

- and the Right to a Fair Trial,” *Business and Professional Ethics Journal* 4 (1985): 15–17.
14. For a general discussion of this issue, see Bernard Baumrin, “Is There a Freedom Not to Speak?” *Metaphilosophy* 6 (1975): 25–34.
 15. Thus, this argument should *not* be taken as an endorsement of the extended surveillance powers granted to law enforcement agencies by this Act.
 16. The use of such technology was noted by Andrew J. Charlesworth, “Privacy, Personal Information, and Employment,” *Surveillance and Society* 1, no. 2 (2003): 218.
 17. Jeremy Bentham’s Panopticon was originally designed to be a humane prison, in which the prisoners were reformed through subjecting them both to isolation and to the possibility of covert surveillance. Such conditions, Bentham thought, would lead the prisoners to modify their own behavior to conform to that which they believed their (possible) observers would endorse. The Panopticon was designed as a ring of cells, in the center of which was an observation tower equipped with special shutters, so that the guards could see out, but the prisoners could not see in—and so could not tell if they were being watched or not. See Jeremy Bentham, *Panopticon, or, The Inspection House*, originally published 1791, and Janet Semple, *Bentham’s Prison: A Study of the Panopticon Penitentiary* (Oxford: Clarendon Press, 1993).
 18. That overt surveillance deters persons from committing crimes is well documented. J. Ditton and E. Short, for example, have shown that the use of CCTV surveillance in Airdrie, Scotland, resulted in a significant reduction in crime in the immediate area, with no displacement of criminal activity to the adjoining areas without CCTV. They also noted that after the introduction of CCTV there was a reduction in the number of large-scale affrays. “Evaluating Scotland’s first town center CCTV scheme,” in C. Noms, J. Moran, and G. Armstrong, eds., *Surveillance, Closed Circuit Television and Social Control* (Aldershot, UK: Ashgate, 1998), 155–174.
 19. In a survey on the effect that the presence of CCTV had on police behavior that was conducted by Benjamin J. Goold between June 1997 and March 2000 in six towns in the south of England over two-thirds of the fifty police officers interviewed said that “the introduction of cameras had forced them to be ‘more careful’ when out on patrol” to avoid being prosecuted for such breaches of duty as unlawful arrest or assault. See Benjamin J. Goold, “Public Area Surveillance and Police Work: The Impact of CCTV on Police Behavior and Autonomy,” *Surveillance & Society* 1, no. 2 (2002) 192, 194.
 20. Jay Stanley and Barry Steinhardt, *Bigger Monster, Weaker Chains: The Growth of an American Surveillance Society* (ACLU Technology and Liberty Program, 2003), 8.
 21. *Ibid.*, 9.
 22. Benjamin J. Goold claims that 1% of the targets tracked by CCTV operators in Britain are for voyeuristic purposes. See his *CCTV and Policing Public Area Surveillance and Police Practices in Britain* (Oxford: Oxford University Press, 2004), 144. It must be stressed that the use of CCTV that Goold examined was not subject to the penalties that are proposed for misuse in this paper.
 23. As such, then, it is highly unlikely that State surveillance of any but the most minimal kind would be justified in the contemporary United States, owing to the lack of judicial oversight of State action that Stanley and Steinhardt note.
 24. Few rights theorists ascribe to this extreme libertarian position. Instead, the rights that they ascribe to persons such as privacy, or private property, are frequently conditional on such persons not being situated in “emergency situations” such as this.
 25. One might, of course, challenge the extreme libertarian to provide a defensible account of the strong property rights that she must invoke as a basis for her argument. But this would not provide a definitive rebuttal of the extreme libertarian position so much as it would merely shift the burden of proof to its proponents.
 26. These two objections might also be expressed in terms of moral rights, namely, that such surveillance would violate the citizens’ right to privacy, or their right to autonomy. If the following arguments are sound, then, they also show that such rights-based objections are mistaken. See also notes 31 and 36.
 27. Stanley and Steinhardt, *Bigger Monster, Weaker Chains*, p. 1. Although Stanley and Steinhardt use the term “liberty” rather than “autonomy,” they make it clear in their essay that they are concerned with the erosion of control that persons have over how they live their lives that could be engendered by subjecting them to surveillance,