

The objections by Attorney General Saxbe to legislation prohibiting use of wiretaps without Federal court approval merely rehearse arguments made familiar but not believable by his predecessors, most recently by John N. Mitchell. These rely on the claim that such unauthorized surveillance is essential to root out foreign espionage and to protect "national security." Once again the definition of what constitutes the national interest is left conveniently vague.

In terms that recall Mr. Mitchell's earlier pledges, Mr. Saxbe promises not to "abuse this power, for any purpose or any person, no matter who he may be." Such protestations beg the fundamental question—whether basic rights and principles can safely be left to personal pledges, without even the minimal safeguard of a judicial authorization. Mr. Saxbe's own acknowledgment that the precise powers for which he pleads have only recently been flagrantly abused is enough to justify Congressional limitation.

Nothing in the record justifies fear that the courts would either withhold their approval of taps deemed necessary to protect the nation's security or be indiscreet about the Government's requests. By contrast, there is persuasive evidence that to give the executive branch the right of sole judgment as to the need for wiretapping is an invitation to arbitrariness and abuse. Mr. Saxbe's claim that most Federal judges lack the "capacity" to assess questions concerning foreign policy and intelligence underscores the imprudence of ascribing insight in such matters exclusively to the occupants of certain executive posts.

Such myths maintained under the guise of protecting the nation's security are of a piece with the latest House action, by a vote of 246 to 164, in retaining its useless Internal Security Committee. That unit, which in fourteen years has been responsible for the enactment of only three bills, is spending \$1 million annually on ill-defined political investigations and, according to Representative Robert F. Drinan of Massachusetts, has compiled dossiers on 752,000 Americans of whose views it disapproves.

History is replete with examples of the harm done by committees intent on political investigations unrelated to the legislative process and by Government officials endowed with extra-legal powers of clandestine surveillance. To bend civil liberties to their claims of prescience and self-discipline is the ultimate threat to national security.