

"The Privacy Act, if enforced would be a pretty good thing. But the government doesn't like it. Government has an insatiable appetite for power, and it will not stop usurping power unless it is restrained by laws they cannot repeal or nullify. There are mighty few laws they cannot nullify." --- Sam Ervin

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"Watergate has thus been the symbolic catalyst of a tremendous upsurge of interest in securing the right of privacy: wire-tapping & bugging political opponents, breaking & entering, enemies lists, the Huston plan, national security justifications for wire-tapping & burglary, misuse of information compiled by gov't agencies for political purposes, access to hotel, telephone & bank records; all of these show what gov't can do if its actions are shrouded in secrecy & its vast information resources are applied & manipulated in a punitive, selective, or political fashion." --- ACLU representative (quoted in Legislative History PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pg 6926)

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"Only the modern age in its rebellion against society, has discovered how rich & manifold the realm of the hidden can be under the conditions of intimacy..." --- Hannah Arendt 1959 The Human Condition pg 64 (quoted in Arthur Raphael Miller 1971 The Assault on Privacy pg 169)

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"You don't have to be very intelligent to see that if this drift toward more & more intrusive action by private groups & organizations of all kinds, & by gov't, isn't checked, in 20 or 30 years [i.e. by 1985 or 1995] no one will bother asking questions about privacy, & we will take it for granted that we live in a fish-bowl & that we are not free men, but fish." --- Beaney 1965-06-02 to House Subcommittee on Gov't Operations "Special Inquiry on Invasion of Privacy" 89th Cong 1st session (quoted in Adam Carlyle Breckenridge The Right to Privacy pg 9)

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"[The Constitution] embodies a promise that a certain private sphere will be kept largely beyond the reach of gov't." --- Harry Blackmun 1986-06-11 Thornburgh v Am College of Obstetricians & Gynecologists, quoted in Alida Brill 1990 Nobody's Business pg 15

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"[A]t the Buffalo airport in 1989, federal agents detained 600 individuals as suspected drug couriers -- and 590 were innocent." --- James Bovard 1994 Lost Rights (Michael R. Cogan 1992 in Catholic University Law Review vol 41, 1992 Summer page 943)

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"Today, the de facto definition of suspicious behavior is a refusal to voluntarily relinquish one's constitutional rights." ---James Bovard 1994 Lost Rights

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"To protect that right [to be let alone] every unjustifiable intrusion by the gov't upon the privacy of the individual, whatever the means employed must be deemed a violation of the 4th Amendment." --- Louis D. Brandeis 1928 dissent in Olmstead v US, 277 US 438, quoted in Lester A. Sobel War on Privacy pg 8

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"Electronic surveillance strikes deeper than at the ancient feeling that a man's house is his castle; it strikes at freedom of communication... Freedom of speech is undermined where people fear to speak unconstrainedly in what they suppose to be the privacy of home & office... [In a free society] people ought not to have to watch their every word so carefully." --- William A. Brennan, William O. Douglas & Goldberg 1963 Lopez v US

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"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or Territory, subjects, or causes to be subjected, any citizen of the US or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution & laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." --- 42 USC 1983 (quoted by Brennan, Marshall, & White in dissent in Paul v Davis 424 US 693 @714-715, 47 LEd2d 405 @422, 96 Sct 1155)

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"[O]ne of this Court's most important roles is to provide a formidable bulwark against governmental violation of the constitutional safeguards securing in our free society the legitimate expectations of every person to innate human dignity & sense of worth. It is a regrettable abdication of that role & a saddening denigration of our majestic Bill of Rights when the Court tolerates arbitrary & capricious official conduct branding an individual as a criminal without compliance with constitutional procedures designed to ensure the fair & impartial ascertainment of criminal culpability." --- Brennan, Marshall, & White in dissent in Paul v Davis, 424 US 693 @734-735, 47 LEd2d 405 @433-434, 96 Sct 1155

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"[T]he 'badge of infamy' has serious consequences in its impact on no less than the opportunities open to him to enjoy life, liberty, & the

pursuit of happiness. It is inexplicable how the Court can say that a person's status is 'altered' when the state suspends him from school, revokes his driver's license, fires him from a job, or denies him the right to purchase a drink of alcohol, but is in no way 'altered' when it officially pins upon him the brand of a criminal, particularly since the Court recognizes how deleterious will be the consequences that inevitably flow from its official act. See, e.g. [Paul v Davis 424 US 693] @708-709 & 711-712, 47 LEd2d [416] @418-420. Our precedents clearly mandate that a person's interest in his good name & reputation is cognizable as a 'liberty' interest within the meaning of the Due Process Clause, & the Court has simply failed to distinguish those precedents in any rational manner in holding that no invasion of a 'liberty' interest was effected in the official stigmatizing of respondent as a criminal without any 'process' whatsoever." --- Brennan, Marshall, & White in dissent in Paul v Davis, 424 US 693 @734, 47 LEd2d 405 @433, 96 Sct 1155

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"The action complained of here is 'state action' allegedly in violation of the 14th Amendment & that Amendment, which is only designed to prohibit 'state' action, clearly renders unconstitutional actions taken by state officials that would merely be criminal or tortious if engaged in by those acting in their private capacities." --- Brennan, Marshall, & White in dissent in Paul v Davis, 424 US 693 @715-716, 47 LEd2d 405 @422, 96 Sct 1155

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"The stark fact is that the police here have officially imposed on respondent the stigmatizing label 'criminal' without the salutary & constitutionally mandated safe-guards of a criminal trial." --- Brennan, Marshall, & White in dissent in Paul v Davis, 424 US 693 @718, 47 LEd2d 405 @423-424, 96 Sct 1155

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"There is simply no way in which the Court, despite today's treatment of the terms 'liberty' & 'property', could declare that the loss of a person's life is not an interest cognizable within the 'life' portion of the Due Process Clause." --- Brennan, Marshall, & White in dissent in Paul v Davis, 424 US 693 @716, 47 LEd2d 405 @423 n 2, 96 Sct 1155

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"Of course, in addition to providing a remedy when an official abuses his position, section 1983 is designed to provide a remedy when a state statute itself abridges constitutional rights, when a remedy under state law is inadequate to protect constitutional rights, & when a state remedy, though adequate in theory, is unavailable in practice. See, e.g. Monroe v Pape 365 US 167 @173-174, 5 LEd2d 492, 81 Sct 473 (1961)." --- Brennan, Marshall, & White in dissent in Paul v Davis, 424 US 693 @717, 47 LEd2d 405 @423 n 3, 96 Sct 1155

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"'[A]s Mr. Justice [Potter] Stewart has reminded us, the individual's right to the protection of his own good name "reflects no more than our basic concept of the essential dignity & worth of every human being -- a concept at the root of any decent system of ordered liberty. The protection of private personality, like the protection of life itself, is left primarily to the individual states under the 9th & 10th Amendments. But this does not mean that the right is entitled to any less recognition by this Court as a basic of our constitutional system." Rosenblatt v Baer 383 US 75 @92 [15 LEd2d 597, 86 Sct 669] (1966) (concurring opinion).' Gertz v Robert Welch, Inc 418 US 323 @341, 41 LEd2d 789, 94 Sct 2997 (1974)." --- Brennan, Marshall, & White in dissent in Paul v Davis, 424 US 693 @725, 47 LEd2d 405 @427 n 12, 96 Sct 1155

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"It is hard to conceive of a more devastating flouting of the presumption of innocence, 'that bedrock "axiomatic & elementary" principle whose "enforcement lies at the foundation of the administration of our criminal law"' In re Winship 397 US 358 @363, 25 LEd2d 368, 90 Sct 1068, 51 OH Ops2d 323, quoting Coffin v US, 156 US 432 @453, 39 LEd 481, 15 Sct 394 (1895)." --- Brennan, Marshall, & White in dissent in Paul v Davis, 424 US 693 @725, 47 LEd2d 405 @428 n 12, 96 Sct 1155

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"'[T]he right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma & hardships of a criminal conviction, is a principle basic to our society.' WI v Constantineau 400 US 433 @437, 27 LEd2d 515, 91 Sct 507 quoting Joint Anti-Fascist Refugee Committee v McGrath 341 US 123 @168, 95 LEd 817, 71 Sct 624 (1951) (Felix Frankfurter concurring)" --- Brennan, Marshall, & White in dissent in Paul v Davis, 424 US 693 @730, 47 LEd2d 405 @431, 96 Sct 1155

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"The gravamen of respondent's complaint is that he has been stigmatized as a criminal without any of the constitutional protections designed to prevent an erroneous determination of criminal culpability." --- Brennan, Marshall, & White in dissent in Paul v Davis, 424 US 693 @732, 47 LEd2d 405 @432 n 16, 96 Sct 1155

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"It is our custom to claim areas of our lives as private -- off-limits to intruders, snooping eyes & ears. We draw the line between the self & the world pretty early on. Once it is drawn, most of us protect it fiercely. From this early age many of us learn to sound the warning 'nobody's business'." --- Alida Brill 1990 Nobody's Business: The

Paradoxes of Privacy_ pg xii

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"We believe it an inherent, perhaps an inviolable, right to define for ourselves what can be known or revealed, & to whom, & to choose what we want to hide, or to veil, from public scrutiny." --- Alida Brill 1990 _Nobody's Business_ pg xii

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"Beneath the judicial wanderings & reasonings lies the crux of the issue. At what age does a person possess privacy entitlements, & over what issues? IOW, is the expectation & realization of privacy embedded in the individual acts of the person, or in the person's chronological age?" --- Alida Brill 1990 _Nobody's Business_ pg 22

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"In order to truly control your own life, you must be able to maintain privacy over certain functions." --- Alida Brill 1990 _Nobody's Business_ pg 43

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"Privacy & control belong together; they work together for ultimate power. As a symbol, privacy is a sacred shield that a person can use to protect the self. Yet privacy also functions symbolically as a holy weapon to use against others. To invade another's life by intruding on his or her private affairs is to utilize this weapon to gain control over their lives. Why the phrase 'holy weapon'? Because the invasion or intrusion is usually done in the name of a greater good or a greater cause. Privacy invasions are virtually always justified for a higher moral purpose or public good or for a nobler motivation than privacy protection." --- Alida Brill 1990 _Nobody's Business_ pg 44

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"Is there a way to get away from a '1984' spectre of millions of pregnant women lined up to get their blood & urine tested at neighborhood community 'pregnancy monitoring centers', probably handily renamed something euphemistic such as 'maternal health centers'? This is all too reminiscent of the extreme population control program of '1 child per family' in the People's Republic of China, where women of child-bearing age have their menstrual cycles monitored monthly by the state. A failure to report can bring out the authorities to ensure that the absent Chinese woman is not pregnant with a 2nd child. Measures of control over individual life in an area as intuitively private as pregnancy makes the American democrat in most of us shudder." --- Alida Brill 1990 _Nobody's Business_ pp 89-90

