

Kennedy Urged To End Mail Surveillance

The American Civil Liberties Union has asked Attorney General Robert Kennedy to make a public pledge that mail checks, "a shocking invasion of privacy," will be discontinued by the federal government. This type of surveillance—admittedly practiced against some 750 persons per day—consists of recording all information on the outside of letters. The practice came to light recently with the protest of attorney Thomas J. Bolan that his mail and that of his client, Roy Cohn, was being "covered" in this way. Cohn was being tried for perjury before a grand jury and seeking to obstruct justice. The case ended in a mistrial.

Public Concern

The ACLU letter said that the pledge was needed to calm public concern that the thoughts, ideas and opinions of citizens are being inspected by the government—"a censorship practice associated with totalitarian governments— . . ." It also endorsed the statement of the New York Civil Liberties Union of March 4 which stated: "The check is an invasion of the right of privacy and an unwarranted interference with the right to use the mails. Surveillance of mail sent to the attorney of an accused, such as the check ordered by the U.S. Attorney's office of mail directed to Roy Cohn's attorney, is denounced not only for the reasons outlined but because it is also an interference with one's right to counsel and an undue advantage to the prosecution. According to news reports that have not been denied, an Assistant U.S. Attorney intimated in a statement to the Court that his office had not ordered a check on mail addressed to Roy Cohn or his attorney, Mr. Bolan. In so doing, he misled the Court and was guilty of an inexcusable evasion and lack of candor. The failure of the U.S. Attorney to reprimand his assistant's flagrant violation of the lawyer's ethical duty or to replace him in the prosecution of the case may be construed as condonation."

Editorial Comment

The ACLU letter also quoted an editorial of the Washington Post-Times Herald of March 3: "A Post Office Department which admits mail watches is not fully believed when it denies opening the mail; and in the same way a Federal Bureau of Investigation which admits tapping a few telephones in violation of the law is not fully believed when it denies tapping many telephones."

Proposed Legislation

A bill to prohibit mail covers has been introduced by Senator Edward Long (D., Mo.). Post Office Chief Counsel Louis Doyle has invoked two Court of Appeals decisions to defend the legality of mail covers. One, U.S. v. Costello (255 Fed 2d 876), held that mail covers do not violate the law forbidding detention and opening of mail. The other U.S. v. Schwartz (283 Fed 2d 107), held that postal regula-

tions are not violated when information from a mail cover is turned over to the Justice Department.

In the Cohn case, Federal Judge Archie Dawson declined to dismiss the indictment on the ground that there was no evidence that the mail itself had been opened.