

RESOLUTION ON THE RIGHT OF PRIVACY

Judaism teaches that man, created in God's image, possesses an inviolate core of personality; and, that privacy constitutes the protection of this personality core from the encroachments of society and government. The Bible teaches the value of privacy. Man's moral nature is linked to the repudiation of any violations of human privacy. In the Halakhah, the right of privacy was legally secured in a manner even more advanced than that which prevails in contemporary Constitutional law: nonphysical intrusion was considered the equivalent of actual trespass. In Judaism, privacy is more than a legal right. There is a compelling moral duty for man to protect his own privacy. As concealment is an aspect of divine privacy, so is it the expression of human privacy.

Man's inalienable right to privacy, however, has been eroded in contemporary society. Spectacular advances in Technology have enabled governmental agencies to achieve surveillance capabilities undreamed only a few years ago. Innovations in electronic and photographic techniques have made possible the collection of vast amounts of data on the day to day activities of all citizens, without so much as an inkling that the data collection is occurring. Innovations in computer technology have made possible the storage, retrieval and dissemination of personal dossiers on millions of Americans.

A very great danger to the traditional American right of privacy now exists. Governmental encroachment upon the individual's constitutional right of freedom from surveillance needs to be checked lest our libertarian heritage be destroyed. A libertarian, democratic society cannot exist unless its citizens are encouraged to act free from all encompassing sense of being observed and recorded. A free society cannot survive in an atmosphere where the government assumes the big brother-scrutinizing the behavior of freedom. It has a chilling effect, a capacity for instilling fear and sheep like conformity in its citizens, the characteristic of totalitarian society. In strangling dissent and non-conformity, government surveillance of the individual is a violation of the American Bill of Rights which protects the legal freedom of each citizen to develop his mind and personality and to express them free of unwarranted governmental control.

It has become dangerously clear especially since Watergate, that the unlimited possession of the resources to build and operate data banks on individuals, and to make decision about people with the aid of computers and electronic data systems, is fast securing to executive branch officials a political power which was not intended by the Founding Fathers and could unsettle permanently the system of checks and balances between the three branches of the Federal Government established by the Constitution.

We urge therefore that Congress enact legislation to achieve these objectives:

1. The absolute prohibition of gathering or storing information relating to lawful political activities. We deplore the common FBI practice of monitoring demonstrators in order to permanently record the participants.

2. Outlawing the storage or dissemination of hearsay or anonymous derogatory information.

3. Regulation of the storage and dissemination of arrest records to eliminate the current surveillance techniques which widely disseminate arrest records, even those occurring many years ago.

We urge that the following safeguards be instituted by the Government to protect the right of privacy of every citizen of this nation:

1. Every person about whom personal data is being stored by the Government must be notified of that fact and must be permitted access to his dossier to check its accuracy and propriety. An individual, upon receipt of such a notice, must be permitted an opportunity to challenge the propriety of the maintenance of a dossier.

2. Notice of a request for personal information must be given to an individual prior to its dissemination. The notice must describe the putative information recipient and summarize the information. An individual, upon receipt of such a notice, must be afforded an opportunity to challenge the proposed dissemination.

3. An individual must be afforded an expeditious opportunity to challenge the accuracy or propriety of information contained in his dossier. Such an opportunity should take the form of 'accuracy hearing' or 'propriety hearing' at which an individual could rebut the contents of his dossier and move for its expunction. Such a procedure would be highly useful to remove 'stale' information from a dossier.

4. To the extent information is gathered in violation of the expanded Fourth Amendment or the substantive statutory limitations imposed upon surveillance, it should be subject to an 'exclusionary rule' and stricken from the records."

If we are to survive as a free, democratic society, we must assure that each citizen's right to privacy is fully safeguarded against governmental or non-governmental encroachment. We urge Congress to act swiftly to enact such protection to ALL American citizens.