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"The politics of privacy has become a dialogue between age-old & antagonistic ideologies -- namely, the conflict between the belief in the inherent worth & good of personal & individual freedom versus the belief in regulation & control of other's lives for the presumed public good. When privacy is part of the conversation of 'rights', it is segregated into the domain of civil liberties, where freedoms have almost always been won through struggle, surrounded by strife." --- Alida Brill 1990 Nobody's Business pg 187

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"Law & legal procedure have always been a mystery to the uninitiated, a snare to the unwary, & a red rag to the unhappy man possessed by reforming." --- Viscount Buckmaster 1964 (printed in A.P. Herbert 1964 Uncommon Law pg xv; quoted in Arthur Raphael Miller 1971 The Assault on Privacy pg 169)

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"I see no reason to assume that the gov't will be any more resistant to the pressures of the moment in the future than it has been in the past. Sending Japanese-American citizens to concentration camps would have been immensely speeded by having a National Identity & Data File, & McCarthy could have destroyed many more careers if he'd had computer records of security investigations." --- H. Taylor Buckner 1967 March "Computer Privacy" [Senate Administrative Practice & Procedure Sub-Committee Hearings] (in Arthur Raphael Miller 1971 The Assault on Privacy pg 125)

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"The object of enforcing the wearing of the mark is not the minor one of cutting off the recusants from buying & selling... [T]he penalty of such recusancy is immediate death. The necessities of life are to be withheld from such as have not the mark of the beast in order to bring them under the notice of the imperial authorities... A ruthless economic warfare is here proclaimed with a view to the absolute supremacy of the state..." --- R.H. Charles 1920 A Critical & Exegetical Commentary of St. John pg 262 (quoted in Weinstein 1977-03 -03 in Stevens v Berger 428 FS 896 @ 905)

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"The right of privacy has its foundations in the instincts of nature. It is recognized intuitively, consciousness being witness that can be called to establish its existence. Any person whose intellect is in a normal condition recognizes at once that as to each individual member of society there are matters private & there are matters public so far as the individual is concerned. Each individual as instinctively resents any encroachment by the public upon his rights which are of a private nature as he does the withdrawal of those rights which are of a public nature. A right of privacy in matters purely private is therefore derived from natural law." --- Cobb 1905 in Pavesich v New England Life Ins Co 122 GA 190 @194 (quoted in Adam Carlyle

Breckenridge The Right to Privacy pg 6)

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"[T]he right of privacy... cannot be confined to the restraint of the publication of a likeness, but must necessarily embrace as well the publication of a word picture, a comment upon one's looks, conduct, domestic relations or habits... it would necessarily be held to include the same things if spoken instead of printed, for one, as well as the other, invades the right to be absolutely left alone." --- Thomas M. Colley 1789 The Law of Torts Students' Edition of 1907 edited by John Lewis pg 193

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"The right of privacy... is a purely personal one, that is it is a right of each individual to be let alone, or not to be dragged into publicity." --- Thomas M. Colley 1789 The Law of Torts, Students' Edition of 1907 edited by John Lewis pg 195

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"[A human] is entitled to be protected in the exclusive use & enjoyment of that which is exclusively his... privacy is the right invaded." --- Cottenham 1849 in Prince Albert v Strange, 1 McN&G 25 (quoted in Samuel D. Warren & Louis D. Brandeis 1890-12-15 "The Right to Privacy" Harvard Law Review volume 4 #5 pg 193 et seq.)

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"Informed consent for personality testing should be comparable to the informed consent ideally obtained by a physician prior to the performance of surgery..." --- John Morgan Davis 1973-09-28 in Merriken v Cressman, 364 FS 913 @920 (quoting Charles W. Sheerer & Ronald A. Roston "Some Legal & Psychological Concerns About Personality Testing in the Public Schools" Federal Bar Journal vol 3 pp 111 et seq @115)

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"'Waivers of constitutional rights not only must be voluntary but must be knowing, intelligent & done with sufficient awareness of the relevant circumstances & likely consequences.'" Brady v US, 397 US 742 @748, 90 Sct 1463 @1469, 25 LEd2d 747 (1969)." --- John Morgan Davis 1973-09-28 in Merriken v Cressman 364 FS 913 @919

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"In the case at Bar, the children are never given the opportunity to consent to invasion of their privacy; only the opportunity to refuse to consent by returning a blank questionnaire. Whether this procedure is Constitutional is questionable, but the Court does not have to face that issue because the facts presented show that the parents could not have given informed consent for their children to take the CPI test."

--- John Morgan Davis 1973-09-28 in Merriken v Cressman 364 FS 913 @919

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"'Students are persons under the Constitution; they have the same rights & enjoy the same privileges as adults. Children are not 2nd class citizens. Protections of the Constitution are available to the new-born infant as to the most responsible & venerable adult in the nation.' Miller v Gillis, 315 FS 94 (N Dist of IL 1969)" --- John Morgan Davis 1973-09-28 in Merriken v Cressman 364 FS 913 @919

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"There probably is no more private a relationship, excepting marriage, which the Constitution safe-guards than that between parent & child. This Court can look upon any invasion of that relationship as a direct violation of one's Constitutional right to privacy." --- John Morgan Davis 1973-09-28 in Merriken v Cressman 364 FS 913 @918

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"'School officials do not possess absolute authority over their students. Students in school as well as out of school are "persons" under our Constitution. They are possessed of fundamental rights which the state must respect, just as they themselves must respect their obligations [sic] to the state.' Tinker v the Des Moines School District, 393 US 503 @511, 89 Sct 733 @739, 21 LEd2d 731 (1968)" --- John Morgan Davis 1973-09-28 in Merriken v Cressman 364 FS 913 @918

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"[T]he right to privacy is on an equal or possibly more elevated pedestal than some other individual Constitutional rights & should be treated with as much deference as free speech." --- John Morgan Davis 1973-09-28 in Merriken v Cressman 364 FS 913 @918

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"[W]e approve the extension of the tort of invasion of privacy to instances of intrusion, whether by physical trespass or not, into spheres from which an ordinary man... could reasonably expect that the particular [snooper] should be excluded." --- DC Circuit 1969 Pearson v Dodd 410 F2d 701, certiorari denied 395 US 947 (quoted in Arthur Raphael Miller 1971 The Assault on Privacy pg 175)

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"[Privacy is] the beginning of all freedom... to select for himself the time and circumstances when he will share his secrets with others and decide the extent of that sharing." --- William O. Douglas 1952 Public Utilities Commission v Pollak, 343 US 451 pg 467 dissenting opinion (quoted in Arthur Raphael Miller 1971 The Assault on Privacy pg 190

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"Words taken from his lips, capsules taken from his stomach, blood taken from his veins are all inadmissible provided they are taken from him without his consent. They are inadmissible because of the command of the 5th amendment." --- William O. Douglas, concurring, *Rochin v California*

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"[A] relationship lying within the zone of privacy [is] a right older than the Bill of Rights." --- William O. Douglas, 1965-06-07, *Griswold v CT*, quoted in Alida Brill 1990 *_Nobody's Business_* pg 5 footnote

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"We are rapidly entering the age of no privacy, where everyone is open to surveillance at all times; where there are no secrets from the gov't. The aggressive breaches of privacy by gov't increase with geometric proportions. Wire-tapping & 'bugging' run rampant, without effective judicial or legislative control. Secret observation booths in gov't offices & closed television circuits in industry, extending even to rest rooms, are common. Offices, conference rooms, hotel rooms & even bed-rooms are 'bugged' for the convenience of gov't. Personality tests seek to ferret out a man's inner-most thoughts... Federal agents are often 'wired' so that their conversations are either recorded on their persons or transmitted to tape recorders some blocks away... They have broken & entered homes to obtain evidence... The dossiers on all citizens mount in number & increase in size. Now they are being put on computers so that by pressing 1 button all the miserable, the sick, the suspect, the unpopular, the off-beat people of the nation can be instantly identified. These examples & many others demonstrate an alarming trend whereby the privacy & dignity of our citizens is being whittled away by sometimes imperceptible steps. Taken individually, each step may be of little consequence. But when viewed as a whole, there begins to emerge a society quite unlike any we have seen -- a society in which gov't may intrude into the secret regions of a man's life at will." --- William O. Douglas 1966 dissent in *Osborn v US*, 385 US 323 @341-343 (quoted in Adam Carlyle Breckenridge *_The Right to Privacy_* pp 7-8)

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"[P]ersonally identifiable data does include any such data which can easily be traced to students, such as [socialist insecurity] numbers." --- Education Amendments of 1974, PL 93-380 "Protection of the Rights & Privacy of Parents & Pupils" Legislative History pg 4252

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"All you had to do to sacrifice was to place a pinch of incense on the altar of... the Emperor, & that was it. You signed, the priest signed & every time you got nailed by the police you could show your

passport. If you didn't have it, the libellus, you could be dragged into court & executed the same day. This was instant death. That is the mark of the beast." --- Willis E. Elliott (quoted in Weinstein 1977-03-03 in Stevens v Berger, 428 FS 896 @ 904)

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"The 1st Amendment was designed to protect the sanctity of the individual's private thoughts & beliefs. It protects the rights to speak & remain silent, to receive & impart information & ideas, & to associate in private & in public with others of like mind. After all, it is only by protecting this inner privacy that freedom of speech, religion, assembly & many other individual liberties can be protected. The 3rd Amendment's prohibition of quartering soldiers in private homes protects the privacy of the individual's living space. This aspect of privacy is also protected by the 4th Amendment's guarantee of 'the right of the people to be secure in their persons, houses, papers, & effects, against unreasonable searches & seizures'. In addition to the privacy of the individual's home & personal effects, the privacy of his person (or bodily integrity) & even his private telephone conversations are protected by the 4th Amendment from unwarranted gov'tal intrusion. The 5th Amendment guarantees that an individual accused of a crime shall not be forced to divulge private information which might incriminate him. This [right] against self-incrimination focuses directly on the sanctity of the individual human personality & the right of each individual to keep private information which might place his life & freedom in jeopardy. The 5th Amendment also guarantees that no person shall be 'deprived of life, liberty, or property without due process of law'. This right to due process protects individual privacy by preventing unwarranted gov'tal interference with the individual's person, personality & property. The 9th Amendment's reservation that 'the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people' clearly shows that the Founding Fathers contemplated that certain basic individual rights not specifically mentioned in the Constitution -- such as privacy -- should never the less be safe from gov'tal interference. Just recently, in Roe v Wade, the Supreme Court has located the right of privacy in the 14th Amendment's guarantee that no state shall 'deprive any person of life, liberty, or property without due process of law'. Rights to give & receive information, to family life & child-rearing according to one's conscience, to marriage, to procreation, to contraception, & to abortion are all aspects of individual privacy which the courts have similarly held to be constitutionally protected." --- Sam J. Ervin, 1973-06-28, "Computers & Privacy" at Miami U at Oxford, OH, quoted in Lester A. Sobel _War on Privacy_ pp 6-7

