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The Surprisingly Stronger Case for the Legality of the NSA Surveillance Program: The FDR Precedent

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This Article explains why the legal case for the recently disclosed National Security Agency surveillance program turns out to be stronger than what the Administration has advanced. In defending its action, the Administration overlooked the details surrounding one of the most important periods of presidentially imposed surveillance in wartime—President Franklin Delano Roosevelt’s (FDR) wiretapping and his secret end-run around both the wiretapping prohibition enacted by Congress and decisions of the United States Supreme Court.

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Contacts



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