

REFERENCES

SECONDARY SOURCES

- Adelstein, J. S., Shehzad, Z., Mennes, M., DeYoung, C. G., Zuo, X.-N., et al. (2011). Personality is Reflected in the Brain's Intrinsic Functional Architecture. *Plos ONE*, 6(11), e27633. doi: [10.1371/journal.pone.0027633](https://doi.org/10.1371/journal.pone.0027633).
- Adkins, D. (2002). The Supreme Court Announces a Fourth Amendment "General Public Use" Standard for Emerging Technologies but Fails To Define It: *Kyllo v. United States*. *University of Dayton Law Review*, 27, 245–267.
- Adler, M. (1996). Cyberspace, General Searches, and Digital Contraband. *Yale Law Journal*, 105, 1093–1120.
- Alder, K. (2007). *Lie Detectors: The History of an American Obsession*. New York: Simon and Schuster.
- Allen, R. J., & Mace, K. M. (2004). The Self-Incrimination Clause Explained and Its Future Predicted. *Journal of Criminal Law and Criminology*, 94, 243–293.
- Amar, A. R., & Lettow, R. B. (1995). Fifth Amendment First Principles: The Self-Incrimination Clause. *Michigan Law Review*, 93, 857–928.
- Ayaz, H., et al. (2011). Suite and Functional Near Infrared Spectroscopy to Study Learning in Spatial Navigation. *Journal of Visualized Experiments*, 56, e3443. doi: [10.3791/3443](https://doi.org/10.3791/3443).
- Bambauer, J. (2015). Other People's Papers. *Texas Law Review*, 94, 205–263.
- Bard, J. S. (2016). Ah, Yes: I Remember It Well: Why the Inherent Unreliability of Human Memory Makes Brain Imaging Technology a Measure of Truth-Telling in the Courtroom. *Oregon Law Review*, 94, 295–358.

- Battaglia, M., Ogliari, A., Zanoni, A., Citterio, A., Pozzoli, U., Giorda, R., Maffei, C., & Marino, C. (2005). Influence of the Serotonin Transporter Promoter Gene and Shyness on Children's Cerebral Responses to Facial Expressions. *Archives of General Psychiatry*, 62(1), 85–94.
- Berlin, I. (1966). *Two Concepts of Liberty*. Oxford, UK: Oxford, Clarendon Press.
- Blitz, M. J. (2004). Video Surveillance and the Constitution of Public Space: Fitting the Fourth Amendment to a World That Tracks Image and Identity. *Texas Law Review*, 82, 1349–1481.
- Blitz, M. J. (2005). The Dangers of Fighting Terrorism with Technocommunitarianism. *Fordham Urban Law Journal*, 32, 677–719.
- Blitz, M. J. (2010). Freedom of Thought for the Extended Mind. *Wisconsin Law Review*, 2010, 1049–1117.
- Blitz, M. J. (2016). A Right to Thought Enhancing Technology. In Jotterard, Fabrice & Dubljevic, Veljko (Ed.), *Cognitive Enhancement: Ethical and Policy Implications in International Perspectives*. Oxford, UK: Oxford University Press.
- Boire, R. G. (2000, Summer). On Cognitive Liberty, Pt. II. *Journal of Cognitive Liberty*, 2(1), 7–20.
- Boire, R. G. (2005). Neurocops: The Politics of Prohibition and the Future of Enforcing Social Policy from Inside the Body. *Journal of Law and Health*, 19, 215–257.
- Bonaci, T., & Chizek, H. J. (2013). Privacy by Design in Brain-Computer Interfaces. UWEET Technical Report (pp. 1–3).
- Brandom, R. (2015, February 12). Is 'Brain Fingerprinting' a Breakthrough or a Sham? *The Verge*. <http://www.theverge.com/2015/2/2/7951549/brain-fingerprinting-technology-unproven-courtroom-science-farwell-p300>.
- Brennan-Marquez, K. (2012–13). A Modest Defense of Mind-Reading. *Yale Journal of Law and Technology*, 15, 214–272.
- Brown, T., & Murphy, E. (2010). Through a Scanner Darkly: Functional Neuroimaging as Evidence of a Criminal Defendant's Past Mental States. *Stanford Law Review*, 62(1119), 1138–1139.
- Buzsaki, G. (2006). *Rhythms of the Brain*. Oxford, UK: Oxford University Press.
- Carmel, D., Dayan, E., Naveh, A., Raveh, O., & Ben Shakhar, G. (2003). Estimating the Validity of the Guilty Knowledge Test From Simulated Experiments: The External Validity of Mock Crime Studies. *Journal of Experimental Psychology: Applied*, 9(4), 261–269.
- Carraze, A., & Oswald, H. (1996). *The Prisoner: A Televisionary Masterpiece*. London: London Bridge.
- Carter, R. (2015, September 25). Neurotelepathy: The Rise of Mind-Reading Machines, Science Focus. <http://www.sciencefocus.com/feature/mind-reading/neurotelepathy-rise-mind-reading-machines>.