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"It is a rare person who has escaped the quest of modern gov't for information. Complaints which have come to the Constitutional Rights Subcommittee & to Congress over the course of several administrations show that this is a bipartisan issue which effects [sic] people in all

walks of life. The complaints have shown that despite our reverence for the constitutional principles of limited gov't & freedom of the individual, gov't is in danger of tilting the scales against those concepts by means of its information- gathering tactics & its technical capacity to store & distribute information. When this quite natural tendency of gov't to acquire & keep & share information about citizens is enhanced by computer technology & when it is subjected to the unrestrained motives of countless political administrators, the resulting threat to individual privacy make it necessary for Congress to reaffirm the principle of limited, responsive gov't on behalf of freedom. The complaints show that many Americans are more concerned than ever before about what might be in their records because gov't has abused, & may abuse, its power to investigate & store information. They are concerned about the transfer of information from data bank to data bank & black list to black list because they have seen instances of it. They are concerned about intrusive statistical questionnaires backed by the sanctions of criminal law or the threat of it because they have been subject to these practices over a number of years." --- Sam Ervin, 1974-06-11 (reprinted in Legislative History PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pg 6919

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"Sec. 438...(b)(1) No funds shall be made available under any applicable program to any state or local educational agency, any institution of higher education, any community college, any school..., or any other educational institution which has a policy of permitting the release of personally identifiable records or files (or personal information contained therein) of students without the written consent of their parents to any individual, agency, or organization, other than to the following -- (A) other school officials, including teachers within the educational institution or local educational agency who have legitimate educational interests... (f) The Secretary, or an administrative head of an education agency, shall take appropriate actions to enforce provisions of this section & to deal with violations of this section..." --- FERPA of 1974, PL 93-380, 88 Stat @572 & 573, 20 USC 1232g, Part C of the General Education Provisions Act

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"Roving patrols, random sweeps & arbitrary searches would go far to eliminate [drug courier] crime in this state. Nazi Germany, Soviet Russia & Communist Cuba have demonstrated all too tellingly the effectiveness of such methods. Yet we are not a state that subscribes to the notion that ends justify means." --- FL Supreme Court in FL v Terrance Bostick #89-1717

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"Title 3 [of the Omnibus Crime Control & Safe Streets Act of 1968], in the form proposed by the administration... was properly described as the Right to Privacy Act. As accepted by the committee [and

ultimately passed], Title 3 is more appropriately described as the End of Privacy Act." --- Hiram Fong, 1968 Senate Report #1097 90th cong, session 182 (quoted in Arthur Raphael Miller 1971 The Assault on Privacy pg 161)

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"Computer technology has made privacy an issue of urgent national significance. It is not the technology that concerns me but its abuse. I am also confident that technology capable of designing such intricate systems can also design measures to assure security." --- Gerald R. Ford (quoted in Legislative History, PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pg 6925)

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"An individual American certainly has far less [sic] rights under this system than a dog has." --- Charles E. Gallagher 1968 House Hearings on Commercial Credit Bureaux pg 115 (quoted in Arthur Raphael Miller 1971 The Assault on Privacy pg 85)

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"We must program the programmers while there is still some personal liberty left." --- Barry Goldwater (quoted in Legislative History, PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pg 6925)

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"[B]y definition, the fact that the SSN may be potentially disseminated to any registered voter or political party with the attendant possibility of a serious invasion of one's privacy is demonstrably more restrictive than predicating the right to vote on the simple receipt & internal use of the SSN." Hamilton 1993-03-22 in Greidinger v Davis 988 F2d 1344 @ 1352

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"Originated in 1936, a SSN is a 9-digit account number assigned by the Secretary of Health & Human Services for the purpose of administering the [Socialist Insecurity] laws. See 42 USC section 405(c)(2)(B). SSNs were first intended for use exclusively by the federal gov't as a means of tracking earnings to determine the amount of [Socialist Insecurity] taxes to credit to each worker's account. Over time, however, SSNs were permitted to be [abused] for purposes unrelated to the administration of the [Socialist Insecurity] system. For example, in 1961, Congress authorized the Internal Revenue Service to use SSNs as taxpayer identification numbers. Pub.L.No.87-397, 75 Stat. 828 (codified as amended at 26 USC sub-section 6113 @ 6676). In response to growing concerns over the accumulation of massive amounts of personal information, Congress passed the Privacy Act of 1974. This Act makes it unlawful for a gov'tal agency to deny a right, benefit,

or privilege merely because the individual refuses to disclose his SSN. In addition, Section 7 of the Privacy Act further provides that any agency requesting an individual to disclose his SSN must 'inform that individual whether that disclosure is mandatory or voluntary, by what statutory authority such number is solicited, & what uses will be made of it'. At the time of its enactment, Congress recognized the dangers of widespread use of SSNs as universal identifiers. In its report supporting the adoption of this provision, the Senate Committee stated that the widespread use of SSNs as universal identifiers in the public & private sectors is 'one of the most serious manifestations of privacy concerns in the Nation'. S.Rep.No.1183, 93rd Cong., 2d Sess., reprinted in 1974 US Code Cong. & Admin. News 6916, 6943." --- judge Hamilton 1993-03-22 in Greidinger v Davis 988 F2d 1344 @ 1352-1353

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"We are not unaware of the threat to privacy implicit in the accumulation of vast amounts of personal information in computerized data banks or other massive gov't files. The collection of taxes, the distribution of welfare & [socialist insecurity] benefits, the direction of our Armed Forces, & the enforcement of all criminal laws all require the orderly preservation of great quantities of information, much of which is personal in character & potentially embarrassing or harmful if disclosed. The right to collect & use such data is typically accompanied by a concomitant statutory or regulatory duty to avoid unwarranted disclosures." --- judge Hamilton 1993-03-22 in Greidinger v Davis, 988 F2d 1344 @ 1353 (quoting Whalen v Roe 429 US 389, 97 Sct 869, 51 LEd2d 64)

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"SSNs are exempt from disclosure under Exemption 6 of the Freedom of Information Act (FOIA), 5 USC section 552(b)(6), because their disclosure would 'constitute a clearly unwarranted invasion of privacy'. See, e.g. IBEW Local #5 v HUD, 852 F2d 87, 89 (3d Cir. 1988)" --- judge Hamilton 1993-03-22 in Greidinger v Davis 988 F2d 1344 @ 1354

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"As illustrated by the examples of the potential harm that the dissemination of an individual's SSN can inflict, Greidinger's decision not to provide his SSN is eminently reasonable." --- judge Hamilton 1993-03-22 in Greidinger v Davis 988 F2d 1344 @ 1354

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"We must determine whether the disclosure of the SSN under section 24.1-23(8) &/or section 24.1-56 is narrowly tailored to fulfill that state interest. We conclude that it is not. [then, in footnote] Unquestionably, Virginia has a compelling state interest that is narrowly tailored in the receipt & internal use of a SSN. The internal use of SSNs assists in, among other things, identifying voter duplication & tracking felons. [continuing in opinion] Virginia's

interest in preventing voter fraud & voter participation [sic] could easily be met without the disclosure of the SSN & the attendant possibility of a serious invasion of privacy that would result from that disclosure. Accord, *Pilcher v Rains* 853 F2d 334, 337 (5th Cir. 1988) (requirement that voters signing ballot access petition supply 'voter registration number' not necessary to distinguish among voters sharing common names)... Moreover, the same state interest could be achieved through the use of a voter registration number as opposed to a SSN... Thus...Virginia's voter registration scheme... 'sweep[] broader than necessary to advance electoral order' *Norman* 112 Sct @ 706..." --- judge Hamilton 1993-03-22 in *Greidinger v Davis*, 988 F2d 1344 @ 1354-1355

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"We also remand the case for further proceedings on the Privacy Act notice, which will have to be revised in light of our decision, & the issue of attorney's fees." --- judge Hamilton 1993-03-22 in *Greidinger v Davis*, 988 F2d 1344 @ 1355

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"The future of individualism is what we make of it. It is not subject to projection on the basis of trends now in existence. Modern man may be uncertain, but he is not yet helpless. He can still escape from the web which he seems to be weaving around himself." --- August Heckscher (quoted in Gerald S. Snyder 1975 *_The Right To Be Let Alone_* pg 179)

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"Whatever in connection with my professional practice or not in connection with it I may see or hear in the lives of men which ought not to be spoken abroad I will not divulge, as reckoning that all such should be kept secret." --- Hippocratic Oath, quoted in Alida Brill 1990 *_Nobody's Business_* pg 115

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"The Committee agrees with the report that the standard of the Direct Mail Marketing Assn, mere removal of one's name, is not enough for gov't agencies. As the Academy report states, 'For many people, this does not resolve the basic privacy issue: when individuals give information about themselves to gov't agencies for 1 purpose, usually under legal compulsion to report, should their names, addresses, & data about their occupations, ownership, military service, or other activities be made available to organizations that would use the information for purposes that these individuals consider intrusive?... how do we make the individual's informed consent a more respected & controlling feature in organizational society?... it should be to find a way to accommodate those who feel their privacy is intruded upon." --- House gov't Operations Subcommittee report pg 385 (quoted in Legislative History PL 93-579, Privacy Act of 1974, *_Congressional Record_* vol 120, Senate Report #93-1183 pg 6948)

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"[U]ncontrolled search & seizure is one of the first & more effective weapons in the arsenal of every arbitrary government." --- Robert Jackson 1949 *Brinegar v US*, 338 US 160, 180-181

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"The opinions of men are not the object of civil gov't, nor under its jurisdiction..." --- Thomas Jefferson (quoted in Arthur Raphael Miller 1971 *_The Assault on Privacy_* pg 203)

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"In 1988 February, a bench trial was held, & in 1988 March, the district court found that the Libertarian Party had demonstrated that the voter registration number requirement imposed a serious burden... without serving any state interest that could not be as well served by other means." --- Johnson in *Pilcher v Rains* 853 F2d 334 @335 (referencing 683 FS 1130)

