

Surveillance and Privacy in Contemporary Society

Course Syllabus

Class Schedule

Thursdays from 7:20 pm to 10:00 pm Robinson Hall, Room B113.

Course Description

Whether the Founding Fathers of the United States would be aghast at the sweeping nature of government surveillance today or further condone the continued use of clandestine information gathering, as George Washington and James Madison encouraged and employed during the American Revolution, remains open for debate. Either way, the dichotomy between necessary surveillance operations and what has become known as "privacy law" continues to energize a lively debate in law enforcement, intelligence collection, academic, legislative, and public circles. We will continue the debate here. We will explore the history of privacy, government and private surveillance, governing statutes, operational and technological tactics and limitations, institutional changes arising from contemporary controversies, and the impact of technology on public policy and perception.

Reading Material

Privacy, Law Enforcement, and National Security (Second Edition)
by Daniel J. Solove and Paul M. Schwartz, 2018
ISBN: 978-1-4548-9742-2

Course Policies

Electronics:

While I understand modern demands, I encourage everyone to leave your personal electronic devices at home. If you must bring them to class, they should remain in a silent or "do not disturb" mode. I have not been a student since the advent of using laptops/tablets for note-taking so that is going to take some adjustment for me. That said, if you have a device out, even if used to enhance your classroom experience, you must convince me

and your classmates that you are actively engaged in the discussion. I reserve the right to ask you to cease and desist from using any electronic device during class, so have a notebook and pen ready. I will provide all testable material prior to testing. For additional insights into my position, please read this article: <https://www.nytimes.com/2017/11/22/business/laptops-not-during-lecture-or-meeting.html>.

The Honor Code:

In accordance with the Mason Honor Code: student members of the GMU community pledge not to cheat, plagiarize, steal, or lie in matters related to academic work. I take this very seriously.

Accommodations for students with disabilities:

Should you need accommodations due to a disability or another reason, please consult the Office of Disability Services at (703) 993-2474 or ods.gmu.edu.

Grading:

Grades will be determined based on five components:

Attendance (Pass/Fail): You are allowed two absences during the semester and you are responsible for making up missed work and catching up on notes. Any absences beyond the two authorized are considered unexcused and each absence will lower your grade by a third of a letter grade. (That is to say, if at the end of the semester your grades average to an A, on your third absence (two excused and one unexcused) you will receive an A- for your final grade; on your fourth absence you will drop to a B+, and so forth.)

Participation (100 points): Your participation in class is paramount for a successful semester. Not only is 20% of your grade dependent upon it, but everyone's learning experience will rely on your involvement. Meaningful participation includes, but is not limited to:

- Arriving at class having completed the readings and prepared for discussion.
- Full preparation and attendance when assigned specific readings.

- Listening attentively to others during the discussions.
- Contributing your insights to discussions frequently.
- Creating a welcoming atmosphere for everyone and their views.
- Maintaining a distraction-free environment.

Midterm Exam (150 points): An in-person exam based on all materials covered in class and in the assigned reading (up until that point), including but not limited to class discussions, readings, and guest lectures.

Final Exam (250 points): An in-person exam based on all the materials covered in class and assigned readings since the beginning of the semester.

Grading Scale:

A+: 97-100	A: 94-96	A-: 90-93
B+: 87-89	B: 84-86	B-: 80-83
C+: 77-79	C: 74-76	C-: 70-73
D+: 67-69	D: 65-66	F: 0-64

Final Grades:

GMU requires instructors to submit final grades within two days of the final exam, which does not leave us anytime to accept additional work to raise an individual grade.

Course Schedule:

Please note that the course schedule detailed below is subject to change at the instructor's discretion. As new, pertinent information surfaces, reading will be assigned outside of the below syllabus outline. Please check your GMU e-mail account regularly for course updates and reading materials. All assigned reading is subject to testing. [NOTE: February 7, 2019 is highlighted as I may have a work travel requirement that day and may not be back in time for our class - please be flexible.]

Date	Topic	Reading
January 24	Introduction and overview	Course syllabus; <i>If Washington Were Alive, He'd be Reading Your Email</i> ; <i>What Can We Learn About Online Privacy From Climate Change</i>
January 31	How the Fourth Amendment Works	(pp. 1-11); <u>Weeks v. U.S.</u> ; <u>Mapp v. Ohio</u> ; <i>So Are We Living in 1984?</i> ; <i>Home Addresses Are Up For Sale. Time to Take Back Your Privacy.</i>
February 7	Wiretapping, Bugging, and Beyond	(pp. 11-21); <u>Olmstead v. U.S.</u> ; <u>Lopez v. U.S.</u> ;
February 14	Wiretapping, Bugging, and Beyond (cont'd)	(pp. 21-32); <u>Katz v. U.S.</u> ; <u>Griswold v Conn.</u> ; <u>Roe v. Wade</u> ; <u>Whalen v. Roe</u>
February 21	Third Party Doctrine and Items Abandoned or Exposed	(pp. 32-49); <u>Smith v. Maryland</u> ; <u>California v. Greenwood</u> ; <u>U.S. v. Ackerman</u>
February 28	Surveillance and the use of Sense Enhancement Technologies	(pp. 49-79); <u>Kyllo v. US</u> ; <u>U.S. v. Jones</u> ; <u>Carpenter v. U.S.</u>
March 7	MIDTERM EXAM	
March 11-17	<i>SPRING BREAK</i>	<i>The Perpetual Line-Up</i>
March 21	Info Gathering About First Amendment Activities and Electronic Surveillance Law	(pp. 79-102); <u>Fields v. City of Philadelphia</u> ; <i>Taylor Swift Said to Use Facial Recognition to Identify Stalkers</i> ; <i>Economist Facial Recognition Articles.</i>
March 28	Searching Computers and Devices, and Video Surveillance	(pp. 107-126); <u>Riley v. California</u> ; <u>U.S. v. Horton</u>
April 4	Email, Online Comms, and Other Data	(pp. 127-154); <u>U.S. v. Stimler</u>
April 11	The Intel Community	(pp. 155-171)
April 18	September 11, 2001 and the USA Patriot Act	(pp. 172-192)
April 25	NSA Surveillance and Review	(pp. 192-222); <i>Privacy, Surveillance, and Law</i> , Richard A. Posner (75 U. Chi. L. Rev. 245, Winter, 2008); <i>Man Without a Country</i>
May 2	FINAL EXAM & LAST CLASS	