Index

ACQUISITION OF METADATA

Surveillance without court order, 3:19

ADMISSION OF INFORMATION EVIDENCE

Disclosure, Use and Admission of Information and Evidence (this index)

AGENCY GUIDELINES

Executing Electronic Surveillance (this index)

AGENT OF A FOREIGN POWER

Foreign intelligence surveillance, 9:9

AGGRIEVED PERSON DEFINITION

Proceedings to determine compliance with statutes, **6:16 to 6:21**

ALDERMAN V. U.S.

Discovery, 7:17

Proceedings to determine compliance with statutes, **6:17**

AMENDMENTS TO ORDER

Executing electronic surveillance, **5:23 to 5:29**

AMICUS CURIAE

Foreign intelligence surveillance, 9:22

APPEALS

Executing electronic surveillance, appeals to order, **5:29**

Foreign intelligence surveillance, 9:53
Proceedings to determine compliance
with statutes, 6:38

APPLICATIONS

Court Ordered Surveillance (this index)

Executing electronic surveillance
Approval of amendment to order, **5:28**Extension, **5:32**

Foreign Intelligence Surveillance (this index)

Proceedings to Determine Compliance with Statutes (this index)

ARREST

Executing electronic surveillance
Representation by attorney after arrest,
5:13

Representation by attorney before arrest, **5:12**

Proceedings to determine compliance with statutes prior to arrest, **6:25**

ATTORNEY GENERAL

Court ordered surveillance, **4:10 to 4:13** Foreign intelligence surveillance, approval of attorney general, **9:26**

ATTORNEYS

Executing electronic surveillance
Persons represented by or entitled to be
represented by attorneys, **5:11 to 5:14**

Sixth Amendment

Ethical restrictions, contacts with persons represented by counsel, **2:64**

Right to counsel, 2:63

Surveillance without court order Ethical restrictions on recordings, **3:60**

AUTHENTICITY AND ACCURACY OF RECORDING

Disclosure, use and admission of information and evidence, **7:54 to 7:59**

AUTHORITY

Court ordered surveillance, application, 4:18

Foreign intelligence surveillance, no court order, executive authority, **9:12 to 9:18**

Surveillance without court order Consent, **3:66 to 3:68**

Engaging in interception, 3:43 to 3:45

BACKGROUND COMMUNICATIONS

Executing electronic surveillance, 5:5

BACKUP PRESERVATION OF STORED COMMUNICATIONS

Executing electronic surveillance, **5:56**, **5:57**

BERGER V. NEW YORK

1968, surveillance and legal developments prior to, **2:22**

BILL OF PARTICULARS

Discovery, 7:9

BUGGING

1968, Surveillance and Legal Developments Prior to (this index)

Title III, basis for federal regulation, 2:35

BURDEN OF PROOF

Proceedings to determine compliance with statutes, **6:36**, **6:37**, **6:56**Surveillance without court order

Validity of consent, 3:62 to 3:65

CALLER IDENTIFICATION SERVICES

Surveillance without court order, 3:41

CELL PHONES

Court ordered surveillance, **4:29** Examination of data in phone, **3:25**

CERTIFICATION

Foreign intelligence surveillance, 9:33, 9:51, 9:66

CHAVEZ CASE

Proceedings to determine compliance with statutes, **6:43**

CIVIL LIABILITY

1968, surveillance and legal developments prior to, **2:15**

CIVIL PROCEEDINGS AND LITIGATION

Discovery (this index)

Illegal Electronic Surveillance, Penalties and Remedies (this index)

Proceedings to determine compliance with statutes, civil action, **6:27**

CLAIM

Proceedings to determine compliance with statutes

Contents and sufficiency of claim, 6:6

CLASSIFIED INFORMATION PROCEDURES ACT

Discovery, 7:19

CODE, CONVERSATIONS IN

Disclosure, use and admission of information and evidence, 7:70

COLLECTION OF TANGIBLE THINGS

Order, 9:75 et seq.

COMMON LAW

Disclosure, use and admission of information and evidence

Inaudibility, 7:70

Disclosure, Use and Admission of Information and Evidence (this index)

COMPLIANCE

Proceedings to Determine Compliance With Statutes (this index)

COMPUTERS

Court ordered surveillance

Searches, 4:93

Disclosure, use and admission of information and evidence

Data, 7:59

Electronic Communications (this index)

Surveillance without court order Trespassers, **3:49**

CONFISCATION OF ILLEGAL DEVICES

Illegal electronic surveillance, penalties and remedies, **8:14**

CONFRONTATION, RIGHT OF

Sixth Amendment, 2:65

CONSENT

Foreign intelligence surveillance, 9:19 Illegal electronic surveillance, penalties and remedies, 8:17, 8:18

1968, surveillance and legal developments prior to, **2:12**

Party to the conversation. **Surveillance**Without Court Order (this index)

CONSTITUTIONAL ISSUES

Generally, 2:42 to 2:70

Bulk collection of telephony metadata, 9:82

Claims under 28 U.S.C. § 1983, **8:62**

Court ordered surveillance, 4:93, 4:94

Difference between conventional and electronic search, 2:43

Disclosure, use and admission of information and evidence, **7:61 to 7:64**

CONSTITUTIONAL ISSUES—Cont'd

Discovery, constitutional requirement, 7:3 Executing electronic surveillance, 5:25 Minimization, 5:16

Fifth Amendment (this index)

First Amendment (this index)

Foreign intelligence surveillance, constitutionality of FISA, **9:59 to 9:64**

Fourth Amendment (this index)

Separation of powers, 2:68

Sixth Amendment (this index)

Speech and debate clause, 2:69

Surveillance without court order, 3:55, 3:71

Title III, 2:42 to 2:70

Unreasonable search, electronic surveillance as. 2:44

CONTEMPT PROCEEDINGS

Proceedings to determine compliance with statutes, **6:13**

CONTROLS ON EMERGENCY SURVEILLANCE

Surveillance without court order, 3:72

COPIES

Disclosure, use and admission of information and evidence, 7:74 to 7:78

COSTS

Executing electronic surveillance, 5:58

COUNSEL

Attorneys (this index)

COURT AUTHORIZATION

Statutory Framework (this index)

COURT ORDERED SURVEILLANCE

Generally, 4:1 et seq.

Application for

Generally, 4:9 to 4:53

Attorney general or designated high level officials, **4:10 to 4:13**

Authorization to file by attorney general or designated high level officials, **4:10** to **4:13**

Cellular telephones, 4:29

Contents, 4:17 to 4:48

Covert entry, 4:27

Danger from other methods, 4:60

COURT ORDERED SURVEILLANCE

—Cont'd

Application for—Cont'd

Details as to particular offense, 4:23,

Details concerning prior applications, 4.63

Details concerning results obtained under prior orders, **4:63**

Determinations, 4:70, 4:71

Electronic communications, 4:13

Facilities where surveillance is to be conducted, 4:25 to 4:29

Failure of other methods, 4:46 to 4:53

Findings, 4:70, 4:71

Identification of applicant and authorizing officer, **4:19 to 4:21**

Identity of persons to be overheard, 4:36 to 4:38

Inadequacy of alternative investigatory procedures, **4:39 to 4:60**

Judicial review, 4:68 to 4:71

Location of conversation, 4:33

Offenses about to be committed, 4:24

Offense under investigation, 4:31

Parties to conversation, 4:32

Period for which authorization is sought, **4:61**

Place where surveillance is to be conducted, **4:25 to 4:29**

Presentation of, 4:67

Privileged communications, 4:35

Probable cause standard, 4:22 to 4:38

Procedures, 4:9 to 4:16, 4:69

Prosecuting attorney, 4:15, 4:16

Public telephone or area, **4:26**

Quality of review by authorizing official, **4:11**

Questions to applicant, 4:69

Roving surveillance, **4:28**

Sealing and storage, **4:90**

Section 2516(1), **4:12**

Statement as to who will conduct surveillance, **4:65**

Statement of authority to apply, **4:18**

Statement of facts justifying request, 4:22 to 4:38

Statement of objective sought to be obtained, **4:64**

State provisions, 4:14 to 4:16

State statutes, requirements, 4:66

COURT ORDERED SURVEILLANCE —Cont'd Application for—Cont'd

Time of conversation, 4:34

Type of communication, 4:30 to 4:35

Unlikelihood of success, 4:54 to 4:59

Attorney general or designated high level officials, 4:10 to 4:13

Authority to apply for, 4:18

Authorization to file by attorney general or designated high level officials, 4:10 to 4:13

Background communications, 4:80

Cell site simulator, 4:113

Cellular telephones, 4:29, 4:93

Communications data warrants, 4:113

Computer searches, 4:93

Constitutional issues, 4:93, 4:94

Contents, 4:17 to 4:48

Conversation to be intercepted, type, 4:79

Covert entry, 4:27

Crimes for which surveillance may be used to investigate

Generally, **4:2 to 4:8**

Federal crimes, 4:2 to 4:6

Intrinsically serious offenses, **4:5**

Misdemeanors, 4:8

National security offenses, 4:4

Organized crime, 4:6

State crimes, **4:7, 4:8**

Customer records, 4:101

Danger from other methods, 4:60

Determinations, **4:70**, **4:71**

Directives concerning execution of order, 4:82 to 4:89

Directives regarding devices, 4:75 to 4:78 Disclosures not requiring prior service of

