**A Brief History of Online Privacy**

*Robert Ellis Smith, professor of law, Roger Williams University*

Transcribed from https://www.youtube.com/watch?v=SCmKJyVx9AY

Before the Civil War there was this gathering concern about intrusions, not so much about the government but by the church, which was a larger interested force. Also printing presses that allowed for mass production as a means of reporting on other people's lives. There was great concern about the US Mail by Ben Franklin who was the first postmaster general who said that if the government's gonna run this system, there’s got to be some means by statute to keep it private. And then with technology around the 1880s three things were really shocking to people: (1) a means to take your picture which had never been known before, and very quickly after a means to take a picture without you knowing it with a tiny little box camera; (2) secondly the telephone means your voice could be transmitted beyond the four walls were you were; and (3) thirdly, a means for one large company, namely Western Union to collect all sorts of intimate personal information about people and no real law to give you a right to see it or get it deleted later on.

So those three technological changes were shocking to the American culture. Two lawyers in Boston said, “Wait a minute, there should be some measure in American law that awards people damages if somebody takes your information and makes a book of it.” That was the first kernel of a right to privacy in commercial life in the United States. Government intrusion was not a factor, I would say, until the turn of the 20th century. I think it came about with the invention the telephone and before long government investigators wanted a means to capture, perhaps after the fact, what had been said on the telephone….

Then, of course, in the second decade of the 20th century came the FBI and its mania for wanting to collect all sorts of information, for the first time keeping databases on people. But it was not until the development of new programs like Social Security, public assistance, educational loans, and grants that the government became a large collector of information. Coincidentally, computers made it possible to collect that information.

…

For me the greatest horror is that we become what is called a nation of sheep, that we are just tame, that we alter our conduct and that is going to be the end result of the disclosures we had about telephone information being used on a massive scale by NSA and that's where we are now. The technology presents new problems but our cultural bad news about privacy remains important.