

Big Brother Is Listening

The constitutional right of American citizens to be secure against "unreasonable searches and seizures" is gravely jeopardized by a Justice Department brief filed in the Federal District Court in Chicago.

The Department claims it has the power to eavesdrop, through wiretapping and other electronic devices without court approval, on American citizens who are members of organizations that it believes to be seeking to "attack and subvert the Government by unlawful means."

This proposition appears to be directly contrary to the Fourth Amendment which provides that there shall be no "searches and seizures" without warrants "particularly describing the place to be searched, and the persons or things to be seized." The Supreme Court ruled in 1967 that wiretapping amounts to "search and seizure" in the constitutional sense.

Justice Douglas has noted that wiretapping by its indiscriminate nature is closely akin to the general search warrants employed by King George III against the American colonists. It was their profound abhorrence of these intrusions on privacy—which, incidentally, helped to provoke rather than to suppress revolution—that prompted the Founding Fathers to include Article IV in the Bill of Rights.

The Administration attempts to justify its bid to circumvent Article IV by citing the President's duty to protect "the existing structure of Government" from unlawful attack and subversion. This was also George III's motivation.

But now as then, executive prying unrestrained by judicial oversight can lead to unwarranted abuse of individual rights. An example is the recent disclosure that telephones used by the Rev. Dr. Martin Luther King were tapped by Federal agents, acting under authority of the then Attorney General, for several years before Dr. King's death. If a man of Dr. King's character and stature is not immune from unrestrained Federal surveillance, what American can be sure that Big Brother is not listening in on his own most intimate conversations?

The security of all Americans under the Constitution would be better served if the Justice Department observed the mandate laid down in Article IV and followed the procedures established by the Crime Control Act passed by Congress last year. Any attempt to bypass constitutional rights is in itself a form of subversion and a threat to the existing structure of government.