

IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

IN RE INTEREST OF Y.W.-B. A MINOR : 1 EAP 2021
PETITION OF J.B., MOTHER :
:
IN RE INTEREST OF N.W.-B. A MINOR : 2 EAP 2021
PETITION OF J.B., MOTHER :

***BRIEF OF AMICI CURIAE LEGAL AID OF SOUTHEASTERN
PENNSYLVANIA AND THE BUCKS COUNTY DEPENDENCY COURT
PARENTS' CONFLICT PANEL IN SUPPORT OF APPELLANT J.B.***

CHILDREN'S FAST-TRACK APPEAL

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STATEMENT OF INTEREST OF AMICI CURIAE

Amici curiae are staff of Legal Aid of Southeastern Pennsylvania and the Bucks County Dependency Court Parents' Conflict Panel who represent indigent persons whose children are subject to shelter care and dependency proceedings in the Juvenile Court Division of the Bucks County Court of Common Pleas. Together, since 2010, through our appointments to represent parents, we work to further the goals set forth in the PENNSYLVANIA DEPENDENCY BENCHBOOK (2019 ed.), pp. 1-1 – 1-6, to supply well-trained counsel as soon as a family is brought into Dependency Court and advocate for the preservation of ties between parents and children. Our work melds legal advocacy with social work and “life-coaching.” Our interest in this matter is to further protect the rights of our clients' families from interference unless warranted by law and circumstance, and if so warranted, to help our clients ameliorate the circumstances that brought about that interference about as quickly as possible and enhance their abilities as parents to provide safe and nurturing environments for their children.

This brief addresses the first question in this Court's grant of allocator:

Did the Superior Court err in creating a rule of law that violates Article 1, Section 8 of the Pennsylvania Constitution, when it ruled that where a Pennsylvania Child Protective Services agency receives a report that alleges that a child is in need of services, and that there is a fair probability that there is evidence that would substantiate that allegation in a private

home, where the record does not display a link between the allegations in the report and anything in that private home, then that government agency shall have sweeping authority to enter and search a private home?

Amici urge the answer to this question is “yes.”

No one was paid for the preparation of this brief.

STATEMENT OF JURISDICTION

Amici curiae adopt the statement of jurisdiction in the brief of Appellant J.B.

ORDER OR OTHER DETERMINATION IN QUESTION

Amici curiae adopt the statement of order or other determination in question in the brief of Appellant J.B.

STATEMENT OF THE SCOPE AND STANDARD OF REVIEW

Amici curiae adopt the statement of Statement of the Scope and Standard of Review in the brief of Appellant J.B.

STATEMENT OF THE CASE

Amici curiae adopt the Statement of the Case in the brief of Appellant J.B.

SUMMARY OF ARGUMENT

The protection of children and healing of families by use of the Juvenile Courts is a uniquely state issue. Pennsylvania’s view that its Constitution’s guarantee of privacy exceed the protections offered by the Fourth Amendment

should also apply Child Protective Services' entry into a home against the will of a family. In the past half-century, this Court has actively developed and thoughtfully explained the greater protections of privacy guaranteed by the Pennsylvania Constitution. As this Court squarely faces what Constitutional standards a judge must apply when assessing whether probable cause exists to allow a Child Protective Services agency to enter a home, its current and thoughtful Pennsylvania Constitutional standards offer the best yardstick for this area of the law that impacts a uniquely state interest.

ARGUMENT

The Pennsylvania Constitution Provides the Proper Measure for Determining Whether Child Protective Services Agencies Are Entitled to Enter A Home Against Its Occupants' Will Because the Pennsylvania's Laws for Protection Of Children Care for a Uniquely State Interest

Amici urge that this Court assess the legality of Child Protective Services intrusions into the homes of children's caretakers by the standard of Article I, §8 of the Pennsylvania Constitution. Proponents of having this Court apply state over federal constitutional principles must set forth a four-prong analysis supporting their position. That analysis must include:

- 1) text of the Pennsylvania constitutional provision;
- 2) history of the provision, including Pennsylvania case-law;
- 3) related case-law from other states;
- 4) policy considerations, including unique issues of state and local concern, and applicability within modern Pennsylvania jurisprudence.

