

Brock N. Meeks

Don't Shoot Me, I'm Famous

It's a pain being famous. There's the crushing burden of wealth. The stress of having to live up to your reputation, if not your news clips. And there are those mind-numbing decisions: do you buy the Lear Jet or give a seven-figure check to charity, and which would be a better tax write-off? And how does one decide between competing offers from *Architectural Digest* and "Lifestyles of the Rich and Famous"?

And then there's that pesky lack of privacy celebrities have to "deal" with as well.

Not to worry, famous ones, Congress is rushing to your rescue, treating the Constitution like a bad movie script: rewrite, rewrite, rewrite.

The latest "Constitution as a rough draft" script comes from Senators Dianne Feinstein (D-Calif.) and Orrin Hatch (R-Utah). Together they've drafted the Personal Privacy Act, a bill that makes it illegal for photographers and other media to "harass" private citizens. Under this bill, if you ratchet a telephoto lens onto your Nikon and snap a few pictures of Ms. Hollywood strolling on a beach in Malibu you are in danger of landing in jail.

The bill is aimed at curbing what Feinstein says are "abuses" of the tabloid press, more precisely, the "paparazzi." But make no mistake, this is a direct

affront to the First Amendment. That doesn't phase Feinstein; she's a veteran of First Amendment assault.

In the aftermath of the bombing in Oklahoma City, the Senate held hearings that tried to indict the Internet for carrying "bomb making material." At that hearing, Feinstein said such information should be outlawed and placing it online should be a criminal act. Indeed, Feinstein opined that some information should not be protected by the First Amendment.

Feinstein, however, had no comeback when testimony during the hearing revealed that a booklet distributed for free by the U.S. Department of Agriculture contains the formula for a fuel oil fertilizer bomb—the same kind deployed in the Oklahoma City bombing—used for removing stubborn tree stumps. Feinstein never called for the banning of that booklet.

Feinstein's cyberspace assault ultimately failed; now she's taking another crack at eroding the First Amendment under the guise of protecting privacy.

Deconstruction

Perhaps the best way to debunk this legis-

lation is with the facts. Here then, is a deconstruction of the press release she issued to hype her bill, which she unveiled, not surprisingly, in Hollywood. The Senators announced the legislation at the Los Angeles headquarters of the Screen Actors Guild and were joined at the announcement by Rep. Elton Gallegly (R-Simi Valley), SAG President Richard Masur, and members of the Guild.

Strategy ploy: When mounting



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an assault on the Constitution, make sure you do it in "friendly territory."

The legislation, called the Personal Privacy Protection Act, would make it a crime to persistently follow or chase a person in a manner that causes them to have a reasonable fear of bodily injury in order to film or record them for commercial purposes. The bill also allows civil actions to be brought against paparazzi who use high-powered lenses, microphones or even helicopters to trespass for commercial purposes.

Reverse Spin: However, if you're just a crazed fan, not intent on a "commercial purpose," you can burn out the motor drive on your Nikon with impunity. And just how does this bill define "reasonable fear"? Answer: it doesn't. That would be left for jury to decide.

Technology as criminal alert: To make the use of a telephoto lens or a helicopter illegal is ludicrous. If the person you're snapping agrees to pose for tens of thousands of dollars, no problem. But snap a picture of the same person in the park and put the money in your own pocket and you're violating the law.

Senator Feinstein made the following statements in announcing the legislation: "Freedom of the press is the

bedrock of American democracy. But there is something wrong when a person cannot visit a loved one in the hospital, walk their child to school, or be secure in the privacy of their own home without being chased, provoked, or intruded upon by photographers trying to capture pictures of them to sell to the tabloids."

Translation: First Amendment? We don't need no stinkin' First Amendment. What we need to do is curb the "bedrock of American democracy" by outlawing legal activities when spoiled prima donnas venture out into public places. The Rich and Famous have more rights than you and that includes the right to be left alone. What? No such right exists in the Constitution? Well it should!

"Just because a person makes their living on television or in some other public arena should not mean they forfeit all rights to personal privacy. There is a line between legitimate news gathering and invasion of privacy: Between snapping a picture of someone in a public place and chasing them to the point where they fear for their safety. Unfortunately that line is crossed more and more frequently today by an increasingly aggressive cadre of fortune-seekers with cameras."

Translation: High-profile personalities are making more money than God. How can they possibly help spur the local economy of tony Rodeo Drive if they don't leave their homes to shop? I mean, what are they going to do, use the Internet?

"Senator Boxer and I began the process of developing this legislation more than a year ago after meeting with members of the Screen Actors Guild and hearing about the abuses people suffer every day at the hands of the paparazzi—photographers using telephoto lenses to peer into private homes, cars chasing them off the road, having their children stalked and harassed. The tragic death of Princess Diana last August brought the seriousness of the problem home with a blunt force that stunned the world."

Disinformation Alert! Although paparazzi were present, it's been established that Diana's death cannot be blamed on the gaggle of photographers dogging her. She was killed, first and foremost, because she wasn't wearing a seat belt. Second, the limo driver was legally drunk.

"Congressman Sonny Bono, who had drafted a similar bill in the House before his death, worked with us to finalize the legislation we are introducing today. It was carefully drafted with the help of some excep-

tional constitutional law experts to ensure that it does not jeopardize First Amendment values or inadvertently inhibit legitimate news gathering.”

Factoid: Supporters of the ill-fated Communications Decency Act said the same thing right up until the day the Supreme Court slam dunked the bill as a blatantly unconstitutional.

“This legislation is aimed not at the vast majority of those in the mainstream media, but specifically at abusive, threatening behavior by some who do not respect where the line is between what is public and what is private—and I believe it will stand up to the test of constitutional scrutiny.”

Query: How are the media mob scenes surrounding the players in President Clinton’s alleged sex

scandal any different than those that hounded Princess Di? Every news organization in Washington, D.C. is spending tens of thousands of dollars each day by placing camera crews on dozens of “stake outs” in the hopes of catching a glimpse of Monica Lewinsky or any other players in this pretzel-logic story. When someone is spotted, they are mobbed by video cameras, photographers and microphones to the point of not being able to breath.

However, under Feinstein’s bill, the behavior of this particular brand of “mainstream” pack journalism gets issued a “get out of jail free” card? Spare me.

Privacy Rights Aren’t Wronged

This is a useless bill and an affront to all those who fight to protect

privacy. The problems at issue here, and I’m not entirely sure that celebs getting their photo taken really counts as a problem, can be handled by laws already on the books, such as anti-stalking, trespassing, and so forth.

Famous people choose their lives; that they are objects of media attention should come as no surprise. A law that somehow makes the privacy rights of the rich and famous more sacred than yours or mine is untenable.

So, next time you hear celebrities whining about all the press attention, just tell them to grin and bear it ... all the way to the bank. **C**

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