



## **This Week in Tech: Supreme Court to weigh warrantless GPS tracking**

By Gautham Nagesh and Brendan Sasso - 11/07/11

The Supreme Court will hear oral arguments Tuesday in a case to determine whether police need a warrant to track a person's car using a GPS device.

The case, *United States v. Jones*, involves a Washington, D.C., nightclub owner, Antoine Jones, who was the subject of a federal drug investigation. Police tracked his movements for four weeks by installing a GPS device in his Jeep.

The D.C. Court of Appeals overturned his conviction, ruling that tracking his movements without a warrant violated his Fourth Amendment rights.

When the Supreme Court confirmed it would review the case, it also instructed the lawyers to address whether the act of attaching the GPS device to a car would require a warrant.

The American Civil Liberties Union, the Gun Owners of America, the Cato Institute and the Center for Democracy and Technology have all filed briefs in support of Jones.

The Council on American-Islamic Relations also submitted a brief, arguing that Muslims are especially likely to be the subject of GPS tracking. The Center on the Administration of Criminal Law filed a brief on behalf of the government.

The Justice Department argues that a person does not have a reasonable expectation of privacy while driving on public streets, but the lower court ruled that a person would not expect to have their every movement tracked for weeks on end.

Many of the briefs on behalf of Jones refer to George Orwell's classic dystopian novel *1984* to argue that not covering new technologies such as GPS under the Fourth Amendment could lead to a frightening surveillance state.

On Monday morning, Federal Communications Commission Chairman Julius Genachowski will announce a retrospective review of his agency's regulations during a speech at Georgetown University's Business School. The planned review comes in response to President Obama's executive order for independent agencies to ensure their regulations are cost-effective and promote economic growth.

In addition to the review, Genachowski will discuss steps the FCC has taken to support innovation, economic growth and global competitiveness. The event is sponsored by the Center for Business and Public Policy at Georgetown University's McDonough School of Business as part of its Evolution of Regulation Series.

The Senate Armed Services Committee will hold a morning hearing Tuesday on the committee's investigation into counterfeit electronic parts in the Defense Department's supply chain. Improving supply chain security for federal technology contractors has been a key recommendation from cybersecurity experts for years. They argue counterfeit tech hardware that either malfunctions or comes pre-loaded with malware poses one of the largest threats to government networks, particularly the classified and restricted systems used by the Pentagon.

On Tuesday afternoon, Facebook will host a live chat with Maj. Juanita Change, director of online and social media for the Army's Office of Public Affairs, and Veterans Affairs director of online communications Brandon Friedman.

The guests will discuss how the military, military families and veterans organizations are using Facebook. Viewers will be able to ask questions in real time, and Facebook has promised an exciting announcement at the event.

The Senate Judiciary Committee Privacy subpanel will hold a Wednesday hearing on protecting health information in the digital world. Stakeholders have argued the strict rules governing the release of patient data have failed to keep up with the shift to electronic medical records.

Complicating the issue is the need for researchers to have access to aggregate data in order to better determine the efficacy of various treatments, a growing trend in the healthcare industry. Witnesses have yet to be announced. Subcommittee chairman Al Franken (D-Minn.) will preside.