

Mr. ROSENTHAL. I think if I might interrupt you and refer to page 2 when you say the term "privacy" sort of defies the definition, and then you say, "there is a coldness and antiseptic quality associated with the term that fails to convey its importance as an individual in social values."

I think that is quite good, and because of that acceptance by the public, because of their inability to feel the warmth and meaning of privacy, I feel that they have, as counsel suggested, begun to accept this sort of thing. It is not the kind of thing they can put their fingers on, but they vaguely understand it.

Mr. BEANEY. I think we ought to recognize it is not a universally shared value and never will be, and there are many people who suffer from just the reverse of privacy. They don't have enough contacts with people, psychologists tell us, and with these people there should be less privacy and more human contacts and more warmth in their lives. It will vary with individuals, and with groups, but I think certainly, it is a very important value.

It is important to many people, not just to artists or creative people. It is important to all of us who have serious work to do, who regard the human being as something more than a number in the population total, and you don't have to bring in religious reasoning to justify this. It seems to me the humanists can make very persuasive argument, too. But I think it is difficult to interest many people in this topic if they have not personally suffered a loss of privacy and I find in speaking with many of my friends, who apparently don't do anything important enough to have their privacy invaded, that they frequently react initially as though this is a kind of sportive thing in our national life, something that happens to odd people, people having troubles with their marital problems, or people engaged in unusual activities and it is not something that affects the average, good citizen.

But I think already there is plenty of data to show that assumption isn't true. It is affecting more and more of us with every passing year.

Mr. ROSENTHAL. Mr. Horton?

Mr. HORTON. I am a little bit concerned, Doctor, as to where you would, as a constitutional lawyer, draw certain lines and have you thought through this so that you can give us any thoughts that you may have in this regard? Let's take on the one hand, the privacy and the right of persons to be private and recognize also, that when a person violates the law, or when there is a criminal investigation or this type of thing, that privacy has to be violated to the extent of investigation and that sort of thing.

I am not thinking now, I might say, about those who are applying for jobs with the Federal Government, but I am thinking about the mass of people who perhaps, as you pointed out, are not aware of these invasions.

Would you draw the line, as a constitutional lawyer? What do you think should be done to protect this right of privacy?

Mr. BEANEY. Well, as I sketched out very briefly in my initial remarks, I think you have to look at each facet of this problem. When you say draw the lines, you draw the lines by looking at specific situations or cases or types of situations.

For instance, the criminal justice problem is in many ways the area that is least favorable to privacy.