

Westchester Group Sues to Bar Police Surveillance at Protests

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A Westchester group filed a suit in Federal Court yesterday seeking to prohibit the police from maintaining surveillance and gathering information about residents engaged in peaceful political protest.

The suit charged that officials in New Rochelle used the local police to keep watch on citizens who protested against the war in Indochina, racial discrimination in employment and other political issues.

Such surveillance the suit alleges, "deprives all Americans of basic First Amendment rights by inhibiting and curtailing free and open discussions of issues of public importance."

The Draft Counseling and Information Service of Westchester, three of its officers and eight other residents of New Rochelle filed the suit against Mayor Stanley Church, Police Commissioner James E. Gordon and other city officials.

Complaint Covers 15 Pages

The 15-page civil complaint asked the Federal Court here to order the New Rochelle officials to destroy all information that had been gathered in violation of Constitutional rights to personal privacy and political expression.

"Plaintiffs sue on their own behalf," the suit said, "and on behalf of all other taxpayers in the City of New Rochelle, who have in the past and will in the future wish to engage in peaceful political protests, demonstrations, marches, rallies and meetings and other forms of constitutionally protected expressions of assemblies without illegal and unauthorized surveillance of defendants and their agents in violation of those rights."

"Plaintiffs further sue on behalf of every taxpayer who may not wish to participate in any of the above-mentioned activities, but who nevertheless wish to prevent the City of New Rochelle's unauthorized

expenditure of municipal moneys for unauthorized and illegal activities by the municipal government or by any of its employes."

Resentment arose in New Rochelle earlier this year when it was disclosed that local policemen had testified before a Congressional committee and named residents who had attended a lecture by a Black Panther leader.

Yesterday's suit complained that the information gathered by the police was not kept confidential and was not based on any reasonable expectation of criminal activity.

The suit contended that the purpose and effect of the information-gathering was to deter citizens from exercising their First Amendment rights "for fear that they will become victims of unlawful surveillance and that illegally obtained information relating to their private lives and political associations will become publicly available and will damage them in their future dealings with government and private persons and organizations."

Asserting that the police files served to "chill and discourage lawful political protest and every form of dissent from established policies" in New Rochelle, the suit requested a judgment declaring that the local officials had violated Constitutional rights by "unlawfully maintaining a selective surveillance system covering plaintiffs' lawful political activities."

It sought an injunction restraining the officials from continuing the police surveillance and from making known the contents of the police files.

The suit also requested that the officials be required to produce all copies of the police information gathered about the political activities "so that such illegally obtained information may be destroyed under supervision of this court."