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Giving up a little liberty is not the way to safety

Conceding that the FBI may have "fallen short of the desired standards" in recognizing the rights of individuals, Director Clarence Kelley has asserted nevertheless that too much concern for individual rights may jeopardize our national security. In an address to the American Bar Association's meeting in Montreal, Mr. Kelley asked rhetorically:

"Do we want the rights of the individual, no matter what be his philosophy or his goals, to transcend the safety and the security of others?"

It is an old question, and part of the answer is that it is the wrong question. Individual rights and national security are not separate concepts, at opposite ends of the pole. Indeed, the men who drafted and promulgated the Constitution of the United States considered them to be part of a single whole.

They identified the safety of the nation with the safety of the individual against the government and with the protection of individual rights—the right to adhere to any philosophy one chooses and to speak one's mind freely, the right of peaceable assembly, the right to be secure in one's home and one's papers, and so on.

And they made no exceptions for "national security."

We defy Mr. Kelley or anyone else to find a single word in the Constitution or in the writings of the men who created it to justify the kind of activities to which the FBI has been compelled to confess—burglaries, unauthorized and illegal wiretaps, mail-opening, spying on and disruption of "dissident" groups, using agent provocateurs to instigate crimes, and damaging the reputations of citizens with anonymous accusations.

Such activities, Mr. Kelley's superior, Attorney General Edward H. Levi, declared in his speech to the ABA, are "foolish and sometimes outrageous," and he disclosed plans to put sharp restrictions on the FBI's behavior in the future.

Mr. Kelley contends that Americans should be "willing to surrender a small measure of our liberties to preserve the great bulk of them."

"I would not have put it that way," replied Mr. Levi, and neither would we. Benjamin Franklin put it the right way. "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."