> subpoena, court order or warrant. 4:96

Duration directive, 4:86

Electronic communications, 4:13

Electronic Communications Privacy Act (ECPA), 4:95

Execution of order, 4:82 to 4:89

Facilities where surveillance is to be conducted, 4:25 to 4:29, 4:75 to 4:78

Failure of other methods, 4:46 to 4:53

Federal crimes, 4:2 to 4:6

Findings, 4:70, 4:71

COURT ORDERED SURVEILLANCE

-Cont'd

Identification of applicant and authorizing officer. 4:19 to 4:21

Identity of authorizing agency and person, 4:81

Identity of persons to be overheard, 4:36 to 4:38

Inadequacy of alternative investigatory procedures, **4:39 to 4:60**

Intrinsically serious offenses, 4:5

Judicial review, 4:68 to 4:71

Legislation, necessity for authorizing, 2:37

Location monitoring

Generally, **4:105 to 4:113**

Cell site simulator, **4:113**

Cell tower dumps, 4:109

Challenges, 4:110

Communications data warrants, 4:113

Exceptions to warrant requirement

suppression not required, 4:111

Geofence warrants, 4:109

"Pinging" a target phone, 4:108

Prospective data concerning a target phone, 4:107

Provider cell site data, 4:106

Real time location tracking, other methods of, **4:112**

Location of conversation, 4:33

Minimization directive, 4:88

Misdemeanors, 4:8

National security offenses, 4:4

Network investigative technique warrants,

1968, surveillance and legal developments prior to, wiretapping, 2:21, 2:22

No court order. Surveillance Without Court Order (this index)

Obtaining access to stored communications, 4:97 to 4:101

Offenses about to be committed, 4:24 Offense under investigation, 4:31

Order

Generally, **4:72 to 4:89**

Background communications, 4:80

Conversation to be intercepted, type, 4:79

Directives concerning execution of order, 4:82 to 4:89

COURT ORDERED SURVEILLANCE —Cont'd Order—Cont'd Directives regarding devices, 4:75 to 4:78

Duration directive, 4:86
Execution of order, 4:82 to 4:89

Facilities at which surveillance is to occur, **4:75 to 4:78**

Identity of authorizing agency and person, **4:81**

Minimization directive, 4:88

Person whose communications are to be intercepted, **4:74**

Place at which surveillance is to occur, 4:75 to 4:78

Reports to court, 4:89

Sealing and storage, 4:90

Termination directive, 4:87

Territorial jurisdiction of judge, devices outside, **4:73**

Time of surveillance, 4:83 to 4:87

Organized crime, 4:6

Parties to conversation, 4:32

Pen register, 4:103 to 4:104

Place where surveillance is to occur, **4:25** to **4:29**, **4:75** to **4:78**

"Post-cut-through" dialed digits, acquisition of, **4:104**

Privileged communications, 4:35

Probable cause standard, 4:22 to 4:38

Procedures, **4:9 to 4:16, 4:69**

Prosecuting attorney, 4:15, 4:16

Provider cell site data, 4:106

Cell tower dumps, 4:109

Challenges, 4:110

Exceptions to warrant requirement suppression not required, **4:111**

Geofence warrants, 4:109

"Pinging" a target phone, 4:108

Prospective data concerning a target phone, **4:107**

Public telephone or area, **4:26**

Real time location tracking, other methods of, **4:112**

Reports to court, **4:89**

Roving surveillance, 4:28

Sealing and storage, **4:90**

Section 2516(1), 4:12

State crimes, 4:7, 4:8

State provisions, 4:14 to 4:16

COURT ORDERED SURVEILLANCE

—Cont'd

State statutes, requirements, 4:66

Stored wire or electronic communications, **4:92 to 4:100**

Surveillance Without Court Order (this

index)

Termination directive, 4:87

Third parties, communications held by, **4:94**

Time of conversation, 4:34

Time of surveillance, 4:83 to 4:87

Title III. 2:36

Trap and trace orders, **4:103**, **4:104**

Unlikelihood of success, 4:54 to 4:59

Video surveillance, 4:91

COVERT ENTRY

Court ordered surveillance, 4:27

CRIMINAL PROCEEDINGS

Discovery (this index)

CRIMINAL PROSECUTIONS

Illegal Electronic Surveillance, Penalties and Remedies (this index)

CRIMINAL SANCTIONS

1968, surveillance and legal developments prior to, **2:16**

CUSTODY OR CONFINEMENT, MONITORING OF PERSONS IN

Surveillance without court order, **3:4**, **3:8**, **3:10**

CUSTOMER RECORDS

Court ordered surveillance, 4:101

DEFENDANT

Proceedings to determine compliance with statutes

Burden of proof, 6:56

Motion, filing of, 6:23

DEFENSES

Illegal electronic surveillance, penalties and remedies, civil litigation

Generally, 8:32 to 8:46

Consent, 8:35

Defenses provided, generally, **8:32 to 8:46**

Law enforcement officers' performance of duties, **8:42**

DEFENSES—Cont'd

Illegal electronic surveillance, penalties and remedies, civil litigation

-Cont'd

Legislative authority, defenses provided, **8:34**

"Ordinary course" of business exceptions, **8:39 to 8:41**

Providers ordinary course of business, **8:41**

Users ordinary course of business, **8:40**

Privileges and immunities, 8:45

Reliance on a court order, defenses provided, **8:33**

Special considerations involving online businesses, **8:36**

Special considerations involving voiceactivated, 8:37

Statute of limitations, 8:44

Statutory authority

defenses provided, 8:34

Surveillance, interspousal and intrafamilial, **8:38**

§ 2520 claims, generally, **8:43 to 8:46** Provided

Illegal electronic surveillance, penalties and remedies, civil litigation court order, reliance on, 8:33

Title III, criminal charges under

Generally, 8:15 to 8:19

Consent, 8:17, 8:18

Court order of provisions of Title III, good faith reliance on, **8:19**

Discriminatory enforcement, 8:16

Good faith reliance on court order of provisions of Title III, 8:19

Surveillance, interspousal and intrafamilial, **8:18**

DELAY OF DELIVERY OF RECORDINGS

Executing electronic surveillance, 5:36

DELIBERATIONS

Disclosure, use and admission of information and evidence, 7:80

DELIVERY

Executing electronic surveillance Recordings, **5:34 to 5:36**

DELIVERY—Cont'd

Proceedings to determine compliance with statutes

Application and order, 6:15

DEMAND FOR DISCLOSURE UNDER SECTION 3504

Proceedings to determine compliance with statutes, **6:3**

DESTINATION INFORMATION, ACQUISITION OF

Fourth Amendment, 1:21 to 1:23 Statutory framework, 1:24 to 1:27

DESTRUCTION OF RECORDINGS

Executing electronic surveillance, 5:40

DETAINMENT

Surveillance without court order, monitoring of persons who are detained, 3:10

DETERMINATIONS

Court ordered surveillance, 4:70, 4:71

DIRECTIVES

Court ordered surveillance

Concerning execution of order, **4:82 to 4:89**

Devices, 4:75 to 4:78

Foreign intelligence surveillance, order, **9:46**

DIRECT TESTIMONY

Disclosure, use and admission of information and evidence, **7:53**

DISCLOSURE, USE AND ADMISSION OF INFORMATION AND EVIDENCE

Generally, 7:32 to 7:81

Authentication of recordings, **7:56**

Authenticity and accuracy of recording, 7:54 to 7:59

Code, conversations in, 7:70

Common law

Generally, 7:51 to 7:78

Alterations, absence of, 7:57

Authentication of recordings, 7:56

Authenticity and accuracy of recording, 7:54 to 7:59

Code, conversations in, 7:70

Computer data, 7:59

Constitutional issues, 7:61 to 7:64

Index-6

DISCLOSURE, USE AND ADMISSION OF INFORMATION AND EVIDENCE—Cont'd Common law—Cont'd Copies, 7:74 to 7:78 Determination of admissibility, 7:52, 7:53 Direct testimony, 7:53 Fifth Amendment, 7:63 Foreign language conversations, 7:71 Fourth Amendment, 7:62 Identification by person overhearing conversation, 7:65 Identity of speakers, 7:60 to 7:68 Inaudibility, 7:69 Inclusion of irrelevant material, 7:73 Incompleteness, effect of, 7:72 Sixth Amendment, 7:64 Standards of admissibility, 7:55 to 7:57 Transcripts, 7:74 to 7:78 Video and similar recordings, 7:58, 7:68 Voice exemplars and other types of identification evidence, 7:67 Voice spectrograms, 7:66 Computers and other electronic devises, data from, 7:59 Constitutional issues, 7:61 to 7:64 Copies, 7:74 to 7:78 Court ordered surveillance, not requiring prior service of subpoena, 4:96 Deliberations, use during, 7:80, 7:81 Determination of admissibility, 7:52, 7:53 Direct testimony, 7:53 Electronic communications services, 7:49 Federal officers, obtained from, 7:36, 7:42 Federal proceedings, 7:40, 7:41 Fifth Amendment, 7:63 Foreign language conversations, 7:71 Fourth Amendment, 7:62 Identification by person overhearing conversation, 7:65 Identity of speakers, 7:60 to 7:68 Illegal electronic surveillance, penalties and remedies, 8:12, 8:48 Illegally obtained, 7:80

