

Illegal Intelligence

Viewed separately as isolated incidents, each violation of the laws and every incursion into a citizen's privacy by this country's foreign and domestic intelligence agencies may seem of limited importance and perhaps even excusable. As a long-developing pattern, these actions are highly disconcerting. The cumulative impact, and the difficulty of stopping them and preventing their recurrence, threatens to distort the relationship between ordinary Americans and their government.

Each revelation of illegal activities by the intelligence agencies has been followed by explanations and even some expressions of regret, intended to allay public concern. The underlying theme, however, continues to be that some such lapses may well be unavoidable in shoring up the nation's security in a dangerous world.

The over-all effect of these confessions, accompanied by suggestions that matters really are not all that serious, has been to numb the public's perception of the extent of the damage.

- Foreign security break-ins by the F.B.I. have been executed against diplomatic offices of allies as well as potential adversaries.

- Domestic dissenters' ranks were infiltrated by the C.I.A., even though the agency is categorically prohibited from engaging in any domestic surveillance.

- The Internal Revenue Service, whose nonpartisanship is so crucial to the functioning of the entire system of taxation, strayed into the dark alleys of political intelligence.

- The privacy of mail and telephone was repeatedly penetrated without benefit of warrants clearly required under the Constitution.

- Dangerous, and, at least in one known instance, deadly experimentation with mind-altering drugs were carried out by the C.I.A. and the military.

Those who rationalize or condone these actions insist that they were taken with the nation's interests in mind—specifically to counter foreign dangers. Yet, to invoke foreign dangers as an excuse for the violations of basic liberties at home ignores the fact that democracy has always carried with it some inherent risks, particularly in competition or confrontation with totalitarian systems. To try to eliminate these risks by adopting some of the "safety" measures routinely taken by its foreign opponents is tantamount to draining democracy of its inner strength.

To say that the American intelligence services cannot be allowed to circumvent the laws and ignore the Constitution is not to deny the need for effective military and diplomatic intelligence operations. These operations can, in the modern context, be best carried out through diligent research and sophisticated use of technological detection devices to monitor foreign military moves, without diminishing the rights and invading the privacy of American citizens, least of all the ultimate privacy of their minds through the illicit use of drugs.

Proper limitations imposed on intelligence and police agencies may well create some risks that greater license to interfere with basic liberties might eliminate. Yet such risks are insignificant when compared to the certainty of the menace inherent in a government that stands above the law. The alternative to forcing the intelligence agencies to function within the limits of democratic rule is the security of democracy's graveyard.