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Multiple *Amici* Support Supreme Court Cert Petition on Privacy for Records Shared with Third Parties

James Harper v. Douglas O'Donnell, in His Official Capacity as Acting IRS Commissioner, et al.

Washington, DC (April 1, 2025) – Several states, X (formerly Twitter), researchers, and advocacy groups have filed eight *amici curiae* briefs urging the U.S. Supreme Court to hear [Harper v. O'Donnell](#), the New Civil Liberties Alliance's case seeking to reform the Fourth Amendment's third-party doctrine. This doctrine denies Americans' rights against government intrusion into their records stored with third parties. The Internal Revenue Service unlawfully seized financial records of NCLA client James Harper and more than 14,000 others from the Coinbase cryptocurrency exchange through abuse of a "John Doe" summons. IRS took Mr. Harper's documents without any individualized suspicion that he had under-reported his income or failed to pay taxes. Representing Mr. Harper, NCLA thanks *amici* for standing against this injustice and defending core Fourth Amendment rights.

Excerpts of the briefs filed by *amici curiae* in support of the Petitioner follow:

"This case demonstrates that the third-party doctrine is outdated and increasingly unworkable. Since the doctrine's formalization almost 50 years ago, the government has relied on it to circumvent the warrant requirement and obtain Americans' most sensitive records, including emails, Google search histories, financial records, and location histories." — [Cato Institute](#)

"The First Circuit's approach [in Mr. Harper's case] continues a concerning trend of courts treating third-party sharing as effectively dispositive, even after this Court said the opposite in *Carpenter v. United States*. And this case particularly warrants review because it involves a new technology, cryptocurrency, with heightened privacy concerns that make the application of the third-party doctrine especially inappropriate." — [DeFi Education Fund](#)

"This case presents an opportunity for the Court to clarify this area of constitutional law by tethering its decision to the Fourth Amendment's original meaning: all searches of private property require warrants based on probable cause and particularized suspicion[.]" — [X Corp.](#)

"The Court should apply *Carpenter*'s reasoning to [*United States v.*] *Miller* and overturn [the third-party doctrine]. ... [Another] solution is to ban dragnet searches resting on the third-party doctrine, limiting *Miller* to identified-suspect searches." — [States of West Virginia, Kansas, Nebraska, North Dakota, and Ohio](#)

"The doctrine of bailment, in particular, has long played a crucial role in defining and identifying rights in personal information. Under that doctrine, persons entrusted with personal information, such as telephone companies and cryptocurrency exchanges, have the right to prevent persons foreign to the bailment from accessing the information entrusted to them." — [Professor Adam J. MacLeod](#)

"[T]he execution of the IRS summons violated Mr. Harper's constitutional rights under the property and trespass approach to Fourth Amendment jurisprudence now firmly reestablished by Supreme Court precedent." — [Americans for Prosperity Foundation](#)

“It hardly needs to be said that every day, hundreds of millions of Americans entrust information of the most private sort to third-party conveyors such as Gmail, Microsoft Outlook, or Apple’s iCloud. To hold that in doing so, they have abandoned their right to be secure in their papers and effects, or that it is ‘reasonable’ for the government to acquire this information without a warrant, is to elevate formalism over reality in the most extreme of ways.” — [Kansas Justice Institute, Goldwater Institute, and American Dream Legal](#)

“This case offers an ideal opportunity to clarify the scope and reach of *Carpenter*. Such guidance, in turn, would ensure that the Fourth Amendment remains an effective safeguard for privacy in the digital age, while providing the technology industry with a predictable framework for protecting user information.” — [NetChoice](#)

NCLA released the following statements:

“We thank *amici* from a wide range of organizations, ranging from academia, civil liberties advocates, industry associations, tech companies, and even state governments. These objections to the third-party doctrine from diverse perspectives further reinforce the conclusion that the doctrine is both wrong and outdated.”

— **Sheng Li, Litigation Counsel, NCLA**

“The *amici* in this case have filed outstanding briefs and represent a wide range of interests and perspectives. The Court has already directed the United States to respond to the petition.”

— **John Vecchione, Senior Litigation Counsel, NCLA**

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.