Commonwealth v. Edmunds, 586 A.2d 887, 895 (Pa. 1991). The following is amici's argument, following *Edmunds*, to state that the answer to this Court's first question in its grant of allocatur is that Article I, §8's protections of privacy, which are greater than those of the Fourth Amendment as interpreted by the United States Supreme Court, should apply to non-consensual home entries by Child Protective Services agencies.

1. Text of Article I, §8.

Article I, §8 of the Pennsylvania Constitution provides:

The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

The Fourth Amendment provides:

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.

Though there is little difference between the texts of these provisions, this Court, particularly over the last fifty years, has found Article I, §8, affords more protections than the Fourth Amendment.

2. History of Article I, §8.

Two months before the filing of this brief this Court in *Commonwealth v. Alexander*, ___ A.3d ___ 2020 Pa. LEXIS 6439 (Pa. 2020) (30 EAP 2019) held that Article I, §8, “affords greater protection to our citizens than the Fourth Amendment.” It applied that holding to require probable cause and exigent circumstances to conduct a warrantless search of an automobile. In so doing, it wholeheartedly adopted Justice Todd’s dissent in *Commonwealth v. Gary*, 91 A.3d 102, 138 (Todd, J. dissenting). Justice Todd’s dissent, though focused on how Article I, §8, applied to automobile searches, also contains an extensive recounting of the circumstances on the years leading up to the Revolutionary War. *Commonwealth v. Gary*, 91 A.3d 143–48. This section of her dissent concludes by stating:

That our Commonwealth was the first to express a clear constitutional preference for the independent judgment of the judiciary regarding prior approval for, and conduct of, searches and seizures is significant, as it was a logical and natural outgrowth of the unique historical experiences of the people of Pennsylvania, who had long embraced specific warrants, issued after judicial review of specific justifying facts, but prior to any search or seizure taking place, as an effective legal means to ameliorate the harmful consequences of the deleterious warrantless search and seizure practices to which they were subjected. Based on this rich history, I regard our Constitution's warrant requirement to be one of singular and distinctive importance to Pennsylvania, in contrast to the later warrant requirement of the Fourth Amendment to the United States Constitution, which was based, in part, on this provision.

Commonwealth v. Gary, 73 A.3d, 147-48. The history of Pennsylvania's guarantee of the right to privacy, and its most cited component, Article I, §8, compels its application to judicial decisions whether to allow agencies that provide Child Protective Services to enter homes against their occupants' wills.

The only Pennsylvania appellate opinion to discuss the application of Article I, §8, to the Child Protective Services Law ("CPSL"), 23 Pa.C.S. §6301 *et seq.*, the Superior Court, held that both the Fourth Amendment and Article I, §8, applied to involuntary entries into the homes of parents under investigation for not caring for their children. *In re Petition to Compel Cooperation with Child Abuse Investigation*, 875 A.2d 365, 377 (Pa. Super. 2004). However, that case did not discuss whether the protections were coextensive or whether Article I, §8, afforded greater protection. (Under the facts and given the outcome of that case, the discussion was unnecessary.) However, as this Court granted allocatur to specifically determine whether Article I, §8 provides more protection, that analysis is now appropriate.

Amici urge this Court to find that Article I, §8, does afford greater protections than the Fourth Amendment when applied to CPSL. Pennsylvania has protected its citizens against unreasonable searches and seizures since more than a decade before the enactment of the Constitution and fifteen years before the Fourth Amendment was enacted. The Pennsylvania Constitution's warrant

requirement has remained virtually intact, in word and spirit, since its enactment more almost 250 years ago in 1776. Our Supreme Court “has stated repeatedly in interpreting Article 1, Section 8, that provision is meant to embody a strong notion of privacy, carefully safeguarded in this Commonwealth for the past two centuries. As we stated in [*Commonwealth v. Sell*] [450 A.2d 457, (Pa. 1983)]: ‘the survival of the language now employed in Article 1, Section 8 through over 200 years of profound change in other areas demonstrates that the paramount concern for privacy first adopted as part of our organic law in 1776 continues to enjoy the mandate of the people of this Commonwealth.’ *Id.*, 470 A.2d at 467. *Commonwealth v. Edmunds*, 586 A.2d 887, 897 (Pa. 1991).

The conclusion that Article 1, §8’s protections afford greater protection than the Fourth Amendment when applied to investigations of families under laws that are designed not just to protect children but heal families temporarily unable to care for them¹, arises from the context of the several guarantees of privacy this Court has found in the Pennsylvania Constitution. For nearly a half century this Court has held that the Pennsylvania Constitution affords its citizens a greater protection of Pennsylvania’s right to privacy, as well as,

¹ One of the purposes of the CPSL is to “to preserve, stabilize and protect the integrity of family life wherever appropriate. 23 Pa.C.S. §6302(b).

protects privacy interests independent of the federal Constitution. In *In re: B.*, 394 A.2d 419 (Pa. 1978) (records of psycho-therapist-patient privilege are protected by the Pennsylvania Constitution from court-ordered disclosure) this Court found that the Pennsylvania Constitution, in guarantees enumerated in Art I, §§1² (inherent right to enjoy and defend life and liberty, to protect reputation and pursue happiness), 2 (all political power is inherent in the people), 3 and 4 (protecting freedom of religion), 7 (freedom of press and speech), 8 (security from search and seizures), 9 (prohibition on compulsion of self-incrimination), 11 (courts are open to provide remedies for injury done to reputation), 20 (right of assembly), 23 (prohibition on the quartering of troops), 25 (reservation of powers in the people) and 26 (prohibition on government interference with the enjoyment of any civil right) gave rise to a right privacy in records of psychotherapy. This Court further noted that the protections in Article I, §§ 1, 3, 4, 7 and 11, went beyond those provided by the Bill of Rights. *In re: B.*, 394 A.2d at 384-85. This opinion, building on earlier decisions, is reflective of Pennsylvania's experience at the time of the American Revolution, when it, as well as the other Colonies, was subject to arbitrarily issued writs of assistance that allowed British troops to search for

² The constitutional provisions of Pennsylvania and other jurisdictions cited herein are set forth in full at the end of this brief.

contraband. Article I, §8, was “intended to secure protection from general warrants, writs of assistance, and other arbitrary infringements of privacy and liberty . . .” K. Gormley, J. McNally, *THE PENNSYLVANIA CONSTITUTION; A TREATISE ON RIGHTS AND LIBERTIES* (Philadelphia, 2020) §11.1.

Justice Todd’s afore-cited dissent supplies a cogent exegesis of Article I, §8’s origins upon which Amici cannot improve and therefore incorporates herein. *Commonwealth v. Gary* 91 A.2d 143-48. It is also worth recounting the invasion by British soldiers of the home of Henry Wynkoop, a Bucks County judge and native at the time of the Revolution to further illuminate the aversion to unchecked entry into the home forbidden by Article I. §8. An Associate Judge of the County Courts and Justice of the Peace from 1762 through the Revolution, Judge Wynkoop joined various committees and groups that communicated with the Continental Congress and raised funds for relief of Boston when under British siege in 1774. Aware that British sympathizers informed the British of his activities, he escaped to Philadelphia. Seeking his arrest, Hessian soldiers broke into his farmhouse in the middle of the night and terrorized his family. His wife was so alarmed that after they departed, she rushed from her house stumbled into a well, and drowned. Wurts, J., *HENRY WYNKOOP: SKETCH OF A SOLDIER-JURIST OF EARLY*

DAYS, BUCKS COUNTY INTELLIGENCER, 10/11/1902, p. 11.³ Judge Wynkoop's and other Pennsylvanian's exposure to the wanton and unrestrained entry of their homes by British and Hessian soldiers led to the protections of the Constitution of 1776 described by Justice Todd's dissent, *Commonwealth v. Gary*, 91 A.3d 143=47, and later incorporated into successive Pennsylvania Constitutions. The tragic end to Mrs. Wynkoop following the unwarranted Hessian intrusion highlights, albeit in an extreme example, the traumatic effect an official intrusion can have on family life.

In the wake of *In re: B*, although without specific reference to it, this Court fortified Pennsylvania's expectation of privacy with a more robust interpretation than the United States Supreme Court finds in the federal Constitution. This Court found that Article I, §8, provides greater protection to holders of financial accounts than the Fourth Amendment. Though in *United States v. Miller*, 425 U.S. 435, 446 (1976), the United States Supreme Court found that account holders had no standing in the information their banks possessed about the accounts,⁴ this Court, in *Commonwealth v.*

³ The article is reproduced at

<http://freepages.rootsweb.com/~wynkoop/genealogy/webdocs/wurts.htm>.

The article reproduces a paper read by John S. Wurts before the Bucks County Historical Society on October 7, 1902.

