

It can hardly be questioned that when the Senate called upon an officer of the Western Union Telegraph Company for the production of certain specified messages pertinent to a case under investigation, it was acting within its legal power and duty. The law makes no distinction between telegraphic messages and other written evidence, and if it sanctions the examination of the letters, books, and other papers of suspected persons, and even requires letters, books, and papers under certain restrictions to be produced in court in the trial of merely civil causes, it cannot consistently attribute an inviolable sanctity to telegrams. Where it can be alleged that any particular messages bearing upon the subject of a judicial inquiry have passed through a telegraph office, the courts or either house of Congress acting as a court can order their production.

We have already given reasons why we think this power, if it is exercised at all, ought to be exercised very sparingly. But whatever may be thought of the justice and expediency of the demand made by the Senate upon Mr. Turner of Oregon, there can be no difference of opinion among those who look at the subject without partisan bias as to the counter attempt to spread a political drag-net over the telegraph offices at the South-West, and ransack their files for something that may perhaps involve a political scandal. Such a proceeding is on a par with the operations of Jayne and company in the hey-day of the moiety business, when merchants' books were seized and searched on the chance that they might disclose some unsuspected violation of the revenue laws. Whatever authority may be given for these inquisitions by the letter of the statutes, public opinion in every free country never fails to denounce them as an invasion of individual rights and an indelible disgrace to the government or party by which they are practiced. Americans and other Anglo-Saxons will tolerate them as little as they will tolerate indiscriminate espionage in the post-office, or the random search of private houses by the police to discover whether any violation of law is going on within their walls.

It cannot be necessary to point out the bearing of the case now discussed in the House of Representatives upon the proposal to make the telegraph a Government monopoly. If telegraph clerks held their places by the same tenure as post-office clerks, the ruling administration or the campaign managers of the party in power could have unrestricted access to the files of every office in the country, and it would be strange if they did not either discover a political scandal or make one. Leading men in public life would hardly venture to use the wires even in their most innocent private affairs. As yet the people are in a measure protected by the wise policy of the companies, which opposes to the political investigators almost every possible obstacle short of absolute disobedience to the law. This opposition will undoubtedly be made still more effective by the immediate destruction of messages, unless Congress enact a liberal general law which will free the companies from their present embarrassment and give the private affairs of the customers of the companies all reasonable protection. This we trust Congress will lose no time in doing. To say nothing of the inconvenience of destroying the originals of messages, it is not creditable to a free country like the United States that its citizens should be compelled to put their private papers in the fire, lest their rulers should insist upon reading them.