

FRField3
Settings | My Activity

0 People
Add / Remove x

- HOME PAGE | TODAY'S PAPER | VIDEO | MOST POPULAR | TIMES TOPICS

My Account | Welcome, furdx | Log Out | Help

The New York Times

Internet

Search All NYTimes.com 

- WORLD | U.S. | N.Y. / REGION | BUSINESS | TECHNOLOGY | SCIENCE | HEALTH | SPORTS | OPINION | ARTS | STYLE | TRAVEL | JOBS | REAL ESTATE | AUTOS

Search Technology

Inside Technology

Bits Blog »

Personal Tech »

Internet | [Start-Ups](#) | [Business Computing](#) | [Companies](#) | [Cellphones](#), [Cameras](#), [Computers](#) and more

The New York Times
TimesReader 2.0
Powered by ADOBE AIR

THE ULTIMATE IN NEWSPAPER DELIVERY.
SUBSCRIBE FOR \$3.45 A WEEK ▶

LINK BY LINK

Law Students Teach Scalia About Privacy and the Web

By **NOAM COHEN**
Published: May 17, 2009

“TEACHING moment.” A nice, hopeful phrase describing lessons learned from real life that help illuminate an academic subject — the opposite of “book learning.”

[Enlarge This Image](#)



IATLaw.org

Justice Antonin Scalia speaks about Internet privacy concerns.

[Enlarge This Image](#)



Chris Taggart

Joel Reidenberg's class created a 15-page dossier on the judge.

This spring, the students of an elective course on Internet privacy at Fordham Law School experienced a number of fascinating “teaching moments” during an assignment meant to demonstrate how much personal information is floating around online.

The assignment from the class’s professor, Joel R. Reidenberg, was, admittedly, a bit provocative: create a dossier about [Supreme Court Justice Antonin Scalia](#) from what can be found on the Internet.

Why Justice Scalia? Well, the class had been discussing his recent dismissive comments about Internet privacy concerns at a conference. His summation, as reported by The Associated Press: “Every single datum about my life is private? That’s silly.”

A gauntlet of sorts had been thrown down — though Professor Reidenberg said in an interview that he would disagree with that interpretation. The assignment, he said, was “not about embarrassing anyone, not about targeting Scalia in the sense of choosing him because of anything about his work on the court.” (He was also quick to point out that the year before, the assignment focused on himself.)

Justice Scalia was a natural choice — a highly public figure with good reason to guard his privacy. Good luck, for example, finding a direct phone number for his chambers.

Yet the class managed to create a dossier of 15 pages, Professor Reidenberg reported to a

RECOMMEND

E-MAIL

SEND TO PHONE

PRINT

REPRINTS

SHARE

ARTICLE TOOLS
SPONSORED BY



Next Article in Technology (6 of 18) »

Have you joined? It's free.

The New York Times and LinkedIn have teamed up to give you customized industry news. Automatically.

[Click here to activate](#)

Only \$100k+ Jobs



The Ladders™

[FIND JOBS](#)

TicketWatch - Theater Offers by E-Mail

 Sign up for ticket offers from Broadway shows and other advertisers. See [Sample](#)
furd@mit.edu
[Change E-mail Address](#) | [Privacy Policy](#)

Subscribe to Technology RSS Feeds

Technology News

[Internet](#) | [Start-Ups](#)
[Business Computing](#) | [Companies](#)

Bits Blog

[Personal Tech](#)
[Pogue's Posts](#)

MOST POPULAR - TECHNOLOGY

E-MAILED | BLOGGED

1. [Site Lets Writers Sell Digital Copies](#)
2. [Cellphone Makers Hope for a Blockbuster Summer](#)

conference on privacy at Fordham, that included the justice's home address and home phone number, his wife's personal e-mail address and the TV shows and food he prefers.

How could there not be an aspect of poetic justice in creating the dossier: Still think the issue is "silly," your honor? Teaching moments, after all, are not only for students.

The dossier was never intended to be made public (though, the professor points out, since the law protects only material collected to assess a job applicant, it could have been) and Justice Scalia was never supposed to know about the assignment, much the way many of us are blithely unaware about what can be discovered about ourselves online.

Professor Reidenberg's comments at the conference were picked up by a Web site, Above the Law, and the genie was out of the bottle, speeded on its way with the headline "[What Fordham Knows About Justice Scalia.](#)"

Another teaching moment. Mr. Reidenberg was speaking about the loss of "practical obscurity," that is, the idea that certain personal information may always have been publicly available — down at the courthouse, say — but in reality was very hard to discover and disseminate.

"I was giving an academic paper in an academic conference, speaking about the loss of practical obscurity, and the example I use is plucked out of context and becomes a national story," he said.

When word leaked about the dossier, Mr. Reidenberg offered to show Justice Scalia what the class had collected, but he did not respond.