⁴ The *Miller* Court's unwillingness to place records to financial account holders under the Fourth Amendment's protections caused Congress, just two years later, to pass the Right to Privacy Act of 1978 providing "no

DeJohn, 403 A.2d 1283 (Pa. 1978) found that due to privacy interests protected by Article I, §8, “bank customers have a legitimate expectation of privacy in records pertaining to their affairs kept at the bank.” *Commonwealth v. De John*, 403 A.2d at 1291.

Unlike the United States Supreme Court, which found that warrantless use of drug-sniffing animals to determine the presence of narcotics in luggage did not violate the federal Constitution because it did not constitute a search, *United States v. Place*, 462 U.S. 696, 702 (1983), this Court has determined that such use of drug-sniffing animals is a search. *Commonwealth v. Johnston*, 530 A.2d 74, 78 (Pa. 1987). Moreover, while a search by a drug-sniffing animal of luggage or a locker requires a reasonable suspicion, this Court further determined that use of a drug sniffing animal on a person requires probable cause to believe it will yield contraband or evidence of a crime. *Commonwealth v. Martin*, 626 A.2d 556, 560-561 (Pa. 1993).

Government authority may have access to or obtain copies of, or the information contained in the financial records of any customer from a financial institution’ unless the government obtains a subpoena, a summons, a search warrant, or the customer's written consent, or unless the government submits a formal written request that complies with certain procedural requirements. 12 U.S.C. § 3402.” *Duncan v. Belcher*, 813 F.2d 1335, 1337-1338 (4th Cir. 1987).

3. Law from other states.

An *Edmunds* analysis requires citation to caselaw from other states. Amici's research found no caselaw holding one way or another on the application of states whose constitutions have explicit privacy protections to the actions of Child Protective Services agencies. However, examining those state constitutions that have explicit privacy protections is instructive.

The following states have provisions that explicitly protect the privacy of their citizens⁵: Alaska, Alaska Const., art.1, §22; Arizona, Ariz. Const, art. II, § 8; California, Cal Const, art. I, § 1; Florida, Fl. Const., art. I, §§ 12 and 23; Hawaii, Haw. Const, art. I, §§6 and 7; Illinois, Ill Const., art. I, §6; Louisiana, La. Const, art. I, §5; Montana, Mont. Const., art. II, §10; New Hampshire, N.H. Const., art. 2-b; South Carolina, S.C. Const. art. I, §10; and Washington, Wash. Const., art. I, §7. What these provisions have in common is that they explicitly mention, either in their texts or captions, *privacy*. Notable about the provisions in afore-cited provisions of the two states that were part of the original thirteen Colonies is that the sections mentioning privacy were only added within the last decade: New Hampshire's in 2018 and South Carolina's in 1970. See Constitution of South Carolina,

⁵ All the cited provisions are cited in full following this brief in the Constitutional Provisions Cited in the Brief of Amici Curiae

<https://www.scstatehouse.gov/scconstitution/A01.pdf>,⁶ Constitution of New Hampshire, <https://www.nh.gov/glance/bill-of-rights.htm>.

Pennsylvania has had no need to amend its constitution to include Article I, §8, because this Court has found, at least since its decision in *In re: B.*, that with other guarantees in Article I, the Pennsylvania Constitution protects its citizens' privacy. Article I, §8, is appropriately applied to this case as the Child Protective Services agency seeks authority to search a home without any allegation that evidence of child abuse or neglect can be found in the home. That several states found the need to include explicit privacy protections in their constitutions demonstrates they did not want to rely solely upon their courts to read in the requirements that this Court has discerned in Article I, §8. This Court should thus find that Article I, §8, affords special protection for investigations of families.

⁶ The editor's note to the cited official online publication of the current South Carolina Constitution refers to Article I, Section 16 of that state's antebellum 1868 Constitution as the original version of S.C. Const. art. I, §10. That section contains no reference to privacy. 1868 Constitution of South Carolina, https://www.carolana.com/SC/Documents/South_Carolina_Constitution_1868.pdf

4. Policy considerations, including unique issues of state and local concern, and applicability within modern Pennsylvania jurisprudence