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"'If the state has open to it a less drastic way of satisfying its legitimate interests, it may not choose a legislative scheme that broadly stifles the exercise of fundamental personal liberties.' *Anderson v Celebrezze* 460 US 780 @806, 103 SCt 1564 @1579 (quoting *Kusper v Pontikes* 414 US 51 @59, 94 SCt 303 @308, 38 LEd2d 260 (1973)) See also *Dart v Brown* 717 F2d 1491 @1502 (5th Cir 1983), certiorari denied, 469 US 825, 105 SCt 105, 83 LEd2d 49 (1984)." --- Johnson in *Pilcher v Rains*, 853 F2d 334 @337

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"If we don't want policemen coming into our bedrooms, we have to safeguard other people's privacy too." --- Stuart Kellogg (quoted in Alida Brill 1990 *_Nobody's Business_* pg 131)

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"The right of privacy is not expressly protected by any provision in the federal Constitution. However, the Supreme Court held in *Roe v Wade*, supra, 410 US [133] @ 152, 93 SCt [705] @ 726, that the right is subject to constitutional protection. 'The Constitution does not explicitly mention any right of privacy. In a line of decisions, however, going back perhaps as far as *Union Pacific R Co v Botsford* 141 US 250, 251, 11 SCt 1000, 1001, 35 LEd 734 (1891), the Court has recognized that a right of personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the Constitution...' --- Lacey 1976-08-25 *Chambers v Klein* 419 FS 569 @ 581

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"In enacting Section 7 [of the Privacy Act of 1974, PL 93-579], Congress sought to curtail the expanding use of [socialist insecurity] numbers by federal & local agencies &, by so doing, to eliminate the threat to individual privacy & confidentiality of information posed by common numerical identifiers. See S.Rep.#1183, 93rd Cong., 2d Sess. reprinted in [1974] US Code Cong. & Ad.News 6916, 6944 Underlying this legislative effort was the recognition that widespread use of a standard identification number in collecting information could lead to the establishment of a national data bank or similar informational system, which could store data gathered about individuals from many sources & facilitate gov't surveillance of its citizens. Ibid at 6944 -45, 6957. It was anticipated that as use of the [socialist insecurity] number proliferated, the incentive to consolidate records & to broaden access to them by other agencies of gov't would in all likelihood correspondingly increase. Ibid at 6945. Thus, Congress saw a need for federal legislation to restore to the individual the option to refuse to disclose his [socialist insecurity] number without repercussion, except in the specifically delineated circumstances outlined in section 7(a)(2)." --- Latchum, 1982-01-19 in Doyle v Wilson, 529 FS 1343 @ 1348-1349

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"[T]he state Treasurer would have the additional burden of demonstrating compliance with section 7(b) of the Privacy Act, viz., that refund applicants tendering their [socialist insecurity numbers; SINs] are provided with the following information: whether disclosure [of socialist insecurity numbers] is mandatory or voluntary, by what statute or other authority such number is solicited, & what uses will be made of it." --- Latchum, 1982-01-19 in Doyle v Wilson, 529 FS 1343 @ 1349

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"[A]lthough testimony was presented at trial establishing that disclosure of the [socialist insecurity number; SIN] on refund vouchers was required under a long-standing practice of the state Treasurer's Office originating before [1975-01-01], defendants could point to no statute or regulation specifically authorizing this practice. Administrative practice alone, however, unsupported by any discrete legal grant of authority, is not enough to satisfy the requirements of section 7(a). Wolman v US Selective Service System 501 FS 310, 311 (Dist. DC 1980)" --- Latchum 1982-01-19 in Doyle v Wilson, 529 FS 1343 @ 1349

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"As noted previously, this section [7(b)] imposes an affirmative obligation on state agencies to inform individuals who have been requested to disclose their [socialist insecurity numbers; SINs] of certain information, including the uses to which the number will be put. In enacting this specific measure, Congress intended to 'permit an individual to make an informed decision whether or not to disclose the [socialist insecurity] account number' & 'to bring recognition to,

& discourage, unnecessary or improper uses of that number'. Analysis of House & Senate Compromise Amendments to the federal Privacy Act, printed in 120 Cong.Rec. S21,817 ([1974-12-17]) & in 120 Cong.Rec. H12,243 ([1974-12-18]) quoted in Greater Cleveland Welfare Rights Org v Bauer, supra, 462 FS @ 1319 n.3. Thus, adequate explanations of the information required by section 7(b) is critical to the right afforded by section 7(a) to withhold disclosure of the [socialist insecurity] number, except in limited circumstances." --- Latchum 1982-01-19 in Doyle v Wilson, 529 FS 1343 @ 1350

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"The requirements of section 7(b) are not fulfilled, however, when no affirmative effort is made to disclose this information at or before the time the number is requested & a citizen, like Doyle, must instead pry the pertinent facts from a state agency. Doe v Sharp, 491 FS 346, 350 (D MA 1980)" --- Latchum 1982-01-19 in Doyle v Wilson 529 FS 1343 @ 1350

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"The [abuse] of [socialist insecurity] numbers as a means of identification, both in private commercial transactions & in citizen communications with gov't, is common-place, despite Congressional efforts to curb expanding compulsory disclosure of the number. The requirements of section 7 of the Privacy Act have not been so widely disseminated, moreover, as to become an integral part of the public consciousness. To the contrary, the average citizen automatically reveals his [socialist insecurity] number on a myriad of forms in the course of his daily life, never questioning the propriety of forced disclosure or suspecting that in many situations the number may be withheld at his option." --- Latchum 1982-01-19 in Doyle v Wilson 529 FS 1343 @ 1351

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"The purpose of S3418 [the Privacy Act of 1974], as amended, is to promote gov'tal respect for the privacy of citizens by requiring all departments & agencies of the executive branch & their employees to observe certain constitutional rules in the computerization, collection, management, use, & disclosure of personal information about individuals." --- Legislative History PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pg 6916]

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"First, it requires agencies to give detailed notice of the nature & uses of their personal data banks & information systems & their computer resources... Second, the bill establishes certain minimum information-gathering standards for all agencies to protect the privacy & due process rights of the individual & to assure that surrender of personal information is made with informed consent or with some guarantees of the uses & confidentiality of the information. To this end, it charges agencies: To collect, solicit & maintain only

personal information that is relevant & necessary for a statutory purpose of the agency;... To inform people requested or required to reveal information about themselves whether their disclosure is mandatory or voluntary, what uses & penalties are involved, & what confidentiality guarantees surround the data once gov't requires it... Third, the bill establishes certain minimum standards for handling & processing personal information maintained in the data banks & systems of the executive branch, for preserving the security of the computerized or manual system, & for safe-guarding the confidentiality of the information. To this end, it requires every department & agency to insure, by whatever steps they deem necessary:... That they refrain from disclosing it unless necessary for employee duties, or from making it available outside the agency without the consent of the individual & proper guarantees [with limited exceptions];... That they establish rules of conduct... & take action to instruct all employees of such duties; That they not sell or rent the names & addresses of people whose files they hold; & That they issue appropriate administrative orders, provide personnel sanctions, &... safe-guards to insure the security of the information system & the confidentiality of the data. Fourth, to aid in the enforcement of these legislative restraints, the bill provides administrative & judicial machinery for oversight & for civil remedy of violations... Judicial remedies allow the enforcement of the act through the courts by individuals & organizations in civil actions challenging denial of access to personal information or through suits by the Attorney General or any aggrieved person to enjoin violations or threatened violations of the Act." --- Legislative History PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pp 6917-6918

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"The 4-year survey by the Constitutional Rights Subcommittee... demonstrates the need for requiring the following Congressional action: Explicit statutory authority for the creation of each data bank, as well as prior examination & legislative approval of all decisions to computerize files; Privacy safe-guards built into the increasingly computerized gov't files as they are developed, rather than merely attempting to supplement existing systems with privacy protections; Notification of subjects that personal information about them is stored in a federal data bank & provision of realistic opportunities for individual subjects to review & correct their own records; Constraints on inter-agency exchange of personal data about individuals & the creation of inter-agency data bank cooperatives; The implementation of strict security precautions to protect the data banks & the information they contain from unauthorized or illegal access; & Continued legislative control over the purposes, contents & uses of gov't data systems." --- Legislative History PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pg 6923

"The premises underlying this legislation is that good gov't & efficient management requires that basic principles of privacy, confidentiality & due process must apply to all personal information programs & practices of the federal gov't, & should apply to those of

state & local gov't as well as to those of the organizations, agencies & institutions of the private sector." --- Legislative History PL 93-579, Privacy Act of 1974, _Congressional Record_ vol 120, Senate Report #93-1183 pg 6926

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"[T]he mandates of [the Privacy Act of 1974] are enforceable through the civil challenges of the Attorney General or of private citizens with real or suspected grievances or claims of violations of the Act. Given the difficulties of time & resources, private enforcement through litigation is not likely to affect more than glaring violations of the Act. Much will depend on the zeal & the good faith of the Attorney General & the President in enforcing the terms of the new law." --- Legislative History PL 93-579, Privacy Act of 1974, _Congressional Record_ vol 120, Senate Report #93-1183 pg 6943

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"As introduced, S3418 [the Privacy Act of 1974] made it unlawful for any person to require an individual to disclose or furnish his [Socialist Insecurity] account number for any purpose in connection with any business transaction or commercial or other activity, or to refuse to extend credit or make a loan or to enter into any other business transaction or commercial relationship with an individual because of refusal to disclose or furnish the number, unless the disclosure or furnishing of the number was specifically required by federal law." --- Legislative History PL 93-579, Privacy Act of 1974, _Congressional Record_ vol 120, Senate Report #93-1183 pg 6943]

"Citizens' complaints to Congress & the findings of several expert study groups have illustrated a common belief that a threat to individual privacy & confidentiality of information is posed by such practices. The concern goes both to the development of 1 common number to label a person throughout society & to the fact that the symbol most in demand is the [Socialist Insecurity] number... Of major concern is the possibility that the number may become a means of violating civil liberties by easing the way for intelligence & surveillance uses of the number for indexing or locating the person." --- [Legislative History PL 93-579, Privacy Act of 1974, _Congressional Record_ vol 120, Senate Report #93-1183 pg 6944]

"A cross-section of such complaints appearing in the subcommittee hearings shows that people are pressured in the private sector to surrender their [Socialist Insecurity] numbers in order to get telephones, to check out books in university libraries, to get checks cashed, to vote, to obtain drivers' licenses, to be considered for bank loans, & many other benefits, rights or privileges." --- [Legislative History PL 93-579, Privacy Act of 1974, _Congressional Record_ vol 120, Senate Report #93-1183 pg 6944]

