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CASE COMMENTS

CONSTITUTIONAL LAW—PRIVACY—RIGHT OF INDIVIDUAL ON PUBLIC CONVEYANCES.—*P*, public utilities commission, on the protest of *D*, passenger, investigated the use of transit radio receivers on streetcars in Washington, D. C., and determined that such was consistent with public convenience, comfort, and safety. The programs contained music, news, and short commercials. The question is whether such is unconstitutional under the Fifth Amendment as an invasion of the constitutional right of privacy of the passengers. *Held*, on certiorari, reversing the lower court, that the right of privacy “is substantially limited by the rights of others when its possessor travels on a public thoroughfare or rides in a public conveyance.” *Public Utilities Comm’n v. Pollak*, 72 Sup. Ct. 813 (1952).

Mr. Justice Douglas dissented on the ground that the passengers are on the streetcar from necessity and are a “captive audience”, their attention thereby being compelled, and that such required listening would lead to the control of men’s minds. The problem involves a new phase in the law of privacy, with no precedent, and we must seek the answer from related fields.

Clearly, at common law noise alone may constitute an abatable nuisance. *Baltimore & Potomac R.R. v. Fifth Baptist Church*, 108 U.S. 317 (1883); *Sweetland v. Curtiss Airports Corp.*, 55 F.2d 201 (6th Cir. 1932); *Chicago v. Reuter Bros. Iron Works*, 398 Ill. 202,