As this Court has chosen, as recently as December 2020, to reaffirm that the protections of Article I, §8, extend beyond those of the Fourth Amendment, it should similarly find these protections extend to intrusions into families. In Pennsylvania, the sole precedential opinion is *Petition to Compel, supra*. The Superior Court's opinion in this case cited concurring opinion of the Honorable Phyllis Beck (Ret.) for the proposition that criminal law notions of probable cause are neither the frame of reference for, nor the logical boundaries of, a neutral magistrate's determination of probable cause for a Child Protective Services agency's request to enter a home. *In re: Y.W.-B*, 2020 Pa. Super. LEXIS 859, *15, citing *Petition to Compel*, 875 A2.2d at 380 (Beck, J. concurring). The Superior Court further notes that judges asked to decide whether to grant an agency permission to enter a home may already have familiarity with the family from its past appearances before her. *In re: Y.W.-B*, 2020 Pa. Super. LEXIS 859, *18. These circumstances are far different from those attained in criminal cases.

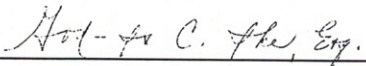
The Pennsylvania CPSL gives child protective service agencies the authority to regularly interfere in an ongoing basis in the workings and relationships of families. This intersection of protection of children and family

bonds justifies and requires the wider protections afforded by the Pennsylvania Constitution and Article I, §8. Because the protection of families is a state interest, this Court should apply the state Constitution to determinations of when it can and will be used to breach the home of a family against its members' wills.

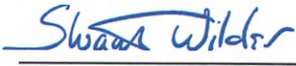
CONCLUSION

Wherefore, the undersigned respectfully requests this Honorable Court find that Article I, §8 of the Pennsylvania Constitution applies to judicial determinations of when an agency can enter a home under the authority of the Child Protective Services Law over the objections of the family.

Respectfully submitted,



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Constitutional Provisions Cited in the Brief of Amici Curiae

Alaska Const., art.1, §22

The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section.

Arizona Const, art. II, § 8

No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

California Const, art. I, § 1

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

Florida Const., art. I, §23

Right to Privacy

Every natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law.

Florida Const., art. I, §12

Searches and Seizures

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated.

Hawaii Const, art. I, §6

Section 6: Right To Privacy: The right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest. The legislature shall take affirmative steps to implement this right.

Hawaii Const, art. I, § 7

Section 7: Searches, Seizures and Invasion of Privacy. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches, seizures and invasions of privacy 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 or the communications sought to be intercepted.

Illinois Const., art. I, §6

Section 6. Searches, Seizures, Privacy and Interceptions. The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.

Louisiana Const, art. I, §5

Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. No warrant shall issue without probable cause supported by oath or affirmation, and particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in the appropriate court.

Montana Const., art. II, §10

Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or

invasions of privacy. No warrant shall issue without probable cause supported by oath or affirmation, and particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in the appropriate court.

New Hampshire Const., art. 2-b

Right to Privacy. An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent.

Pa. Const., art I, §8

The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Pa. Const., art I, §1

Inherent rights of mankind. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Pa. Const., art I, §2

Political Powers. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

Pa. Const., art I, §3

Religious freedom. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

Pa. Const., art I, §4

Religion. No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

Pa. Const., art I, §7

Freedom of press and speech; libels. The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Pa. Const., art I, §9

Rights of accused in criminal prosecutions. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage;

he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land. The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person may be permitted and shall not be construed as compelling a person to give evidence against himself. (Nov. 6, 1984, P.L.1306, J.R.2; Nov. 7, 1995, 1st Sp.Sess., P.L.1151, J.R.1; Nov. 4, 2003, P.L.459, J.R.1)

Pa. Const., art I, §11

Courts to be open; suits against the Commonwealth. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

Pa. Const., art I, §20

Right to Petition. Right of petition. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Pa. Const., art I, §23

Quartering of troops. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Pa. Const., art I, §25

Reservation of powers in people. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate. (May 16, 1967, P.L.1035, J.R.1)

Pa. Const., art I, §26

No discrimination by Commonwealth and its political subdivisions. Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right. (May 16, 1967, P.L.1035, J.R.1)

South Carolina, art. I, §10

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy 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, the person or thing to be seized, and the information to be obtained.

U.S. Const. amend. IV

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.

Washington Const., art. I, §7

Invasion of Private Affairs or Home Prohibited
No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

CERTIFICATION OF WORD COUNT

I certify that the brief of Amici Curiae filed in this matter contains no more than 7000 words.



Stuart Wilder, Esquire