- Chadwick, M. J., et al. (2010). Decoding Individual Episodic Memory Traces in the Human Hippocampus. *Current Biology*, 20(6), 544–547.
- Childers, N. (2013, June 6). The Video Game Helmet That Can Hack Your Brain, Motherboard Blog. <http://motherboard.vice.com/blog/the-video-game-helmet-that-can-hack-your-brain>.
- Clark, A., & Chalmers David, J. (2008). The Extended Mind. In A. Clark (Ed.), *Supersizing the Mind: Embodiment, Action, and the Cognitive Experience*. Oxford, UK: Oxford University Press.
- Cohen, J. (1996). A Right to Read Anonymously: A Closer Look at “Copyright Management” in Cyberspace. *Connecticut Law Review*, 28, 981–1039.
- Committee to Review the Scientific Evidence on the Polygraph, National Research Council, The Polygraph and Lie Detection. (2003). *The Polygraph and Lie Detection*. Washington, DC: National Academies Press.
- Cowen, A. S., Chun, M., & Kuhl, B. (2014). Neural Portraits of Perception: Reconstructing Face Images From Evoked Brain Activity. *Neuroimage*, 94, 12–22.
- Damasio, A. (2010). *Self Comes to Mind: Constructing the Conscious Brain*. New York: Vintage.
- Dick, P. K. (Eds.). (2007). *Ubik*. In *Four Novels of the 1960s*. New York: Literary Classics of the United States.
- Domhoff, G. W. (2003). *The Scientific Study of Dreams: Neural Networks, Cognitive Development and Content Analysis*. New York: American Psychological Association.
- Edelman, G., & Tononi, G. (2010). *A Universe of Consciousness: How Matter Becomes Imagination*. New York: Basic Books.
- Farah, M. J., Smith, M. E., Gawuga, C., Lindsell, D., & Foster, D. (2010). Brain Imaging and Brain Privacy: A Realistic Concern? *Journal of Cognitive Neuroscience*, 21(1), 119–127.
- Farahany, N. A. (2008, April 17). Big Brother Wants to Get in Your Head. Washington Post.
- Farahany, N. A. (2012a). Incriminating Thoughts. *Stanford Law Review*, 64, 351–408.
- Farahany, N. A. (2012b). Searching Secrets. *Pennsylvania Law Review*, 160, 1239–1308.
- Farwell, L. (2012). Brain Fingerprinting: A Comprehensive Tutorial Review of Detection of Concealed Information with Event-Related Brain Potential. *Cognitive Neurodynamics*, 6, 115–154.
- Federspiel, W. (2008). 1984 Arrives: Thought(Crime), Technology, and the Constitution. *William & Mary Bill of Rights Journal*, 16, 865–900.
- Florence, J., & Friedman, R. (2010). Profiles in Terror: A Legal Framework for the Behavioral Profiling Paradigm. *George Mason Law Review*, 17, 425.