Inaudibility, **7:69, 7:70**

Irrelevant material, 7:73

Incompleteness, effect of, 7:72

DISCLOSURE, USE AND ADMISSION OF INFORMATION AND EVIDENCE—Cont'd Law enforcement officers, disclosure to, 7:33, 7:34 Law enforcement officers, use by, 7:35 to 7:38 Media access. 7:48 Private persons, obtained from, 7:44 Records admission, 7:39 to 7:47 Reviewing court, use by, 7:81, 7:82 Section 2517, 7:50 Sixth Amendment, 7:64 Standards of admissibility, 7:55 to 7:57 State officers, obtained from, 7:38, 7:43 State proceedings, 7:45 to 7:47 State prohibiting surveillance, 7:34, 7:36 Summary of SCA disclosure rules, 4:102 Title III Generally, 7:32 to 7:50 Admission of records, 7:39 to 7:47 Electronic communications services, 7:49 Federal officers, obtained from, 7:36, Federal proceedings, 7:40, 7:41 Law enforcement officers, disclosure to, 7:33, 7:34 Law enforcement officers, use by, 7:35 to 7:38 Media access, 7:48 Private persons, obtained from, 7:44 Section 2517, 7:50 State officers, obtained from, 7:38, State proceedings, 7:45 to 7:47 State prohibiting surveillance, 7:34, **7:36** Transcripts, 7:74 to 7:78 Video and similar recordings, 7:58, 7:68 Voice exemplars and other types of identification evidence, 7:67 Voice spectrograms, 7:66 **DISCOVERY** Alderman v. U.S., 7:17 Bill of particulars, 7:9 Civil proceedings Generally, 7:23 to 7:31 Executive privilege objection, 7:26 to

DISCOVERY—Cont'd Civil proceedings—Cont'd Freedom of Information Act. 7:25 Government's burden of showing necessity for nondisclosure, 7:28 Objection executive privilege, 7:26 to 7:29 Freedom of Information Act, 7:25 Partial disclosure, 7:29 Plaintiff's burden of showing need, 7:27 Suits based on illegal surveillance, 7:24 to 7:29 Classified Information Procedures Act, 7:19 Constitutional requirement, 7:3 Criminal proceedings Generally, 7:2 to 7:23 Alderman v. U.S., 7:17 Bill of particulars, 7:9 Classified Information Procedures Act, 7:19 Disclosure required of defendant, 7:21 18 U.S.C.A. Section 3500 (Jencks Act), 7:15 Failure to comply with discovery requirements, 7:22 Federal Rule of Criminal Procedure 7(f), **7:9** Federal Rule of Criminal Procedure 16(a)(1)(B)(i), 7:10 Federal Rule of Criminal Procedure

16(a)(1)(E), **7:11**

16(a)(1)(F), **7:12**

41(e), **7:16**

Grand jury witness, 7:7

Jencks Act, 7:15

7:19

Federal Rule of Criminal Procedure

Federal Rule of Criminal Procedure

Illegality, determination of, **7:17** Inventory, service of, **7:5**

Procedural rules, 7:8 to 7:15

Subpoenas under Rule 17, 7:14

Executive privilege objection, 7:26 to

Protective orders, 7:20

Suppression hearing, 7:6

Title III, 7:4 to 7:7

Federal Rule of Evidence 404(b), 7:13

Limits on discoverable material, 7:18,

DISCOVERY—Cont'd Federal Rule of Criminal Procedure 7(f), Federal Rule of Criminal Procedure 16(a)(1)(B)(i), **7:10** Federal Rule of Criminal Procedure 16(a)(1)(E), **7:11** Federal Rule of Criminal Procedure 16(a)(1)(F), **7:12** Federal Rule of Criminal Procedure 41(e), 7:16 Federal Rule of Evidence 404(b), 7:13 Freedom of Information Act, 7:25 Grand jury witness, 7:7 Illegality, determination of, 7:17 Inventory, service of, 7:5 Jencks Act, 7:15 Limits on discoverable material, 7:18, 7:19 Partial disclosure, 7:29 Procedural rules, 7:8 to 7:15 Protective orders, 7:20 Subpoenas under Rule 17, 7:14 Suppression hearing, 7:6 Title III, 7:4 to 7:7

DISCRIMINATORY ENFORCEMENT

Illegal electronic surveillance, penalties and remedies, **8:16**

DISMISSAL OF INDICTMENT

Proceedings to determine compliance with statutes, **6:51**

DUE PROCESS

Fifth Amendment, **2:62**, **7:63**Title III, **2:62**

DURATION

Court ordered surveillance, directive, **4:86** Foreign intelligence surveillance, **9:47**

18 U.S.C. 2510-2522

Interception, App. A

18 U.S.C. 3121-3127

Pen registers and similar devices, **App. C** Trap and trace orders and devices, **App. C**

18 U.S.C. 2701-2709, 2711-2712

Stored communications, App. B

ELECTRONIC COMMUNICATIONS

Court ordered surveillance, 4:13

ELECTRONIC COMMUNICATIONS —Cont'd

Disclosure, use and admission of information and evidence, **7:49**

Executing electronic surveillance, minimization

Electronic commmunications, **5:19**Wire and oral commmunications, **5:18**

Fourth Amendment, 1:9, 1:23 Statutory framework, 1:14

Surveillance Without Court Order (this index)

ELECTRONIC COMMUNICATIONS PRIVACY ACT (ECPA)

Court ordered surveillance, **4:95** Summary of SCA disclosure rules, **4:102** Surveillance without court order, **3:79**

ELECTRONIC DEVICES

Foreign intelligence surveillance, 9:6
Surveillance without court order, 3:30 to
3:32

EMERGENCY AUTHORIZATION

Foreign intelligence surveillance, non-U.S. persons, **9:71**

EMERGENCY SURVEILLANCE

Foreign intelligence surveillance, 9:16 Surveillance without court order, 3:70 to 3:77

EMPLOYEES OF THE FEDERAL COMMUNICATIONS COMMISSION

Surveillance without court order, **3:50**, **3:51**

EQUAL PROTECTION

Foreign intelligence surveillance, 9:64

EQUIPMENT USED BY PROVIDERS OF WIRE OR ELECTRONIC COMMUNICATIONS

Surveillance without court order, 3:42

ETHICAL RESTRICTIONS

Sixth Amendment, contacts with persons represented by counsel, **2:64**

Surveillance without court order, recordings by attorneys, **3:60**

EVIDENCE

Disclosure, Use and Admission of Information and Evidence (this index)

EVIDENCE—Cont'd

Executing electronic surveillance
Preservation of stored communications,
5:56, 5:57

Foreign intelligence surveillance, 9:57 Illegal electronic surveillance, penalties and remedies, 8:22

Objectives, 2:5

Proceedings to determine compliance with statutes, **6:30**, **6:31**, **6:55**

Testimony (this index)

EXCLUSIONARY RULE

Title III, basis for imposition of, 2:36

EXECUTING ELECTRONIC SURVEILLANCE

Generally, **5:1 to 5:58**

Acquisition of stored communications, 5:50 to 5:57

Adverse effect of surveillance on privileged communication, **5:7 to**

Agency guidelines

Generally, 5:48 to 5:57

Acquisition of stored communications, 5:50 to 5:57

Backup preservation of stored communications, **5:56**, **5:57**

Evidence preservation of stored communications, **5:56**, **5:57**

Notice of acquisition of stored communications, **5:52 to 5:55**

Service provider, preclusion of notice of acquisition of stored communications, 5:55

Service provider assistance in acquisition of communications and related records, **5:51**

Special considerations, 5:49

Stored communications, acquisition of, 5:50 to 5:57

Amendments to order, 5:23 to 5:29

Appeals, order, 5:29

Application and approval of amendment to order, **5:28**

Application for extension, **5:32**

Arrest, representation by attorney after, 5:13

Arrest, representation by attorney before, **5:12**

EXECUTING ELECTRONIC SURVEILLANCE—Cont'd

Attorney, persons represented by or entitled to be represented by, **5:11 to 5:14**

Authorization of extension, **5:31**Background communications, **5:5**Realizer presentation of stored communications

Backup preservation of stored communications, **5:56**, **5:57**

Communications not subject to interception, **5:17**

Constitutional aspects of minimization, 5:16

Constitutional issues, 5:25

Court ordered surveillance, 4:82 to 4:89

Criteria by which minimization is evaluated, **5:20**

Delay of delivery of recordings, 5:36

Delivery of recordings, 5:34 to 5:36

Destruction of recordings, 5:40

Duty to minimize interception, 5:15 to 5:21

Electronic communications, minimization of, **5:19**

Evidence preservation of stored communications, **5:56**, **5:57**

Ex parte postponement of service of notice, **5:44**

Extension, order, 5:24, 5:32

Extension of surveillance, 5:30 to 5:32

Indictment, surveillance after, 5:14

Inventory, contents of, 5:46

Limited interception of privileged communications, **5:9**

Loss of recordings, 5:40

Minimize, failure to, 5:21

New application for order, 5:24

Notice

Acquisition of stored communications, 5:52 to 5:55

Occurrence of surveillance, **5:41 to 5:47**

Order

Amendments to, 5:23 to 5:29

Appeals, 5:29

Application and approval of amendment, **5:28**

Constitutional issues, **5:25**

Extension, 5:24, 5:32

New application, 5:24

Persons not named in, 5:4

EXECUTING ELECTRONIC SURVEILLANCE—Cont'd

Order—Cont'd

Procedure for amending, 5:27 to 5:29

Requirement for amendment, 5:26

Persons entitled to receive notice, **5:45**

Persons not named in order, 5:4, 5:5

Persons who may execute Title III, 5:2

Post-surveillance notice, 5:42 to 5:44

Privileged communications, 5:6 to 5:10

Procedure for amending order, **5:27 to 5:29**

Procedures by which minimization is accomplished

Electronic communications, 5:19

Wire and oral communications, 5:18

Prohibition of interception on privileged communications, **5:8**

Recordation of intercepted communications, requirement, **5:3**

Reimbursement of costs, 5:58

Reports to court, 5:22

Requirement for amendment of order, **5:26**

Retention of recordings, 5:39

Sanctions for improper interception of privileged communications, **5:10**

Sealing of recordings, **5:34**, **5:37**, **5:38**

Section 2518(8)(d), 5:47

Service provider, preclusion of notice of acquisition of stored communications, 5:55

Service provider assistance in acquisition of communications and related records, **5:51**

