



11350 Random Hills Road, Suite 800, Fairfax, Virginia 22030 Phone (703) 934-6101 Fax (703) 352-3678

[fff@fff.org](mailto:fff@fff.org) [www.fff.org](http://www.fff.org)

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## **Illegal Surveillance: A Real Security Threat**

**by James Bovard**

Americans seem to have forgotten why the Founding Fathers prohibited government from spying on them. Public opinion polls show that a rising percentage of Americans approve of the warrantless National Security Agency wiretaps of Americans that Bush ordered.

But such blind faith in government simply ignores the lessons of U.S. history. When the feds have unleashed themselves in the past, many innocent Americans' lives were devastated.

During the 1960s and 1970s, the FBI carried out thousands of Counter Intelligence Program (COINTELPRO) operations, often combining illegal surveillance with efforts to subvert any opposition to the government. Covert FBI efforts sought to incite street warfare between violent groups, wreck marriages, portray innocent people as government informants, sic the IRS on citizens, and cripple or destroy left-wing, black, communist, or other organizations.

The FBI inflicted its wrath on speakers, teachers, and writers. A 1976 Senate report noted hundreds of COINTELPRO operations aimed “to get university and high-school teachers fired; to prevent targets from speaking on campus; to stop chapters of target groups from being formed; to prevent the distribution of books, newspapers, or periodicals; to disrupt news conferences; to disrupt peaceful demonstrations.”

The FBI smeared anyone they disapproved of, from Martin Luther King on down. In 1968 the FBI ordered field offices to gather information illustrating the “scurrilous and depraved nature of many of the characters, activities, habits, and living conditions representative of New Left adherents.” FBI headquarters commanded all FBI agents, “Every avenue of possible embarrassment must be vigorously and enthusiastically explored.”

Many Americans have shrugged off the recent controversy over illegal wiretaps because they assume that the government would never be concerned with people like themselves. But the FBI continually expanded its enemies list. Nixon aide Tom Charles Huston testified to Congress about COINTELPRO's tendency “to move from the kid with a bomb to the kid with a picket sign,

and from the kid with the picket sign to the kid with the bumper sticker of the opposing candidate. And you just keep going down the line.”

Boundless federal spying on Americans fundamentally changes the relation of the government to the people. The FBI’s efforts struck fear not only in average Americans but also in the members of Congress, who were supposed to oversee and check the FBI’s uses of its power. The House majority leader, Hale Boggs, explained in 1971, “Freedom of speech, freedom of thought, freedom of action for men in public life can be compromised quite as effectively by the fear of surveillance as by the fact of surveillance.”

Other federal agencies also trampled citizens’ privacy, rights, and lives during the late 1960s and early 1970s. The IRS used COINTELPRO leads to launch audits against thousands of suspected political enemies of the Nixon administration. The U.S. Army set up its own surveillance program, creating files on 100,000 Americans and targeting domestic organizations such as the Young Americans for Freedom, the John Birch Society, and the Anti-Defamation League of B’nai B’rith.

Many of these operations — like the current NSA wiretapping — scorned the Bill of Rights. The Fourth Amendment protects Americans against “unreasonable searches and seizures” and requires that government agents have a warrant based on probable cause issued by a magistrate “particularly describing the place to be searched, and the persons or things to be seized” before intruding. The purpose of the Fourth Amendment was to prevent government officials from having “dictatorial power over the streets” and elsewhere — to restrain the arbitrary power of officials vested with the coercive power of the state.

Federal Judge Gerhard Gesell, in a 1974 ruling on illegal Nixon administration searches, observed, “The American Revolution was sparked in part by the complaints of the colonists against the issuance of writs of assistance, pursuant to which the king’s revenue officers conducted unrestricted, indiscriminate searches of persons and homes to uncover contraband.” Unfortunately, the revolutionary spirit now animating Washington is fighting to replace the right to privacy with the right to intrude.

If Americans permit their rulers to intercept their phone calls and email messages, then is there any abuse that people will not accept from Washington? Does the fact that someone works for the government automatically entitle him to know what his neighbors are saying and thinking? If Americans permit the feds to exempt themselves from the law, then the only freedom left in this country will be freedom to obey and applaud politicians, no matter what they say or do.

Illegal wiretaps will pave the way for other government crimes. The more information government gathers on people, the more power it will have over them. The more expansive and secretive government intrusions become, the easier it becomes for government to rule by fear.

James Bovard is the author of [Attention Deficit Democracy](#) [2006] as well as [The Bush Betrayal](#) [2004], [Lost Rights](#) [1994] and [Terrorism and Tyranny: Trampling Freedom, Justice and Peace to Rid the World of Evil](#) (Palgrave-Macmillan, September 2003) and serves as a policy advisor for The Future of Freedom Foundation.

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