Wiretapping and Eavesdropping: Surveillance in the Internet Age

Journal and Law Review References

Washington Journal of Law, Technology & Arts Autumn, 2010 LOCATION SURVEILLANCE BY GPS: BALANCING AN EMPLOYER'S BUSINESS INTEREST WITH EMPLOYEE PRIVACY Kendra Rosenberg [FN1]
6 Wash. J. L. Tech. & Arts 143


5 I/S: J. L. & Pol'y for Info. Soc'y 419


43 Loy. L.A. L. Rev. 551


CommLaw Conspectus 2010 WHO LET THE KATZ OUT? HOW THE ECPA AND SCA FAIL TO APPLY TO MODERN DIGITAL COMMUNICATIONS AND HOW RETURNING TO THE PRINCIPLES IN KATZ v. UNITED STATES WILL FIX IT Nicholas Matlach
18 CommLaw Conspectus 421


...355 U.S. at 108 [FN64] Id. at 108-11. [FN65] Id. at 111. Congress incorporated this holding into the federal wiretapping statutes: "It shall not be unlawful for a person acting under color of law to intercept a wire, oral, or ...

...parties to the communication has given prior consent to such interception." 18 U.S.C. § 2511(2)(c) (2006). See also FISHMAN & MCKENNA supra note 15, § 5:12 at 5-29 (noting that some states have stricter standards than federal laws on...

Connecticut Law Review December, 2009 HOW TO ANALYZE THE ACCURACY OF EYEWITNESS TESTIMONY IN A CRIMINAL CASE Richard A. Wise, Clifford S. Fishman, Martin A. Safer [FNa1]
42 Conn. L. Rev. 435

...but that subject is beyond the scope of this Article. For a detailed discussion of this topic, see Clifford S. Fishman & Anne T. McKenna, 2 Wiretapping & Eavesdropping: Surveillance in the Internet Age §§ 38:4-38:5 (3d ed. 2008). [FN21] Such testimony might come from...

36 Hastings Const. L.Q. 329


Tulsa Journal of Comparative and International Law Spring 2008 BIG BROTHER HEARS YOU, BUT CAN HE UNDERSTAND WHAT HE HEARS? THE PROBLEMATIC APPLICATION OF CALEA TO VOIP COMMUNICATIONS IN THE AGE OF ENCRYPTION Timothy Singleton
15 Tulsa J. Comp. & Int'l L. 283


CommLaw Conspectus 2007 CAN YOU FIND ME NOW?—TRACKING THE LIMITS ON GOVERNMENT ACCESS TO CELLULAR GPS LOCATION DATA Derek P. Richmond
16 CommLaw Conspectus 283

...see also discussion infra Part III.B (discussing the Enhanced 911 System). [FN8] . Smith, supra note 5. [FN9] See CLIFFORD S. FISHMAN & ANNE T. MCKENNA, WIRETAPPING AND EAVESDROPPING § 5:26, at 149 (2d ed. Supp. 2006) (“[C]ell phones provide a readily available tracking device that...

Washington Law Review August, 2006 RECORDINGS, TRANSCRIPTS, AND TRANSLATIONS AS EVIDENCE Clifford S. Fishman
81 Wash. L. Rev. 473

...child's welfare, or (unlawfully) did so merely out of spite to spy on the other parent. See generally Clifford S. Fishman & Anne T. McKenna, Wiretapping and Eavesdropping § 7:16 (2d ed. 1995 & Supp.). (And while it is somewhat off the subject of this article...
...from acquiring or manufacturing the WMD that would enable them to act on their worst ambitions.”

[FN6] See Clifford S. Fishman & Anne T. McKenna, Wiretapping and Eavesdropping § 5:8 (2d ed. 2004) (“A touch-tone decoder provides the same information on a touch-tone...

...and analysis of ECPA which, unfortunately, I discovered only after wading through the statute myself. Id.

[FN68] See CLIFFORD S. FISHMAN & ANNE T. MCKENNA, WIRETAPPING AND EAVESDROPPING § 26:9 (2d ed. 1995) (explaining that Congress felt that when an e-mail stays on a...

...like his, which we have excerpted from the web site of the Columbus School of Law at Catholic University. Professor Fishman began his career by serving for eight years as an assistant district attorney in the New York County District Attorney's ...

...City's narcotics problem, in 1977 he joined the faculty of the Columbus School of Law. He is the author of Wiretapping and Eavesdropping (2d ed. 1996) with his co-author, Ann T. McKenna; the first four volumes of Jones on Evidence (7th ed., 1992, 1994, 1998, 2000) (only three more volumes to go, or maybe four, or perhaps five, or ); and numerous scholarly articles. Professor Fishman has also occasionally taken court assignments to defend indigent defendants, in which capacity he complains bitterly about prosecutors doing to...

...federal statutory structure exists regulating government surveillance of communications and protecting them from unauthorized private surveillance. See generally Clifford S. Fishman & Anne T. McKenna, Wiretapping and Eavesdropping (2d ed. 1995 & Supp. 2004). For a concise overview, see Patricia Bellia, Surveillance Law Through Cyberlaw's Lens, 72...

...which does not capture conversations requires only a search warrant, rather than a much more demanding communications interception order. See Fishman & McKenna, supra, § 29:20(b) Nor does the use of such a camera by a private party violate federal or...


...as well as the time and duration of the call. See Young, supra note 39, at 1024-32; 1 C.S. Fishman & A.T. McKenna, Wiretapping and Eavesdropping 5:11 at 5-15, 5-16 (2d ed. 1995). [FN42] The Carnivore program underwent three rhetorical cycles...