Storage of recordings, 5:34, 5:40

Stored communications, acquisition of, 5:50 to 5:57

Termination of surveillance, **5:33** Time

Delivery of recordings, 5:35

Service of notice, 5:43

Title III, persons who may execute, 5:2

Unsealing of recordings, 5:38

Wire and oral communications, minimization of, 5:18

EXECUTIVE AUTHORITY

Foreign intelligence surveillance, no court order, 9:12 to 9:18

EXECUTIVE PRIVILEGE OBJECTION

Discovery, 7:26 to 7:29

EXIGENCY

Fourth Amendment, 2:53

EX PARTE, IN CAMERA DETERMINATION

Foreign intelligence surveillance, 9:50

EXTENSIONS

Executing electronic surveillance, **5:24**, **5:30** to **5:32**

Foreign intelligence surveillance, 9:47

EXTRATERRITORIAL SURVEILLANCE

Foreign intelligence surveillance, 9:13

FACILITIES WHERE SURVEILLANCE IS TO BE CONDUCTED

Court ordered surveillance, 4:75 to 4:78

FEDERAL AGENCY REGULATIONS

1968, surveillance and legal developments prior to, **2:17**

FEDERAL COMMUNICATIONS COMMISSION, EMPLOYEES OF THE

Surveillance without court order, 3:51

FEDERAL COURTS

1968, surveillance and legal developments prior to, **2:9**

FEDERAL CRIMES

Court ordered surveillance, 4:2 to 4:6

FEDERAL OFFICERS

Disclosure, use and admission of information and evidence, 7:36, 7:42

Surveillance without court order, 3:56

FEDERAL PROCEEDINGS

Disclosure, use and admission of information and evidence, **7:40, 7:41**

FEDERAL RULE OF EVIDENCE 404(B)

Discovery, 7:13

FEDERAL RULES OF CRIMINAL PROCEDURE

Discovery

Rule 7(f), **7:9**

Rule 16(a)(1)(B), 7:10

Rule 16(a)(1)(E), 7:11

FEDERAL RULES OF CRIMINAL PROCEDURE—Cont'd

Discovery—Cont'd Rule 16(a)(1)(F), **7:12** Rule 41(e), **7:16**

FEDERAL TORT CLAIMS ACT

Illegal electronic surveillance, penalties and remedies, **8:63**

FIFTH AMENDMENT

Disclosure, use and admission of information and evidence, **7:63**

Due process, 2:62, 7:63

Foreign intelligence surveillance, 9:62

Self-incrimination, privilege against, 2:61, 7:61, 7:63

Title III, 2:61, 2:62

50 U.S.C. 1801-1811, 1841-1846, 1861, 1871, 1881-1885C

Foreign intelligence surveillance, **App. D**

FILING

Foreign intelligence surveillance, authorization, **9:25**

Proceedings to determine compliance with statutes, **6:22 to 6:35**

FIRST AMENDMENT

Foreign intelligence surveillance, **9:61** Free speech, effect on, **2:58**

FOREIGN POWER REQUIREMENT

Foreign intelligence surveillance, 9:8

FOREIGN INTELLIGENCE SURVEILLANCE

Generally, 1:28, 9:1 to 9:76

Accuracy and exculpatory information, **9:39**

Agent of a foreign power, 9:9

Amicus curiae, 9:22

Appeals, 9:53

Application for surveillance

Attorney general approval, 9:26

Certification and contents, 9:33

Contents of application, 9:24 to 9:37

Description of information sought, 9:32

Factual basis, 9:30

Filing, authorization, 9:24

Identity of applicant, 9:28

Identity of target, 9:29

FOREIGN INTELLIGENCE FOREIGN INTELLIGENCE SURVEILLANCE—Cont'd SURVEILLANCE—Cont'd Application for surveillance—Cont'd 50 U.S.C. 1801-1811, 1841-1846, 1861, Methods by which surveillance is 1871, 1881-1885c, **App. D** conducted, 9:34 Filing, authorization, 9:25 Minimization procedures, 9:31 First Amendment, 9:61 Previous applications, 9:35 Foreign power requirement, 9:8 Summary of investigative techniques, Foreign intelligence information, 9:7 9:37 Foreign Intelligence Surveillance Act Time period, 9:36 (FISA), 9:3 to 9:68 Attorney general approval, 9:26 Foreign Intelligence Surveillance Court, Availability of amicus curiae to assist 9:21 Court, 9:22 Fourth Amendment, 9:60 Identity of applicant, 9:28 Bulk collection of electronic communication metadata, 9:79 et seq. Identity of target, 9:29 Ongoing production of records in con-Immunity for assistance, 9:58 nection with international terror-Incidental surveillance, 9:18 ism investigations, 9:80 Judicial oversight levels under FISA, 9:11 Other records, 9:81 Judicial review and findings, 9:40 to 9:43 Certification and contents, 9:33 Methods by which surveillance is conducted, 9:34 Certification and orders, non-u.s. persons, Minimization 9:66 Generally, 9:48 Compliance issues, 9:70 Minimization procedures, 9:68 Procedures, 9:31 Queries, 9:69 Scope of review, 9:52 Non-U.S. persons, **9:66 to 9:72** Targeting procedures, 9:67 Notice, disclosure, and use of informa-Certification of purpose and finding of tion, 9:56, 9:74 probable cause, 9:51 Consent surveillance, 9:19 Application and order, targets not rea-Constitutionality of FISA, 9:59 to 9:64 sonably believed to be outside of Court, 9:21 U.S., 9:20 to 9:37 Description of information sought, 9:32 Certifications and orders, non-u.s. Designation of counsel in case involving persons, 9:66 U.S. persons, **9:23** Non-u.s. persons, 9:66 to 9:72 Directives in order, 9:46 Surveillance, 9:44 to 9:46 Duration, 9:47 Surveillance without, 9:12 to 9:18 Electronic surveillance, 9:6 Targets not reasonably believed to be Emergency authorization, non-U.S. outside of U.S., application and persons, 9:71 order, 9:20 to 9:37 Emergency surveillance, 9:16 Targets reasonably believed to be outside of U.S., 9:65 to 9:74 Equal protection, 9:64 Evidence, 9:55 U.S. persons outside of U.S., 9:73 Overview, 1:28 Exclusivity, 9:4 Pen registers, 9:75 Executive authority to authorize FISA surveillance without a court order, Post-surveillance challenges 9:14 to 9:18 Generally, 9:49 to 9:53 Ex parte, in camera determination, 9:50 Appeals, 9:53 Extensions, 9:47 Certification of purpose and finding of Extraterritorial surveillance, 9:13 probable cause, 9:51 Fifth Amendment, 9:62 Ex parte, in camera determination, 9:50

FOREIGN INTELLIGENCE SURVEILLANCE—Cont'd

Post-surveillance challenges—Cont'd Minimization, 9:52

Preclusion, 9:53

Scope of review, **9:51**, **9:52**

Previous applications, 9:35

Probable cause, 9:42

Procedure by which surveillance application is filed

Contents of application, Summary of information obtained, **9:38**

Proper authorization, 9:41

Provider assistance, non-U.S. persons, **9:72**

Purpose and coverage of FISA, 9:3 to 9:11

Purpose of FISA surveillance, 9:10

Scope of FISA, 9:5 to 9:10

Section 1802(a) surveillance, 9:15

Sixth Amendment, 9:63

Specifications in order, 9:45

Statements and certifications, **9:43**

Summary of information obtained, 9:38

Summary of investigative techniques, **9:37**

Time period, 9:36

Trap and trace devices, 9:75

United States persons, information concerning, **9:55**

Use of FISA information, 9:54 to 9:57

U.S. persons outside of U.S., 9:73

U.S. v. U.S. District Court, 9:2

War, authorization during time of, **9:19**

Warrantless national security surveillance, **9:2**

FOREIGN INTELLIGENCE SURVEILLANCE ACT (FISA)

Foreign intelligence surveillance, 9:3 to 9:68

Proceedings to determine compliance with statutes, **6:12**

FOREIGN LANGUAGE CONVERSATIONS

Disclosure, use and admission of information and evidence, **7:71**

FOREIGN PERSONS

Foreign intelligence surveillance, **9:66 to 9:72**

47 U.S.C.A. SECTION 605

Illegal electronic surveillance, penalties and remedies, **8:24**

1968, surveillance and legal developments prior to (this index)

FORWARDED ELECTRONIC COMMUNICATIONS

Surveillance without court order, 3:28

FOURTH AMENDMENT

Content of notice, 2:55

Destination information, acquisition of, 1:21 to 1:23

Disclosure, use and admission of information and evidence, **7:62**

Electronic communications, 1:9, 1:23

Exigency, 2:53

Failure to limit surveillance to known and named persons, **2:50**

Foreign intelligence surveillance, 9:60

Identifying information, acquisition of, 1:21 to 1:23

Incidental interception, 2:60

Interception during transmission, 1:7 to 1:9

Length of surveillance, 2:51

Notice requirement, 2:52 to 2:56

Offense being investigated, 2:47

Oral communications, 1:8

Particularity requirement, 2:46 to 2:49

Persons entitled to notice, 2:56

Place to be searched, 2:48

Source information, acquisition of, 1:21 to 1:23

Stored communications, acquisition of, 1:16

Things to be seized, 2:49

Time of service of notice, 2:54

Title III, Constitutionality of, 2:45

Waiving pre-surveillance notice, 2:53

Warrantless playing of seized recordings, 2:59, 2:60

Wire communications, 1:8, 1:22

FRAUDULENT USE, INTERCEPTION TO DETECT

Surveillance without court order, 3:45

FREEDOM OF INFORMATION ACT

Discovery, 7:25

FREE SPEECH

First Amendment, 2:58

GELBARD V. U.S.