- Fox, D. (2008). Will Memory Detection Technologies Transform Criminal Justice in the United States? Brain Imaging and the Bill of Rights. *American Journal of Bioethics*, 8(1), 1–4.
- Fox, D. (2009). The Right to Silence as Protecting Mental Control. *Akron Law Review*, 42, 763.
- Freiwald, S. (2007). First Principles of Communication Privacy. *Stanford Technology Law Review*, 2010, 3–75.
- Gamer, M., Klimecki, O., Bauermann, T., Stoeter, P., & Vossel, G. (2012). fMRI-Activation Patterns in the Detection of Concealed Information Rely on Memory-Related Effects. *SCAN*, 7, 506–515.
- Gray, D., & Citron, D. (2013). The Right to Quantitative Privacy. *Wisconsin Minnesota Law Review*, 98, 62–144.
- Hassabis, D. et al. (2009). Decoding Neuronal Ensembles in the Human Hippocampus. *Current Biology*, 19, 546–554.
- Henderson, S. E. (2007). Beyond the (Current) Fourth Amendment: Protecting Third Party Information, Third Parties, and the Rest of Us Too. *Pepperdine Law Review*, 34, 975–1025.
- Henderson, S. E. (2011). The Timely Demise of the Fourth Amendment Third Party Doctrine. *Iowa Law Reviews Bulletin*, 96, 39–50.
- Holley, B. (2009). It's All in Your Head: Neurotechnological Lie Detection and the Fourth and Fifth Amendments. *Developments in Mental Health Law*, 28(1), 1–23.
- Holley, P. (2016, June 5). Their Son Was Killed. They Believe His Parrot Is Telling People Who Pulled the Trigger. *Washington Post*. https://www.washingtonpost.com/news/morning-mix/wp/2016/06/05/their-son-was-killed-they-believe-his-parrot-is-telling-people-who-pulled-the-trigger/?utm_term=.84d253de0f9f
- Holloway, M. B. (2008). One Image, One Thousand Incriminating Words. *Temple Journal of Science, Technology & Environmental Law*, 27, 141–174.
- Hughes, V. (2014, September 30). The Other Polygraph. *National Geographic: Phenomena*. <http://phenomena.nationalgeographic.com/2014/09/30/the-other-polygraph/>.
- Inception*: Warner Bros (2010).
- Joh, E. (2006). Reclaiming “Abandoned” DNA: The Fourth Amendment and Genetic Privacy. *Northwestern University Law Reviews*, 100, 858–884.
- Jones, O. D., Buckholtz, J. W., Schal, J. D., & Marois, R. (2009). Brain Imaging for Legal Thinkers: A Guide for the Perplexed. *Stanford Technology Law Reviews*, 2009, 1–47.
- Kerr, I. R., & McGill, J. (2007). Emanations, Snoop Dogs and Reasonable Expectation of Privacy. *Criminal Law Quarterly*, 52(3), 392–432.
- Kerr, O. S. (2009). The Case for Third Party Doctrine. *Michigan Law Review*, 107, 561–601.

- Kerr, O. S. (2010). Ex Ante Regulation of Computer Search and Seizure. *Virginia Law Review*, 96, 1241–1293.
- Kilbride, M., & Iuliano, J. (2015). Neuro Lie Detection and Mental Privacy. *Maryland Law Review*, 75, 163–193.
- Kerr, O. S. (2016, September 9). Thoughts on the Third Circuit’s Decryption and Self-incrimination Oral Argument. The Volokh Conspiracy. *Washington Post*.
- Kolber, A. (2008). Freedom of memory today. *Neuroethics*, 1, 145–148.
- Kolber, A. J. (2016). Two Views of First Amendment Thought Privacy. *University of Pennsylvania Journal of Constitutional Law*, 2010, 1381–1423.
- Lacy, J. W., & Stark, E. L. (2013, September). The Neuroscience of Memory: Implications for the Courtroom. *Natural Reviews Neuroscience*, 14(9), 649–658.
- LaFave, W. R. (1996). *Search and Seizure: A Treatise on the Fourth Amendment* (3rd ed.). St. Paul, MN: Thomson West.
- Langleben, D. D., Schroeder, L., Maldjian, J. A., Gur, R. C., McDonald, S., Ragland, J. D., & Childress, A. R. (2002). Brain Activity During Simulated Deception: An Event-Related Functional Magnetic Resonance Study. *NeuroImage*, 15, 727–732.
- Langleben, D. T., & Moriarty, J. C. (2013, May 1). Using Brain Imaging for Lie Detection: Where Science, Law, and Policy Collide. *Psychology Public Policy Law*, 19(2), 222–234.
- Lee, T. M., Liu, H. L., Tan, L. H., Chan, C. C., Mahankali, S., Feng, C. M., Hou, J., Fox, P. T., & Gao, J. H. (2002, March). Lie Detection by Functional Magnetic Resonance Imaging. *Human Brain Mapping*, 15(3), 157–164.
- Levy, N. (2007). *Neuroethics: Challenges for the 21st Century*. Cambridge, UK: Cambridge University Press.
- Loftus, E., & Ketchum, K. (1994). *The Myth of Repressed Memory: False Memories and Allegations of Sexual Abuse*. New York: St. Martin’s Press.
- Loewy, A. H. (1983). The Fourth Amendment as a Device for Protecting the Innocent. *Michigan Law Review*, 81, 1229–1272.
- Lykken, D. T. (1959). The GSR in the Detection of Guilt. *Journal of Applied Psychology*, 43(6), 385–388.
- Marcuse, L., Fields, M. C., & Yoo, J. (2016). *Rowan’s Primer of EEG*. Netherlands: Elsevier.
- Martinovic, I., Davies, D., Frank, M., Perito, D., Ros, T., & Song, D. (2012, August). On the Feasibility of Side-Channel Attacks with Brain-Computer Interfaces. In 21st USENIX Security Symposium. USENIX Association.
- Moriarty, J. C. (2009). Visions of Deception: Neuroimages and the Search for Truth. *Akron Law Review*, 42, 739–760.
- Moreno, J. A. (2009). The Future of Neuroimaged Lie Detection and the Law. *Akron Law Review*, 42, 717–736.
- Nagel, T. (1974). What is it like to be a bat? *Philosophical Review*, LXXXIII(4), 435–450.

