

would like to know. So, there is no more control, even at a good university, over this sort of thing than just the judgment of a person in a clerical role who can go and look at all these data and send it forth.

Likewise, it seems to me, the tendency would be for a sort of automatic dispersal of information without any judgment being made as to its quality, because even at Yale we do not judge its quality. If we send it out we just say, "This is in the file, and we suppose this is what you would like to know."

So it is that what one puts in comes out, but it does not come out the same as what was put in.

That is the situation, as I see it, of the data center. The question is: How does this stand with respect to law? How does it stand with respect to the Constitution?

At the very beginning of my thoughts about the law, it seems clear to me that any time bad information is supplied about an individual, his legal rights are invaded at that moment. We have a great common law tradition that defamation of character is a wrong in the law. It seems to me absolutely clear as a starting proposition that anybody who supplies derogatory information about somebody else invades his legal rights. He may have no remedy. That is something that happens in the law. But the beginning of my thinking is that a person has a right not to be defamed, whether it is by a machine or by a person.

The second thing that seems to me so crucial here is that this whole process is secret. The individual does not know what I have said about him. He does not know what is in the computer's file. He does not know what the computer says about him. He does not know what judgments people make on the basis of that.

I think this is a denial of the constitutional right to confront, the constitutional right to face those who make statements about you, to question them, and to rebut, to answer. It is elementary, it seems to me, that this right is lost in the kind of case that I have given.

Suppose for some unfortunate reason I have a grudge against a student and, receiving one of these things, I check "unsatisfactory," and so on; the story, if it came out, would be a very different story if he were able to cross-examine me. He could show there was some bad blood between us or something else, and I was not being wholly accurate. The truth, as lawyers know, is brought out in an atmosphere of adversary proceedings, of cross-examination, of being able to answer, to rebut.

Here we have what seems to me over and over again instances of condemnation without trial, of information supplied without confrontation, and of a denial to the individual of any chance whatever to answer.

The Supreme Court has recently been extraordinarily scrupulous with respect to the right to have a lawyer and the right to confront in situations where people are charged with crime. The right to have a lawyer and the right to confront in situations where people are charged with crime. The right to have a lawyer, for example, begins now at the very earliest moment of contact in the police station.

Here are people who are not even charged with crime, and yet who may be punished far more severely than the ordinary criminal. Here are people whose opportunity to have jobs, to earn money, whose reputations and everything else are about to be damaged forever, and they