

We just assume that it doesn't take place, and one of my colleagues has raised a rather ironic thought, that the only people in the future who may really enjoy privacy are those who are doing absolutely nothing important.

Mr. GALLAGHER. The Chair certainly concurs with your thinking that we have a responsibility to lay down some guidelines. We do have another witness and there are some further questions from the subcommittee. It is with some reluctance that we excuse you, but we do thank you very much for coming here and making a significant contribution to these hearings.

Mr. BEANEY. Thank you for the privilege.

Mr. GALLAGHER. The Chair would like to call Lawrence Speiser, director of the Washington office of the American Civil Liberties Union. Would you raise your hand and be sworn?

(Whereupon, Lawrence Speiser was duly sworn.)

Mr. GALLAGHER. Mr. Speiser, we thank you very much for coming here today, and without further ado, we certainly are aware of the significant work you and your organization have been doing, and I would appreciate it if you would proceed.

TESTIMONY OF LAWRENCE SPEISER, DIRECTOR, WASHINGTON OFFICE, AMERICAN CIVIL LIBERTIES UNION

Mr. SPEISER. I have no written prepared statement, but I would like to discuss some specific matters that I think are of interest to the committee and which may provide some areas which the committee would like to explore.

Generally, the question of invasion of privacy by Government agencies fits into two major categories: First, is in law enforcement, and perhaps some rules may be developed there, and the second is in the noncriminal law field, such as Government employment, and the activities of other agencies that have some kind of administrative regulations and controls.

It is significant that the fourth amendment, which placed limitations on the Government in protecting the people from unreasonable searches and seizures, was phrased in terms limiting it only to law-enforcement activities. One might think where serious rights of society are to be protected, the Constitution would be more lenient, but that has not been the case.

The limitations that exist in the Bill of Rights do, indeed, make it more difficult for law-enforcement agencies to operate, which indicates that a balance has been struck. The balance was struck, however, it seems to me, when the Constitution was adopted.

How the balance is struck in a particular case is going to be determined by the facts of that case. But I think the balance was struck so that we do not have a society in which law-enforcement agencies can be, or are desired to be 100-percent efficient. In a free society it is not possible to catch all criminals and to convict all criminals. We have placed limitations on law-enforcement agencies which does restrict them in what they can accomplish.

For example, what if, every year, law-enforcement agencies were permitted to search every home unannounced just to see what they could find?

They would engage in nonbrutal conduct, but merely make exploratory searches of every home. I am sure they would find evidence