

Nader Unit Reports 897 Illegal Acts by U.S. in Nixon Years

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During a 3½-year period in the Nixon administration, federal agencies acted illegally in 897 instances—approximately once each working day, according to a new study.

The Corporate Accountability Research Group, based in Washington, said yesterday it had documented that many instances of unlawful activity in a review of civil court decisions between Jan. 1, 1971, and Aug. 9, 1974.

The cases ranged from illegal Nixon administration impoundment of sewage treatment funds to illegal tax charges by the Internal Revenue Service.

The research group, founded by Ralph Nader, considered only cases in which a U.S. Court of Appeals had ruled that an executive branch agency had acted unlawfully.

The cases involved only civil suits against the government, not criminal behavior, and did not include any of the actions flowing from the Watergate case, the authors of the report said.

It did not include any of the decisions involving illegal electronic surveillance or mail intercepts involving the FBI or the Central Intelligence Agency.

The Nixon years were chosen, according to the authors, "because there had been substantial evidence that his administration possessed an unusually insensitive attitude toward law and the legal process."

However, the director of the project, Mark Green, said, "I would not be startled to see a similar number of illegalities in another administration." He said he hoped there would be monitoring of other administrations but his group did not plan to do so.

Many of the illegal actions originated among low-level government employees and were unknown to policy-makers at the time, the report acknowledged. "Still," the report said, "every case in this study reflects the review of some policy-maker, as well as the Justice Department, that the government should defend the action in controversy."

The group cited these cases as typical of those uncovered in the survey:

- President Nixon ordered the Environmental Protection Agency to spend only a part of the money authorized by Congress in 1972 for municipal sewers and sewage treatment works. A court of appeals ruling, subsequently upheld by the Supreme Court, held that impoundment action

to be illegal and said the President lacked discretion to deviate from Congress' intent to spend all the money.

- Another appeals court held that the Department of Agriculture had acted illegally in refusing to disclose information about letters it had sent to meat and poultry processors. The department had sought to withhold the information partly on grounds of administrative efficiency, but the court said the Freedom of Information Act required disclosure.

- The Court of Appeals for the District of Columbia ruled that the Department of Health, Education and Welfare had failed to enforce the Civil Rights Act of 1964 prohibiting discrimination in schools. The department's inaction, the court said, disregarded the mandate of Congress.

- Attorney General John N. Mitchell illegally refused to grant a hearing to veterans of the Abraham Lincoln Brigade, which was seeking to challenge its inclusion in the Attorney General's list of subversive organizations. Because of Mitchell's refusal, the court ordered the group taken off the list "to eliminate the abuse of governmental process inherent in the continued listing of those organizations without affording them the hearing required by this court's remand order."

Of the 897 cases reported, 232 of them—about one fourth—involved court decisions favorable to plaintiffs who had sued the IRS. The National Labor Relations Board ranked second, with 125 cases where plaintiffs sued successfully.