendment.

The key reason the Founders passed the Fourth Amendment was to prevent “general warrants” – searches where colonial agents suspected that *some* house in a town held smuggled or seditious materials, but they didn’t know *which* house. Warrants for searches lacking “particularity” – or, without specifying the person, the place, and what’s being searched for – are unconstitutional.

Reverse location and reverse keyword warrants operate very similarly to colonial-era “general warrants.” To access one unknown potential suspect’s private information, the information of hundreds or thousands is put at risk, merely because they were in a certain area at a particular time or because they entered certain keywords into a search engine. In such searches, the innocent will vastly outnumber the guilty. It is not worth damaging the rights of all of us, in the hope of accessing information on a few marginal extra suspects.

People should not have to choose between using new technologies and services or keeping their personal and digital lives out of the hands of police. Instead, as the Fourth Amendment provides, police must get a particularized warrant before seizing and searching people’s private information, based on probable cause that the particular person whose information is seized is involved in an actual crime.

The alternative is horrifying: That in the interest of solving crimes, we permanently leave a window open to law enforcement, to see where we go, who we know, what we do, what we want to know, and who we are.

Already, reverse warrants have led to multiple alarming incidents including false arrests. They were used at First Amendment-protected protests against police brutality, ensnaring protesters in Minneapolis, MN and Kenosha, WI. They are also rapidly spreading; recent disclosures by Google show a twelvefold increase of reverse location requests from 2018 to 2020, totaling 20,932 requests.

A.84/S.296 will modernize New York’s privacy laws by outlawing these types of dragnet searches. Restore The Fourth urges the New York State Legislature to pass A.84/S.296, so that New York’s privacy laws reflect our modern digital age.

Sincerely,



Alex Marthews, National Chair, Restore The Fourth