Proceedings to determine compliance with statutes, **6:13**

GIORDANO CASE

Proceedings to determine compliance with statutes, **6:43**

GOOD FAITH EXCEPTION TO EXCLUSIONARY RULE

Proceedings to determine compliance with statutes, **6:44**

GOOD FAITH RELIANCE

Illegal electronic surveillance, penalties and remedies, **8:19**

GOVERNMENT ACTIVITIES

Private activities vs.. 1:4

GOVERNMENT'S RESPONSE

Proceedings to determine compliance with statutes, **6:7 to 6:10**

GRAND JURY

Discovery, witness, 7:7

Proceedings to Determine Compliance with Statutes (this index)

HARMLESS ERROR

Proceedings to determine compliance with statutes, **6:67**

HEARINGS

Proceedings to determine compliance with statutes, **6:29 to 6:39, 6:53 to 6:57**

IDENTIFYING INFORMATION, ACQUISITION OF

Fourth Amendment, **1:21 to 1:23** Statutory framework, **1:24 to 1:27**

IDENTITY AND IDENTIFICATION

Court ordered surveillance

Applicant and authorizing officer, **4:19** to **4:21**

Authorizing agency and person, 4:81

Persons to be overheard, 4:36 to 4:38

Disclosure, use and admission of information and evidence

Person overhearing conversation, **7:65** Speaker's identity, **7:60 to 7:68**

IDENTITY AND IDENTIFICATION

-Cont'd

Foreign intelligence surveillance

Applicant, 9:28

Target, 9:29

Objectives, participants, 2:4

Proceedings to determine compliance with statutes, witness, **6:63 to 6:66**

ILLEGAL ELECTRONIC SURVEILLANCE, PENALTIES AND REMEDIES

Generally, **8:1 to 8:63**

Admissibility, 8:48

Civil litigation

Generally, 8:25 to 8:63

Admissibility, 8:48

Damages, 8:49

Defenses provided, 8:32 to 8:46

Federal Tort Claims Act, 8:63

Injunctive relief, 8:50

Preemption, 8:47

Section 2512, 8:31

Section 2520, 8:25 to 8:50

Constitutional claims, 8:61

Section 2707, 8:51 to 8:59

Section 2712, 8:60

28 U.S.C. § 1983, claims under, 8:62

Confiscation of illegal devices, 8:14

Consent, 8:17, 8:18

Constitutional claims, 8:59

Criminal prosecutions

Generally, **8:7 to 8:24**

Confiscation of illegal devices, 8:14

Consent. 8:17, 8:18

Defenses, 8:15 to 8:22

Disclosure and use of unlawfully intercepted communications, **8:12**

Discriminatory enforcement, 8:16

Evidence, 8:22

47 U.S.C.A. 605, 8:24

Good faith reliance, 8:19

Indictment, 8:21

Interspousal surveillance, 8:18

Intrafamilial surveillance, 8:18

Intrastate activity, 8:10

Manufacture of devices, 8:13, 8:14

Oral communications, 8:11

Procedure, 8:20 to 8:22

Prohibition of interception, 8:9, 8:10

Section 2701, 8:23

ILLEGAL ELECTRONIC SURVEILLANCE, PENALTIES AND REMEDIES—Cont'd

Damages, 8:49

Defenses, 8:15 to 8:22

Provided, 8:32 to 8:46

Defenses provided, 8:32

Disclosure and use of unlawfully intercepted communications, **8:12**

Discriminatory enforcement, 8:16

Evidence, 8:22

Federal Tort Claims Act, 8:63

47 U.S.C.A. 605, 8:24

Good faith reliance, 8:19

Indictment, 8:21

Injunctive relief. 8:50

Interspousal surveillance, 8:18

Intrafamilial surveillance, 8:18

Intrastate activity. 8:10

Manufacture of devices, 8:13, 8:14

Oral communications, 8:11

Preemption, 8:47

Procedure, 8:20 to 8:22

Prohibition of interception, **8:9, 8:10**Sanctions

Intent, 8:3

Interception, **8:4**, **8:5** Oral communications, **8:6**

Privacy, expectation of, 8:6

Creation of, **6.6**

Statutory issues under Section 2511, 2520 and 2701, **8:2 to 8:6**

Stored electronic communications, 8:5

Section 2520, 8:25 to 8:50

Section 2701, 8:23

Section 2707, 8:51

Section 2712, 8:60

28 U.S.C. § 1983, claims under, 8:62

IMMUNITY FOR ASSISTANCE

Foreign intelligence surveillance, 9:58

IMPLIED CONSENT

Surveillance without court order, 3:65

INACTIVE LISTENING DEVICE

Surveillance without court order, 3:22

INADMISSIBILITY

Proceedings to determine compliance with statutes, **6:50**

INADVERTENT INTERCEPTION

Surveillance without court order, 3:26

INAUDIBILITY

Disclosure, use and admission of information and evidence, 7:69, 7:70

INCIDENTAL INTERCEPTION

Fourth Amendment, 2:60

INCIDENTAL SURVEILLANCE

Foreign intelligence surveillance, 9:18

INDEXING OF SURVEILLANCE EVIDENCE

Problems with, 7:1

INDICTMENT

Executing electronic surveillance, surveillance after indictment, **5:14**

Illegal electronic surveillance, penalties and remedies, **8:21**

Proceedings to determine compliance with statutes, prior to indictment, 6:25

INFORMANTS

1968, surveillance and legal developments prior to, nontresspassory entry, **2:29**

INJUNCTIVE RELIEF

Illegal electronic surveillance, penalties and remedies, **8:50**

INTERCEPTION

18 U.S.C. 2510-2522, App. A

Fourth Amendment, 1:7 to 1:9

Statutory framework, 1:10 to 1:14

Surveillance without court order, **3:12 to 3:29. 3:43 to 3:45**

INTERSPOUSAL SURVEILLANCE

Illegal electronic surveillance, penalties and remedies. **8:18**

Surveillance without court order, 3:69

INTERVENTION BY NONPARTIES AND NONWITNESSES

Proceedings to determine compliance with statutes, **6:26**

INTRAFAMILIAL SURVEILLANCE

Illegal electronic surveillance, penalties and remedies, **8:18**

Surveillance without court order, 3:69

INTRASTATE ACTIVITY

Illegal electronic surveillance, penalties and remedies, **8:10**

INTRINSICALLY SERIOUS OFFENSES

Court ordered surveillance, 4:5

INVENTORY

Discovery, service of inventory, **7:5** Executing electronic surveillance, contents of inventory, **5:46**

INVESTIGATIVE TECHNIQUES

Foreign intelligence surveillance, 9:37

INVESTIGATORY FOCUS

Proceedings to determine compliance with statutes, **6:59**

IRRELEVANT MATERIAL

Disclosure, use and admission of information and evidence, 7:73

JENCKS ACT

Discovery, 7:15

JUDICIAL OVERSIGHT

Foreign intelligence surveillance, **9:11**

JUDICIAL REVIEW AND FINDINGS

Court ordered surveillance, **4:68 to 4:71**Foreign intelligence surveillance, **9:40 to 9:43**

JURISDICTION

Court ordered surveillance, **4:73** Surveillance without court order, **3:79**

JUSTICE DEPARTMENT PROCEDURES

Surveillance without court order, 3:56

KATZ V. U.S.

1968, surveillance and legal developments prior to, **2:31**

KEY LOGGER SYSTEM

Surveillance without court order, 3:29

LAW ENFORCEMENT OFFICERS

Disclosure, use and admission of information and evidence, **7:33 to 7:38**

Federal Officers (this index)

State Officers (this index)

Surveillance Without Court Order (this index)

LOCATION

Court ordered surveillance Conversation, **4:33**

LOSS OF RECORDINGS

Executing electronic surveillance, 5:40

MAGIC LANTERN TECHNIQUE

Surveillance without court order, 3:29

MANUFACTURE OF DEVICES

Illegal electronic surveillance, penalties and remedies, **8:13**, **8:14**

MECHANICAL DEVICES

Surveillance without court order, **3:30 to 3:32**

MEDIA ACCESS

Disclosure, use and admission of information and evidence, 7:48

METADATA

Bulk collection, **9:78 et seq.**Surveillance without court order, **3:19**

METHODS

Generally, 1:2, 1:3

Acquisition of electronic communications and identifying information, **1:3**

MINIMIZATION

Court ordered surveillance, directive, **4:88** Executing electronic surveillance, failure to minimize, **5:21**

Foreign intelligence surveillance, **9:48**, **9:52**

Foreign Intelligence Surveillance (this index)

MISDEMEANORS

Court ordered surveillance, 4:8

MOBILE TRACKING DEVICES

Surveillance without court order, 3:21

MOTIONS TO SUPPRESS

Proceedings to Determine Compliance with Statutes (this index)

NATIONAL SECURITY

Court ordered surveillance, **4:4** 1968, surveillance and legal developments prior to, **2:14**

