



Household Spies

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NOW THAT the Carter Justice Department has won its argument in the Supreme Court and can rummage through your home and mine without having to show wrong-doing, a new assault on personal privacy is under-way.

In 1940, F.D.R. claimed the right to tap; telephones on "national security" grounds without a court order; as we have seen, that power can be abused. To prevent presidents from listening in to political opponents in the guise of protecting national security, the new Foreign Intelligence Surveillance Act has been proposed.

Nobody is reading the fine print, which adds up to the most sweeping authorization for the increase and abuse of wiretapping and bugging in our history.

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FIRST, the bill introduced by House Judiciary Chairman Peter Rodino — HR 7308 — slips in an "exception" that makes a mockery of the purported purpose of the bill: it authorizes the president and attorney general to tap without court order provided the Executive Branch reports the action to the House and Senate Intelligence Committees. Thus, the check on abuse is not judicial, but congressional — and Democratic committee chairmen tend not to complain about abuses of Democratic presidents.

Next, Rodino's way of protecting us against future abuses of power authorizes "officers, employees or agents of the United States... in the normal course of their official duties" to test the wiretapping equipment and to train wiretappers on unsuspecting people —

without a court order.

Finally, the Rodino bill — and the Kennedy-Bayh companion bill in the Senate, S-1566 — turns the American Telephone and Telegraph Company, into an active participant in both court-ordered and unwarranted tapping.

Under the proposed new law, the phone company and the target's landlord must provide "any and all information, facilities, or technical assistance necessary to accomplish the electronic surveillance in such a manner as will protect its secrecy."

That means — for the first time — the phone company, and not the government, would be installing the taps and making the recordings on its equipment.

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RODINO'S BILL would require the phone company to design wiretapping equipment, and train personnel in its use; open its central offices to lawmen; and provide uniforms, tools, identification cards and trucks to the government — all of which it properly now refuses to do. The company could be required to create false trouble on the line to facilitate entry; then, phone company employees could be asked to place new, microscopic transmitters in target premises. Landlords would be required to secretly cooperate.

Conservatives like to assist law enforcement, and to curtail espionage; but this natural inclination to help the law must be outweighed by a responsibility to protect the law-abiding individual from the power of government to intrude. This bill would turn every telephone instrument in every home into a suspected household spy.