- New, J. G. (2008). If You Could Read My Mind. *Journal of Legal Medicine*, 29, 179–198.
- Nishimoto, S. et al. (2010). Reconstructing Visual Experiences from Brain Activity Evoked by Natural Movies. *Current Biology*, 21, 1641–1646.
- Nozick, R. (1974). *Anarchy, State, and Utopia*. New York: Basic Books.
- Ohm, P. (2011). Massive Hard Drives, General Warrants, and the Power of Magistrate Judges. *Virginia Law Reviews in Briefings*, 97, 1–12.
- Orwell, G. (1949). 1984. New York: New American Library.
- Pardo, M. S. (2006). Neuroscience Evidence, Legal Culture, and Criminal Procedure. *American Journal of Criminal Law*, 33, 301–337.
- Pardo, M. S. (2008). The Self-Incrimination Clause and the Epistemology of Testimony. *Cardozo Law Reviews*, 30, 1023–1045.
- Pardo, M. S., & Patterson, D. (2013). *Minds, Brains and Law: The Conceptual Foundations of Law and Neuroscience*. Oxford, UK: Oxford University Press.
- PBS NewsHour. (2016, June 28). Solicitor General Donald Verrilli, Who Beat Back Legal Challenges to Obamacare, Steps Down. <http://www.pbs.org/news-hour/bb/solicitor-general-donald-verrilli-who-beat-back-legal-challenges-to-obamacare-steps-down/>.
- Pustilnik, A. C. (2013). Neurotechnologies at the Intersection of Criminal Procedure and Constitution Law. In S. Richardson & J. Parry (Eds.), *The Constitution and the Future of Criminal Law*. Cambridge, UK: Cambridge University Press.
- Richards, N. (2008). Intellectual Privacy. *Texas Law Review*, 87, 387–445.
- Richards, N. (2015). *Intellectual Privacy: Challenges for the 21st Century*. Cambridge, UK: Cambridge University Press.
- Rogers, C. (2014). A Slow March Towards Thought Crime: How the Department of Homeland Security’s Fast Program Violates the Fourth Amendment. *American University Law Review*, 64, 337–384.
- Rowling, J. K. (1998). *Harry Potter and the Chamber of Secrets*. New York: Scholastic.
- Sahakian, B. J., & Gottwald, J. (2017). *Sex, Lies, and Brain Scans: How fMRI Reveals What Really Goes on in our Minds*. Oxford, UK: Oxford University Press.
- Schauer, Frederick. (2010). Can Bad Science Be Good Evidence? Neuroscience, Lie Detection, and Beyond. *Cornell Law Review*, 95, 1191–1219.
- Scherr, A. E. (2013). Genetic Privacy & The Fourth Amendment: Unregulated Surreptitious DNA Harvesting. *Georgia Law Review*, 47, 445–526.
- Schulhofer, S. (1991). Some Kind Words for the Privilege Against Self-Incrimination. *Valparaiso University Law Review*, 26, 311–336.
- Seung, S. (2012). *Connectome: How the Brain’s Wiring Makes Us Who We Are*. New York: Houghton Mifflin.
- Shen, F. X. (2013). Neuroscience, Mental Privacy and the Law. *Harvard Journal of Law and Public Policy*, 36, 653–713.