...FN53] Berger v. New York, 388 U.S. 41 (1967) [FN54] Katz v. United States, 389 U.S. 347 (1967); Clifford S. Fishman & Anne T. McKenna, Wiretapping and Eavesdropping § 1.6 (2d ed. 1995) (“Congress has interposed several extra-constitutional requirements” upon process for obtaining a...

...1992) [FN52]. See Young, supra note 25, at 1025 ("[T]he prevailing view is aptly summarized by one hornbook which states: 'Wiretapping and eavesdropping are among the most effective techniques available to combat crime." (quoting Clifford S. Fishman & Anne T. McKenna, Wiretapping and Eavesdropping 1:1, at 1-3 (2d ed. 1995))). [FN53]. See id. (providing overview of sophisticated array of surveillance..."


...rejecting need for warrant when defendant consents to conversation even when police conceal their connections). See generally 1 CLIFFORD S. FISHMAN & ANNE T. MCKENNA, WIRETAPPING AND EAVESDROPPING § 6:4 (2d ed. 1995) (discussing Supreme Court's interpretation of consensual searches and seizures by law enforcement..."

FORDHAM LAW REVIEW DECEMBER, 2001 WHAT BIG EYES AND EARS YOU HAVE!: A NEW REGIME FOR COVERT GOVERNMENTAL SURVEILLANCE Mark G. Young 70 Fordham L. Rev. 1017

...Relating to Wiretapping and Electronic Surveillance, at xiii (1976) [hereinafter Report of the National Wiretapping Commission]. [FN24]. 1 Clifford S. Fishman & Anne T. McKenna, Wiretapping and Eavesdropping § 1:1, at 1-3 (2d ed. 1995). In enacting Title III, the third of four findings ...


...FN5]. See S. Rep. No. 90-1097, at 70 (1968), reprinted in 1968 U.S.C.C.A.N. 2112, 2157; see also Clifford S. Fishman & Anne T. McKenna, Wiretapping and Eavesdropping § 1.6 (2d ed. 1995) (noting that Title III was enacted to combat crime and safeguard the ...

...75 (8th Cir. 1999) (finding sufficient probable cause that defendant was involved in racketeering and drug trafficking to permit the wiretapping of his phone under Title III). These two cases illustrate the use of Title III to combat organized crime by..."
Ohio State Law Journal 2001 THE FBI'S CARNIVORE: HOW FEDERAL AGENTS MAY BE VIEWING YOUR PERSONAL E-MAIL AND WHY THERE IS NOTHING YOU CAN DO ABOUT IT Peter J. Georgiton
62 Ohio St. L.J. 1831


Whittier Law Review Spring, 2000 BIG BROTHER IS ON THE LINE: NEW FCC RULES FOR TELECOMMUNICATIONS CARRIERS Erin Stricklen [FN1]
21 Whittier L. Rev. 767


University of Kansas Law Review January, 2000 PARENTAL WIRETAPPING: SHOULD FEDERAL COURTS PROVIDE A CIVIL REMEDY IN A FAMILY LAW MATTER?
48 U. Kan. L. Rev. 397


...of the United States or of any State.” 18 U.S.C. § 2511(2)(d) (1994). When a state has made wiretapping a criminal offense, as most states have, see 1 Fishman & Mckenna, supra note 20, § 1:12, the parent’s motive in wiretapping obviously becomes a factual issue, complicating matters. See Ann B. Frick & Marjorie J. Long, Interspousal Wiretapping and Eavesdropping: An Update-Part II, 24 Colo. Law. 2569, 2570 (1995) [FN219] . See Thompson, 838 F. Supp. at 1545...

ETHICAL CONFLICTS AND PROFESSIONAL CONSIDERATIONS -- SELECTED ISSUES
David W. Garland
June 3-5, 1999 SD52 ALI-ABA 547 Employment Discrimination and Civil Rights Actions in Federal and State Courts American Law Institute - American Bar Association Continuing Legal Education

...stored or after receipt. See Alaska Bar Ass'n Ethics Comm. Opinion No. 98-2 (Jan. 16, 1998). See also C. Fishman & A. McKenna, WIRETAPPING & EAVESDROPPING, sec. 3.16 (2d ed. 1995) (cellular communications constitute wire communications protected by the Act.) In other words, this...

68-MAR J. Kan. B.A. 24

...v. Heggy, 944 F.2d 1537, 1540-41 (10th Cir. 1991) [FN3] . For more in-depth discussion, see C. S. FISHMAN AND A. T. MCKENNA, WIRETAPPING AND EAVESDROPPING (2d ed. 1995); Annotation, Construction and Application of 18 USCS § 2511(1)(a) and (b), Providing Criminal...
60 Ohio St. L.J. 2093

...searches. See id. at 68 [FN19] See infra Part II.A. [FN20] 388 U.S. 41 (1967) see also 1 CLIFFORD S.
FISHMAN & ANNE T. MCKENNA, WIREDAPTING AND EAVESDROPPING § 1:4, at 1-6 (2d ed. 1995) (explaining that Congress enacted Title III in an effort...

1999 Utah L. Rev. 289


Harvard Journal on Legislation Summer, 1997 LEGISLATING COMPUTER CRIME Stephen P. Heymann
34 Harv. J. on Legis. 373


...Act serve purpose of protecting privacy and delineating uniform conditions under which communications can be intercepted), [FN72]. See Clifford S. Fishman & Anne T. McKenna, Wiretapping and Eavesdropping § 8:125 (2d ed. 1995) (stating that effect of Title III minimization language severely limits interception of...

...a model statute, the authors propose that if interception occurs that the privileged communication not be disclosed. Id.; see also Fishman & McKenna, supra note 72, at 8-125. The authors assert that there is greater protection of privileged communication when wiretapping laws go beyond the privilege language of Title III. Id. [FN175] . See Cal. Penal Code § 629.30 (West 1995...