1968, SURVEILLANCE AND LEGAL DEVELOPMENTS PRIOR TO

Generally, 2:6 to 2:31

Berger v. New York, 2:22, 2:30

Bugging

Generally, 2:23 to 2:31

1968, SURVEILLANCE AND LEGAL	1968, SURVEILLANCE AND LEGAL
DEVELOPMENTS PRIOR TO	DEVELOPMENTS PRIOR TO
—Cont'd	—Cont'd
Bugging—Cont'd	Title III
Berger v. New York, 2:30	Berger v. new York, 2:22
Inapplicability of Section 605, 2:26	Legislative forerunners, 2:32
Informants, nontresspassory entry, 2:29	Trespass doctrine, elimination, 2:31
Katz v. U.S., 2:31	Wiretapping prohibition, 2:19
Non-trespassory entry, 2:25 to 2:28	NON-U.S. PERSONS
Olmstead v. U.S., 2:24	Foreign intelligence surveillance, 9:66 to
Radio transmission, 2:27	9:72
State legislation, 2:28	7.12
Trespass doctrine, elimination, 2:31	NOTICE
Civil liability, 2:15	Executing electronic surveillance
Consent surveillance, 2:12	Acquisition of stored communications,
Court ordered wiretapping, 2:21, 2:22	5:52 to 5:55
Criminal sanctions, 2:16	Occurrence of surveillance, 5:41 to
Exceptions, 2:11 to 2:14 Federal agency regulations, 2:17	5:47
Federal courts, 2:9	Foreign intelligence surveillance, 9:56 ,
47 U.S.C.A. Section 605	9:74
Generally, 2:8 to 2:16	Fourth Amendment, requirement, 2:52 to
Civil liability, 2:15	2:56
Consent surveillance, 2:12	OBJECTIVES
Criminal sanctions, 2:16	Generally, 2:2 to 2:5
Exceptions, 2:11 to 2:14	Evidence, 2:5
Federal courts, 2:9	Identities of participants, 2:4
National security, 2:14	Organizations, scope of, 2:4
State proceedings, 2:10	Strategic intelligence, 2:3
Telephone company activities, 2:13	Strategic interrigence, 2.3
Inapplicability of Section 605, 2:26	OLMSTEAD V. U.S.
Informants, nontresspassory entry, 2:29	1968, surveillance and legal develop-
Katz v. U.S., 2:31	ments prior to, 2:7, 2:24
National security, 2:14	ORAL COMMUNICATIONS
Non-trespassory entry, 2:25 to 2:28	Generally, 3:5 to 3:8
Olmstead v. U.S., 2:7, 2:24	
Radio transmission, 2:27	Custody or confinement, monitoring of persons in, 3:8
State legislation	Fourth Amendment, 1:8
Generally, 2:18 to 2:22	Illegal electronic surveillance, penalties
Berger v. New York, 2:22	and remedies, 8:11
Bugging, 2:28	Privacy
Court ordered wiretapping, 2:21, 2:22	Reasonableness of expectation of, 3:7
Telephone company property, injury to,	Subjective expectation of, 3:6
2:20	Statutory framework, 1:13
Title III, 2:22	Statutory framework, 1.13
Wiretapping prohibition, 2:19	ORDER
State proceedings, 2:10	Collection of tangible things, 9:75 et seq.
Telephone company activities, 2:13	Court Ordered Surveillance (this index)
Telephone company property, injury to,	Executing Electronic Surveillance (this
2:20	index)
	/

ORDER—Cont'd

Foreign intelligence surveillance Certifications and orders, non-u.s. persons, **9:66**

Non-u.s. persons, **9:66 to 9:72**

Targets reasonably believed to be outside of U.S., 9:65 to 9:74

U.S. persons outside of U.S., 9:73

Foreign Intelligence Surveillance (this index)

Proceedings to determine compliance with statutes

Delivery of, 6:15

ORDINARY COURSE OF BUSINESS

Surveillance without court order, equipment, **3:31**

ORGANIZATION OF TREATISE

Generally, 1:5

ORGANIZED CRIME

Court ordered surveillance, 4:6

OVERHEARING, UNAIDED

Surveillance without court order, 3:23

OVERSIGHT

Foreign intelligence surveillance, 9:11

PARTIAL DISCLOSURE

Discovery, 7:29

PARTIAL INADMISSIBILITY

Proceedings to determine compliance with statutes, **6:49**

PARTICULARITY REQUIREMENT

Fourth Amendment, 2:46 to 2:49

PENALTIES

Illegal Electronic Surveillance, Penalties and Remedies

PEN REGISTERS AND SIMILAR DEVICES

Court ordered surveillance, **4:103**, **4:104** 18 U.S.C. 3121-3127, **App.** C

Foreign intelligence surveillance, 9:75 Surveillance without court order, 3:18, 3:39

PERJURIOUS ANSWERS TO TAINTED QUESTIONS

Proceedings to determine compliance with statutes, **6:65**

PLACE

Court ordered surveillance, where surveillance is to occur, 4:25 to 4:29, 4:75 to 4:78

Fourth Amendment, place to be searched, 2:48

POSSESSORY INTEREST IN PREMISES

Proceedings to determine compliance with statutes, **6:18**

POSTCONVICTION REVIEW

Proceedings to determine compliance with statutes, **6:39**

POST-SURVEILLANCE

Executing electronic surveillance, notice, 5:42 to 5:44

Foreign intelligence surveillance, 9:49

PREEMPTION

Illegal electronic surveillance, penalties and remedies, **8:47**

State laws and provisions, 2:39 Title III, 2:39

PRETRIAL MOTION

Proceedings to determine compliance with statutes

Determining admissibility, 6:28

PREVENTING CRIMINAL ACTIVITY

Proceedings to determine compliance with statutes, **6:66**

PREVIOUSLY RECORDED COMMUNICATIONS, SHARING, REPLAYING OR RE-RECORDING

Surveillance without court order, 3:27

PRIVACY

Reasonableness of expectation of, **3:7** Subjective expectation of, **3:6**

PRIVATE PARTY CONSENT SURVEILLANCE

Surveillance without court order, **3:58**, **3:59**

PRIVATE PERSONS, OBTAINED FROM

Disclosure, use and admission of information and evidence, **7:44**

PRIVILEGED COMMUNICATIONS

Court ordered surveillance, 4:35

PRIVILEGED COMMUNICATIONS —Cont'd

Executing electronic surveillance, **5:6 to 5:10**

PROBABLE CAUSE

Court ordered surveillance, **4:22 to 4:38**Foreign intelligence surveillance, **9:42**Proceedings to determine compliance with statutes, **6:60 to 6:62**

PROCEDURES

Court ordered surveillance, **4:9 to 4:16**, **4:69**

Discovery, procedural rules, **7:8 to 7:15** Executing electronic surveillance

Amending order, 5:27 to 5:29

Minimization, accomplishing electronic communications, **5:19** wire and oral communications, **5:18**

Illegal electronic surveillance, penalties and remedies, **8:20 to 8:22**

PROCEEDINGS TO DETERMINE COMPLIANCE WITH STATUTES

Generally, **6:1 to 6:63**

Admissibility

Compliance with Title III, **6:42 to 6:51**Pretrial motion to determine, **6:28**Proceeding not covered in Section

Proceeding not covered in Section 2515, **6:47**

Aggrieved person definition, 6:16 to 6:21

Alderman v. U.S., 6:17

Appeals, **6:38**

Applications

Delivery of, **6:15**

Misrepresentations/omissions in, 6:31

Arrest, prior to, 6:25

Burden of proof, 6:36, 6:37, 6:56

Chavez case, 6:43

Civil action to prevent disclosure, **6:27**

Claim, contents and sufficiency of, 6:6

Contempt proceedings, 6:13

Defendant's burden of proof, 6:56

Defendant's motion, filing, 6:23

Delivery of application and order, 6:15

Demand for disclosure under Section 3504, **6:3**

Dismissal of indictment, 6:51

Evidence, **6:30**, **6:31**, **6:55**

Filing, 6:22 to 6:35

PROCEEDINGS TO DETERMINE COMPLIANCE WITH STATUTES

—Cont'd

Foreign Intelligence Surveillance Act (FISA), **6:12**

Gelbard v. U.S., 6:13

Giordano case, 6:43

Good faith exception to exclusionary rule, **6:44**

Government's response, **6:7 to 6:10** Grand jury

Generally, 6:1 to 6:613

Claim, contents and sufficiency of, 6:6

Contempt proceedings, 6:13

Demand for disclosure under Section 3504, **6:3**

Foreign Intelligence Surveillance Act (FISA), **6:12**

Gelbard v. U.S., 6:13

Government's response, 6:7 to 6:10

Resolution of disputes under Section 3504, **6:11**, **6:12**

Sources which must be checked, 6:8

Standing, 6:5

Time for Section 3504 demand, 6:4

Harmless error, 6:67

Hearings, 6:29 to 6:39, 6:53 to 6:57

Identity of witness, 6:63 to 6:66

Inadmissibility, 6:50

Indictment, prior to, 6:25

Intervention by nonparties and nonwitnesses, **6:26**

Investigatory focus, 6:59

Motions to suppress

Generally, 6:14 to 6:36

Admissibility determination, **6:28**

Aggrieved person definition, **6:16 to 6:21**

Alderman v. U.S., 6:17

Appeals, 6:38

Applications

delivery of, **6:15**

misrepresentations/omissions in, **6:31**

Arrest, prior to, 6:25

Basis for suppression, 6:40

Burden of proof, **6:36**, **6:37**

Civil action to prevent disclosure, 6:27

Contents and hearing, 6:29 to 6:39

Defendant's motion, filing, **6:23**

PROCEEDINGS TO DETERMINE **COMPLIANCE WITH STATUTES** —Cont'd

Motions to suppress-Cont'd

Delivery of application and order, 6:15

Evidence, 6:30, 6:31

Filing, 6:22 to 6:35

Hearings, 6:29 to 6:39

Indictment, prior to, 6:25

Intervention by nonparties and nonwitnesses, 6:26

Non defendant or nonparty's motion, filing, 6:24 to 6:27

Order, delivery of, **6:15**

Persons against whom surveillance is directed, 6:19

Possessory interest in premises, 6:18

Postconviction review, 6:39

Pretrial motion, determining admissibility, 6:28

Standing, 6:16 to 6:21

Vicarious standing, 6:20

Non defendant or nonparty's motion, filing, 6:24 to 6:27

Order, delivery of, 6:15

Partial inadmissibility, **6:49**

Perjurious answers to tainted questions,

Possessory interest in premises, 6:18

Postconviction review, 6:39

Pretrial motion, determining admissibility, 6:28

Preventing criminal activity uncovered by unlawful surveillance, 6:66

Probable cause, 6:60 to 6:62

Prosecution's burden. 6:57

Regulations not included in Title III, 6:46

Resolution of disputes under Section 3504, 6:11, 6:12

Section 2515, 6:43, 6:45

Sources which must be checked, 6:8

Standing, 6:5, 6:16 to 6:21

State eavesdropping statutes, 6:48 to 6:51

Taint and harmless error

Generally, 6:52 to 6:67

Burden of proof, **6:56**

Defendant's burden of proof, 6:56

Evidence. 6:55

Harmless error, **6:67**

Hearings, 6:53 to 6:57

Identity of witness, 6:63 to 6:66

PROCEEDINGS TO DETERMINE **COMPLIANCE WITH STATUTES** —Cont'd

Taint and harmless error—Cont'd

Investigatory focus, **6:59**

Perjurious answers to tainted questions,

Preventing criminal activity uncovered by unlawful surveillance, 6:66

Probable cause, **6:60 to 6:62**

Prosecution's burden, 6:57

Special problems of electronic surveillance, 6:58

Time of hearings, 6:54

Warrantless surveillance, 6:61

Warrants, conventional, 6:62

Time for Section 3504 demand, 6:4

Time of hearings, 6:54

Title III

Generally, 6:42 to 6:51

Admissibility, 6:42 to 6:51

Admission in a proceeding not covered in Section 2515, 6:47

Chavez case, 6:43

Dismissal of indictment, 6:51

Giordano case, 6:43

Good faith exception to exclusionary rule, 6:44

Inadmissibility, 6:50

Partial inadmissibility, 6:49

Regulations not included in Title III, 6:46

Section 2515, 6:43, 6:45

State eavesdropping statutes, 6:48 to 6:51

Vicarious standing, 6:20

Warrantless surveillance, 6:61

PROHIBITIONS

Illegal electronic surveillance, penalties and remedies

Interception, 8:9, 8:10

PROSECUTING ATTORNEY

Court ordered surveillance, 4:15, 4:16

PROSECUTION'S BURDEN

Proceedings to determine compliance with statutes, 6:57

PROTECTIVE ORDERS

Discovery, 7:20

PROVIDER ASSISTANCE

Foreign intelligence surveillance, non-U.S. persons, **9:72**

PUBLIC RADIO TRANSMISSIONS

Surveillance without court order, 3:52

PUBLIC TELEPHONE OR AREA

Court ordered surveillance, 4:26

PUBLIC TRIAL, RIGHT TO

Sixth Amendment, 2:67

RADIO

1968, surveillance and legal developments prior to, **2:27**

Surveillance without court order, **3:11**, **3:52**

REGULATIONS NOT INCLUDED IN TITLE III

Proceedings to determine compliance with statutes, **6:46**

REIMBURSEMENT OF COSTS

Executing electronic surveillance, 5:58

REMEDIES

Illegal Electronic Surveillance, Penalties and Remedies

Statutory Framework (this index)

REPORTS TO COURT

Court ordered surveillance, **4:89** Executing electronic surveillance, **5:22**

RESOLUTION OF DISPUTES UNDER SECTION 3504

Proceedings to determine compliance with statutes, **6:11**, **6:12**

RETENTION

Storage (this index)

RETRIEVAL OF SURVEILLANCE EVIDENCE

Problems with, 7:1

REVIEWING COURT, USE BY

Disclosure, use and admission of information and evidence. **7:82**

ROVING SURVEILLANCE

Court ordered surveillance, 4:28

SANCTIONS

Executing electronic surveillance, improper interception of privileged

SANCTIONS—Cont'd

communications, 5:10

Illegal Electronic Surveillance, Penalties and Remedies (this index)

SEALING AND SAFEKEEPING

Court ordered surveillance, 4:90

Executing electronic surveillance, recordings, **5:34**, **5:37**, **5:38**

SECTION 1802(A)

Foreign intelligence surveillance, 9:15

SECTION 2515

Proceedings to determine compliance with statutes, **6:43**, **6:45**

SECTION 2516(1)

Court ordered surveillance, 4:12

SECTION 2517

Disclosure, use and admission of information and evidence, **7:50**

SECTION 2518(8)(D)

Executing electronic surveillance, 5:47

SECTION 2520

Illegal electronic surveillance, penalties and remedies, 8:25 to 8:50

SECTION 2701

Illegal electronic surveillance, penalties and remedies, **8:23**

SECTION 2712

Illegal electronic surveillance, penalties and remedies, **8:60**

SECTION 2707, CIVIL LITIGATION UNDER

Generally, 8:51 to 8:59

Defenses, 8:58

Immunities, 8:58

Lawful access, 8:56

Protected communications, 8:54

Remedies, 8:59

Service provider, unauthorized disclosure by, **8:57**

Standing, 8:52

Statute of limitations, 8:53

Unlawful access. 8:55

SELF-INCRIMINATION

Fifth Amendment, 2:61, 7:61, 7:63

SEPARATION OF POWERS

Constitutional issues. 2:68

SERVICE PROVIDERS

Executing electronic surveillance
Assistance in acquisition of communications and related records,
5:51

Preclusion of notice of acquisition of stored communications, 5:55

SERVICES

Surveillance Without Court Order (this index)

SIXTH AMENDMENT

Confrontation, right of, **2:65**Contacts with persons represented by counsel, **2:64**

Counsel, right to, 2:63

Disclosure, use and admission of information and evidence, **7:64**

Ethical restrictions on contacts with persons represented by counsel, **2:64** Foreign intelligence surveillance, **9:63** Public trial, right to, **2:67**

SOURCE INFORMATION, ACQUISITION OF

Fourth Amendment, 1:21 to 1:23 Statutory framework, 1:24 to 1:27

SPECIFICATIONS IN ORDER

Foreign intelligence surveillance, 9:45

SPEECH AND DEBATE CLAUSE

Constitutional issues, 2:69

STANDARDS OF ADMISSIBILITY

Disclosure, use and admission of information and evidence, 7:55 to 7:57

STANDING

Proceedings to determine compliance with statutes, **6:5**, **6:16 to 6:21**

STATE CRIMES

Court ordered surveillance, 4:7, 4:8

STATE LAWS AND PROVISIONS

Court ordered surveillance, **4:14 to 4:16**, **4:66**

Disclosure, use and admission of information and evidence, prohibiting surveillance, **7:34**, **7:36**

STATE LAWS AND PROVISIONS

—Cont'd

Enactment of state legislation, 2:38 to 2:41

Legislation. 1968, surveillance and legal developments prior to (this index)

Offenses, specification of, 2:41

Preemption by Title III, 2:39

Proceedings to determine compliance with statutes

Eavesdropping statutes, 6:48 to 6:51

Surveillance without court order

Consent surveillance by a private party, 3:59

STATE OFFICERS

Disclosure, use and admission of information and evidence, **7:38**, **7:43** Surveillance without court order, **3:57**

STATE PROCEEDINGS

Disclosure, use and admission of information and evidence, **7:45**, **7:47**

1968, surveillance and legal developments prior to, **2:10**

STATUTORY FRAMEWORK

Bulk collection of telephony metadata,

Court authorization

Interception during transmission, 1:12 to 1:14

Source, destination, and identifying information, 1:26

Stored communications, 1:19

Destination information, acquisition of, 1:24 to 1:27

Electronic communications, 1:14

Identifying information, acquisition of, 1:24 to 1:27

Interception of communications during transmission, 1:10 to 1:14

Oral communications, 1:13

Remedies

Source, destination, and other identifying information, **1:27**

Stored communications, 1:20

Unauthorized interception, 1:15

Scope of prohibition, **1:11**, **1:18**, **1:25**

Source information, acquisition of, 1:24 to 1:27

Stored communications, 1:17 to 1:20

Wire communications, 1:13

STORAGE OF RECORDINGS

Executing electronic surveillance, **5:34**, **5:39**, **5:40**

STORED COMMUNICATIONS

Court ordered surveillance, **4:92 to 4:100** 18 U.S.C. 2701-2709, 2711-2712, **App. B** Executing electronic surveillance Acquisition of, **5:50 to 5:57** Fourth Amendment, **1:16** Statutory framework, **1:17 to 1:20** Surveillance without court order, **3:28**

