



# The C-word in Surveillance

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Is unconstitutionality like obscenity? — we can't define it, but know it when we see it.

Take San Jose, California, and its automatic license plate reader system. I might not win an argument explaining how San Jose's public surveillance relates to the [Fourth Amendment](#) to the United States Constitution. But. . .

That amendment insists that people have a right "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures," and that governments may not search and seize property without a warrant "upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

How does one's public goings-about in cars that are

drivable only with a state-mandated license plate amount to something that must not be searched or surveilled? Our driving on roads is all out in the open, after all, not private.

Maybe we should stress the Fourth's narrow guideline: warrants must describe the place to be searched, and the persons.

Broad-based tracking flouts that narrow stricture.

But really, I'm biased: mass surveillance is Orwellian. Do we want our government keeping track of us that much?

Especially as in San Jose, where not only can over a thousand police department employees scour the data sans any legal warrant, but the department also shares this resource with over 300 agencies across the state.

Creepy. That's the word for it.

And that's the word used by [Institute for Justice](#) lawyers who filed a [lawsuit](#) against San Jose's practice.

Jacob Sullum's [article](#) in *Reason* explains the legal arguments carefully as well as the many ways the information can be weaponized to, for example, retaliate against protesters.

Information is power, after all. And in the wrong hands . . . *creepy*.

This is Common Sense. I'm Paul Jacob.