

Mr. HORTON. Do you have any suggestions that the subcommittee might take under consideration for these various type of situations that I am sure you must have thought of?

Mr. BEANEY. I don't think I have been able to get one step further than Justice Brandeis did when he talked about every unjustifiable intrusion. That is, I think you can only get at the question of where law is needed by seeing what is being done in specific areas.

If it is psychological testing that seems to probe far beyond any questions that are rationally related to fitness for the job or employment, then I would argue, whether by Executive order or by legislation, amendment of the statutory authority of the agency, I would present that.

If it is a question of welfare investigators going to homes of recipients at odd hours in the middle of the night to detect violations, and this without any greater justification than occasionally they may catch someone there who shouldn't be there if the family is to be eligible, then I would hope through the welfare law, to limit that practice.

In other words, I see as building up a definition of the right by looking at the classes of activities in our society that are affected.

Mr. HORTON. Let me ask you this: if you have two people, one person is on welfare and one person is not on welfare, and let's take person A is on welfare, do you feel that person A gives up some of his rights to privacy as opposed to B?

Mr. BEANEY. Yes, he does give up some.

Mr. HORTON. When he takes welfare?

Mr. BEANEY. He gives up some. The question is how much does he give up? Obviously, or at least it would seem reasonable, that a government agency entrusted with expending public funds for the benefit of this person would have a right to certain information about him. The question is, how much do you need and in what form do you collect it.

Mr. HORTON. Do you feel this is an area that can be regulated by law or do you feel it couldn't be?

Mr. BEANEY. It can be.

Mr. HORTON. It can be?

Mr. BEANEY. It can be by law. It may take the form of Executive order. It may take in a city, such as New York or Chicago, an order of the agency head. The precise form of the law, it seems to me, is not so important, but these things can be controlled.

In many instances, there is no specific authorization for engaging in these practices. They have sprung up not because people were determined to invade privacy, because people have good intentions, and thought they were doing a good job in the public interest.

Mr. HORTON. Thank you.

Mr. GALLAGHER (presiding). Doctor, referring back to a question I asked you previously, as to whether or not you feel the President might take some action to declare a policy and set guidelines for executive agencies, would you care to comment on this?

Mr. BEANEY. I think this would be most welcome, because in the long run, what we would need in public life and private life is a certain attitude or set of attitudes toward other people and the proper way of defining relationships with other people.

That is, laws in themselves will never do the job fully. We know that. Any law expresses the thoughts of the generation when it is