STRATEGIC INTELLIGENCE

Objectives, 2:3

STRICT CONSTRUCTION

Title III, 2:70

SUBPOENAS UNDER RULE 17

Discovery, 7:14

SUPERVISORY MONITORING

Surveillance without court order, 3:47

SUPPRESSION HEARING

Discovery, 7:6

SURVEILLANCE WITHOUT COURT ORDER

Generally, **3:1 to 3:80**

Acquisition of metadata, 3:19

Activities that do not constitute interception. **3:16**

Activities which may be investigated, emergency cases, **3:75**

Attorneys, ethical restrictions on recordings by, **3:60**

Authority to consent, persons with, **3:66** to **3:68**

Authority to engage in interception, 3:43 to 3:45

Basis for obtaining order, existence of, emergency cases, **3:76**

Burden of proof for determining the validity of consent, **3:62 to 3:65**

Caller identification services, 3:41

Computer trespassers, 3:49

Confinement, persons who are in, 3:10

Consent of a party to the conversation

Generally, 3:53 to 3:68

Attorneys, ethical restrictions on recordings by, **3:60**

SURVEILLANCE WITHOUT COURT ORDER—Cont'd

Consent of a party to the conversation
—Cont'd

Authority to consent, persons with, 3:66 to 3:68

Burden of proof for determining the validity of consent, **3:62 to 3:65**

Constitutional considerations, 3:55

Ethical restrictions on recordings by attorneys, **3:60**

Federal officers, 3:56

Implied consent, 3:65

Justice Department procedures, 3:56

Law enforcement consent surveillance, 3:54 to 3:57

Private party consent surveillance, 3:58, 3:59

State law, consent surveillance by a private party, **3:59**

State officers, 3:57

Testimony of consenting party, 3:63

U.S. v White, 3:55

Validity of consent, determining, **3:61** to **3:68**

Voluntariness of consent, 3:64

Constitutional considerations, 3:55, 3:71

Contents, 3:33

Controls on emergency surveillance, 3:72

Custody, persons who are in, 3:10

Custody or confinement, monitoring of persons in, **3:4**, **3:8**

Definition of emergency, 3:73

Detained, persons who are, 3:10

Electronic communications

Generally, 3:9

Confinement, persons who are in, 3:10

Custody, persons who are in, 3:10

Detained, persons who are, 3:10

Not constituting interception, 3:28

Service, 3:35, 3:36

Systems, 3:34

Electronic Communications Privacy Act (ECPA), **3:79**

Electronic devices, 3:30 to 3:32

Emergency cases, 3:70 to 3:77

Employees of the Federal Communications Commission, **3:50**, **3:51**

Equipment used by providers of wire or electronic communications, **3:42**

SURVEILLANCE WITHOUT COURT ORDER—Cont'd Ethical restrictions on recordings by attorneys, 3:60 Federal Communications Commission, employees of the, 3:51 Federal officers, 3:56 Forwarded electronic communications. Fraudulent use, interception to detect, 3:45 Implied consent, 3:65 Inactive listening device, 3:22 Inadvertent interception, **3:26** Interception, 3:12 to 3:29, 3:43 to 3:45 Interspousal, 3:69 Intrafamilial surveillance, 3:69 Jurisdiction, 3:80 Justice Department procedures, 3:56 Key logger system, 3:29 Law enforcement officers Consent surveillance, 3:54 to 3:57 Equipment used by in ordinary course of duty, **3:32** Providing information and assistance to. 3:48 Magic lantern technique, 3:29 Mechanical devices, 3:30 to 3:32 Metadata, acquisition of, 3:19 Mobile tracking devices, 3:21 Oral communications, 3:5 to 3:8 Ordinary course of business, equipment furnished in, 3:31 Overhearing, unaided, 3:23 Participant in conversation, recording by, 3:15 Pen registers and similar devices, 3:18, 3:39 Private party consent surveillance, 3:58, 3:59 Public radio transmissions, 3:52 Radio communications, 3:11 Recording as interception, 3:13 to 3:15 Review of decision to conduct emergency surveillance, 3:77 Services Electronic communications services, 3:36 Interception incident to rendition of,

SURVEILLANCE WITHOUT COURT ORDER—Cont'd Sharing, replaying or re-recording previously recorded communications. State law, consent surveillance by a private party, 3:59 State officers, 3:57 Stored electronic communications, 3:28 Supervisory monitoring, 3:47 Telephone calls and messages, 3:24 Telephone companies and provider of electronic communications, 3:37 to Testimony of consenting party, 3:63 Title III Generally, **3:2 to 3:36** Activities that do not constitute interception, 3:16 Contents, 3:33 Custody or confinement, monitoring of persons in, 3:4, 3:8 Electronic communications generally, 3:9 not constituting interception, 3:28 service, 3:35, 3:36 systems, 3:34 Electronic devices, 3:30 to 3:32 Forwarded electronic communications. 3:28 Inactive listening device, 3:22 Inadvertent interception, 3:26 Interception, 3:12 to 3:29 Key logger system, 3:29 Law enforcement officers, equipment used by in ordinary course of duty, Magic lantern technique, 3:29 Mechanical devices, 3:30 to 3:32 Mobile tracking devices, 3:21 Oral communications, 3:5, 3:8 Ordinary course of business, equipment furnished in, 3:31 Overhearing, unaided, 3:23 Participant in conversation, recording by, 3:15 Pen registers and similar devices, 3:18

Radio communications, 3:11

Recording as interception, 3:13 to 3:15

3:44

Observation, 3:46

SURVEILLANCE WITHOUT COURT ORDER—Cont'd

Title III—Cont'd

3:17

Sharing, replaying or re-recording previously recorded communications, 3:27

Stored electronic communications, **3:28** Telephone calls and messages, **3:24** Toll and similar records, examination,

Transmitted electronic communications, **3:28**

Trap and trace devices, **3:20**

Unmonitored recording, 3:14

Wire communication, 3:3, 3:4

Toll and similar records, 3:17, 3:38

Transmitted electronic communications, 3:28

Trap and trace devices, **3:20**, **3:40**, **3:41**

Unmonitored recording, 3:14

U.S. v White, 3:55

Validity of consent, determining, **3:61 to 3:68**

Video surveillance, 3:78

Voluntariness of consent, 3:64

Who may undertake emergency surveillance, **3:74**

Wire communication, 3:3, 3:4

TAINT AND HARMLESS ERROR

Proceedings to Determine Compliance with Statutes (this index)

TANGIBLE THINGS

Collection, order, 9:77 et seq.

TELEPHONE CALLS AND MESSAGES

Bulk collection, 9:78 et seq.

Cell phone data, 3:25

Surveillance without court order, 3:24

TELEPHONE COMPANIES

1968, surveillance and legal developments prior to

Activities of company, 2:13

Property of company, injury to, 2:20

Surveillance without court order

And provider of electronic communications, **3:37 to 3:48**

TERMINATION

Court ordered surveillance Directive, **4:87**

TERMINATION—Cont'd

Executing electronic surveillance Surveillance, 5:33

TERRITORIAL JURISDICTION

Court ordered surveillance, 4:73

TESTIMONY

Disclosure, use and admission of information and evidence, direct testimony, 7:53

Surveillance without court order, consenting party, **3:63**

THIRD PARTIES

Court ordered surveillance, 4:94

TIME

Court ordered surveillance

Conversation, 4:34

Surveillance, **4:83 to 4:87**

Executing electronic surveillance

Delivery of recordings, 5:35

Service of notice, 5:43

Foreign intelligence surveillance, period of time, **9:36**

Fourth Amendment, time of service of notice, **2:54**

Proceedings to determine compliance with statutes

Hearings, 6:54

Section 3504 demand, 6:4

TITLE III

Bugging, basis for federal regulation of, 2:35

Constitutionality under Fourth Amendment, 2:45

Court-ordered surveillance, 2:36 to 2:37

Disclosure, Use and Admission of Information and Evidence (this index)

Discovery, 7:4 to 7:7

Enactment of, 2:33 to 2:37

Exclusionary rule, basis for imposition of, **2:36**

Executing electronic surveillance, persons who may execute, **5:2**

Fourth Amendment, constitutionality under, **2:45**

Legislation, necessity for authorizing court-ordered surveillance, 2:37

Preemption, 2:39

Proceedings to Determine Compliance with Statutes (this index)

TITLE III—Cont'd

Strict construction, 2:70

Surveillance Without Court Order (this index)

Wiretapping, basis for federal regulation of, 2:34

TOLL AND SIMILAR RECORDS

Surveillance without court order, 3:17, 3:38

TRANSCRIPTS

Disclosure, use and admission of information and evidence, 7:74 to 7:78

TRANSMITTED ELECTRONIC COMMUNICATIONS

Surveillance without court order, 3:28

TRAPAND TRACE ORDERS AND DEVICES

Court ordered surveillance, **4:103**, **4:104**18 U.S.C. 3121-3127, **App.** C
Foreign intelligence surveillance, **9:76**Surveillance without court order, **3:20**,
3:40, 3:41

TRESPASS DOCTRINE

1968, surveillance and legal developments prior to, **2:31**

UNMONITORED RECORDING

Surveillance without court order, 3:14

UNREASONABLE SEARCHES

Electronic surveillance as, 2:44

UNSEALING OF RECORDINGS

Executing electronic surveillance, 5:38

USE

Disclosure, Use and Admission of Information and Evidence (this index)

U.S. PERSONS OUTSIDE OF U.S.

Foreign intelligence surveillance, 9:73

U.S. V. U.S. DISTRICT COURT

Foreign intelligence surveillance, 9:2

U.S. V WHITE

Surveillance without court order, 3:55

VICARIOUS STANDING

Proceedings to determine compliance with statutes, **6:20**

VIDEO AND SIMILAR RECORDINGS

Disclosure, use and admission of information and evidence, **7:58**, **7:68**

VIDEO SURVEILLANCE

Court ordered surveillance, **4:91** Surveillance without court order, **3:78**

VOICE

Disclosure, use and admission of information and evidence

Exemplars and other types of identification evidence, **7:67** Spectrograms, **7:66**

VOLUNTARINESS OF CONSENT

Surveillance without court order, **3:64**

WAIVING PRE-SURVEILLANCE NOTICE

Fourth Amendment, 2:53

WAR, AUTHORIZATION DURING TIME OF

Foreign intelligence surveillance, 9:19

WARRANTLESS PLAYING OF SEIZED RECORDINGS

Fourth Amendment, 2:59, 2:60

WARRANTLESS SURVEILLANCE

Foreign intelligence surveillance National security surveillance, 9:2 Proceedings to determine compliance with statutes, 6:61

WARRANTS

Communications data warrants, **4:113**Conventional, tainting of probable cause, **6:62**

Network investigative technique warrants, 4:114

WIRE COMMUNICATIONS

Fourth Amendment, **1:8, 1:22**Statutory framework, **1:13**Surveillance without court order, **3:3, 3:4**

WIRETAPPING

Title III, basis for federal regulation of, 2:34