- Shen, F. X. (2016). Neurolegislation: How U.S. Legislators Are Using Brain Science. *Harvard Journal of Law & Technology*, 29, 495–526.
- Shinkareva, S. V. et al. (2008). Using fMRI Brain Activation to Identify Cognitive States Associated with Perception of Tools and Dwellings. *Plos ONE*, 3(1), e1394. doi: [10.1371/journal.pone.0001394](https://doi.org/10.1371/journal.pone.0001394).
- Slobogin, C. (2007). *Privacy at Risk: The New Government Surveillance and the Fourth Amendment*. Chicago: University of Chicago Press.
- Slobogin, C. (2014). Panvasive Surveillance, Political Process Theory, and Non-Delegation Doctrine. *Georgetown Law Journal*, 102, 1721–1775.
- Smith, K. (2013, October 13). By Scanning People’s Brain Activity, Scientists May Be Able to Decode People’s Thoughts, Their Dreams, Even Their Intentions. *Nature*, 502, 428–430.
- Snead, O. C. (2007). Neuroimaging and the “Complexity” of Capital Punishment. *New York University Law Review*, 82, 1265–1339.
- Solove, D. J. (2007). First Amendment as Criminal Procedure. *New York University Law Reviews*, 82, 112–176.
- Solove, D. J. (2010). Fourth Amendment Pragmatism. *Boston College Law Review*, 51, 1511–1538.
- Spence, S. (2004). A Cognitive Neurobiological Account of Deception: Evidence from Functional Neuroimaging. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 359(1451), 1755–1762. PMC. Web. 5 Sept. 2016.
- Stoller, S. E., & Wolpe, P. R. (2007). Emerging Technologies for Lie Detection and the Fifth Amendment. *American Journal of Law and Medicine*, 33(2/3), 359–374.
- Stromberg, J. (2013, April 4). Scientists Figure Out What You See While You’re Dreaming. <http://Smithsonian.com> <http://www.smithsonianmag.com/science-nature/scientists-figure-out-what-you-see-while-youre-dreaming-15553304/>.
- Stuntz, W. J. (1988). Self-Incrimination and Excuse. *Columbia Law Review*, 88, 1227–1296.
- Stuntz, W. J. (1995). Privacy’s Problem and the Law of Criminal Procedure. *Michigan Law Review*, 93, 1016–1078.
- Sur, S., & Sinha, V. K. (2009, Jan–Jun). Event Related Potential: An Overview. *Industrial Psychiatry Journal*, 18(1), 70–73.
- Strange Days*: Lightstorm Entertainment/20th Century Fox (1995).
- Thompson, S. K. (2007). A Brave New World of Interrogation Jurisprudence. *American Journal of Law & Medicine*, 33, 341–357.
- Tovino, S. A. (2005). The Confidentiality and Privacy Implications of Functional Magnetic Resonance Imaging. *Journal of Law and Medical Ethics*, 33, 844–848.
- Village of the Damned*, Metro-Goldwyn Mayer (1960).
- Ward, J. (2010). *Student’s Guide to Cognitive Neuroscience* (2nd edn.). New York: Psychology Press.
- Tovino, S. A. (2007). Functional Neuroimaging Information: A Case of Neuroexceptionalism. *Florida State University Law Review*, 33, 415–489.

- Tribe, L. H. (1988). *American Constitutional Law* (2nd edn.; 1321–1326). St. Paul, MN: Foundation Press.
- Wagner A., et al. (2016). fMRI and Lie Detection: A Knowledge Brief of the MacArthur Foundation Research Network on Law and Neuroscience. <http://www.lawneuro.org/LieDetect.pdf>
- Winick, B. J. (1989). The Right to Refuse Mental Health Treatment: A First Amendment Perspective. *University of Miami Law Review*, 44, 1–103.
- Wolpaw, J., & Wolpaw, E. W. (2012). *Brain-Computer Interfaces: Principles and Practice*. Oxford, UK: Oxford University Press.
- Yuhas, D. (2012, June 12). What's a Voxel and What Can It Tell Us? A Primer on fMR. *Scientific American Blog*. <http://blogs.scientificamerican.com/observations/whats-a-voxel-and-what-can-it-tell-us-a-primer-on-fmri/>.

