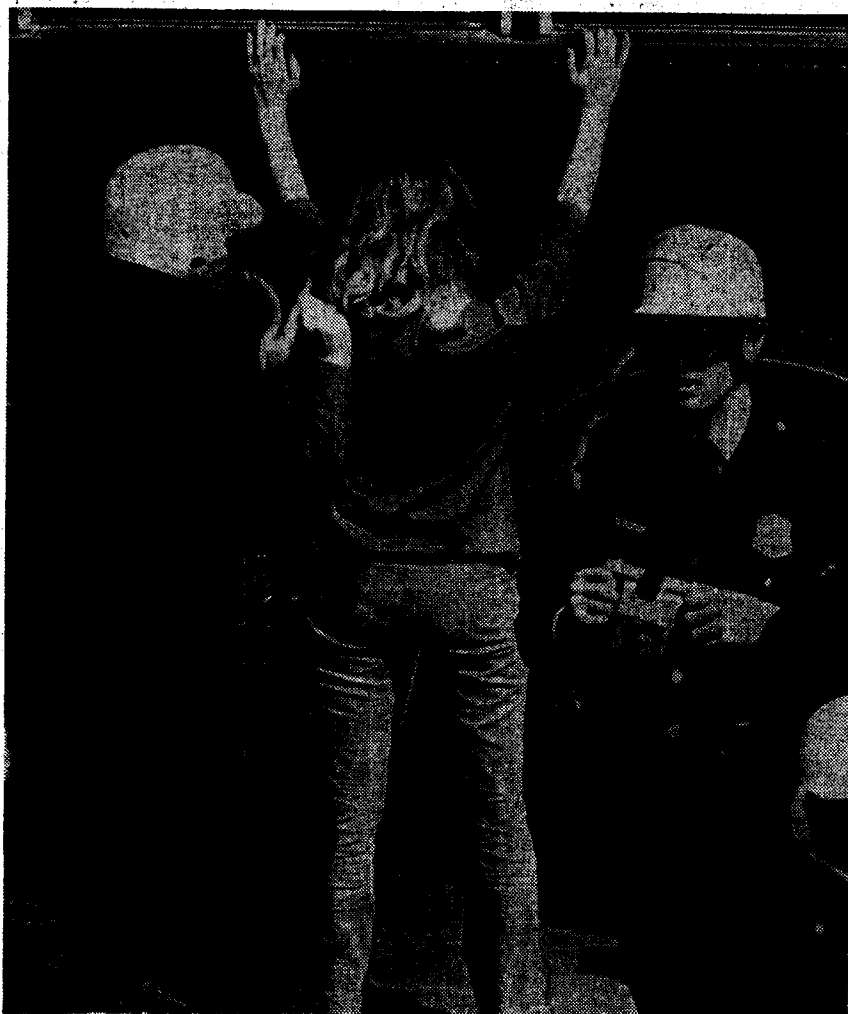


Protests Swell Police Photo

Files



Policeman-photographer is right on the scene as a demonstrator is arrested.

By William L. Claiborne

Washington Post Staff Writer

The presence of police photographers at a typical Washington demonstration usually produces two things: For police, an exorbitant number of pictures; for demonstrators, visions of super-secret subversive files bulging with dossiers on thousands of peace marchers.

Depending on how much his sensibilities are offended, the average young demonstrator can usually be relied on to grumble that the indiscriminate taking of photographs violates every participant's civil liberties.

The authorities, on the other hand, can be relied on to dismiss the complaints as paranoid and claim blandly that they are mostly making training films or taking still pictures for community relations purposes.

Wherever lies the truth, there can be no question that law enforcement photography at demonstrations has proliferated in recent years.

During the Mayday demonstrations here in the spring, the Metropolitan police department's mobile crime lab alone took 20,000 still photographs and shot 8,000 feet of 16 mm. motion picture film, according to a police official.

Added to that were thou-

The Washington Post

THURSDAY, AUGUST 5, 1971

E1

sands of photographs taken by the department's intelligence division, the F.B.I., the Executive Protective Service, Capitol police, U.S. park police and visiting policemen from departments across the country, who were sent here to learn how Washington handles a big demonstration.

At smaller demonstrations, peace marches, White House vigils, protests at the Soviet Embassy and other group expressions of discontent in recent years, the police photographers responded in kind, taking fewer pictures and spending less time at surveillance.

But the reaction of the demonstrators was the same.

'Tourist' Confesses

At the Soviet Embassy, for instance, a small group of Jews that earlier this year conducted silent vigils protesting Russian treatment of Jews, complained of daily photographic harassment by police, and began taking photographs of the police.

A dozen Mayday members who recently toured the FBI

building in a group confronted a "tourist" taking pictures of them at the exit gate and, after a 30-minute argument, got him to admit he was a special agent.

Countless numbers of times—police don't keep a record—citizens have complained in person, in writing and by telephone that they find the presence of police photographers offensive and intimidating to their intentions to protest peacefully and lawfully.

