
PREFACE

This third edition of *Constitutional Criminal Procedure* continues what we hope have been the particular strengths of our book: a heavy use of problems, the availability of role-plays and review exercises for those who are interested, a significant use of explanatory text, a practical concern with the real-world problems of the practicing lawyer, an emphasis on various theoretical approaches to constitutional interpretation, and the use of a wide variety of sources and topics, thus allowing for flexibility based upon users' differing needs and teaching styles. The book also tries to point out connections between the various issues studied and the concerns of the rising innocence movement and to place technical legal issues into their broader social and historical context.

Additionally, this edition makes several important changes from the last one. First, of course, the law and scholarship have been updated through January 2007 (cases after that date will be discussed in a brief letter update or a supplement, depending upon the need). Second, there is a completely revised, tighter, and we hope more interesting and teachable chapter on terrorism and electronic surveillance, a subject of growing importance, even in the basic course. Third, we have added substantial new textual material, questions, and problems on alternatives to the exclusionary rule, including civil, criminal, and administrative options. This new material can be selectively taught in one class but can also occupy two or even three days of class for those who want to explore the subject in great depth. Given the narrow scope of the protections of the exclusionary rule, we thought it important to address the strengths and weaknesses of existing and proposed alternative options. We also wanted to point out the relevance of the course to those many students who intend to be entirely civil practitioners. Fourth, we have added a variety of new issue checklists and problems and tinkered with the organization in ways that we hope will make the book more accessible yet more challenging.

Perhaps the most important change in the new edition, however, is our addition of Professor Lenese Herbert as the third author of the text. Professor Herbert has written primarily (though not solely) on criminal procedure issues involving race. She has done so with a particularly novel, unique, and fresh perspective, for example, writing about free speech and other expressive concerns in policing, the impact of race-based search practices on racial minorities' fundamental right to parent, and the nature of the obligations of

African-American prosecutors to the African-American community, the larger legal system, and justice. Her work combines history, social science, doctrine, and philosophy. We hope that readers will see her fresh perspective further enlivening the pages of this text.

Users new to the book should be advised that there is a very substantial revised teachers' manual containing answers to all the problems, summaries of cases and other materials, and teaching hints. The first chapter of that Manual should probably be read before using the book as its heavy use of problems and textual material is a different experience for many teachers, particularly in the area of constitutional criminal procedure. That teachers' manual chapter suggests alternative ways to use these materials effectively. Old and new users alike may be interested in the course website that we have established and that will increasingly contain a variety of supplementary materials, at least by the time that this book reaches your hands. Finally, although our primary concern has been the classroom needs of students, the use of explanatory text and citations is also intended to make the book a first stop for students and faculty researching topics in selected areas, and we encourage you so to use the book.

Please feel free to contact any of us with suggestions for the website or the fourth edition at ataslitz@law.howard.edu, mparis@law.uoregon.edu, or lherb@albanylaw.edu.

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ANDY TASLITZ

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LENESE HERBERT

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