



## Federal, State, and Local Law Enforcement Can Track You on Your Phone

It is hard to imagine that James Madison — who wrote the words of the Fourth Amendment, which limits the ability of the federal government to intrude upon the privacy of its citizens — would approve of it, but law enforcement from local police to the Federal Bureau of Investigation (FBI) [can now track your every movement](#).

How? A data broker [known as Fog Data Science](#), based in Madison's home state of Virginia, is now selling geolocation data to state and local law enforcement. Federal law enforcement obtains its information on American citizens from other data brokers. Either way, law enforcement can track exactly where you have been at any time over the past several years.



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Personal data is collected through the multitude of applications that Americans use on either their Android or iOS smartphones. Data brokers then sell that data to others, including Fog Data Science, which in turn sells it to local law-enforcement agencies across the country, including Broward County, Florida; New York City; and Houston. And it is not just big cities. Lawrence, Kansas, police use it, as well as the sheriff of Washington County in Ohio.

All for under \$10,000 a year.

Fog Data Science is attempting to sell to other agencies across the country, and has sent promotional material to state highway patrols, country sheriffs, and local police departments. In the material, they tout that they have “billions” of data points pulled from more than 250 million devices. Use of this data can establish where an individual has worked, lived, and with whom they have associated over long periods of time.

No doubt some naive Americans will shrug their shoulders at all of this, thinking that since they have committed no crime, they have nothing to worry about. But in addition to crime scenes, this data can be used to determine your attendance at religious services, whose homes you may have visited, where you have shopped, what medical professionals you have visited, and whatever else they want to know about you, including attendance at political events.

The Electronic Frontier Foundation (EFF) has filed multiple public-records requests in an effort to determine governmental relationships with location-data brokers. Their findings indicate that this is a growing problem. In a statement, EFF said, “Troublingly, records show Fog and some police agencies didn't believe this surveillance implicated people's Fourth Amendment rights and so they didn't obtain a warrant before searching through people's location data.”

Really? The Fourth Amendment states, “The right of the people to be secure in their persons, houses,



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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.”

Clearly, tracking a person’s movements electronically would be the same as rummaging through a person’s private papers. Without a warrant, issued upon probable cause that evidence of a crime has been committed, this would seem to be something that the Founders would strongly oppose. For those who argue that if a person has done nothing wrong he should have nothing to worry about, law enforcement — whether federal, state, or local — could uncover more crimes if they were allowed to simply enter private homes at will on “fishing” expeditions.

But what type of country would this then be?

For that matter, do we want our present government, with law-enforcement agencies such as the FBI that have now become little more than enforcement arms of the Deep State, to have this type of information?

After the tragic events of September 11, 2001, I expressed to my member of Congress — a Republican — concerns about some aspects of the Patriot Act, which I contended had gone too far and violated civil liberties. He attempted to soothe my concerns by noting that he “trusted” President Bush to use that law in a way so as to respect our constitutionally protected rights. Setting aside the question of whether we could “trust” Bush, I told him that Bush would not always be president — and any power you give to one president, the next president, and every president after him, would have that same power.

The potential for possible abuse by using this data to track American citizens — perhaps, for example, those who attended a Trump rally — to see if there is something else they can be prosecuted for should be obvious. Do you really want our politicized law enforcement agencies to know about your attendance at, say, Tea Party rallies, or some pro-Second Amendment rights protest?

Considering that Americans who simply exercised their First Amendment right to peaceably assemble in Washington, D.C., on January 6, 2021 — folks who did not enter the Capitol building that day — are portrayed as somehow involved in a dark conspiracy to overthrow the government, only the imagination of a law-enforcement agent limits the potential abuses with this practice.

It should be said that there are many fine men and women in law enforcement at the federal, state, and local levels, but as Thomas Jefferson said, we cannot place our trust in men, but rather should bind them with the chains of the Constitution. EFF reported that in Greensboro, North Carolina, “a crime analysis supervisor raised red flags about its constitutionality, and later quit after his warnings were ignored.”

Members of Congress and members of the respective state legislatures are derelict in their oaths to the Constitution if they do nothing about this.



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