"The bill [the Privacy Act of 1974] now prohibits federal agencies from selling or renting mailing lists except as authorized by law, but does not require names & addresses to be kept confidential, thus

allowing inspection where these are public records. It requires private organizations maintaining a mailing list to remove the individual's name upon request." --- [Legislative History PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pg 6945]

"In collecting information from you, the gov't must tell you to what purpose it will be put, & in using any information, whether from you or not, it must use it only for the purpose for which it was collected." --- [Jethro K. Lieberman Privacy & the Law pg 128]

"The Constitution of the US guarantees to all individuals a basic right of privacy. Accordingly, the Congress endorses the requirement that what an individual seeks to preserve as private is to be protected, even in an area accessible to the public. The Congress supports the view that wherever a man may be, he is entitled to know that he will remain free from unreasonable searches & seizures." --- [Edward V. Long, 1968-05-23 Congressional Record S6202 proposed amendment #717 to the Omnibus Crime Control & Safe Streets Act (quoted in Adam Carlyle Breckenridge The Right to Privacy pp 8-9 n 21)]

"gov't, like any other organism, refuses to acquiesce in its own extinction. This refusal, of course, involves the resistance to any effort to diminish its powers & prerogatives. There has been no organized effort to keep gov't down since Jefferson's day. Ever since then the American people have been bolstering up its powers & giving it more & more jurisdiction over their affairs. They pay for that folly in increased taxes & diminished liberties." --- [H.L. Mencken 1956 Minority Report: H.L. Mencken's NoteBooks pg 143 (quoted in Arthur Raphael Miller 1971 The Assault on Privacy pg 141)]

"I think if one reads Orwell & Huxley carefully, one realizes that '1984' is a state of mind. In the past, dictatorships always have come with hob-nailed boots & tanks & machine-guns, but a dictatorship of dossiers, a dictatorship of data banks can be just as repressive, just as chilling & just as debilitating on our constitutional protections. I think it is this fear that presents the greatest challenge to Congress right now." --- [Arthur Raphael Miller, quoted in Legislative History PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pg 6922]

"Agency information collectors often deceive the public by intimating that the law requires a response to questionnaires that in fact are voluntary. 'In their zeal to increase the coverage & accuracy of a survey,' one report concluded, 'administrators have been known to use deceptive language in the wording of their questionnaires' to coerce responses. Even among citizens who are offended by certain inquiries, there is a natural reluctance to 'buck the system'." --- [Arthur Raphael Miller 1971 The Assault on Privacy pg 63 (referencing House Committee on Post Office & Civil Service 1965 The Federal PaperWork Jungle 89th cong, 1st session, HR Report #52, pp 33 & 36)]

"Even private groups occasionally attempt to piggy-back on the federal gov't's interrorem power. A number of instances have been brought to

light in which researchers operating under federal grants have tried to coerce responses to questionnaires & secure personal interviews by raising the spectre of gov'tal retaliation... the researcher's conduct probably was closer to being criminal than was the data subject's." --- [Arthur Raphael Miller 1971 The Assault on Privacy pg 64]

"The dangers posed by the existing lack of effective controls on gov't information handling go beyond the unauthorized or illicit procurement of data. Information usually is extracted without any real assurance that it will be handled on a confidential basis or with the virtually meaningless pledge not to release the information outside of the gov't. It is highly unrealistic to expect the donor of the data to have an accurate conception of the uses to which the information might be put or the potential audience to which it might be exposed. Even if confidentiality restrictions control a particular agency's activities, in practice they are likely to reflect little more than ad hoc judgments of individual officials or archaic rules that have not been re-evaluated in decades, rather than a statutory or regulatory system developed to protect citizen privacy in the computer age." --- Arthur Raphael Miller 1971 The Assault on Privacy pg 64 (referencing Senate Judiciary Committee's Administrative Practice & Procedure Subcommittee 1967 Gov't Dossier pg 8; Bureau of the Budget "Report of the Task Force on the Storage of & Access to Gov't Statistics" reprinted in Senate Judiciary Committee Administrative Practice Subcommittee 1968 Senate Hearings on Computer Privacy pp 25 & 27-28)

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"It is not surprising, therefore, that few companies have been able to demonstrate that their use of tests actually has improved the caliber of their employees." --- Arthur Raphael Miller 1971 The Assault on Privacy pg 93 (referencing E. Ghiselli 1966 The Validity of Occupational Aptitude Tests pp 34-36 & 49-51; D. Super & J. Crites 1962 Appraising Vocational Fitness pg 106)

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"In many contexts, such as the census, we have decided that religion, sex, & political philosophy are private matters & any attempt to question an individual about them in other than a completely voluntary setting is considered an invasion of privacy." --- Arthur Raphael Miller 1971 The Assault on Privacy pg 97

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"In any case involving a human subject, a meaningful consent should be obtained. This means that he must not be led to believe that he will receive superior professional services by consenting to being observed. Moreover, it is imperative that the subject's acquiescence be based on full information as to the nature & potential ramifications of any observations, recordings, & transmissions that will be made of him." --- Arthur Raphael Miller 1971 The Assault on Privacy pg 119

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"This is the possibility that extensive or continuing exposure of students to machine teaching & electronic devices will anesthetize the sensitivity & awareness of the school-age population (& the entire population in a matter of a few generations) to the importance of individual privacy." --- Arthur Raphael Miller 1971 The Assault on Privacy pg 120 (referencing M. Brenton 1964 The Privacy Invaders pp 165-167)

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"For centuries the common law's primary concern in the personal injury field, both in England & the US, had been the maintenance of an often uneasy public peace. The courts focused their attention on redressing those wrongs that were most apt to lead to violence or vigilantism, such as assault & battery or interference with property rights." --- Arthur Raphael Miller 1971 The Assault on Privacy pg 169

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"Moreover, in weighing the comparative importance of the interests at stake in defamation & privacy cases, the scales favor privacy... the Supreme Court has held that some aspects of privacy are protected by the Constitution." --- Arthur Raphael Miller 1971 The Assault on Privacy pg 193

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"A widespread debilitation of individual privacy resulting from an accumulation of successful invasions might lead to an environment that would be antithetical to many of our fundamental societal precepts, in terms of both psychological & political freedom." --- Arthur Raphael Miller 1971 The Assault on Privacy pg 193

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"[W]e must appraise the extent to which the dissemination of computerized information about people serves the ends of intelligent self-gov't & is worthy of constitutional protection... None the less, it also is clear that computer systems, with their immense capacity for building individual dossiers, predicting human & organizational behavior, & aiding in the decision-making process, may be more suited to fostering the control of people by institutions than assisting the public in governing themselves intelligently." --- Arthur Raphael Miller 1971 The Assault on Privacy pg 194

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"Despite concerns over the misuse of confidential personal data, commercial information companies persist in selling credit & medical details to marketing firms for use in targeting their sales... A U of

Illinois study released last week documents significant misuse of private financial, medical & legal information American corporations routinely collect on their employees." --- Alicia Mundy 1989-05-01 "Unwilling players in the name game" _USN&WR_ pg 52

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"As long as there have been confidential records, there have been problems with improper use & disclosure. Now, however, sophisticated computer-matching projects allow companies & gov't agencies to cross-reference & correlate extensive & highly detailed data banks... Federal officials disclosed this month, for instance, that [Socialist Insecurity] files were [abused] to verify millions of records for private credit companies." --- Alicia Mundy 1989-05-01 "Unwilling players in the name game" _USN&WR_ pg 53

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"The reason that legislatures tend to do nothing is that they faithfully reflect what a majority of their constituents really want: to be left in peace." --- Richard Neely, WV Supreme Court 1983 _Why Courts Don't Work_

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"The Fourth Amendment literally requires a warrant for all searches, yet we have never required literal compliance. Once the words are not to be taken literally, all interpretations are just that - interpretations." --- Richard Neely, WV Supreme Court 1983 _Why Courts Don't Work_

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"We cannot assert on the one hand that citizens have certain rights & then on the other hand permit the police to violate these rights to secure convictions." --- Richard Neely, WV Supreme Court 1983 _Why Courts Don't Work_

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"Since the Supreme Court has never required the exclusionary rule per se but only some meaningful sanction against illegal police conduct, the state legislatures are free to experiment. Why haven't they experimented? Because any new system [it is expected] will cost money." --- Richard Neely, WV Supreme Court 1983 _Why Courts Don't Work_

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"It is an elementary & vital courtesy when you are using people's own money against them that you do it with some grace." --- Richard Neely, WV Supreme Court 1983 _Why Courts Don't Work_

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"The history of individual liberty, & particularly the right of privacy, has been a history of resistance to governmental encroachments & an insistence upon fair procedural protections. Where liberty has prevailed, the rights of man have been translated into action; where liberty has lost, only silence has followed the soft echo of declarations of freedom." --- Gaylord Nelson 1973-06-18 Congressional Record Senate (quoted in Lester A. Sobel War on Privacy pg 8)

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"In all cases where the king is party, the sheriff (if the doors be not open) may break in the party's house, either to arrest him, or to do other execution of the king's process, if otherwise he cannot enter. But before he breaks it, he ought to signify the cause of his coming, & to make request to open doors..." --- 1603 Semayne's Case 5 Cook 91, 11 ERC 629, 77 Eng Repring 194 (quoted by Gaylord Nelson 1973-06-18 Congressional Record Senate; quoted in Lester A. Sobel War on Privacy pg 8)

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"[T]he people have a right to hold themselves, their houses, papers, & possessions free from search & seizure, & therefore warrants without orders or affirmation 1st made, affording a sufficient foundation for them, & whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his or their property, not particularly described, are contrary to that right, & ought not to be granted." --- 1776 PA Declaration of Rights article 10 (quoted in Lester A. Sobel War on Privacy pg 8)

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"The... 'right of privacy' is... founded upon the [idea] that a man has the right to pass through this world, if he wills, without having his picture published..." --- Parker 1902 in Roberson v Rochester Folding Box Co, 171 NY 538 @544

