CONTENTS

Pr	reface eknowledgments	
Ас		
1	PRIVACY AND LAW ENFORCEMENT	1
	A. THE FOURTH AMENDMENT AND EMERGING TECHNOLOGY	4
	1. How the Fourth Amendment Works	4
	(a) Applicability: Searches and Seizures	4
	(b) Reasonable Searches and Seizures	5
	(c) Enforcement: The Exclusionary Rule and Civil Remedies	7
	(d) Subpoenas and Court Orders	8
	2. Wiretapping, Bugging, and Beyond	11
	Olmstead v. United States	12
	• Lopez v. United States	20
	• Katz v. United States	22
	• United States v. White	29
	3. The Reasonable Expectation of Privacy Test	33
	(a) The Third Party Doctrine	33
	• Smith v. Maryland	33
	(b) Items Abandoned or Exposed to the Public	44
	 California v. Greenwood 	44
	(c) Surveillance and the Use of Sense Enhancement Technologies	51
	• Florida v. Riley	51
	 Dow Chemical Co. v. United States 	59
	• Kyllo v. United States	62
	• United States v. Jones	70
	 Carpenter v. United States 	80

2. The USA PATRIOT Act	189
• The 9/11 Commission Report	189
• In re Sealed Case	193
3. National Security Letters	200
4. Oversight: Beyond the Judiciary	203
(a) The Attorney General's FBI Guidelines	203
(b) The Homeland Security Act	205
(c) The Intelligence Reform and Terrorism Prevention Act	206
D. NSA SURVEILLANCE	207
1. Standing	209
• Clapper v. Amnesty International USA	209
2. The Snowden Revelations	218
 United States v. Basaaly Saeed Moalin 	221
Index	231

CONTENTS | xiii