PRESS RELEASE
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American Library Association, Internet Archive Support Civil Liberties in Amicus Brief

WASHINGTON, D.C.—Today, the American Library Association and the Internet Archive filed a “friend of the court” brief in David Leon Riley v. State of California and United States v. Brima Wurie, two Supreme Court cases examining the constitutionality of cell phone searches after police arrests. In the amicus brief, both nonprofit organizations argue that warrantless cell phone searches violate privacy principles protected by the Fourth Amendment.

Both cases began when police officers searched the cell phones of defendants Riley and Wurie without obtaining a warrant. The searches recovered texts, videos, photos, and telephone numbers that were later used as evidence. The Supreme Court of California found the cell phone search lawful in Riley’s case, but the U.S. Court of Appeals for the First Circuit, in Boston, reached the opposite conclusion and reversed Wurie’s conviction.

In the brief, the Internet Archive and the American Library Association argued that reading choices are at the heart of the expectation of personal privacy guaranteed by the Fourth Amendment. Allowing police officers to rummage through the smartphones of arrestees is akin to giving government officials permission to search a person’s entire library and reading history.

“Today’s cell phones are much more than simple dialing systems—they are mobile libraries, holding our books, photos, banking information, favorite websites and private conversations,” said Barbara Stripling, president of the American Library Association. “The Constitution does not give law enforcement free rein to search unlawfully through our private records.”

“The fact that technology has made it easy to carry voluminous sensitive and personal information in our pockets does not suddenly grant law enforcement unchecked availability to it in the case of an arrest,” said Brewster Kahle, founder and digital librarian of Internet Archive. “Constitutional checks are placed on the search of, for instance, a personal physical library and these checks should also apply to the comparably vast and personally sensitive stores of data held on our phones.”

William Jay, Goodwin Procter partner and counsel of record on the amicus brief, added: “The Supreme Court has recognized that people don’t lose all privacy under the Fourth Amendment when they’re arrested. And one of the strongest privacy interests is the right not to have the government peer at what you’re reading, without a good reason and a warrant. We are pleased to have the chance to represent both traditional and Internet libraries, which have a unique ability to show the Supreme Court why our electronic bookshelves deserve the same protection as our home bookshelves.”
The Internet Archive is a public non-profit organization that was founded to build an “Internet library,” with the purpose of offering permanent access for researchers, historians, scholars, and artists to historical collections in digital format. The American Library Association is a nonprofit professional organization of more than 57,000 librarians dedicated to providing and improving library services and promoting the public interest in a free and open information society.

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