

Some say that we have ourselves to blame, if through widespread dishonesty and thievery we have compelled the investigative agencies of Government and industry to resort to spying techniques and electronic watchdogs.

There is something about a detection mirror in a supermarket or a department store, put there to guard against shoplifting, that casts a shadow over our morality. Industry and business suffer tremendous losses annually through thievery. They argue they have a right to protect their property.

But the privacy of man's home and person is frequently and more effectively being invaded through the use of instruments much more sophisticated than a simple detection mirror. Cash a check and your photograph is snapped; enter an apartment house elevator or corridor and you may be on closed-circuit television; carry on a conversation in your home and it may be recorded two blocks away; phone a Government agency and in many cases your words are recorded.

Private companies sometimes spy on each other to learn trade secrets and other valuable information. Formal classes are even given on how to thwart industrial espionage.

Thus the techniques and gadgets that for so many years were associated with international cloak-and-dagger operators like Mata Hari are widely used today, not only by the police and Government investigators, but by respectable businessmen and untold numbers of private investigative agencies.

Snooping devices have even entered the mass market. They are advertised in the mail order sections of major newspapers and magazines, and can even be purchased with a Diner's Club card. These advertisements, in some cases, gleefully invite the public to join in the "great game" of snooping on your neighbors, your friends, and others. Sometimes the sales talk is directed to children.

It is now possible for an ordinary law-abiding American citizen to be under the surveillance of snoopers from the moment he gets up in the morning until the moment he goes to bed at night and even then he may not be able to snore in private. He probably is not even aware of it, for the snoopers rarely give any warning. That would defeat their purpose.

We have become a nation of snoopers—public and private. For many years, we grew increasingly callous about this disturbing development in American society. But there are large cracks now appearing in that callousness. The crust became too heavy. I believe the American people want to break through that shell. And perhaps we can. There is a new mood in Congress—a new mood in the Nation—which compels attention.

I believe that 1965 may well be the year of the libertarians, a year in which America swings the pendulum back to its former great emphasis on individual rights, especially those guaranteed to us by the Constitution. The civil rights law is now giving new life to rights which have been dormant in the field of racial matters. I see no reason why we should not revitalize man's right to privacy at the same time.

Justice Brandeis, in his famous dissent in the *Olmstead* case in 1928, expressed the view which I believe should guide our consideration of problems relating to invasion of privacy. He said: