

Thank you for your letter concerning ACA 51.

Privacy is not defined nor is it meant to be defined in this constitutional amendment. What privacy means and how this will affect our laws, government, and private activities will have to be interpreted by the courts and by law. Generally, the courts have given the Legislature wide discretion in interpreting, through legislative action, the freedoms and rights guaranteed in Article I of our constitution.

The thrust of ACA 51 deals with the threat of computerized monitoring and interfering in the private lives of our citizens. Few of us realize that each time we apply for a credit card or a life insurance policy, file a tax return, seek government benefits, interview for a job or apply for a passport, a dossier is opened on that person and an informational profile is sketched. Modern technology is capable of monitoring, centralizing, and evaluating this information and making credible the fear of a womb-to-womb dossier on each of us.

In the face of a cybernetics revolution and the increasingly pervasive amount of information being compiled, it would be highly desirable that our constitution state in clear terms that each person has a fundamental right to privacy. This amendment will put the

State and private firms on notice that the people have this fundamental right and it can only be abridged when the public concern is an overriding concern, such as in court-ordered wiretapping.

How much would the federal government know about you if a central information bank pooled the following records now maintained by various federal agencies and departments?

1. Civilian personnel records of federal employees including:
 - a. employment applications
 - b. pay and leave records
 - c. proficiency reports and promotion
 - d. results of physical examinations
 - e. security clearance information
 - f. basic employee information such as birth date, educational background, professional qualifications, job assignment, job experience and disciplinary actions.
2. A security investigations index of 10,250,000 persons
3. Data on seafaring personnel collected by the Department of Commerce
4. National Defense Executive Reserve
5. Merchant Marine Academy Students
6. Decennial census
7. Patent information
8. Defense Central Index of Investigations including military and civilian defense personnel, Army security, loyalty or criminal investigations files
9. Defense Supply Agency clearance on individuals employed by private contractors engaged in classified work
10. Social security information including hospital and doctor bills, income of those paying social security taxes, information on beneficiaries of social welfare programs
11. National Center for Health Statistics provides information on vital events, health, injury, illness, impairments, use of medical, dental, hospital and other health care services.

12. Department of Housing and Urban Development has records on home insurance accounts and from low rent tenant surveys
13. The Department of Justice's Civil Disturbance System
14. Organized Crime Intelligence System
15. Information collected by the Bureau of Narcotics and Dangerous Drugs
16. Federal Bureau of Investigation has a fingerprint and criminal identification file with 199 million fingerprint cards, including 67 million civilians not identified in the criminal group.
17. National Crime Information Center
18. Known professional check passers file
19. Immigration and Naturalization Service alien reports file
20. Immigration and Naturalization Service nonimmigrant index
21. Selective service system files
22. Department of State Passport office and its "Lookout file"
23. National Highway Safety Bureau's National Driver Register Service containing records of persons whose drivers' licenses were denied, terminated or temporarily withdrawn
24. Customs Bureau data bank of suspect information
25. Internal revenue service
26. Secret Service information including records of:
 - a. counterfeiting and forgery information
 - b. data on gold and gold coin
 - c. information pertaining to threats on the President or individuals assigned to be protected by the Secret Service
 - d. individuals or groups plotting to carry out assassinations of government officials
 - e. on persons who insist on contacting high government officials for the purpose of redress of imaginary grievances, etc.

- f. any person making oral or written statements about high government officials in the following categories: threatening statements, irrational statements and abusive statements
- g. professional gate crashers
- h. professional gate crashers
- i. ownership or concealment of caches of firearms or explosives
- j. information on civil disturbances.

27. Veterans: data on veterans and beneficiaries

The frightening thing about many of these files is the individual may never know he is in them or who has seen the information recorded. Thus, he is never able to review the facts and correct errors. If this information were centralized and augmented by information at the state and local level, such as school records, drivers' license information, and civil court actions, government could truly know more about many of us than we know ourselves.

The concern that our privacy is increasingly becoming a mere myth and that individuals are powerless to control it led to the introduction of ACA 51. I am concerned that government may misuse the records it collects, giving it out to individuals or businesses without the knowledge of the individual involved and without that person being able to correct erroneous information. The damage to that individual may be irreparable.

A free society, as we know it, cannot exist without its citizens enjoying a sense of privacy. The First, Third, Fourth, Fifth and Ninth Amendments to the U. S. Constitution erect a zone of privacy against certain actions such as unreasonable searches and seizures and guarantees us the privacy of our thoughts, speech and associations.

When our Constitution was adopted the First, Third, Fourth, Fifth and Ninth Amendments offered sufficient protection of individual privacy. In the era of the computerized data banks, increased government surveillance and the pervasiveness of government in everyone's lives, a clearer statement of our rights is needed. ACA 51 is an attempt to shore up our constitutional rights and preserve our heritage of freedom and individual privacy.

Sincerely,

KENNETH CORY