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Disposing of Arrest Records

Judge Gerhard A. Gesell struck a blow for humanism as well as for simple justice when he ruled recently that the FBI must put an end to its indiscriminate dissemination of individual arrest records. These may be made available to agencies of the federal government and to genuine law enforcement agencies outside the federal government. But he also ruled that letting banks, private employers, insurance companies, and others have access to them unjust. Accordingly, the judge said in the interest of justice and privacy, the less use of these records the better. He called for freedom of recall to all who have been arrested in this land.

In the United States, a man is usually arrested—and often arrested—because he appears to believe that he has committed a crime or some violation of the law. It is subsequently determined that he is innocent or that there is not enough evidence to prosecute them. If the assumption of innocence which is one of the basic tenets of the American legal system is to have any real meaning, it must serve as a shield to protect them from punishment without conviction. Information that a man has been arrested can

result in severe punishment, closing off all sorts of opportunity, social, professional, occupational. And it may be punishment altogether undeserved. The instant and total recall made possible by modern computers mean that a man's past incidents and misdeeds may be spread before those who are to determine his future—and under circumstances and in a context which make what is published self-incriminating and in an altered perspective, making what he did difficult to understand. Consider it, could he have and subjectively, objectively, and in any other sense, been guilty of the crime? He may have been found guilty of a crime, but he may have been found guilty of a crime which was not a crime at all. And even if he had committed a crime, it would be in the benefit of the public. Only if a man's crime is less than a collection of words, a mere verbal human feeling, that can be development of civilization, there is a pressing need to preserve and redefine aspects of the right of privacy to insure the basic freedoms guaranteed by this democracy.