

Obituaries

Robert Ellis Smith, lawyer who published journal on privacy, dies at 77

By [Bart Barnes](#)

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Robert Ellis Smith, a journalist who published and edited a newspaper covering the civil rights movement in the South during the 1960s and who later became a lawyer and publisher specializing in issues of personal privacy and security, died July 25 at his home in Providence, R.I. He was 77.

The cause was a heart attack, said a son, Marc Smith.

In 1965, Mr. Smith was a founder of the Southern Courier, a weekly newspaper based in Montgomery, Ala. The paper was staffed by alumni of the Harvard Crimson student newspaper, of which Mr. Smith had been president as an undergraduate.

The aim of the Courier, which ceased publication in 1968, was to cover events of the civil rights movement that were ignored by mainstream media outlets. Mr. Smith was instrumental in commissioning articles for the paper by civil rights leaders Martin Luther King Jr. and Rosa Parks.

Mr. Smith later worked as a reporter and editor at the Detroit Free Press, Trenton Times and Newsday and as a civil rights official at the old U.S. Department of Health, Education and Welfare.

He was a law student at Georgetown University, friends said, when he perceived that technology advances would spawn a cyber culture in which personal privacy would become a hot-button legal and social issue. In 1974, he began publishing "Privacy Journal," a monthly newsletter he launched from a back-alley carriage house in Washington.

A 1977 Washington Post article described Privacy Journal as "the most talked-about Washington newsletter since I.F. Stone's Weekly," the muckraking publication of iconoclastic journalist I.F. Stone.

At its peak in the 1980s, Privacy Journal had about 6,000 subscribers.

Mr. Smith was also author of at least a dozen books, including "Ben Franklin's Web Site: Privacy and Curiosity from Plymouth Rock to the Internet" (2000), in which he defined privacy as "the desire of each of us to control the time and manner of disclosures of personal information about ourselves."

In that book and others, Mr. Smith traced privacy concerns back to New England in Colonial times, when Puritan leaders monitored behavior and church attendance. He also wrote widely about such issues as

wiretapping, the theft of Social Security numbers, information gathered online about individuals and various forms of government surveillance.

He criticized unreasonable requests for information on job applications and credit applications. In 1977, he told The Post about a newspaper editor in the Midwest who was repeatedly turned down for a loan because a neighbor had described his as “a hippie type” — because he drove a Volkswagen bus.

“The technology has become democratized, where it is available to a lot of just average people,” he told NPR in 2001, “but it also means, I guess, that the invasion of privacy has become equalized.

In another of his books, “War Stories” (1990), Mr. Smith described how a flight attendant was arrested because her name was similar to that of a woman listed in a federal crime database and how private medical records were made public against the wishes of the patients.

Mr. Smith also published lists of organizations that could help people fight what they considered intrusions on their privacy.

Robert Ellis Smith was born Sept. 6, 1940, in Providence. He graduated from Harvard in 1962 and from Georgetown University Law School in 1975. He served in the Army in the 1960s.

As an editor at Newsday in 1968, he was instrumental in launching Brumsic Brandon Jr.’s “Luther,” one of the country’s first daily comic strip featuring black characters.

Mr. Smith moved to Washington in 1970 and served for three years as assistant director of the Office for Civil Rights in what then was the Department of Health, Education and Welfare.

He served on the District of Columbia Human Rights Commission in the 1980s, helping determine cases involving discrimination based on race, gender, age and sexual orientation.

In about 1990, he moved back to Providence, where he continued to publish Privacy Journal. He taught at Harvard, Brown University, the University of Maryland and Roger Williams University law school in Rhode Island.

He was a former town commissioner of Block Island, R.I., where he had a vacation home.

His marriages to Theresa Osgoode and Kathryn Ritter ended in divorce. Survivors include two sons from his first marriage, Marc Smith of Corning, N.Y., and David Ellis Smith of San Diego; a son from his second marriage, Benjamin Smith of Providence; and four grandchildren. A son from his second marriage, Gregor Smith, died in 2013.

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