INDEX

B

- Brain-computer interfaces, [39](#), [96](#)
- Brain fingerprinting, [51](#), [71](#), [72](#),
[74](#), [102](#)
- Brain-mind distinction, [11](#)

C

- Cell phone searches, [32](#)

D

- Dreaming, [2](#), [4](#), [5](#), [25](#), [46](#), [52](#), [56](#), [57](#)

E

- EEG, *see* electroencephalography
- Electroencephalography
 - invention of, [4](#), [50](#); P300 waves, [51](#)
- Extended mind, [21](#), [32](#), [34](#), [73](#)

F

- Fifth Amendment
 - physical characteristics, [68](#)
 - production of writings, [33](#)

- purposes, [17](#), [27–29](#), [61](#), [63](#);
 - autonomy, [17](#), [27](#);
 - crueltrilemma, [62](#); epistemic authority and burdens of proof, [63](#), [72](#), [73](#), [76](#); excuse theory, [64](#), [69](#); positive *vs.* normative accounts, [64](#)
- self-incrimination, [8](#), [17](#), [26–28](#),
[59–79](#), [81–82](#)
- testimonial-physical distinction, [122](#)
- First Amendment
 - anonymous speech protections, [7](#),
[34](#), [121](#)
 - freedom of mind or freedom of thought, [6](#), [9](#), [33–39](#), [77](#), [121](#),
[126–127](#)
 - freedom of speech, [6](#), [36](#), [121](#)
 - purposes, [17](#)
- fMRI, *see* functional magnetic resonance Imaging
- fNIR, *see* functional near infrared imaging
- Fourth Amendment
 - airport searches, [29](#), [87](#), [105](#)
 - balancing, [103–108](#), [111](#), [115](#)
 - blood sample searches, [82](#), [105](#), [108](#)
 - breathalyzer searches, [86](#), [106](#)

Fourth Amendment (*cont.*)

coverage-protection distinction, 84, 87–88, 88, 92, 93, 100, 101, 102, 107

diving rod hypothetical, 29, 33, 102

incident upon arrest searches, 31, 86, 105, 106

network search hypothetical, 102

purposes, 17, 29, 105

reasonable expectations of
privacy, 122

technological searches, 13, 98–99;
canine searches, 85; cell phone searches, 31, 32; chemical testing, 100, 101; computer searches, 28, 31, 32, 119; GPS or global positioning system technology, 39, 99; internet searches, 33, 99; thermal imager searches, 88, 89, 90, 92, 98; X-ray searches, 29, 82, 83, 92, 106

third-party doctrine, 96, 98, 99

unconscious processing, 67

urinalysis searches, 82

warrantless searches, 25, 32, 39, 86, 91, 104–108, 110, 115, 126;
airport searches (*see* special needs & administrative searches); exigent circumstances, 106; incident upon arrest searches, 86, 105, 106, 108; special needs & administrative searches, 105–106, 108, 109, 114; airport searches, 104, 106, 108; highway sobriety checkpoints, 30; random drug testing, 106; subpoenas, 115

warrant requirement, 86, 91, 104, 111, 115–121; computer searches, 119–120; particularity

requirements, 86, 116, 116–117, 118; video surveillance, 86, 116, 116–117, 118; wiretapping, 116, 117, 118

Freedom of speech, 8, 36, 121

Functional magnetic resonance

Imaging, 4, 7, 12, 18, 20, 23, 27, 28, 29, 33, 48, 51–58, 62, 76, 86, 92, 103, 120

Functional near infrared imaging, 4, 6, 29, 52, 92

I

Intellectual privacy, 7, 33, 90, 97, 99, 121–122

Internet searches, 114, 126

L

Lie detection

comparison question test (CQT), 47, 55

concealed information test (CIT), 48, 50, 53

guilty knowledge test (GKT), 48, 50, 51, 53

invention of, 50

M

Memories, 5, 13, 20, 21, 24–25, 28, 32, 55, 56, 65–70, 74, 75, 85, 107, 121, 122, 126

