

MR. ROSENTHAL. Thank you, Mr. Chairman. I think the record ought to indicate that all of us are very grateful to Chairman Dawson for establishing this special inquiry. His interest in this subject of privacy and constitutional rights of all of our citizens has been known by all Members of Congress for a long time, and certainly he has been a leader in the fight for the preservation of individual rights under our Constitution.

I also want to express my own personal debt of gratitude to the general counsel of the committee, Mr. Lanigan, who is sitting with us, and who, as you know, Mr. Chairman, has helped us in establishing this special inquiry and has been very, very helpful and given considerable guidance to us as to where and how this inquiry should proceed.

Without offering or making any prejudgments as to what the final conclusions of this special body will be, Mr. Chairman, I might suggest to those who are concerned that my review of the preliminary information that we have in the committee files leads me to certain conclusions.

The first one is that this country is presently living under a serious threat—the threat that the civil liberties of all our citizens may be eroded by new habits and procedures for invading personal privacy. Indeed, it can fairly be said that contemporary American society is a society under surveillance, subject to the subtle machinery of snooping, and an increasing disrespect for the inalienable right of privacy.

The job of this special inquiry, as I see it, is to investigate the extent to which the invasion of privacy is becoming a national habit. What is at stake is nothing less than the health of our democracy and the guarantees of our Constitution.

For some time now, procedures for eavesdropping on telephone conversations, examining private business records, scrutinizing mailing operations, and bugging private rooms have been in the process of development—sometimes in the name of national security, sometimes for the enforcement of criminal law, sometimes even for personal self-protection.

However acceptable this development may once have seemed in theory, it has become clear to many that the machinery of snooping is increasingly being misused in practice. And there seems to be a momentum in the practice of invading privacy.

New devices are constantly being dreamed up; counterdevices, in turn, have to be developed. And suddenly we discover that there are people in this country who are in the business of snooping, whose very job is to develop means for invading privacy.

It cannot be ignored that the largest snooper of all is the Federal Government. Insofar as the invasion of privacy has become a national habit, the Government is responsible for having established precedents and developed procedures. For that reason, the special inquiry should be most concerned with examining Federal practices in the invasion of privacy.

The excesses of this process will not be curtailed unless the public takes time to scrutinize in some detail the habits and procedures of privacy invasion. Our task is, therefore, largely one of public information. The very nature of this subject, however, restricts public knowledge.

People never know if their phones are tapped, their business records under investigation, their photos taken in secrecy. It is time that