

N.Y. Police Intelligence Fought Despite Purge

By Anthony Astrachan
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NEW YORK, Feb. 9—Civil liberties lawyers continued their fight in federal court today against police intelligence activities despite the announcement that more than a million names had been removed from New York City Police Department intelligence files.

Police Commissioner Patrick Murphy revealed the "purge" of the intelligence files Thursday in a departure from the usual secrecy surrounding intelligence work. He also announced "self-corrective" measures to prevent abuses in future intelligence gathering.

John Shattuck of the American Civil Liberties Union countered today that Murphy's guidelines, while welcome—"Murphy is a shining example of the kind of people we'd like to see in police departments around the country"—did not go to the heart of the matter.

That is the question of whether the police should maintain such files at all—and if they do, what the specific standards should be for police involvement in political activities.

The New York case alleges that the department's activities are "overboard and unconstitutional." It seeks damages and injunctions to prevent any further "pattern of interference with First Amendment rights," in the words of Shattuck's associate, Jethro Elsenstein.

The lawyers said the New York case is the most important of 30 similar cases around the country. One in Pennsylvania challenges FBI practices revealed by the papers stolen from the FBI office in Media, Pa. Another in New York challenges FBI surveillance of the bank records of an anti-Vietnam war organization.

Others challenge the police departments of Philadelphia, Madison, Wis., and Kansas City, Mo. the Kansas City suit charges intensive police photography of meetings of Vietnam veterans against the war.

The New York case was filed May 18, 1971 by a variety of political activists including Abbie Hoffman, a defendant in the "Chicago seven" conspiracy case. Another plaintiff was Veterans and Reservists Against the Vietnam War, which went out of existence in a celebrated case because members stopped coming to meetings after they learned they had a police informer in their midst.

Lawyers for the plaintiffs and the city conferred today before Federal District Judge Charles E. Stewart. Stewart told the civil liberties lawyers to prepare a motion to make the case a class action, which he would then consider.

This appeared to reduce the attractions of an option the city has been considering—to ask for a summary judgment in the light of Murphy's new guidelines.

Among the guidelines were requirements that only the highest-ranking police officials be allowed to authorize intelligence investigations outside of organized crime, the use of undercover agents in activist groups, and the dissemination of information to other agencies.

Murphy also emphasized that the political beliefs of any potential subject "shall not, of itself, be justification for the initiation of an investigation."

He said the names of persons in the intelligence index — whose physical nature he did not reveal — had been reduced from 1,220,000 to 240,000, while the names of organizations had been reduced from 125,000 to 25,000.

Murphy added that intelligence folders on individuals had been cut from 3,500 to 2,500 while folders on organizations had been cut from 1,500 to 200.

A police spokesman said Thursday that index cards and file folders had been "definitely destroyed." This was incorrect. The materials may be evidence in the federal court case and have been "sealed, sequestered and secured." They will be destroyed when the court action ends.

First Deputy Commissioner William H.T. Smith said that names were retained in the files if they might pose an immediate or future problem to the police department.