•

Privacy, and its breach, have been issues for millennia — Justice Scalia made his remarks about Internet privacy at a conference organized by the Institute of American and Talmudic Law titled "The Right to Privacy and Individual Liberties From Ancient Times to the Cyberspace Age." But technology is placing new stress on our laws, and the solutions are not always easy ones.

It is valuable, for example, to be able to learn who has recently been arrested for drunken driving, but today we live in a world where you can quickly get directions to and a picture of the home of every sex offender, or drunken driver, in a three-mile radius.

It is not only that personal information whisks around the globe, landing before anyone with an Internet connection, but also that there is so much of it.

"In the individual case, it might be innocuous, say the fact that I like Coke and not [Pepsi](#)," said Daniel J. Solove, a law professor at [George Washington University](#), whose blog, Concurring Opinions, has been [alive with debate](#) about the Fordham research project. "When you put together pieces of information, it becomes different. When you have a record of everything you ever bought over the years, you can make inferences about your health, financial situation and interests."

Chris Reid, a third-year law student at Fordham who took Mr. Reidenberg's class last year, said that while his peers had a more relaxed view of privacy on the Internet, "our generation needs to be reminded."

"People are willing to give up a lot of privacy for a small benefit. They don't know the

3. [New Mood in Antitrust May Target Google](#)
4. [Link by Link: Law Students Teach Scalia About Privacy and the Web](#)
5. [State of the Art: Wi-Fi to Go, No Cafe Needed](#)
6. [Gadgetwise: 10 Ways to Build Traffic to Your Site](#)
7. [Gadgetwise: Five Controversial Ways to Speed Your PC](#)
8. [Gadgetwise: Expert Tips on Photographing Your Pets](#)
9. [Companies Object to Google Policy on Trademarks](#)
10. [State of the Art: Decoding the Hype on Gadgets](#)

[Go to Complete List »](#)

REAL ESTATE
nytimes.com/realestate



Homes for \$1 million or less in Boston

Also in Real Estate:

- [Homes for \\$1 million or less in Cambridge](#)
- [Homes for \\$1 million or less in Springfield](#)
- [Homes for \\$1 million or less in New Bedford](#)

ADVERTISEMENTS



What's the next "next" thing?

nytimes.com/tech
Where the conversation begins ▶



Ads by Google

[what's this?](#)

[Top MBA Programs](#)

Ranked top 10 Worldwide by the FT. Study at IE Business School
www.IE.edu/business

[Internet History Eraser](#)

Quickly Delete all visited sites, URLs, data & pics. Free Download.
www.PCPerformanceTools.com

[HIPAA Privacy / Security](#)

Infinisource HIPAA Compliance Software for Employers.
www.benefitsolved.com

full cost.”

Justice Scalia declined an interview request through a spokeswoman but he did give [a response](#) about the episode to Above the Law.

“I stand by my remark at the Institute of American and Talmudic Law conference that it is silly to think that every single datum about my life is private. I was referring, of course, to whether every single datum about my life deserves privacy protection in law.

“It is not a rare phenomenon that what is legal may also be quite irresponsible. That appears in the First Amendment context all the time. What can be said often should not be said. Prof. Reidenberg’s exercise is an example of perfectly legal, abominably poor judgment. Since he was not teaching a course in judgment, I presume he felt no responsibility to display any.”

A teaching moment, but not necessarily a learned one.

[Recommend](#)

A version of this article appeared in print on May 18, 2009, on page B3 of the New York edition.

[Next Article in Technology \(6 of 18\) »](#)



[Click here to enjoy the convenience of home delivery of The Times for less than \\$1 a day.](#)

Ads by Google

[what's this?](#)

[Are You In Compliance?](#)

New Massachusetts General Law 93H Ensure Security and Confidentiality
[www.nskinc.com](#)

[Driver's Privacy Lawsuit](#)

Proposed settlement of a class action may affect drivers' rights.
[www.DPPAsettlement.com](#)

[Redaction Software](#)

Remove privacy content from any document.
[www.redact-it.com](#)

Related Articles

FROM THE NEW YORK TIMES

[Control of Cybersecurity Becomes Divisive Issue](#)
(April 17, 2009)

[Lost in the Real World, Found via Cyberspace](#)
(April 8, 2009)

[Online Age Quiz Is a Window for Drug Makers](#)
(March 26, 2009)

[Many See Privacy on Web As Big Issue, Survey Says](#)
(March 16, 2009)

INSIDE NYTIMES.COM



[WEEK IN REVIEW »](#)

[OPINION »](#)

[MOVIES »](#)

[OPINION »](#)

[T MAGAZINE »](#)

[WORLD »](#)



On Capitol Hill, the Calm Before the Storm



Op-Ed: Another Credit Card Crisis



Where Art Trumps Industry

Bloggingheads Video: Settler Solution

A debate about withdrawing Israeli settlers from the West Bank.



T Magazine: Summer Travel 2009



On Fiery Birth of Israel, 2 Sides Speak