



book reviews

Ben Franklin's Web Site: Privacy and Curiosity from Plymouth Rock to the Internet

Robert Ellis Smith has taken privacy from a subject of passing interest to one of intrigue.

The respected US lawyer and publisher of *Privacy Journal*, Robert Ellis Smith has added to his already extensive list of publications with an in-depth analysis of the evolution of privacy in the United States. As the author describes it, in this book he is "looking at American history through the prism of privacy," all the while acknowledging the tug between privacy and curiosity.

The depth of Smith's historical analysis makes it quite clear that privacy and curiosity are not merely the issues of the moment. Not content to begin where many start their analysis of privacy, the famous Warren and Brandeis article in the 1890 *Harvard Law Review* and its exposure of the notion of the "right to be let alone," Smith travels back to 16th century New England. There, he observes, "keeping an eye on one another was important to Puritans because good behaviour in people's private lives was regarded as a prerequisite for a functioning society. For practising Puritans in early New England, subjecting their private lives – including one's most intimate activities and thoughts – to public scrutiny was routinely expected."

Smith describes the intrusive newspapers of the 1800's and the creation of a right to privacy in 1890. Moving into the 20th century, he deals with wiretapping, credit bureaus and how Social Security numbers grew into national ID numbers.

Smith traces the evolving

justifications for using wiretaps on immigrants, black market liquor sellers during prohibition, Communists, organized crime syndicates, hippies, student anti-war protesters, then suspected terrorists, then suspected drug dealers. In successive eras, each group provided the rationale for government surveillance.

The book contains extensive explanation on the evolution of the US Supreme Court's approach to privacy. His final question of the chapter on the Constitution: "Will a new majority of the Court... expand the constitutional recognition of a right to privacy, especially in a new era in which the government's resources for collecting personal information and checking private conduct have become staggering?" This question has added importance in light of the recent terrorist strikes against the United States and the apparent willingness of the public and politicians to shift their positions on the place of privacy in society.

The author's professional background, that of both journalist and lawyer, adds much to the book. The journalist in him has produced a book that is readable and captivating. Smith even manages to get sex into the discussion. The lawyer in him produces a thorough (this is more than a one-night read!) and reliable legal resource document. And one suspects that there is a political scientist/social commentator lurking in his persona, for throughout the book he deftly traces the political and social machinations that have shaped privacy in the United States.

For anyone wondering where privacy is headed in these newly uncertain times, Smith's book lays the necessary groundwork for being well informed while they wonder.

Robert Ellis Smith (publisher of Privacy Journal, Providence RI). USA, 407 p. Price \$24.50. For purchase information: www.townonline.com/specials/privacy

Directory of Privacy Professionals

Robert Ellis Smith, publisher of *Privacy Journal*, has totally updated and reissued the popular *Directory of Privacy Professionals*. The Directory lists more than 600 individuals and organizations with knowledge in this area.

The 40-page 2002 directory lists addresses, telephone numbers, e-mail addresses, web sites, and specialties of public-interest groups, experts, lawyers, corporate and government privacy officers, journalists, academics, and authors worldwide.

It is the only directory covering the growing community of privacy experts – an essential guidebook for journalists, lobbyists, librarians, chief privacy officers, consumers, lawyers, and others.

The price is \$18.50 plus \$4 handling fee. Order from Privacy Journal, PO Box 28577, Providence RI, USA 02908. Tel: +1 401 274 7861, Fax: +1 401 274 4747, E-mail: privacyjournal@prodigy.net. For general information visit their website: www.privacyjournal.net. The text can also be downloaded for a fee at www.infopost.com (search "privacy").

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