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"When the law guarantees to one the right to the enjoyment of his life, it gives to him something more than the mere right to breathe & exist. While of course the most flagrant violation of this right would be deprivation of life, yet life itself may be spared & the enjoyment of life entirely destroyed. An individual has a right to enjoy life in any way that may be most agreeable & pleasant to him, according to his temperament & nature, provided that in such enjoyment he does not invade the rights of his neighbor or violate public law or policy. The right of personal security is not fully accorded by allowing an individual to go through life in possession of all his members & his body unmarred; nor is his right to personal liberty fully accorded by merely allowing him to remain out of jail or free from other physical restraints. The liberty which he derives from

natural law, & which is recognized by municipal law, embraces far more than freedom from physical restraint. The term liberty is not to be so dwarfed, but is deemed to embrace the right of a man to be free in the enjoyment of the faculties with which he has been endowed by his Creator, subject only to such restraints as are necessary for the common welfare. Liberty, in its broad sense, as understood in this country, means the right, not only of freedom from servitude, imprisonment or restraint, but the right of one to use his faculties in all lawful ways, to live & work where he will, to earn his livelihood in any lawful calling, & to pursue any lawful trade or avocation. Liberty includes the right to live as one will, so long as that will does not interfere with the rights of another or of the public. One may desire to live a life of seclusion; another may desire to live a life of publicity; still another may wish to live a life of privacy as to certain matters & of publicity as to others. One may wish to live a life of toil where his work is of a nature that keeps him constantly before the public gaze; while another may wish to live a life of research & contemplation, only moving before the public at such times & under such circumstances as may be necessary to his actual existence. Each is entitled to a liberty of choice as to his manner of life, & neither an individual or the public has a right to arbitrarily take away from him his liberty... The right of privacy within certain limits is a right derived from natural law, recognized by the principles of municipal law, & guaranteed to persons in this state by the constitution of the US & of the state of GA, in those provisions which declare that no person shall be deprived of liberty except by due process of law." --- *Pasevich v New England Life Ins Co*, 122 GA 190 @194-197, 50 SE 68, 69 LRA 101 (quoted, w/addition of references, in *Thomas M. Cooley 1879 _The Law of Torts_ 3rd edition 1906* edited by John Lewis pp 363-364)

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"Sec. 7. (a)(1) It shall be unlawful for any federal, state or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(2) the provisions of paragraph (1) of this subsection shall not apply with respect to --

(a) any disclosure which is required by federal statute, or state, or local agency maintaining a system of records in existence and operating before January 1, 1975 [1975-01-01], if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

(b) Any federal, state, or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it." --- *Privacy Act of 1974; PL 93-579; 88 Stat. 1896 @1909; 5 USC 552a note @448*

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"Admittedly, however, the number is not a perfect device, since

millions of people are estimated to hold more than one number or to share a number." --- Privacy Protection Study Commission 1975-10-22 The Use of the Social Security Number in the Private Sector pg 7 (quoted in Weinstein 1977-03-03 in Stevens v Berger 428 FS 896 @ 907)

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"A new sense of 'you have no right to ask that' needs to be defined & encouraged." --- John Curtis Raines (quoted in Gerald S. Snyder 1975 The Right To Be Let Alone pg 162)

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"[C]oncern about computer-based record keeping usually centers on its implications for personal privacy, & understandably so if privacy is considered to entail control by an individual over the uses made of information about him. In many circumstances in modern life, an individual must either surrender some of that control or forego the services that an organization provides. Although there is nothing inherently unfair in trading some measure of privacy for a benefit, both parties to the exchange should participate in setting the terms." --- Elliot Richardson 1973 summarizing Records, Computers, & the Rights of Citizens (quoted in Legislative History PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pg 6923)

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"There must be a way for an individual to prevent information about him that was obtained for one purpose from being used or made available for other purposes without his consent."--- Elliot Richardson 1973 summarizing Records, Computers, & the Rights of Citizens (quoted in Legislative History PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pg 6924)

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"The Code should give individuals the right to bring suits for unfair information practices to recover actual, liquidated, & punitive damages, in individual or class actions. It should also provide for recovery of reasonable attorney's fees & other costs of litigation incurred by individuals who bring successful suits." --- Elliot Richardson 1973 summarizing Records, Computers, & the Rights of Citizens (quoted in Legislative History PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pg 6924)

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"Beyond the federal gov't, they urged that state & local gov'ts, the institutions within reach of their authority, & all private organizations adopt the safe-guard requirements by whatever means are appropriate." --- Elliot Richardson 1973 summarizing Records, Computers, & the Rights of Citizens (quoted in Legislative History PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pg 6924)

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"If the SSN is to be stopped from becoming a de facto Standard Universal Identifier, the individual must have the option not to disclose his number unless required to do so by the federal gov't for legitimate federal program purposes, & there must be legal authority for his refusal. Since existing law offers no such clear authority, we recommend specific, preemptive, federal legislation providing that the individual has the right to refuse to disclose his SSN to any person or organization that does not have specific authority provided by federal statute to request it... & the right to redress if his lawful refusal to disclose his SSN results in the denial of a benefit." --- Elliot Richardson 1973 summarizing Records, Computers, & the Rights of Citizens (quoted in Legislative History PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pg 6945)

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"The right of privacy, or the right of the individual to be let alone, is a personal right, which is not without judicial recognition. It is the compliment [sic] to the right to the immunity of one's person. The individual has always been entitled to be protected in the exclusive use & enjoyment of that which is his own. The common law regarded his person & property as inviolate, & he has the absolute right to be let alone. The principle is fundamental & essential in organized society that every one, in exercising a personal right & in the use of his property, shall respect the rights & properties of others. He must so conduct himself, in the enjoyment of the rights & privileges which belong to him as a member of society, as that he shall prejudice no one in the possession & enjoyment of those which are exclusively his. When, as here, there is an alleged invasion of some personal right, or privilege, the absence of exact precedent & the fact that early commentators on the common law have no discussion on the subject are of no material importance in awarding equitable relief... In the social evolution, with the march of the arts & sciences & in the resultant effects upon organized society, it is quite intelligible that new conditions must arise in personal relations, which the rules of the common law, cast in the rigid mould of an earlier social status, were not designed to meet. It would be a reproach to equitable jurisprudence, if equity were powerless to extend the application of the principles of the common law, or of natural justice, in remedying a wrong, which, in the progress of civilization, has been made possible as the result of new social, or commercial conditions... Security of person is as necessary as the security of property; & for that complete personal security, which will result in the peaceful & wholesome enjoyment of one's [rights] as a member of society, there should be afforded protection, not only against the scandalous portraiture & display of one's features & person, but against the display & use thereof for another's commercial purposes or gain. The proposition is to me an inconceivable one, that these defendants may, unauthorizedly, use the likeness of this young woman upon their advertisement, as a method of attracting widespread public

attention to their wares, & that she must submit to the mortifying notoriety, without right to invoke the exercise of the preventive power of a court of equity... It seems to me that the principle, which is applicable, is analogous to that upon which courts of equity have interfered to protect the right of privacy, in cases of private writings, or of other unpublished products of the mind. The writer, or the lecturer, has been protected in his right to a literary property in a letter, or a lecture, against its unauthorized publication; because it is property, to which the right of privacy attaches. I think that this plaintiff has the same property in the right to be protected in the use of her face for defendant's commercial purposes, as she would have, if they were publishing her literary compositions. The right would be conceded if she had sat for her photograph; but if her face or her portrait has a value, the value is hers exclusively; until the use be granted away..." --- Roberson v Rochester Folding Box Company, 171 NY 538 @ 561-565, 64 NE 442, 89 AmStRep 828 (quoted in Thomas M. Cooley 1879 The Law of Torts 3rd edition 1906 edited by John Lewis pp 361-363)

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"The free man is the private man, the man who still keeps some of his thoughts and judgements entirely to himself, who feels no overriding compulsion to share everything of value with others, not even those he loves and trusts." --- Clinton Rossiter

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"Data in computer-readable (digital) form is even easier to snoop on than voice communication. It can be scanned for particular items -- phone numbers, names, words, or phrases, for example. And it can be altered as well as tapped, by anyone with sufficient information about how the particular system works, providing growing opportunities for computer crime -- for example, embezzlement (shifting funds from other accounts to the criminal's), fraud (entering false information to make a company look good, thereby raising the price of its stock), and theft of data (gaining access to industrial secrets, marketing plans, etc.)." --- Sylvia Sanders: "Data Privacy: What Washington Doesn't Want You to Know"; Reason; 1981 January; pp 26

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"Drug testing is "a kind of immolation of privacy & human dignity in symbolic opposition to drug use... symbolism, even symbolism for so worthy a cause as the abolition of unlawful drugs, cannot validate an otherwise unreasonable search." --- Antonin Scalia, in National Treasury Employees Union et al. v Van Raab

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"If information gives power, its possession should not be monopolized by the state... But... the gov't that gives away information... might be taking away another man's privacy. Man can be manipulated by being kept in the dark or by being exhibited in the open. How these two

rights are reconciled will be one of the critical constitutional tests of the cybernetic age." --- Allen Schick 1970-02-?? "The Cybernetic State" _Trans-Action_ pp 15 & 24 (quoted in Arthur Raphael Miller 1971 _The Assault on Privacy_ pg 152)

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"The purpose of the Constitution & the Bill of Rights, unlike more recent models promoting a welfare state, was to take gov't off the backs of people." --- 1968 *Schneider v Smith* 390 US 17 pg 25 (quoted in Arthur Raphael Miller 1971 _The Assault on Privacy_ pp 204-205)

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"Privacy refers to the capacity of the individual to determine what information about that individual will be collected & disseminated to others. Privacy also involves a subjective sense of self-determination & control over personal information. It is bound up with fundamental concepts of individualism & pluralism which are basic to our society & institutions." --- Senate Constitutional Rights Subcommittee 1974 "Federal Data Banks & Constitutional Rights" (quoted in Lester A. Sobel _War on Privacy_ pg 9)

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"At the end of the 19th century, gov't data collection was apparently not yet perceived as sufficiently intrusive to arouse protest. Considering the gov't's relatively minimal ability to store, inter-relate & disseminate what information it did collect, this lack of interest in governmental invasions of privacy is not surprising. Moreover, the existence of the frontier meant that individuals who wanted to get away from the gov't & its data collection, for whatever reason, could go West & leave the past behind. It took the scientific & technological revolution of this century, together with the trend toward centralizing more & more power in gov't, to bring the privacy issue to the fore." --- Senate Constitutional Rights Subcommittee 1974 "Federal Data Banks & Constitutional Rights" (quoted in Lester A. Sobel _War on Privacy_ pg 9)

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"The principal commodity of power in our society is information. Power may come out of the barrel of a gun, but far more power comes out of a computer or a data-bank, particularly if the information in it relates to people who do not know that it has been collected or cannot challenge its accuracy or use... We must, therefore, constantly guard against the use of personal information as a means of exercising social control by establishing procedures to insure that... persons can disclose what they want about themselves only to those whom they wish to tell." --- John H.F. Shattuck, _Rights of Privacy_

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"The anti-utopias in George Orwell's _1984_, Aldous Huxley's _Brave

