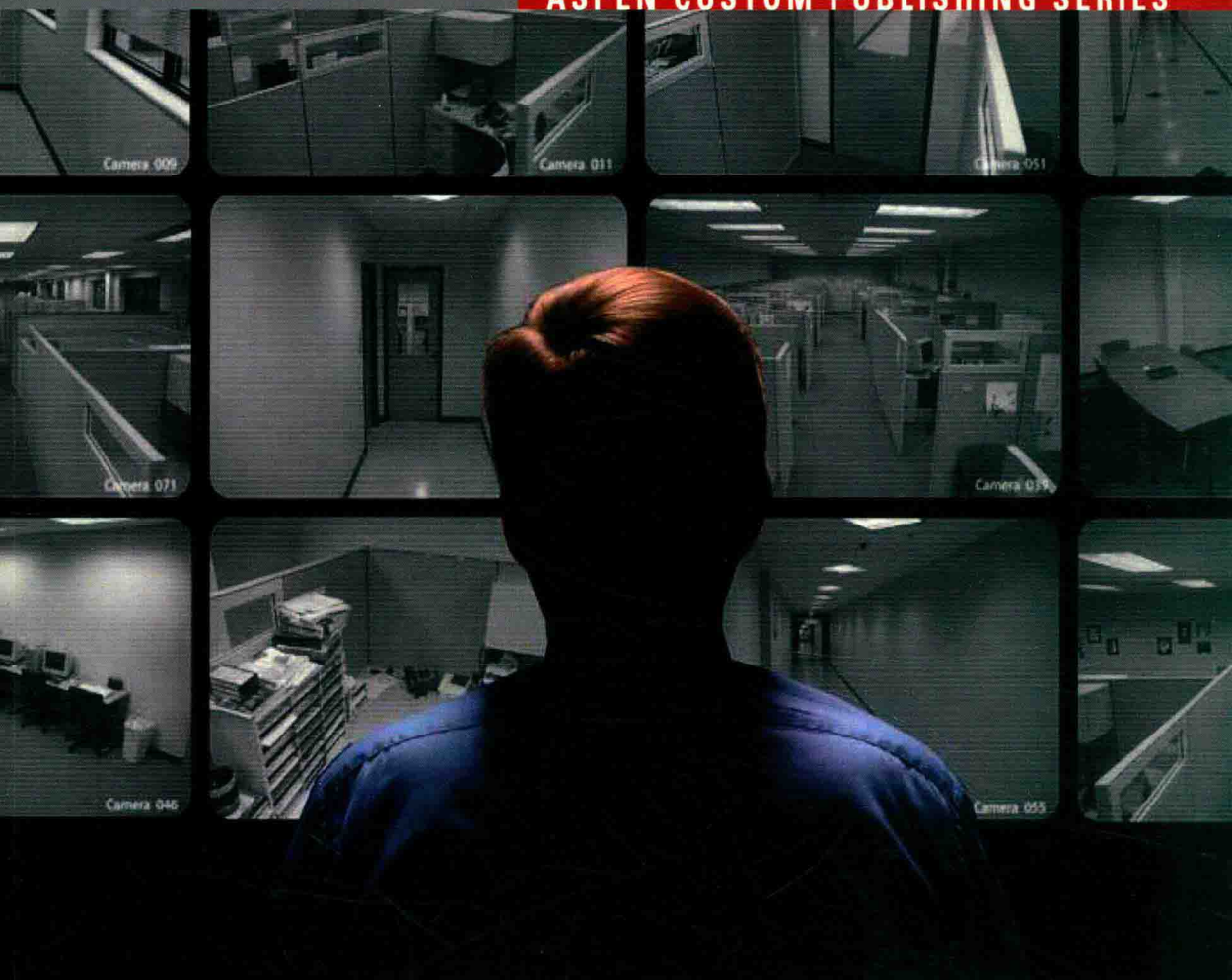


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Privacy, Law Enforcement, and National Security

■ DANIEL J. SOLOVE ■ PAUL M. SCHWARTZ



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PRIVACY, LAW ENFORCEMENT, AND NATIONAL SECURITY

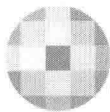
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To my parents and grandparents—DJS

To Steffie, Clara, and Leo—PMS

PREFACE

New technology presents profound challenges for how to balance privacy and security. The leaks by Edward Snowden about the National Security Agency have raised extensive discussion about the role that various types of law should play regarding government surveillance and data gathering.

In today's digital world, the Fourth and Fifth Amendments are not the only way that government surveillance and data gathering are regulated. Federal statutes such as the Electronic Communications Privacy Act (ECPA) also play a major role. There are state constitutions and electronic surveillance laws as well. In addition, the line between ordinary law enforcement and national security is quite fuzzy and contested. The Constitution regulates national security somewhat differently, and there are laws specific to national security and foreign intelligence surveillance such as the Foreign Intelligence Surveillance Act (FISA).

This text aims to pull all of these various laws together to provide a coherent introduction to how government surveillance and data gathering are regulated. Our goal is to provide a comprehensive and accessible introduction. We have provided the relevant background so that no prior knowledge of Constitutional law or criminal procedure is required. The text includes extensive notes and commentary, and it integrates cases and statutes with policy and jurisprudential perspectives. To facilitate discussion and debate, we have included excerpts from commentators with a wide range of viewpoints. Technical terms are clearly explained.

A Note on the Casebook Website. We strive to keep the book up to date between editions, and we maintain a web page for the book with downloadable updates and other useful information. We invite you to visit the website:

<http://informationprivacylaw.com>

The website contains links to useful news sites, blogs, and online resources pertaining to information privacy law issues. We also provide a list of recommended books that can be read in conjunction with this book.

A Note on Privacy Law Fundamentals. Students may find our short volume, *Privacy Law Fundamentals*, to be a useful companion to the casebook. *Privacy Law Fundamentals* is designed to be a distilled overview of information privacy law for both practitioners and students. More information about this book can be found at <http://informationprivacylaw.com>.

A Note on the Editing. We have deleted many citations and footnotes from the cases to facilitate readability. The footnotes that have been retained in the cases have been renumbered. When discussing books, articles, and other materials in the notes and commentary, we have included full citations in footnotes in order to make the text easier to read. We have also included many citations to additional works in the footnotes that may be of interest to the reader.

*Daniel J. Solove
Paul M. Schwartz*

November 2014

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***PRIVACY, LAW
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