Privacy at Risk

By Christopher Slobogin

In Privacy at Risk, I argued that public surveillance and surveillance of our transactions through accessing records held by third parties (including ISPs) should be considered searches for Fourth Amendment purposes and should be subject to constitutional regulation proportionate to the degree of intrusion visited by the surveillance. This talk responds to two recent reviews of the book, one by Orin Kerr and the other by Peter Swire, which allows discussion of government surveillance of activity that occurs in public, the Supreme Court's "third party doctrine," the current statutory regime regulating transactional surveillance, and many other issues related to the use of technology to detect and investigate crime.