

The House Judiciary Committee will begin consideration tomorrow of a measure called "Bill of Rights Procedures Act," which is designed to limit and regulate governmental and commercial intrusions into the commonplace transactions of modern American life. It aims at protecting privacy with respect to bank, telephone and credit records, mail covers, telephone service monitoring and non-verbal communications.

Perhaps the most significant aspect of the legislation deals with the confidentiality of records on activities which are essential to participation in society, such as those kept by financial institutions, credit card issuers and telephone companies. Although some states already have laws protecting such information, there are currently no Federal laws in this vital area of customers' rights. Moreover, the Supreme Court recently ruled that compliance with a Federal subpoena by a bank—even in the absence of intervention by the customer or notification to him—was not an invasion of a constitutionally protected right of privacy.

The proposal before the Judiciary Committee would require Federal agents to obtain the individual's written consent to allow opening up his records, or to serve a subpoena which the citizen could challenge, or to obtain a court-authorized search warrant. Under the proposed law, the institution would have to keep an account of all examinations of a customer's records. Whenever a subpoena is served on either, the institution and the customer would be notified of their rights.

Mail covers consist of the inspection of pieces of first-class mail and the collection of whatever information appears on the outside of the envelopes. This investigative technique was widely abused in the course of the F.B.I.'s Cointel program. The bill would limit the circumstances in which such covers could be conducted to investigations of a felony offense or postal fraud and to the search for fugitives. It would require written authorization in all cases, and a sworn affidavit in some, thus clearly holding a specific official responsible for initiating an investigation.

The wiretap section of the bill would require that warnings be given by telephone companies to those who may be overheard when telephone communications are monitored to determine the quality of service. It would also extend the requirement of court orders for the interception of telephone conversations to the interception of aural communications, such as telegraph and telex and other non-verbal messages.

As computer and communications technology becomes ever more sophisticated and delves deeper into private lives, there is a growing need for legislative and judicial ingenuity to protect the privacy of even the most mundane human activities. The current proposal is a sound attempt to provide the necessary new safeguards.