New World_, & Yevgeny Zamyatin's We are bureaucratic tyrannies, not necessarily computerized tyrannies. The 'need' for a national identity document or for increased uses of [Socialist Insecurity] numbers comes from these bureaucracies, which now dominate our society. When we weigh the convenience of bureaucracies against the inherent rights of Americans to autonomy & independence, the choice should be clear. A mandatory national identity document would remove most of the flexibility from American life... When the [Socialist Insecurity] system was established, there were intense debates about the possibility that the [Socialist Insecurity] number could become a de facto national identifier. (Legislators promised this would never happen.) Americans at that time were aware of the abuses of Nazi Germany... Bureaucrats sense this opposition as well, & so, being bureaucrats, they press not for a national ID number immediately but for authority to enumerate only their own constituency, to serve their narrow needs -- without regard to the cumulative impact of these gradual intrusions... We need only look to those institutions in American life that are most intensively enumerated now -- prisons, the military, corporate America, colleges & universities... Yet these are places where crime & fraud occur at a rate higher than -- or at least as high as -- in the population as a whole... it is ironic that less than 1 year after we Americans rejoiced in the liberation of peoples in Eastern Europe we are seriously considering adopting a means of social control that Eastern Europeans rejected." --- Robert Ellis Smith 1991-03 Privacy Journal pp 4-5 (from testimony delivered 1991-02 to House Ways & Means Subcommittee on Social Security) (to subscribe: Privacy Journal; Box 28577; Providence, RI 02908)

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"There's a war out there. A world war. And it's not about who's got the most bullets. It's about who controls the information. What we see & hear. How we work. What we think. It's all about the information." --- "Sneakers" movie 1992

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"Therefore, while the state may require an individual to furnish his/her [socialist insecurity] number in order to register to vote, it is incumbent on the state to comply with section 7(b) of Pub.L.#93-579..." --- Spencer 1992-01-17 in Greidinger v Davis 782 FS 1106 @ 1108

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"When a state official acts 'beyond the scope of his statutory authority or, if within that authority, that such authority is unconstitutional', the 11th Amendment does not bar suit in federal court. Florida Dept of State v Treasure Salvors Inc., 458 US 670, 689, 102 Sct 3304, 3317, 73 LEd2d 1057 (1982)" --- Spencer 1992-01-17 in Greidinger v Davis, 782 FS 1106 @ 1110

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"Official immunity is an affirmative defense. The proponent of such a defense has the burden of satisfying the Court '(1) that he or she acted in good faith without any intention of violating the plaintiffs' constitutional or other legally recognized rights & (2) that a reasonable person would not have realized that his or her actions would violate a well established constitutional right.' Masjid Muhammad-D.C.C. v Keve 479 FS 1311 @1320 (Dist Delaware 1979). Under Proconier v Navarette 434 US 555, 98 Sct 855, 55 LEd2d 24 (1978), the 2nd or 'objective' prong, of the applicable legal test involves 3 distinct questions: (1) was the right violated 'a clearly established constitutional right' at the time of the challenged conduct? (2) would a reasonable person have known enough about the law to be aware of that right? & (3) would a reasonable person in the defendant's position have known enough about the facts to have realized that his conduct would violate that right? If it appears that the right which the official is found to have violated was not a 'clearly established' one at the time & that the official acted in subjective good faith, he or she is entitled to immunity from damage liability. Proconier v Navarette, supra." --- Stapleton 1980-04-17 Space Age Products Inc v Gilliam 488 FS 775 @785

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"Because law enforcement officers in this country must respect an individual's right to be left alone, the 'police state' images invoked by the Florida Supreme Court miss the mark." --- Kenneth Starr 1990 -11-23 in Florida v Terrance Bostick #89-1717

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"It is far better to permit some individuals to make incorrect decisions than to deny all individuals the right to make decisions that have a profound effect upon their destiny." --- John Paul Stevens 1986-06-11 Thornburgh v Am College of Obstetricians & Gynecologists (quoted in Alida Brill 1990 Nobody's Business pg 16)

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"As a secular matter, there is an obvious difference between the state interest in protecting the freshly fertilized egg & the state interest in protecting a 9-month-gestated, fully sentient fetus on the eve of birth." --- John Paul Stevens 1989 Webster decision (quoted in Alida Brill 1990 Nobody's Business pg 28)

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"In the broadest sense, your informational privacy has been violated when someone knows something about you that you don't want them to know. Traditionally, the 'someone' has been the gov't, as represented in fiction by Big Brother & in real life by J. Edgar Hoover [and his successors, John Ernest Otto, William Sessions, & Louis Freeh]. But in recent years, the focus of public debate has shifted to the private sector, especially large businesses & organizations. Privacy advocates voice concern about a wide range of

commercial activities, including credit reporting, job screening, direct marketing, insurance & medical record-keeping, debit-card purchases [credit-card purchases, surveillance cameras], and electronic toll collection... They are more alarmed about the standard operating procedures [of those] who deal in computerized information." --- Jacob Sullum 1992 April "Secrets For Sale" _Reason_ pg 29

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"Personal privacy is currently endangered, not [just] because the information is available, but because it can be accumulated, massaged, maybe even changed, with astonishing ease... both the private sector & the gov't have shown themselves anxious to amass files that might allow them, ultimately, to know more about us than we know about ourselves." --- Jacob Sullum 1992 April "Secrets For Sale" _Reason_ pg 30 (quoting 1983 article in _Student Lawyer_)

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"According to Lou Harris polling data, the percentage of Americans who said they were 'concerned' about privacy increased from 33% to 79% between 1970 & 1991; the percentage who were 'very concerned' went from 25% to 48%." --- Jacob Sullum 1992 April "Secrets For Sale" _Reason_ pg 30

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"Privacy expectations vary from person to person & depend on the type of information involved. Rather than imposing a one-size-fits-all solution, the law should allow people to attach enforceable conditions to the disclosure of information about themselves. In the final analysis, the right to informational privacy is nothing more than a variation on the right of contract." --- Jacob Sullum 1992 April "Secrets For Sale" _Reason_ pg 31

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"[Y]ou can't possibly consent to something you don't know about. So by using information... for a purpose other than that intended by the original source... [they] violated an implicit contract... Moreover, the violation did not hinge on how sensitive the information... was or how effective the 'privacy safeguards' built into it were..." --- Jacob Sullum 1992 April "Secrets For Sale" _Reason_ pg 31

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"[T]he 1st rule of information privacy: Information disclosed for one purpose should not be used for another purpose without the subject's consent." Jacob Sullum 1992 April "Secrets For Sale" _Reason_ pg 32

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"People fill out product [warranty registration] cards because they

want the warranty, but they end up on the mailing lists... Was that part of the stated bargain when they filled out the card?" --- Jacob Sullum 1992 April "Secrets For Sale" _Reason_ pp 32-33 (quoting Marc Rotenberg)

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"We believe the market could easily take care of the intricacies if the gov't would simply establish the principle: People own information about themselves." --- Jacob Sullum 1992 April "Secrets For Sale" _Reason_ pg 35 (quoting Esther Dyson _Release 1.0_

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"Wherever a man may be, he is entitled to know that he will remain free from unreasonable searches & seizures." --- Supreme Court 1967 in *Katz v US*, 389 US 347, 359

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"Missouri's refusal to allow public employees to perform abortions in public hospitals leaves a pregnant woman with the same choice as if the state had chosen not to operate any public hospitals at all." --- Supreme Court 1989 Webster decision (quoted in Alida Brill 1990 _Nobody's Business_ pg 34)

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"Our decision today simply recognizes that, when legitimate legislative concerns are expressed in a statute which imposes a substantial burden on protected First Amendment activities, Congress must achieve its goal by means which have a 'less drastic' impact on the continued vitality of First Amendment freedoms... The Constitution & the basic position of First Amendment rights in our democratic fabric demand nothing less." --- *Supremes in US v Robel*, 389 US 258 @ 267-267, 88 Sct 419 @ 425-426 (quoted in Weinstein 1977 -03-03 in *Stevens v Berger*, 428 FS 896 @ 907)

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"The privilege [sic] against self-incrimination is neither accorded to the passive resistant, nor the person who is ignorant of his rights, nor to one who is indifferent thereto. It is a fighting clause. Its benefits can be retained only by sustained combat. It cannot be claimed by an attorney or solicitor. It is valid only when insisted upon by a belligerent claimant in person." --- *US v Johnson*, 76 FS 538

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"[T]he right to life has come to mean the right to enjoy life -- the right to be let alone; the right to liberty secures the exercise of extensive civil privileges; & the term 'property' has grown to comprise every form of possession -- intangible, as well as tangible." --- Samuel D. Warren & Louis D. Brandeis 1890-12-15 "The Right to

Privacy" Harvard Law Review volume 4 #5 pg 193 et seq.

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"[T]he legal doctrines relating to infractions of what is ordinarily termed the common-law right to intellectual & artistic property are, it is believed, but instances & applicati~~osn~~ of a general right to privacy, which properly understood afford a remedy for the evils under consideration. The common law secures to each individual the right of determining, ordinarily, to what extent his thoughts, sentiments, & emotions shall be communicated to others... he generally retains the power to fix the limits of the publicity which shall be given them. The existence of this right does not depend upon the particular method of expression adopted... Neither does the existence of the right depend upon the nature or value of the thought or emotion, nor upon the excellence of the means of expression. The same protection is accorded to a casual letter or an entry in a diary & to the most valuable poem or essay, to a botch or daub & to a master-piece. In every such case the individual is entitled to decide whether that which is his shall be given to the public. No other has the right to publish his productions in any form, without his consent. This right is wholly independent of the material on which, or the means by which, the thought, sentiment, or emotion is expressed." --- Samuel D. Warren & Louis D. Brandeis 1890-12-15 "The Right to Privacy" Harvard Law Review volume 4 #5 pg 193 et seq.

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"[T]he existing law affords a principle which may be invoked to protect the privacy of the individual from invasion either by the too enterprising press, the photographer, or the possessor of any other modern device for recording or reproducing scenes or sounds. For the protection afforded is not confined by the authorities to those cases where any particular medium or form of expression has been adopted, nor to products of the intellect." --- Samuel D. Warren & Louis D. Brandeis 1890-12-15 "The Right to Privacy" Harvard Law Review volume 4 #5 pg 193 et seq.

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"In *Pollard v Photographic Co* 40 ChDiv 345 (1888), a photographer who had taken a lady's photograph under the ordinary circumstances was restrained from exhibiting it, & also from selling copies of it, on the ground that it was a breach of an implied term in the contract, & also that it was a breach of confidence." --- Samuel D. Warren & Louis D. Brandeis 1890-12-15 "The Right to Privacy" Harvard Law Review volume 4 #5 pg 193 et seq.

