

Module 12: The Changing Times – The 2000s to the Present

Topic 2 Content: The Right to Privacy

Introduction

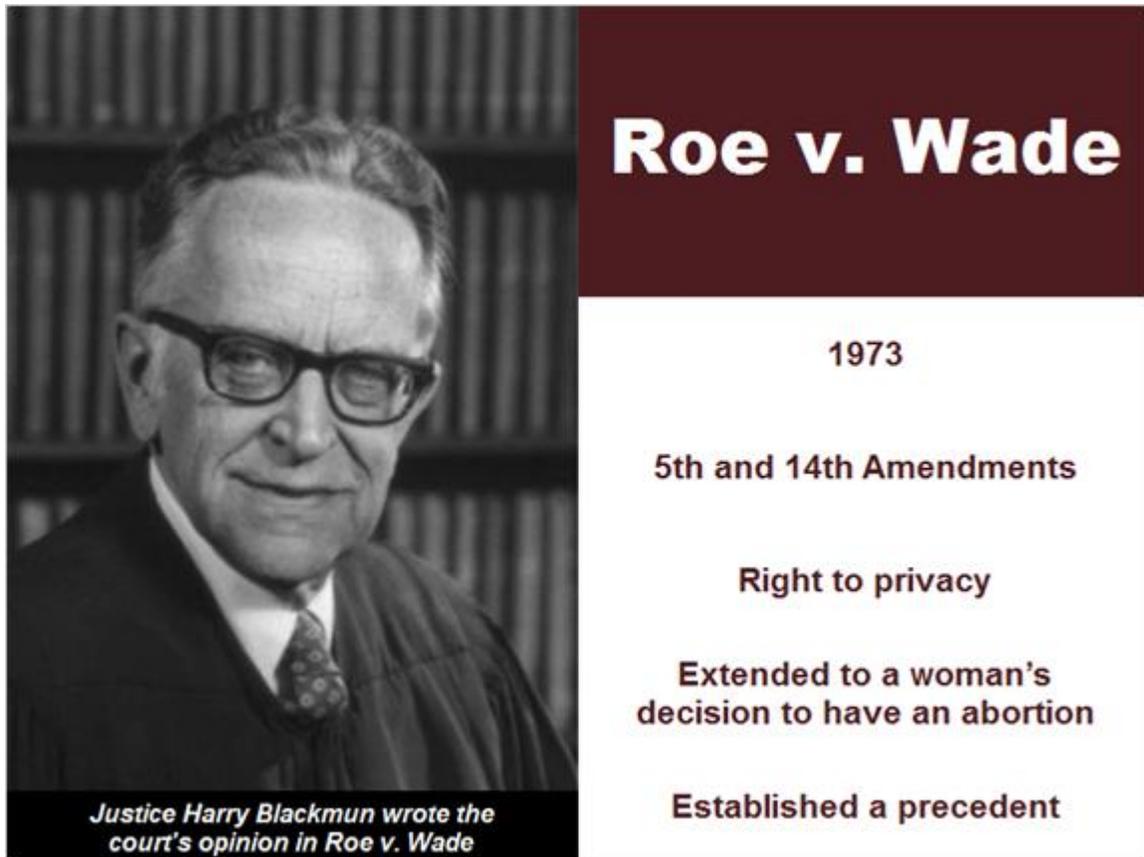


Click the NEXT button to explore how the court cases of *Roe v. Wade* and *Riley v. California* have maintained the right to privacy in the United States.

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Roe v. Wade



Roe v. Wade

1973

5th and 14th Amendments

Right to privacy

Extended to a woman's decision to have an abortion

Established a precedent

Justice Harry Blackmun wrote the court's opinion in Roe v. Wade

In 1973, the United States Supreme Court ruled by a vote of 7-2 that the due process clauses found in the Fifth and Fourteenth Amendments create a right to privacy. The due process clause in the Fifth Amendment says, “nor be deprived of life, liberty, or property, without due process of law,” and the clause in the Fourteenth Amendment says, “nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” In this particular case the justices extended that right to privacy to a woman’s decision to have an abortion. This case established a precedent of a right to privacy.

