

## CIVIL RIGHTS

### Suing the Government

A band of ruthless armed men was on the loose in southern Illinois last April. In half a dozen raids, the men broke into private homes, shouting obscenities and roughing up the terrified occupants. Mrs. Pamela Kaye Gitto of East St. Louis has charged that the men pointed a gun at her sleeping six-year-old son and struck her husband while he was handcuffed to a chair. Herbert and Evelyn Giglotto of Collinsville were handcuffed face down on their bed. While Mrs. Giglotto begged for her husband's life, she claims that the intruders ransacked their bedroom.

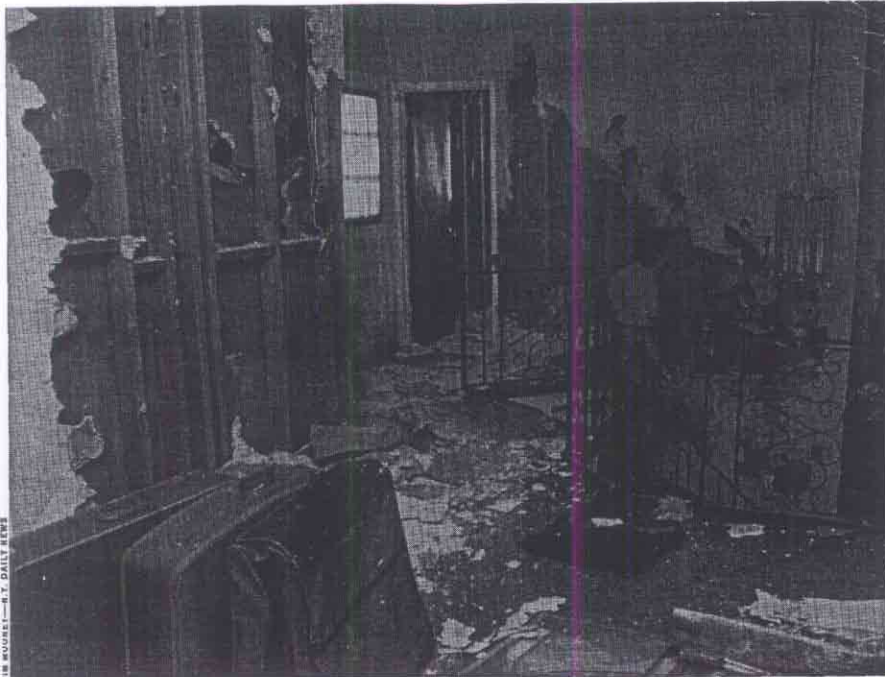
The raiders were not roaming gangsters; they were federal narcotics agents on the hunt for illicit drugs. Since 1970, the narcs, as they are known, have been operating under the "no-knock" provisions of a law intended to allow them to burst into a dwelling without warning so that their quarry will not have time to dispose of any drugs. But in a number of incidents across the country, including those in Illinois, the agents have been accused of conducting unauthorized or overzealous assaults.

The raids in Illinois were so outra-

geous that the U.S. Government is now trying ten of its own agents on charges of criminally violating the civil rights of the victims. The Government claims that six Illinois raids were conducted without proper warrants. In two of the cases, the Government contends, the agents were so incompetent that they broke into the wrong house, including the one occupied by the Giglotts.

Since 1971, the victims of such raids have been able to collect damages by suing law enforcement agents for illegal searches conducted in bad faith or without probable cause. But that right has been cold comfort: most agents do not have enough assets to make such suits worthwhile. Yet individuals have been prevented from collecting damages from the Federal Government under the traditional doctrine of sovereign immunity that puts the Government above the law in these matters, making it impervious to suits, however justified. In some cases the Government has agreed to pay damages of its own volition.

Soon Americans will have a recourse. President Nixon was due to sign a bill this week that will at last make the Government liable to pay damage claims if its law enforcement agents, while carrying out their duties, commit such offenses as assault, battery, false imprisonment, false arrest, or raiding without a proper warrant. The provision is the stepchild of Sam Ervin, the Senate's doughty champion of constitutional rights. Ervin was aided by Paul Verkuil, a professor at the University of North Carolina, in gathering the evidence that convinced Congress to adopt the provision. Says Verkuil: "All of a sudden the Federal Government is going to have to be much more cautious. Now a person who has been abused by federal agents can collect."



JIM MURPHY—N.Y. DAILY NEWS

**INTERIOR OF A LONG ISLAND, N.Y., HOME AFTER RAID BY FEDERAL NARCOTICS AGENTS**  
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