

Court Award of Damages to Woman Raided in FBI Hearst Hunt is Upset

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A former Alexandria woman's bid to collect \$12,500 in damages from the federal government because FBI agents mistakenly raided her Alexandria apartment during the 1975 nationwide hunt for Patty Hearst has been overturned by a federal appeals court.

Elizabeth Ann Norton, who said she has suffered a nervous breakdown as a result of the raid, said yesterday she will take her case to the Supreme Court.

"I'm pretty disgusted about the whole thing," the 24-year-old woman said in a telephone interview from her home in Wheeling, W. Va. "I don't want to see this country turn into a police state. Sometimes I think I

should have kept my mouth shut, but now I'm prepared to fight it as far as I can."

The 4th U.S. Circuit Court of Appeals in rejecting a 1977 decision by District Court Judge Robert R. Merhige—held that Norton cannot sue the government for what was admittedly a violation of her right against unreasonable searches unless she can prove the FBI agents involved acted in bad faith.

"How you can beat someone's door down and threaten people with guns in good faith is beyond me," said Charles Norton adding that his daughter is still suffering from "emotional problems" as a result of the March 15, 1975 raid.

That night, according to court testimony, six to eight FBI agents — responding to an anonymous tip that Norton's roommate supposedly resembled the fugitive newspaper heiress — forced their way into their apartment, brandishing riot guns. Norton became "hysterical," she later said, and claimed that the agents had failed to produce identification until after they had searched the apartment.

Two months later, Norton filed a \$500,000 damage suit against the government and was awarded \$12,500 in damages by Merhige.

"It really blows the wind out of you," she said yesterday. "But I know I'm not the only woman who this happened to during the search for Patty

Hearst. But I'm the only one who went to court."

FBI agents said that the search may have violated Norton's rights but said when it was made, they believed they the right to conduct it, according to the appeals court ruling.

Norton was awarded the damages last year, based on violations of the Fourth Amendment, which protects a person from unreasonable searches and seizures. Merhige's ruling — holding the government liable for "wrongful acts of its agents, whether or not they acted in good faith" was had the right to conduct it, according to the appeals court ruling.

"wrongful acts of its agents, whether struck down by the Richmond appellate court in a 2-to-1 decision. The majority opinion, written by Judge Harrison L. Winter, said Merhige's interpretation of the law to allow persons who rights are violated to recover damages was too broad.

Norton who worked for a Washington answering service in 1975, said yesterday "I don't think money is the issue. They're fighting the principle. We have three alternatives; settle out of court, go back to a lower court or go to the Supreme Court."

Norton, who now works as an accountant for a Wheeling dog racing track, said "I'd rather win or lose outright."

"When a thing like this happens to you, it leaves you shaky, she said. "I'm still afraid to open the door."