Police Sgt. Cecil W. Kirk, head of the metropolitan police department's mobile crime lab, says they shouldn't be offended or feel intimidated if they haven't broken the law.

He says the vast majority of the photographs are destroyed, unless they are needed by the U.S. attorney's office for evidence in cases involving unlawful protesting. In those cases, when there is a court disposition, the pictures are ultimately destroyed, he says.

Kirk says motion picture film is taken exclusively for the purposes of police training, departmental discipli-

nary actions, evaluation of police performance and for use by other departments.

'The Granddaddy'

"When Mayday came along, we knew this was going to be the granddaddy of them all and we knew there were going to be a lot of inquiries," Kirk said by way of explaining the unusually large number of pictures taken that week. Normally, Kirk said, his eight photographers (five still, three movie) would not expose that much film in a year.

"Police departments all over the world wanted to know, 'How in the world did you handle 12,000 arrests?' The best way to answer is to provide films," Kirk said.

Kirk said most of the still photographs taken at demonstrations—large and small—are made with wide-angle lenses to show as much area as possible.

The purpose, he said, is to depict the proximity of police and demonstrators to the object of the demonstration and show as much of the action as possible. If the demonstration is within 500

feet of an embassy, which is against the law, the pictures should show that, he said.

Those are the types of photographs used as court evidence, he said.

Different Matter

Photographs taken by the police intelligence division are entirely a different matter, and usually are focused on individual demonstrators.

Inspector Thomas L. Herlihy, head of the division, was reluctant to discuss specific details of his operations, but he acknowledged that his men take pictures of individual organizers and occasionally pass them along to other agencies.

"It's obviously to our advantage to know the leaders who have created problems in the past. But just to take pictures of a couple of long-haired kids who come down from school wouldn't serve any purpose," Herlihy said.

"I can't blame people for complaining if they feel we are trying to inhibit them from demonstrating by throwing a camera in their face," the inspector said. He

See PROTEST, E7, Col. 1

PROTEST, From E1

added "To accumulate a big file of hippies serves no purpose."

Herlihy said he keeps a file of pictures of protest organizers but insisted, "It's not a big deal with out operation... After a while you get pictures of these people

and what the hell are you going to do with them?"

A police officer in the mobile crime lab confirmed that the lab processes the intelligence division's film, but said that the quantity was "very minimal."

When asked if he sends photographs of demonstration organizers to the FBI,

Herlihy said, "I wouldn't say we do or don't." Later, he said, "If we had a picture of a leader, we would cooperate with other agencies and forward it to them."

When asked if it takes photographs of demonstrators from the police intelligence division, and if it takes its own, a spokesman for the FBI said, "We would

have no comment on that. It involves investigative techniques and we have nothing to say about it."

The same reply was given when the FBI was asked if it maintains a file of photographs of demonstrations, and how extensive it is.

However, police photographers who have been assigned to scores of demonstrations admit privately that they recognize, on a first-name basis, photographers from the FBI and other law enforcement agencies while attending demonstrations.

They also say they recognize professional photographers who they say are hired by demonstration organizers, sometimes to take pictures that cast police in an unfavorable position.

A police photographer said he recalled a case in which a girl walked up to a policeman at a demonstration, threw off a raincoat and exposed red food dye on her dress, and then fell prostrate at the policeman's feet while a photographer hurriedly took pictures.

Police filming of such incidents, according to the mobile crime lab, protects them from false charges of brutality. Filming of genu-

ine confrontations and violent incidents, in turn, helps curtail real brutality, a police spokesman said.

Kirk said many demonstrators enjoy the mystique of being photographed by plainclothes FBI agents, but that picture-taking by uniformed policemen "psyches them out," occasionally resulting in violence to the police cameramen.

Civil libertarians remain generally unimpressed with the police contention that most demonstration photos are destroyed.

Preparation of at least two lawsuits is under way, under the auspices of the American Civil Liberties Union, and directed at police photographers. One involves picture-taking at the Soviet Embassy demonstration, and the other is being prepared by the Women Strike for Peace in connection with one of its demonstrations.

"Photography is the dominant item in these actions," said Ralph Temple, executive director of the local ACLU. Neither suit has yet been filed in U.S. District Court.

"The idea of photographing people who are exercising their constitutional

rights is long overdue for being examined closely," said Temple.

"There doesn't seem to be any legitimate reason for doing it, and what possible purpose could it serve? These are the questions which these actions will eventually endeavor to answer," he added.

Temple pointed to a paradox in the issue that, he said, occurred during the Mayday demonstrations on the Capitol steps, where more than 1,000 were arrested.

The acquittal of eight persons in Superior Court—a jury decision based in part on mobile crime lab films—proved that Capitol Police Chief James Powell was erroneous in his original assessment of the situation, Temple contends.

Despite the ACLU's gratification of the results of those films, Temple said, the moral issue of police photography at peaceful demonstrations will be pursued.

"I don't think we will tolerate the idea that police, on the pretext of taking pictures of alleged violations of the law, can violate a peaceful demonstrator's constitutional rights with a camera," he said.