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"The principle which protects personal writings & any other productions of the intellect or of the emotions, is the right to privacy & the law has no new principle to formulate when it extends this protection to the personal appearance, sayings, acts, & to

personal relations, domestic or otherwise." --- Samuel D. Warren & Louis D. Brandeis 1890-12-15 "The Right to Privacy" _Harvard Law Review_ volume 4 #5 pg 193 et seq.]

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"[T]he protection of society must come mainly through the recognition of the rights of the individual. Each man is responsible for his own acts & omissions only." --- Samuel D. Warren & Louis D. Brandeis 1890-12-15 "The Right to Privacy" _Harvard Law Review_ volume 4 #5 pg 193 et seq.

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"In January 1976, they [the Stevens family] received notice from the Suffolk County Department of Social Services that they were to supply a photostatic copy of each child's [socialist insecurity] card, as required by New York's Welfare Regulations. 18 NYCRR section 351.2(c). The Stevenses replied that the children had no [socialist insecurity] numbers & that, because of their religious convictions, the parents would not obtain such numbers for them. They explained that, in their view, the use of [socialist insecurity] numbers was a device of the Antichrist, & that they feared the children, if numbered in this way, might be barred from entering Heaven. (The adult Stevenses had obtained [socialist insecurity] numbers years earlier, before developing their current convictions, & those numbers had been duly supplied to the Department of Social Services.)" --- federal judge Jack Bertrand Weinstein 1977-03-03 in Stevens v Berger, 428 FS 896 @ 897

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"The Social Service Amendments of 1975 mandated that the numbers be provided to obtain assistance under Aid to Families with Dependent Children. PL 93-647. The applicable federal statute now [1977-03-03] reads: (A) that, as a condition of eligibility under the plan, each applicant for or recipient of aid shall furnish to the state agency his [socialist insecurity] account number (or numbers, if he has more than one such number... 42 USC section 602(a)(25), PL 93-647, 88 Stat. 2337. It was approved on [1975-01-04], 4 days after a seemingly contradictory segment of the federal Privacy Act, PL 93-579, was passed." --- Weinstein in Stevens v Berger 428 FS 896 @ 898 1977-03-03

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"Tax Reform Act of 1976, PL 94-455, 90 Stat. 1711... (C)(i) It is the policy of the US that any state (or political subdivision thereof) may, in the administration of any tax, general public assistance, driver's license, or motor vehicle registration law within its jurisdiction, utilize the [socialist insecurity] account numbers issued by the Secretary for the purpose of establishing the identification of individuals affected by such law... (iii) For purposes of clause (i) of this subparagraph, an agency of a state (or political subdivision thereof) charged with the administration of

general public assistance, driver's license, or motor vehicle registration law... may require an individual to disclose his or her [socialist insecurity] number to such agency solely for the purpose of administering the laws referred to in clause (i) above & for the purpose of responding to requests for information from an agency operating pursuant to the provisions of part A or D of title IV of the Social Security Act. PL 94-455 section 1211(b). See also, H.Conf. Rep.#94-1515 @ 490-491, 94th Cong., 2d Sess. (1976)." --- federal judge Jack Bertrand Weinstein 1977-03-03 in Stevens v Berger, 428 FS 896 @ 898-899

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"Congress itself in several instances has recognized a potential conflict between the use of [socialist insecurity] numbers & the rights of individuals to freedom of religious belief. Where it has considered the issue, it has resolved it in favor of religious scruples. For example, although all [tax-victims] ordinarily must acquire [socialist insecurity] numbers to work, the Secretary of Health, Education & Welfare is permitted to exempt such religious groups as the Amish from the obligation to pay [socialist insecurity] taxes 'if they are, by reason of the tenets of their sect, opposed to receipt of such benefits & agree to waive them'. WI v Yoder 406 US 205, 223, 92 Sct 1526, 1537, n.11, 32 LEd2d 15 (1972); 26 USC section 1402(h); S.Rep.No. 404, 89th Cong, 1st Sess, in US Code Cong. & Adm. News @ 1959 (1965) Similarly, the [Socialist Insecurity] Amendments of 1954, PL 83-761, 42 USC section 410(a)(8)(A), allowed clergy the option of joining the [socialist insecurity] system or staying out as their consciences dictated. See Sen.Rep.No. 1987, 83d Cong, 2d Sess, in US Code Cong. & Adm. News @ 3717-18 (1954). See also 26 USC section 1402(e). It would, or course, be inappropriate to deny necessary aid to the children because of their parents' religious beliefs." --- federal judge Jack Bertrand Weinstein 1977-03-03 in Stevens v Berger 428 FS 896 @ 906-907

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"[E]ncroachment 'cannot be justified upon a mere showing of some legitimate state interest'... The interest advanced must be paramount, one of vital importance, & the burden is on the gov't to show the existence of such an interest. Elrod v Burns 427 US 347,362, 96 Sct 2673,2684,49 LEd2d 547 (1976)." --- federal judge Jack Bertrand Weinstein 1977-03-03 in Stevens v Berger 428 FS 896 @ 906

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"John was urging Christians not to compromise their faith by paying lip service to the cult of the emperor -- that is to say, worship of the state. The Interpreter's Dictionary of the Bible 745 (Supp. 1976)... John writes of 2 great beasts, 1 coming up from the sea & the other from the land... the beast from the sea symbolizes the Emperor, while the beast from the land represents his priests who 'exerciseth all the power of the 1st beast... & causeth the earth & them which dwell therein to worship the 1st beast...' Revelation 13:

12; A.E. Harvey 1970 The New English Bible: Companion to the New Testament pg 820... the second beast had power to kill those who would not worship the first. In addition... 16. [H]e causeth all, both small & great, rich & poor, free & bond, to receive a mark in their right hand, or in their foreheads: 17. And that no man might buy or sell, save he that had the mark, or the name of the beast, or the number of his name; 18. Here is wisdom. Let him that hath understanding count the number of the beast: for it is the number of a man; & his number is Six hundred threescore & six [or, some commentators say, 616]. Revelation 13:16-18" --- federal judge Jack Bertrand Weinstein 1977-03-03 in Stevens v Berger 428 FS 896 @ 904

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"Both the trial testimony & the literature relied upon by plaintiffs indicated that, in western theology, a long & deep-seated tradition exists of conflict between God & state -- more specifically, a belief that an omnipotent state will usurp the place of God on earth, & destroy those who will not make obeisance to the state." --- federal judge Jack Bertrand Weinstein 1977-03-03 in Stevens v Berger 428 FS 896 @ 903]

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"I believe that an Antichrist... will establish a system of numbers & will cause all people to have these numbers... [I]f they do not have them they will not be able to pay or sell or function... in society... The fact that, unlike other numbers, you must use it to work, you must have it to cash checks which would then lead to buying things -- bank accounts. It is used for identification & without it you would have a pretty hard time functioning in society... I think that is a pretty good description of the numbers the Antichrist will use." --- federal judge Jack Bertrand Weinstein 1977-03-03 in Stevens v Berger 428 FS 896 @ 902 (quoting the testimony of one of the Stevenses)

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"[T]he court is left with no doubt of the sincerity of their belief regarding [socialist insecurity] numbers. Plaintiffs do believe that, were their children to obtain these numbers, their spiritual well-being & chance to enter Heaven would be seriously jeopardized; since the children would not be able to shed these numbers when they reach adulthood, a decision by the parents to comply would effectively foreclose the children from deciding the question anew for themselves in the future." --- federal judge Jack Bertrand Weinstein 1977-03-03 in Stevens v Berger 428 FS 896 @ 901

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"So far as our law is concerned, one person's religious beliefs held for one day are presumptively entitled to the same protection as the beliefs of millions which have been shared for thousands of years." --- federal judge Jack Bertrand Weinstein 1977-03-03 in Stevens v Berger 428 FS 896 @ 900

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"The New York state Department of Social Services, the Suffolk County Department of Social Services, & the US Department of Health, Education & Welfare are enjoined from denying to Virginia & David Stevens & to their children public assistance benefits for which they otherwise qualify solely because they refuse, for religious reasons, to obtain [socialist insecurity] numbers for the children." --- federal judge Jack Bertrand Weinstein 1977-03-03 in Stevens v Berger 428 FS 896 @ 908

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"[There are] 6 major areas of priority for public action: laws to give individuals a right of notice, access, & challenge to virtually every file held by local, state, & national gov't, & most private record systems as well; promulgation of clearer rules for data-sharing & data-restriction than we now have in most important personal data files; rules to limit the collection of unnecessary & over-broad personal data by any organization; increased work by the computer industry & professionals on security measures to make it possible for organizations to keep their promises of confidentiality; limitations on the current, unregulated use of the Social Security number; & the development of independent, 'information-trust' agencies to hold especially sensitive personal data, rather than allowing these data to be held automatically by existing agencies." --- Alan F. Westin, discussing "DataBanks in a Free Society" the National Academy of Sciences report (quoted in Legislative History PL 93-579, Privacy Act of 1974, Congressional Record vol 120, Senate Report #93-1183 pg 6921)

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"The security of one's privacy against arbitrary intrusion by the police -- which is at the core of the 4th Amendment -- is basic to a free society... The knock at the door, whether by day or by night, as a prelude to a search, without authority of law but solely in the authority of the police, did not need the commentary of recent history to be condemned as inconsistent with the conception of human rights enshrined in the history & the basic constitutional documents of English-speaking peoples." --- 1949 Wolf v Colorado 338 US 25 pp 27-28 (quoted in Arthur Raphael Miller 1971 The Assault on Privacy pg 204)

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"[I]n the enactment of various disclosure [notification] requirements in the Privacy Act, Congress intended *advance* notice & disclosure to the public." --- Zobel 1980-05-19 in Doe v Sharp 491 FS 346 @ 349]

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"Notice to the public, & public choice to consent to, or refuse to, disclose an SSN is crucial to the principal echoed throughout the

report, see e.g. *ibid* US Code Congressional & Administrative News 1974 @ 6917; 6945 that the necessary protection of individual privacy requires that disclosure of information to the gov't be premised upon a choice informed by the knowledge of uses to be made of disclosed information. *ibid* US Code Congressional & Administrative News 1974 @ 6917" --- Zobel 1980-05-19 in *Doe v Sharp* 491 FS 346 @ 350

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"Neither does an agency redeem an initial failure to disclose [notify] by supplying citations to an unrevealing passage from an agency handbook when the agency is brought to court." --- Zobel 1980-05-19 in *Doe v Sharp* 491 FS 346 @ 350

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"HEW's conduct is the ornery attachment to enigma which the legislative history of the Privacy Act suggests that section 7(b) was designed to prevent." --- Zobel 1980-05-19 in *Doe v Sharp* 491 FS 346 @ 350