

cause he has a parking ticket but, at a minimum, he should be able to explain. He should be able to say, "I parked my car because I had to go to a very important meeting. I couldn't leave before the meeting was over and the meter ran out. So between leaving the car parked for 10 minutes more and walking out when I was doing something important, I felt I had to stay."

So I am saying that many, many times people can explain things, and only the person himself knows how to explain it. No one else can explain for him.

I think this is a vital protection. The example we had from the chairman was an example of a crime, a crime of overtime parking.

In the case of things that are less than crimes—for instance, being too nervous or something like that—there is all the more reason to explain. You might say I was nervous because my wife was about to have a child that day when this man observed me. I think that is just an elementary requirement.

Again, my principle would be, we should all be entitled to know what information is in the file and have an opportunity to explain it, except in any case where the Congress decides that it is just absolutely necessary to keep it secret. I don't know if there is any such instance, but if there is, it should be an exception and it should be a rare exception.

Those are approximately three laws, just in a general sense, that I think we need in addition to the Constitution.

Mr. GALLAGHER. Then you are suggesting, Professor, that technology perhaps has outrun the law and it is time for us to bring an extensive balance back into the overall picture?

Professor REICH. Well, I agree with that. I talked to an executive of IBM before I came down here and he said a very sensible thing to me. He said, "Don't go down there and blame the machine." He said, "What is the matter is that you don't have good enough laws to protect people. The machine will do the bidding of our society. It will turn out anything you want and there is nothing wrong with computers," and indeed, I hope I haven't come down here and blamed machines. It is a failure in laws.

I said before that I didn't want good intentions, I wanted laws. I say that because, if you take a clerk in a Government office who reviews files, the clerk has to face up to this question of responsibility I mentioned before. Here is a person with something bad about them. "What should I do about it?" he says. "I don't want to get caught by having ignored this thing."

He needs a law to help him ignore something that he should ignore.

Laws stiffen our backbone. If you want the Government employees to hire the man they ought to ignore information which should be ignored, you need a law to make them know that the Government will support them if someone challenges it later. So if the boss comes in later and says, "Why did you take this man on? He has three parking tickets on his record and now he turns out to be no good. See? We should have predicted that."

The answer should be, "I am not permitted to take that information into account. There is a law here which says so." That will keep the subordinate from getting into trouble. As I say, I believe in laws.