

Louis Brandeis and Samuel Warren 1890-12-15 "The Right to Privacy"
Harvard Law Review vol4 #5 pp193-200.

[http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/
Privacy_brand_warr2.html](http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/Privacy_brand_warr2.html)

[http://www.jllplaw.com/The-Right-to-Privacy-Warren-Brandeis-Harvard-Law-
Review-1890.html](http://www.jllplaw.com/The-Right-to-Privacy-Warren-Brandeis-Harvard-Law-Review-1890.html)

http://en.wikipedia.org/wiki/Privacy_law

http://epic.org/privacy/junk_mail/law.html

http://www.cato.org/pubs/policy_report/richman.html

"The notion of Mr. Justice Yates that nothing is property which cannot be earmarked and recovered in detinue or trover, may be true in an early stage of society, when property is in its simple form, and the remedies for violation of it also simple, but is not true in a more civilized state, when the relations of life and the interests arising therefrom are complicated." Erle, J., in *Jefferys v. Boosey*, 4 H.L.C. 815, 869 (1854). [pg194 Note 6 in original.]

[http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/
Privacy_brand_warr_fn.html](http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/Privacy_brand_warr_fn.html)

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"The produce of mental labor, thoughts and sentiments, recorded and preserved by writing, became, as knowledge went onward and spread, and the culture of man's understanding advanced, a kind of property impossible to disregard, and the interference of modern legislation upon the subject, by the stat. 8 Anne, professing by its title to be 'For the encouragement of learning,' and using the words 'taken the liberty,' in the preamble, whether it operated in augmentation or diminution of the private rights of authors, having left them to some extent untouched, it was found that the common law, in providing for the protection of property, provided for their security, at least before general publication by the writer's consent." *Knight Bruce, V.C.*, in *Prince Albert v. Strange*, 2 DeGex & Sm. 652, 695 (1849). [p. 199 Note 5 in original.]

[http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/
Privacy_brand_warr_fn.html](http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/Privacy_brand_warr_fn.html)

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"Upon the principle, therefore, of protecting property, it is that the common law, in cases not aided or prejudiced by statute, shelters the privacy and seclusion of thought and sentiments committed to writing, and desired by the author to remain not generally known." *Knight Bruce*,

V.C., in Prince Albert v. Strange, 2 DeGex & Sm. 652, 695.
[http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/
Privacy_brand_warr_fn.html](http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/Privacy_brand_warr_fn.html)

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31 Woolsey v. Judd, 4 Duer, 379, 404 (1855). "It has been decided, fortunately for the welfare of society, that the writer of letters, though written without any purpose of profit, or any idea of literary property, possesses such a right of property in them, that they cannot be published without his consent, unless the purpose of justice, civil or criminal, require the publication." Sir Samuel Romilly, arg., in Gee v. Pritchard, 2 Swanst. 402, 418 (1818). But see High on Injunctions, 3d ed., 1012, contra. [p. 204 Note 1 in original.]
[http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/
Privacy_brand_warr_fn.html](http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/Privacy_brand_warr_fn.html)

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"Privacy is the claim of individuals, groups or institutions to determine for themselves when, how, and to what extent information about them is communicated to others." --- Alan F. Westin 1967 Privacy and Freedom

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"Privacy means that each person has to decide for their own self how much they reveal, and to whom, and when. I describe four states of privacy: Solitude, intimacy, reserve, and anonymity." --- Alan F. Westin 2008 -07-11

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<http://www4.law.cornell.edu/uscode/42/48.html>
<http://uscode.house.gov/>

This is what makes it a federal felony:

<http://www4.law.cornell.edu/uscode/42/408.html>
<http://uscode.house.gov/>
<http://uscode.house.gov/download/pls/42C7.txt>

TITLE 42 > CHAPTER 7 > SUBCHAPTER II > Sec. 408.
Sec. 408. - Penalties
(a) In general

Whoever -

(8) discloses, uses, or compels the disclosure of the social security number of any person in violation of the laws of the United States; shall be guilty of a felony and upon conviction thereof shall be fined under title 18 or imprisoned for not more than five years, or both.

and this is what makes many state university administrators' actions "in violation of the laws of the United States":

Privacy Act of 1974
S3418/HR16373
5 USC 552a
Public Law 93-579
88 Stat. 1896-1909
GPO S/N 052-001-004-00439-6
Introduced by Sam J. Ervin & William S. Moorhead
Moorhead

...