P

P300 waves, 51

Personality, 58, 61, 123

Polygraph machines, 46

Psychological traits, 58

S

Science fiction and fantasy

Harry Potter, 5

Prisoner, The, 5*Strange Days*, 57*Ubik*, 5Searches, 6, 28–33, 81, 52, 86,
105–106, 108, 110, 111, 115,
118–119, 126

Seizures, 6, 11, 28, 29, 82, 99, 100, 103

Self-incrimination, 6, 9, 17, 24,
26–28, 46, 59–79, 81, 82, 126

NAME INDEX

A

Adelstein, Jonathan, 58
Adler, Michael, 102–103
Allen, Ronald, 46, 61–62, 64, 69–70
Amar, Akhil Reed, 61

B

Berlin, Isaiah, 125
Brennan-Marquez, Kiel, 62–63, 66

C

Chalmers, David, 20, 21, 73–74
Citron, Danielle, 118
Clark, Andy, 20, 21, 22, 73
Cohen, Julie, 33, 97, 122

D

Dick, Philip K., 5

F

Farahany, Nida, 64–71, 75, 97, 106,
107, 121–123, 125

Farah, Martha, 58, 123
Farwell, Lawrence, 51, 102
Fox, Dov, 24, 55,
75, 77
Friedwald, Susan, 117

G

Gallant, Jack, 56
Gray, David, 118

H

Henderson, Stephen, 98–99
Holloway, Mathew Baptiste, 62

J

Joh, Elizabeth, 94
Jones, Owen, 51–52
Just, Marcel, 57

K

Kerr, Orin, 78, 87, 119
Kolber, Adam, 13

L

Langleben, Daniel, [47](#), [50](#), [52](#), [53](#), [54](#)
Lee, TM, [53](#)
Loewy, Arnold, [101](#)
Lykken, David, [48](#)

M

Mace, Kirsten, [46](#), [61–62](#), [64](#), [69–70](#)
Martinovic, I., [96–97](#), [120](#)
Mitchell, Tom, [57](#)
Moriarty, Jane Campbell, [47](#), [50](#),
[52](#), [54](#)

N

Nozick, Robert, [103](#), [113](#)

O

Ohm, Paul, [119](#)

P

Pardo, Michael, [22](#), [63](#), [64](#), [70–71](#),
[72](#), [74](#), [75](#), [82](#), [88](#)

Patterson, Dennis, [22](#), [70](#), [71](#), [72](#),
[74–75](#), [116](#)

R

Richards, Neil, [7](#), [33](#), [37](#), [97](#)

S

Seung, Sebastian, [58](#), [123](#)
Shen, Francis X., [5](#), [17](#), [45](#), [46](#)
Slobogin, Christopher, [98](#), [111](#)
Solove, Daniel, [33](#), [38](#), [98](#), [99](#),
[107](#), [114](#)
Spence, S., [53](#)
Stoller, Sarah, [46](#), [53](#), [76](#), [77](#), [126](#)
Stuntz, William, [61](#), [62](#), [63](#), [64](#)

T

Thompson, Sean, [62](#)
Tovino, Stacy, [96](#)

W

Wolpe, Paul Root, [46](#), [53](#), [76](#), [77](#), [126](#)

COURT CASES

- Bartnicki v. Vopper, 532 U.S. 514 (2001), [38](#)
- Berger v. New York, 388 U.S. 41 (1967), [116](#)
- Birchfield v. North Dakota, 136 S.Ct. 2160 (2016), [31](#), [110](#)
- Board of Ed. of Independent School Dist. No. 92 of Pottawatomie Cty. v. Earls, 536 US 822 (2002), [106](#)
- California v. Ciraolo, 476 U.S. 207 (1986), [12](#), [91](#)
- California v. Greenwood, 486 U.S. 35 (1988), [93](#)
- Chimel v. California, 395 U.S. 752 (1969), [109](#)
- Columbia Inc. v. seescandy.com, 185 F.R.D. 573, 578, 580 (N.D. Cal.1999), [35](#)
- Coolidge v. New Hampshire, 403 U.S. 443 (1971), [118](#)
- Couch v. United States, 409 U.S. 322 (1973), [126](#)
- Curcio v. United States, JG. 354 U.S. 18 (1957), [26](#)
- Delaware v. Prouse, 448 U.S. 648 (1979), [31](#), [104](#)
- Dewey v. Donovan, 452 U.S. 594 (1981), [112](#)
- Dendrite Intern. Inc. v. Doe No. 3, 775 A.2d 756, 760 (N.J. Super. 2001), [35](#)
- Doe v. Individuals, 561 F.Supp.2d 249 (D. Conn. 2008), [35](#)
- Dionisio v. United States, 410 U.S. 1 (1973), [115](#)
- Fisher v. United States, 425 U.S. 391 (1976), [68–69](#)
- Florida v. Riley, 488 U.S. 445 (1989), [89](#)
- Gilbert v. California, 388 U.S. 263 (1967), [68](#)
- Hoffa v. United States, 385 U.S. 293 (1966), [95](#)
- Illinois v. Gates, 462 U.S. 213 (1983), [30](#)
- Jones v. Opelika, 316 U.S. 584, 618 (1942), [126](#)
- Katz v. United States, 389 U.S. 347 (1967), [28](#), [29](#), [82](#)
- Kyllo v. United States, 533 U.S. 27 (2000), [8](#), [29](#), [83](#), [87–93](#), [98](#), [100](#)
- Lawrence v. Texas, 539 U.S. 558 (2003), [8](#)

