

have no trial, no lawyer, no opportunity to find out anything. It seems to me without question a denial of due process of law to send forth bad information about a person in secret in that way.

It is in this that I see the essence of the evil of the automatic data center. It is in this notion of the petrification; that is, this man is called bad by somebody, hence he is bad forever, and there is nothing he can do about it. There is no remedy in the law.

It seems to me that we deal, when we think about a computer center, with a wrong which the law is unable to make right in any way that we now know. It is a form of damage without a remedy, and it can be a very terrible punishment, indeed, for the individual.

Beyond the invasion of the right not to be defamed is a second, and some people think, a more vague right, the right to privacy itself.

When information about a person of the type I have mentioned is distributed all over to everybody, certainly you could say at the very beginning that there is no privacy. That is, my opinion about a student is a private matter perhaps between me and the person who wants to employ him and I might be willing to talk to an employer about a student, but when that is broadcast all over the Government, given to anonymous people all over, then it becomes a very unprivate affair. So we see there the exposure of the individual, whatever his weaknesses are, to the scrutiny of everybody, so there is this second legal issue about privacy that seems to me fundamental.

Now, the right of privacy is not spelled out in those words in our Constitution and I think there is a reason for that. I think that the reason is in the 18th century, when the Constitution was written, Government was very limited. Government was supposed to do only a few things, minor things we would say today, and I think that the idea of privacy being invaded in the way it can be today never occurred to the people who wrote the Bill of Rights. But everything that did occur to them in the way of invasion of privacy they wrote in. So what you find if you read the Constitution is that in every way in which they understood privacy then, they protected it in the Constitution.

Let me illustrate: They protected speech and expression and beliefs, and those, it seems to me, are illustrations of privacy. They protected religion and conscience, each individual's to be his own. They forbade the quartering of soldiers in houses. They protected the right to bear arms—and there are many other reasons for that, but one of them is the man with his rifle in his home. They protected people against the search of the person or the search of the home without a warrant and in unreasonable circumstances.

They protected people against being forced to incriminate themselves by any official body. They protected people against cruel and unusual punishment, thus in effect protecting the body against invasions that were deemed unreasonable at that time.

When they got through with all the above, they protected all the other rights of the people not enumerated in the Bill of Rights and not specifically handed over to Congress by a particular part of the Constitution.

I say, myself, that that is privacy as they understood it. That is all of the invasions of privacy that they knew of in their time, and had they known of these, it seems to me they would have dealt with them the same way.