(e) Agency requirements

Each agency that maintains a system of records shall--

- (1) maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or by Executive order of the President;
- (2) collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs;
- (3) inform each individual whom it asks to supply information, on the form which it uses to collect the information or on a separate form that can be retained by the individual--
 - (A) the authority (whether granted by statute, or by Executive order of the President) which authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;
 - (B) the principal purpose or purposes for which the information is intended to be used;
 - (C) the routine uses which may be made of the information, as published pursuant to paragraph (4)(D) of this subsection; and

- (D) the effects on him, if any, of not providing all or any part of the requested information;
- (4) subject to the provisions of paragraph (11) of this subsection, publish in the Federal Register upon establishment or revision a notice of the existence and character of the system of records, which notice shall include--
 - (A) the name and location of the system;
 - (B) the categories of individuals on whom records are maintained in the system;
 - (C) the categories of records maintained in the system;
 - (D) each routine use of the records contained in the system, including the categories of users and the purpose of such use;
 - (E) the policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;
 - (F) the title and business address of the agency official who is responsible for the system of records;
 - (G) the agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;
 - (H) the agency procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and
 - (I) the categories of sources of records in the system;
- (5) maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;
- (6) prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;
- (7) maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by

statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity;

- (8) make reasonable efforts to serve notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record;
- (9) establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance;
- (10) establish appropriate administrative, technical and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained;
- (11) at least 30 days prior to publication of information under paragraph (4)(D) of this subsection, publish in the Federal Register notice of any new use or intended use of the information in the system, and provide an opportunity for interested persons to submit written data, views, or arguments to the agency; and
- (12) if such agency is a recipient agency or a source agency in a matching program with a non-Federal agency, with respect to any establishment or revision of a matching program, at least 30 days prior to conducting such program, publish in the Federal Register notice of such establishment or revision...

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

(B) any disclosure of a social security number to any Federal, State, or local

agency maintaining a system of records in existence and operating before January 1, 1975, 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.

<http://www.usdoj.gov/04foia/privstat.htm>
http://www.cavebear.com/nsf-dns/pa_history.htm
<http://www.cavebear.com/nsf-dns/5usc552a.htm>

<http://www.cms.hhs.gov/privacyact/patraining.asp>
<http://www.cms.hhs.gov/privacyact/pa.pdf>
<http://www.so.doe.gov/documents/privactof1974.pdf>

http://www.epic.org/privacy/laws/privacy_act.html
<https://www.cnet.navy.mil/privacyact1974.pdf>

http://library.lp.findlaw.com/articles/file/00007/004477/title/subject/topic/constitutional%20law_freedom%20of%20information/filename/constitutionallaw_1_88
constitutionallaw_1_88

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<http://www.cpsr.org/cpsr/privacy/ssn/ssn.faq.html>
<http://www.cpsr.org/program/natlID/natlIDfaq.html>

-----interesting cases:

Greidinger v. Davis
Stevens v. Berger
Krebs v. Rutgers

"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 necessaries 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 by federal judge Jack Bertrand Weinstein 1977-03-03 in Stevens v Berger 428 FS 896 @ 905)

"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 by federal judge Jack Bertrand Weinstein 1977 -03-03 in Stevens v Berger 428 FS 896 @ 904)

http://www.crownrights.com/blog/etext/stevens_v_berger.htm

<http://famguardian.org/Publications/SocialSecurity/TOC.htm>

FERPA1974 (a.k.a. Buckley Amendment; Public Law 93-380; 20 USC ? 1232g; 34 CFR Part 99; 88 Stat. 571)

PA1974 (an amendment to FOIA; S3418/HR16373; Public Law 93-579; 5 USC 552a; 88 Stat. 1896-1909; GPO S/N 052-001-004-00439-6).