

the court's conclusion that the content of insurance policies is not covered by the ADA is the most significant part of this decision, both because it empowers the insurance industry to manage costs through actuarially substantiated coverage limitations and because it eliminates a powerful litigation tool for members of disabled populations.

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The Limits of Privacy

To the Editor. Beverly Woodward makes several critical observations

about my book, *The Limits of Privacy*, in your Summer issue. See B. Woodward, Book Review, *The Limits of Privacy*, *Journal of Law, Medicine & Ethics*, 27 (1999): 194–95. I will not quarrel with those although I rather disagree. One statement, however, should not be allowed to stand unchallenged. She writes about my book that “There is no minimum of privacy that is protected.” *Id.* at 194.

The main argument of my book is that privacy should be based on the Fourth Amendment to the U.S. Constitution rather than on the current curious amalgam of pieces of various rights, which deal with choice behavior rather than with privacy as this term

is commonly understood.

The Fourth Amendment explicitly distinguishes between reasonable and unreasonable search and provides a mechanism (the courts) for sorting out which searches are reasonable. However, like all other amendments, its basic thrust is to limit government. It is hard to see how it could fail to ensure a minimum of privacy or more. Indeed earlier in the same review, Woodward notes that I consider privacy a social good among others that must be honored.

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