

Now, all of us know that our Constitution was framed to exist over the ages and thus has always been interpreted to deal with the problems of our times, of the times that occur and it seems to me, therefore, that there is a constitutional right to privacy which does exist and it includes the right not to be defamed by anybody in official position.

I might say there that Justice Brandeis was the author of the famous original article on the right to privacy and he was talking about this very question of defamation, of slander. He was talking, in fact, about newspapers, and whether they could invade privacy and the right which has become established in part as a result of his article back in 1901, which he found in the Constitution, as I find in the Constitution, began with the idea of defamation, the idea that we deal with today.

Well, that really takes me to the question of, is this necessary? That is, do we have to have this? Is this another example of something where we all regret it, but we have to have it anyway? Must we have the data center to save money, to save time or to save the Nation from some danger?

Necessity, I would like to point out, is a relative word. Things are necessary in one time and not necessary in another because necessity involves a balance.

I might tell my dean that I have to have three secretaries and a thick carpet and an office twice as big as I have and I would say that is necessary. "I can tell you why I need each of those secretaries." But the fact is, in our school other things are necessary too; he figures out how necessary and what is needed in other departments.

Necessity is a budget. Necessity involves a choice among things. I tell you I have to be somewhere at such and such a time and if something more important happens, I don't have to be there.

So when they say a data center is necessary, they are saying it would be useful. They are saying, "We could use one." They are saying, "If we had one, it would do the following useful things" and they list them: save money, save time, and so forth. That tells you it would be useful, but it doesn't tell you it would be necessary.

When we decide whether a thing is necessary, we have to figure out the losses. What would be taken away by this proposal?

There, it seems to me, we come to what all of us realize this proposal is going to do something to the character of the American people. The question we have to think about is what is going to happen to the character of the American people and how serious is it?

We have already had mention this morning of the great American idea of "beginning again," starting anew, getting a second chance, and that is something we would lose by this. We would have a situation in which nobody got a second chance, no matter how young, no matter how foolish, no matter how easily explained the circumstances; we would establish a doctrine of no second chance, no forgiveness.

One life, one chance only. That seems to me very different from the American dream.

We would have, in addition to that, a waste of people, a human waste. We have a lot of people in this country but I don't think we can afford to waste them and many people, including some saints, have done wrong early in their life and then lived to be worthwhile people.