

**SENATOR
SAM ERVIN
SAYS**



In recent months, with each new discovery about Federal data banks and their collection, storage, and use of information about citizens, public concern has grown about the serious questions of individual privacy and constitutional rights.

The Constitutional Rights Subcommittee, of which I am Chairman, has received countless letters from interested persons all over the country urging that the Subcommittee schedule hearings to consider the impact of these data programs upon individual rights.

In early September, the Subcommittee scheduled a new series of hearings on this subject for early October, but it soon became apparent that the pressures for action by Congress on end-of-the-term

legislation required postponement of these hearings. At the present time, it is anticipated that these data bank hearings will be held in late February.

The purpose of the hearings is fourfold: First, to learn what Government data banks have been developed; second, how far they are already computerized or automated; third, what constitutional rights, if any, are affected by them; and, fourth, what overall legislative controls, if any, are required.

Record keeping is as old as recorded history, and there is nothing new in the fact that governments and societies engage in surveillance, blacklisting, and subtle reprisal for unpopular political or social views. Men have always had to contend with the memories of other men. In this country, however, we are blessed with a Constitution which undertakes to secure to all citizens certain rights of privacy, and this applies to the arbitrary use of recordkeeping and information power of government against the individual.

In spite of these guarantees, the advance of technology has been quietly, but steadily endowing officials with the power which accompanies computers and data banks and scientific techniques of managing information. The computer has now given the Government the power to take note of anything, whether it be right or wrong, relevant to any purpose or not, and to retain it forever. It is unfortunate, but true, that this revolution is coming about under outdated laws and executive orders governing the recordkeeping and the concepts of privacy which are relevant to another era.

Consider these facts: The Civil Service Commission maintains a "Security file" of more than two million cards in electrically powered rotary cabinets. Its larger "security investigations index" contains more than 10 million cards relating to personnel investigations made by the Commission and other agencies. The Department of the Army and other military departments have stored vast amounts of personal data on individuals which is said to be relevant to possible civil disturbances and subversion. The Secret Service has created its computerized data bank to protect high Government officials from harm and to protect federal buildings from possible damage. The Bureau of Customs has installed its control data processing intelligence network which contains records about suspects entering the United States.

No one would deny that the Government of such a populous and complex society should not avail itself of the efficiency offered by computers and scientific data management techniques. Governmental

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Moral education is impossible without the habitual vision of greatness.--Alfred North Whitehead.

It is the greatest of all mistakes to do nothing because you can only do little.--Sydney Smith.

Everybody's heart is open, you know, when they have recently escaped from severe pain, or are recovering the blessings of health.--Jane Auston.

A wise man will make more opportunities than he finds.--Francis Bacon.

Criticism often takes from the tree caterpillars and blossoms together.--Jean Paul Richter. Real glory springs from the silent conquest of ourselves.--Joseph Parrish Thompson.

Charity is injurious unless it helps the recipient to become independent of it.--John D. Rockefeller, Jr.

Often the test of courage is not to die but to live.--Vittorio Alfieri.

Reason is nothing but the analysis of belief.--Franz Schubert.

agencies must, as Congress has charged them, acquire, store, and process economically the information it obtains from citizens for administrative purposes to deal with a mobile society and the misdeeds of individuals who resort to violence and who violate the law.

All of this is to simply say that we must update our laws to keep in balance the need for information and the use to which it is put. This is the area of concern as the Subcommittee seeks to examine data bank surveillance.

He that takes time to think and consider will act more wisely than he that acts hastily and on impulse.--Charles Simmons.

The louder he talked of his honor, the faster we counted our spoons.--Ralph Waldo Emerson.

Love makes everything lovely; hate concentrates itself on the one thing hated.--George MacDonald.

Obedience to truth known is the king's highway to that which is still beyond us.--Aeschulus.

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