

The Cambridge Handbook of  
**SURVEILLANCE  
LAW**

EDITED BY

David Gray

Stephen E. Henderson



## THE CAMBRIDGE HANDBOOK OF SURVEILLANCE LAW

Surveillance presents a conundrum: how to ensure safety, stability, and efficiency while respecting privacy and individual liberty. From police officers to corporations to intelligence agencies, surveillance law is tasked with striking this difficult and delicate balance. That challenge is compounded by ever-changing technologies and evolving social norms. Following the revelations of Edward Snowden and a host of private-sector controversies, there is intense interest among policy makers, business leaders, attorneys, academics, students, and the public regarding legal, technological, and policy issues relating to surveillance. This handbook documents and organizes these conversations, drawing together some of the most thoughtful and impactful contributors to contemporary surveillance debates, policies, and practices. Its pages explore surveillance techniques and technologies; their value for law enforcement, national security, and private enterprise; their impacts on citizens and communities; and the many ways societies do – and should – regulate surveillance.

David Gray teaches criminal law, criminal procedure, evidence, international criminal law, and jurisprudence at the University of Maryland's Francis King Carey School of Law. He was voted Professor of the Year in 2012. He has published dozens of articles in leading law reviews, is the author of *The Fourth Amendment in an Age of Surveillance* (Cambridge University Press, 2017), and has submitted amicus briefs in high-profile cases involving surveillance and the Fourth Amendment. Professor Gray is a sought-after speaker and frequently provides expert commentary for national media outlets on questions relating to criminal law and criminal procedure.

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# The Cambridge Handbook of Surveillance Law

Edited by

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University of Maryland

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For two people I miss and mourn: F. P. Gray, whose  
fortitude, intellectual curiosity, and unbending  
independence continue to inspire, and Dan Markel,  
a true mensch of enormous heart and unflinchingly  
critical mind.

– DG

For my greatest contribution,  
the five I'll leave behind.

– SEH



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"In many debates about privacy and  
a battle between the forces of light  
discussion among free people as to  
actually want (but cannot have) in fu

*Handbook of Surveillance Law* is so important – it adds to the rea  
debate we must have."

MICHAEL HAYDEN, Principal at the Chertoff Group and former Dire  
the Central Intelligence Agency

"*The Cambridge Handbook of Surveillance Law* is a superb contribution  
to the debate about surveillance. Pushing far beyond typical generalities  
about surveillance, this book contains essays of great depth and focus.  
The result is a volume with a fresh and nuanced set of perspectives  
addressing cutting-edge issues. The editors have assembled an all-star  
group of contributors. This is a truly outstanding volume, one that is  
essential reading."

DANIEL J. SOLOVE, John Marshall Harlan Research Professor of Law,  
George Washington University Law School and author of *Nothing to Hide:  
The False Tradeoff Between Privacy and Security*

"Professors Gray and Henderson have assembled a comprehensive and  
thought-provoking collection of essays by many of the leading thinkers  
on surveillance law. This handbook is a perfect first stop for any scholar  
or citizen interested in the field. My students and I have already begun to  
benefit from their work."

RICHARD E. MYERS, Henry Brandis Distinguished Professor of Law,  
University of North Carolina School of Law

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