- Lewis v. United States, 385 U.S. 206 (1966), [12](#)
- McIntyre v. Ohio Elec. Comm'n, 514 U.S. 334 (1995), [7](#), [35](#)
- Murphy v. Waterfront Comm'n, 378 U.S. 55 (1964), [61](#), [62](#)
- Nat'l Treas. Emp. Union v. Von Raab, 489 U.S. 656 (1989), [114](#)
- Olmstead v. United States, 277 U.S. 474 (1928), [40–41](#)
- On Lee v. United States, 343 U.S. 747 (1952), [95](#)
- Riggins v. Nevada, 504 U.S. 127 (1992), [36](#)
- Riley v. California, 134 Sup. Ct. 2473 (2014), [110](#)
- Schmerber v. California, 384 U.S. 757 (1966), [60](#), [106](#)
- Sell v. United States, 539 U.S. 166 (2003), [36](#)
- Skinner v. Ry. Labor Executives' Ass'n, 489 U.S.602(1989), [82](#)
- Smith v. Maryland, 442 U.S. 735 (1979), [95](#)
- Sorrell v. IMS Health, 564 U.S. 552 (2011), [113](#)
- Stanford v. Texas, 379 U.S. 476 (1965), [38](#), [118](#)
- Stanley v. Georgia, 394 U.S. 557 (1969), [36](#)
- State v. Athan, 158 P.3d 27 (Wash. 2007), [94](#)
- United States v. Albarado, 495 F.2d 799 (2d Cir. 1974), [29](#), [82](#)
- United States v. Comprehensive Drug Testing, Inc., 21 F.3d 1162 (9th Cir. 2010), [119](#)
- United States v. Di Re, 332 U.S. 581 (1948), [28](#)
- United States v. Epperson, 454 F.2d 769 (4th Cir. 1972), [29](#), [30](#), [82](#)
- United States v. Garcia, 474 F.3d 994 (7th Cir. 2007), [12](#)
- United States v. Henry, 615 F.2d 1223 (9th Cir. 1980), [29](#)
- United States v. Hubbell, 530 U.S. 27 (2000), [26](#), [69](#)
- United States v. Jacobsen, 466 U.S. 109 (1984), [101](#)
- United States v. Jones, 132 S. Ct. 945 (2012), [40](#), [99](#)
- United States v. Karo, 468 U.S. 705 (1984), [83](#)
- United States v. Miller, 425 U.S. 435 (1976), [95](#)
- United States v. Place, 462 U.S. 696, 707 (1983), [100–101](#)
- United States v. Playboy Entertainment Group, 529 U.S. 803 (2000), [113](#)
- United States v. Robinson, 414 U.S. 218 (1973), [109](#)
- United States v. Torres, 751 F. 2d 875 (7th Cir. 1984), [117](#)
- United States v. Wade, 388 U.S. 218 (1967), [68](#)
- Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646(1995), [30](#)
- Ward v. Rock Against Racism, 491 U. S. 781 (1989), [113](#)
- Washington v. Harper, 494 U.S. 210 (1990), [36](#)
- Watchtower Bible and Tract Society of New York, Inc. v. Village of Stratton, 536 U.S. 150 (2002), [35](#)
- Wooley v. Maynard, 430 U.S. 705 (1977), [7](#)