

the party to control Germany. The census information provided a central data system from which the dictator could draw detailed information on any German citizen, thereby facilitating the power surge of his totalitarian regime.

Prof. Charles A. Reich, Yale University expert on constitutional law, stated in his testimony before the Subcommittee on the Invasion of Privacy:

"Real protection in this world comes not from people's good intentions, but from the law."

The risk involved now in entrusting the liberties of the American people to the men of power in the future, the names of whom we do not even know and whose benevolence we cannot presume to guarantee, is too great for us to take.

We must consider now whether our laws are keeping abreast of our rapidly expanding technology and whether with the advance of that technology, our present safeguards of the constitutional rights of our citizens are still adequate.

In his address before the Royal National Foundation at Athens, June 1966, Vice Adm. H. G. Rickover, stated that in areas of technology, man must consider first whether any proposed action can be allowed legally and secondly, whether the action will be beneficial to his society. Admiral Rickover continued:

"These are matters that lie outside the domain of science. Just as the law of the cosmos cannot be overturned by human fiat, so is human law supreme within its own proper sphere of operation. Technology must therefore conform to that most basic of all human laws, the maximum of the 'mutuality of liberty,' the principle that one man's liberty of action ends where it would injure another."

In our modern society, therefore, we must meet the challenge of providing legal safeguards today against the possible violation by technology tomorrow of the maxim of the "mutuality of liberty." The supremacy of human law has been seriously questioned; it must be reasserted now if our society is to remain free.

The technology of computerization has raised new horizons of progress, but it also brings with it grave dangers. The greatest of these is that we may allow ourselves to drift into a course of action that will ultimately substitute a computer for man's free will and his human consciousness of what is ethical and what is not.

The 19th century novelist, Samuel Butler recognized the fallacy of such a course when he wrote in his novel, "Erewhon":

"I cannot think it will ever be safe to repose such trust in the moral sense of any machine."

Americans of the 20th century cannot think it any safer. As Professor Neisser has written in a study entitled "The Imitation of Man by Machine":

"If machines really thought as men do, there would be no more reason to fear them than to fear men. But computer intelligence is indeed 'inhuman': it does not grow, has no emotional basis, and is shallowly motivated. These defects do not matter in technical applications, where the criteria of successful problem-solving are relatively simple. They become extremely important if the computer is used to make social decisions, for there our criteria of adequacy are as subtle and as multiply as human thinking itself."

The temptation to utilize computer technology in more and more areas of public concern is great, of course, because it provides for a greater efficiency and accuracy in statistical studies and for a sense of scientific authority in solving difficult problems involving complex information.

However, in their article in a 1962 issue of Science magazine, Professors Johnson and Kohler warned against turning over to computers questions with which man is better able to cope:

"It (computer technology) is being called on to act for man in areas where man cannot define his own ability to perform and where he feels uneasy about his own performance—where he would like a neat, well-structured solution and feels that in adopting the machine's partial solution he is closer to the 'right' than he is in using his own."

There is certainly no doubt that computerized centralization of information gathered from the files of Federal agencies would facilitate many government operations. In the words of Johnson and Kohler, it would provide a "neat, well-structured solution" to the present unordered and amorphous task of maintaining complete and current files on information gathered from widely scattered sources for widely scattered purposes.

At the same time, however, in their article on "Privacy and Behavioral Research" that appeared last fall in Columbia Law Review, Oscar M. Ruebhausen and Orville G. Brim, Jr., noted: