

1 Mr. Sayre's proposal, but it is pointed out that without
2 such provision it has been held that the search and seizure
3 protections of the Fourth Amendment are not applicable
4 to wiretapping as construed by the Supreme Court. We
5 would have this area, therefore, open to invasion without
6 any constitutional restriction. I would like to propose,
7 I don't feel from what the Committee's comments have been
8 that they seriously did consider it, or am I wrong?

9 MR. GENTRY: It was considered.

10 MRS. BOTHE: It wasn't mentioned in the com-
11 mentary here.

12 PROFESSOR ASPER: That is my problem. Let me
13 ask Mr. Sayre one question, if I may. Would you regard
14 your sections there as a mandate to the Legislature to
15 make private wiretapping a crime, because you don't
16 indicate that this is by any agency of the Government?

17 MR. SAYRE: No, I don't make it a crime. I
18 just say it shall not be violated. I am just saying that
19 if you took the extreme position, it would be made a
20 crime. In other words, this is not as strong as you
21 could make it.