

A.C.L.U. Aides Fear Effects of Former F.B.I. Ties

By ANTHONY MARRO

A number of officials of the American Civil Liberties Union said yesterday they feared that disclosures that some of the group's leaders fed information to the Federal Bureau of Investigation in the 1950's might have an adverse effect on their organization, whose membership and income have recently been declining.

"We're very concerned about this," said Aryeh Neier, the executive director of the organization. "None of this remotely characterizes the way the A.C.L.U. operates today, but we recognize there will [now] be a cloud over our heads."

Others also said they feared that the disclosures might tarnish the reputation of the organization and erode the trust it needed to operate effectively.

10,000 F.B.I. Documents

"A large part of what we do here has to do with our image as trustworthy defenders of civil liberties," said Jack Novik, the national staff counsel for the organization. "To the extent that is tarnished, our ability to do our job is diminished."

The concern at A.C.L.U. headquarters in New York is over a block of more than 10,000 F.B.I. documents that the organization obtained through a request under the Freedom of Information Act.

The documents show that from 1953 to 1959 a small number of A.C.L.U. officials gave the bureau on an irregular but continuing basis information about the organization, its activities and some of its members, particularly those whom they believed to be Communists.

The material given the bureau included correspondence between A.C.L.U. officials, minutes of meetings of various state affiliates, drafts of position papers, memorandums, lists of officers and gossip about internal feuds.

The bureau routinely opened files on many of the persons named in these materials and then tried to determine whether they had been engaged in "subversive" activities.

A More Forceful Group

Not all officials of the liberties group believe that the disclosures, which concern happenings of a generation ago, will hurt the organization. Some, including Charles Morgan Jr., a member of the executive board, even believe they may help it.

Mr. Morgan said in an interview yesterday that the disclosures might hurt the group in terms of membership but at the

same time might make it a more forceful organization.

"This could firm up its resolve not to let anything like this ever happen again," he said. "I think it will make it a more forceful organization, and therefore a better one."

This sentiment was echoed by George Slaff of Los Angeles, a member of the national board of directors. "As a matter of fact, I'm glad it's out," he said. "This wasn't the organization, it was a couple of bad apples, a couple of individuals."

Only a handful of former officials, including Irving Ferman, then the head of the Washington office, are listed in the documents as having given information



Aryeh Neier, executive director of the American Civil Liberties Union. (The New York Times)

to the bureau. Many documents, however, are listed only as coming from "a confidential source," so it is difficult, if not impossible, to know for certain just how many persons were involved.

The concern of the current leadership of the A.C.L.U. is to try to assure the public that this activity no longer takes place and in fact has not for more than a decade.

"This could be disastrous for us in terms of public trust," one A.C.L.U. official said yesterday. "We have radical clients who will fear that we'll turn their life's story over to the F.B.I."

Although the relations between the bu-

reau and the liberties group are described in the bureau's files as being "cordial" in the 1950's, they quickly soured after Mr. Ferman left as head of the Washington office in 1959.

Within a year, Clyde Tolson, then the No. 2 man in the bureau, was scrawling notations at the bottom of F.B.I. memorandums warning other officials not to have anything to do with Mr. Ferman's successor.

There is, in fact, only one suggestion of cooperation between the F.B.I. and the A.C.L.U. in the post-1959 files, and this isolated incident is unclear.

A memorandum dated Dec. 3, 1963, from William C. Sullivan, then a ranking bureau official who was considered an expert on Communism, says that John Pemberton Jr., then the executive director of the liberties group, had visited him to ask whether a man seeking to become an officer of a Georgia affiliate had been "connected to Communism."

Ex-official Explains Action

Mr. Pemberton, who now lives in San Francisco, told the current A.C.L.U. leadership that he in fact had asked Mr. Sullivan about the individual and had done so because the group's rules at that time prevented Communists from holding posts on governing boards.

But both Mr. Pemberton in his letter to the A.C.L.U. and Mr. Sullivan in a telephone interview said that the request had been only for "public record" information, and that Mr. Pemberton had not asked the bureau to investigate the individual or suggested that it do so.

They also said that he had not asked the F.B.I. to give him information from its confidential files.

Mr. Neier, the current executive director, and several other officials said yesterday that the timing of the disclosures could be particularly bad, because the liberties union in recent months has experienced a downturn in its membership and income.

He said that this was because its members did not perceive major civil rights and civil liberties issues comparable to those of the 1960's, which was a period of growth for the organization.

"We're absolutely concerned that this could exacerbate the situation," he said. "It would be very ironic if we end up less able to finance our lobbying and litigation [against Government surveillance] because it turns out that 20 years ago some people in the A.C.L.U. aided in this."