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Riley v. California



**Riley v.
California**

2014

**Digital contents of cell phones
cannot be searched and seized**

**Digital data cannot harm an
arresting officer**

**Digital data cannot effectuate the
arrestee's escape**

**Data on the phone
can endanger no one**

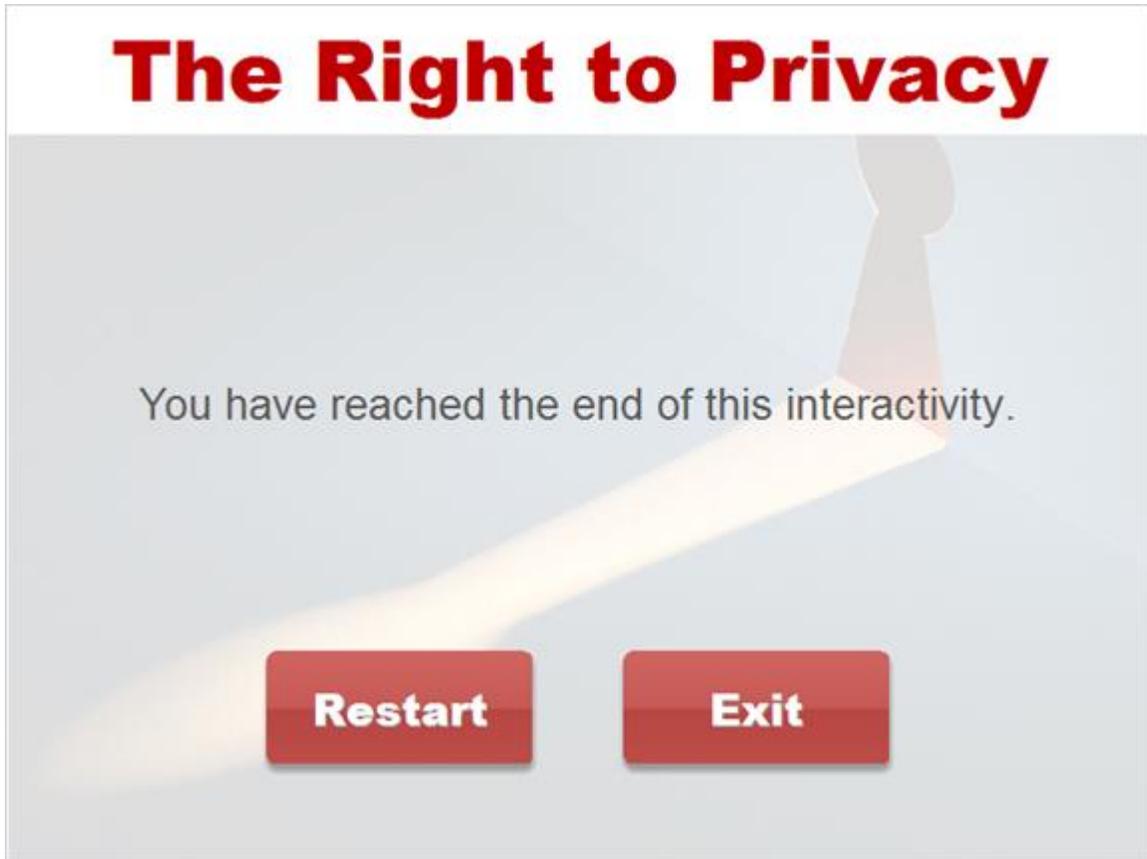
*Justice John C. Roberts Jr. wrote the
court's opinion in Riley v. California*

In 2014, the United States Supreme Court ruled on a 9-0 vote that the digital contents of a cell phone cannot be searched and seized without a warrant. Prior to this case there was considerable disagreement among the lower courts. Some had argued that phones could be searched during an arrest while others had said that a warrant was needed. Chief Justice John Roberts wrote the opinion. He said, "Digital data stored on a cell phone cannot itself be used as a weapon to harm an arresting officer or to effectuate the arrestee's escape. Law enforcement officers remain free to examine the physical aspects of a phone to ensure that it will not be used as a weapon-say, to determine whether there is a razor blade hidden between the phone and its case. Once an officer has secured a phone and eliminated any potential physical threats, however, data on the phone can endanger no one."

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Conclusion



You have reached the end of this interactivity.