CRIM 460-001 – Fall 2019

Professor Kaufman

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**Surveillance and Privacy in Contemporary Society**

Course Syllabus

# Class Schedule

Thursdays from 7:20 pm to 10:00 pm Planetary Hall 212 (formerly Science and Tech I)

# Course Description

Alexa and Siri are listening, Facebook and Google are monitoring, Home Depot and Best Buy are tracking, and the Government is surveilling, recording, scanning, and data gathering. What would the Founding Fathers of the United States think about these activities?

We will explore the balancing of necessary surveillance operations on the one hand and what has become known as "privacy law" on the other. The balancing of these concepts is controversial in law enforcement, intelligence collection, academic, legislative, and public circles. We will continue the debate here. We will also 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. Finally, we’ll follow all significant surveillance and privacy current events, including legislative proposals/enactments, court decisions, congressional testimony, speeches, etc.

# 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:**

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 do not want them to distract you from actively engaging in discussions and participation. I will provide all testable material prior to testing.

# 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 four 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 para- mount 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 pre- pared for discussion.
* Fulling preparing and attending 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.
* Monitoring all current events involving surveillance and privacy.

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 be- ginning of the semester.

Grading Scale:

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| --- | --- | --- |
| 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.

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| **Date** | **Topic** | **Reading** |
| **August 29** | Introduction and overview | Course syllabus; *Why Do We Care So Much About Privacy* [*https://www.newyorker.com/magazine/2018/06/18/why-do-we-care-so-much-about-privacy*](https://www.newyorker.com/magazine/2018/06/18/why-do-we-care-so-much-about-privacy) |
| **September 5** | How the Fourth Amendment Works | (pp. 1-11); Weeks v. U.S; Mapp v. Ohio; *The Right to Privacy,* <http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/Privacy_brand_warr2.html> |
| **September 12** | Wiretapping, Bugging, and Beyond | (pp. 11-21); Olmstead v. U.S.; Lopez v. U.S.; |
| **September 19** | Reasonable Expectation of Privacy | (pp. 21-32); Griswold v Conn.; Katz v. U.S.; Roe v. Wade; Whalen v. Roe |
| **September 26** | Third Party Doctrine and Items Abandoned or Exposed | (pp. 32-49); Smith v. Maryland; California v. Greenwood; Carpenter v. U.S. |
| **October 3** | Surveillance, Plain View, and Sense Enhancement Technologies | (pp. 49-79); Kyllo v. US; U.S. v. Jones; *When Does A Carpenter Search Start-and When Does it End?* <https://www.lawfareblog.com/when-does-carpenter-search-start-and-when-does-it-stop> |
| **October 10** | **MIDTERM EXAM** |  |
| **October 17** | Info Gathering About First Amendment Activities and Electronic Surveillance Law | (pp. 79-102); Fields v. City of Philadelphia; *Taylor Swift Said to Use Facial Recognition to Identify Stalkers*; *Economist Facial Recognition Articles.* |
| **October 24** | Searching Computers and Devices, and Video Surveillance | (pp. 107-126); Riley v. California; U.S. v. Horton |
| **October 31** | Email, Online Comms, and Other Data | (pp. 127-154); U.S. v. Stimler |
| **November 7** | The Intel Community | (pp. 155-171) |
| **November 14** | September 11, 2001, the USA Patriot Act, USA Freedom Act, and recent Congressional Action | (pp. 172-192). Patriot Act summary. <https://cdt.org/files/security/011031summary.shtml> |
| **November 21** | NSA Surveillance and Review | (pp. 192-222); *Privacy, Surveillance, and Law*, Richard A. Posner (75 U. Chi. L. Rev. 245, Winter, 2008); *Man Without a Country* |
| **November 28** | **THANKSGIVING RECESS** | **NO CLASS** |
| **December 5** | **Review/Last Class** |  |
| **January \_\_** | **FINAL EXAM** |  |