

1 THE CHAIRMAN: In wiretapping, do you think
2 this should be a restraint against the State in the use
3 of wiretapping as an investigative procedure?

4 PROFESSOR ROSEN: The issue, as discussed by
5 the ACLU, was not specifically gone into, but I suspect
6 what the ACLU in discussing wiretapping is concerned
7 with is, well, if you take *Briswold vs Connecticut* as a
8 general case as to the problem of the right to privacy
9 as against incursions by the State, wiretapping or
10 electronic surveillance by the State would be the kind
11 of thing that might be involved in a provision that takes
12 account of the right to privacy.

13 THE CHAIRMAN: Well, on the other hand, at
14 the present time Maryland has a standard, a statute which
15 requires consent of both parties, particularly on tele-
16 phonic interception or a search and seizure warrant,
17 which is much stricter than the Federal standard, and is
18 it the ACLU's position wiretapping should be elevated to
19 a constitutional right in Maryland rather than a statutory?

20 PROFESSOR ROSEN: I believe that is ACLU's
21 position nationally and I think it would be their