

SURV

Checking Up on the Snoopers

By Tom Wicker

In the rush of more spectacular news, it escaped public notice that the Senate recently took a small step toward closing a large loophole Congress had opened in the Fourth Amendment rights of American citizens. A nice bit of political footwork by Senator Sam Ervin, chairman of the constitutional rights subcommittee, should at least make the supervisors of Federal narcotics agents keep their men on a tighter rein.

Mr. Ervin took advantage of a measure that the House had passed to amend a Justice Department reorganization plan. The Nixon Administration had promised to secure the amendment, which would bar the pending transfer of hundreds of immigration inspectors, because without such amendment the Federal employe unions would have blocked the reorganization plan.

As chairman of the Government Operations Committee, Mr. Ervin sat on the amending bill until the Administration also promised not to oppose a rider providing that the victims of so-called "no-knock" raids could sue the Federal Government for any damages suffered in such raids. Victims of these raids, which require no warning before entry, could also sue the agents involved, or both Government and the agents.

Such victims have often been totally innocent persons, subjected to "no-knock" entry, terrorization, embarrassment, property damage and personal injury (a few deaths also have resulted) either through mistaken identity or over-zealous agents. The Ervin rider—which ought to clear the House, too, because of the Administration's prom-

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ise—will provide additional means of redress and probably will make agents and supervisors more careful and respectful of the rights of citizens.

That is useful progress toward undoing the damage done in the long years of national security and anti-crime mania, when the American people have been driven further than most of them know toward an Orwellian era of surveillance and state control of the individual. Now the Senate has an opportunity to take an even more important remedial step, thanks to a bill introduced by Senators Gaylord Nelson and Henry Jackson.

This measure would establish a Senate-House "joint committee on the continuing study of the need to reorganize the departments and agencies engaging in surveillance." Senators Nelson and Jackson will have to find a handier title than that—say, the Joint Committee on Spooks—but theirs is an idea whose time has not only come but is long overdue.

This committee—to be drawn from the membership of numerous others that now have some relationship to Federal investigative and police agencies—would have two basic functions. It would undertake a continuing study of the nature and scope of all surveillance activities conducted by Federal agencies, with officials of each of these agencies required to appear once a year to justify their activities.

The committee would also review the relationships between these agencies, and with similar local and state agencies, with a particular eye to the sharing of information among them, and the safeguarding of shared information. This is a particularly important point, owing to the proliferation in recent years of computerized data banks linked by high-speed communications.

A massive problem already has been created by these new techniques for storing and retrieving the most minute data about people. For only one example, a study by the Urban Policy Research Center for the California Department of Justice showed that by November, 1972, there were in that state alone the incredible number of 139 "computerized criminal justice information and communications system," many of them supported by various Federal grants. They ranged from a statewide "integrated program to combat organized crime" to, say, the city of Mountain View's "traffic records project."

Surveillance—much of it appearing harmless enough—is obviously a growing concern. From Senator Nelson's speech introducing the bill for a joint committee to check up on Federal spies, just a few examples suffice to make the point:

¶Until checked, the Army in the 1960's had more than 1,500 plainclothesmen reporting on individuals to scores of data banks.

¶Between 1968 and 1972, Federal, state and local governments wiretapped more than 1,623,000 conversations involving about 120,000 people.

¶A report from the Department of H.E.W. said flatly last summer, "Under current law, a person's privacy is poorly protected against arbitrary or abusive record-keeping practices."

¶Alan Westin in his book, "Privacy and Freedom," reported that "at least fifty different Federal agencies have substantial investigative and enforcement functions, providing a corps of more than 20,000 'investigators' . . ."