


# Class 19: Introduction to the Wiretap Act

## Administrative

- Next Time
  - 463-82
  - NO handout
- A bit more on upcoming conferences
  - New "two hour" rule
    - DU: 11/20, 9 AM - 4:30 PM
    - CU: 12/4, 1 PM - 5:45 PM
    - I speak in 10 AM hour
  - 12/4, ECPA Tutorial
    - 11am
    - Good review for final exam
  - Reading will be posted for DU conference soon.

## Last Time

- Applying REP to Various Computer Network Technologies, Applications, and Providers
  - Analogies and Themes
    - Misplaced Trust
    - Assumption of Risk
      - Bailor / Bailee
      - The "Third Party Doctrine" cases
        - US v. Miller
        - Smith v. Maryland
  - More Recurring Themes +
  - Basic Subscriber Info
    - Hambrick
      - Means 
        - pp. 427-29, Note 3
        - Basic Subscriber Information
          - name
          - billing address
          - home, work, and fax numbers
          - other billing info
        - Held
        - Reasoning
- Retrospective
  - Facebook status updates? +
  - Blogs / Twitter
  - Email / Webmail
    - p. 399, Note 2
      - A writes email to B who forwards it to C
      - FBI gets copy of email from Email provider before C has accessed it
    - Different for Gmail?
  - Other file and record storage +

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## Last Time

Prospective  
Special Cases

Non-content Internet surveillance  
Content Internet surveillance

Forrester

Facts  
Held  
Reasoning

Pair convicted of manufacturing Ecstasy  
Real-Time surveillance of:  
Email addresses: to/from  
IP addresses of websites visited  
Total volume of information transmitted  
Did more later, but not at issue  
Don't worry about what a "mirror port" is

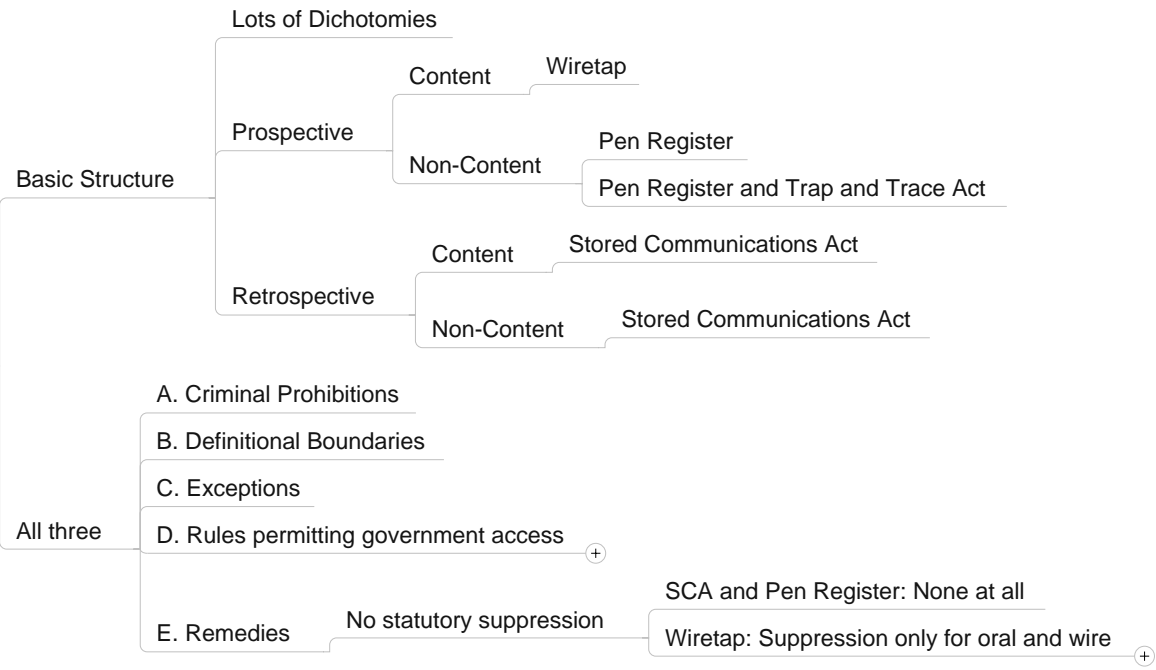
## Introduction to ECPA

Motivation  
History

Olmstead  
1934 Communications Act  
Berger and Katz  
1968 Omnibus Crime Control and Safe Streets Act "Title III"  
Smith v. Maryland  
ECPA  
Title 1: Wiretap  
Title 2: Stored Communications Act  
Title 3: Pen Register and Trap and Trace Act

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## Introduction to ECPA



## Introduction to Wiretap

