

SUIT IS PLANNED ON POLICE SPIES

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Plaintiffs Seem to Restrict
Use in Political Groups

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By EDITH EVANS ASBURY

The Federal courts will be asked to enjoin the city's Police Department from future use of undercover agents in political organizations, such as the kind that supplied most of the evidence against 13 Black Panthers acquitted Thursday of an alleged bomb conspiracy.

The National Lawyers Guild, the New York Civil Liberties Union, the National Conference of Black Lawyers and six lawyers who defended the Panthers in the eight-month-long case here have been preparing the legal action, which is to be filed in about a week.

Plaintiffs will be individuals who were previously subjected to various kinds of harassment by the Police Department because of political or other public activity which was not criminal, according to Jethro Eisenstein, supervising attorney in the clinical-law program at New York University.

Mr. Eisenstein, with Evelyn Williams, brought an unsuccessful habeas corpus action to

free Mrs. Afeni Shakur and Joan Bird after they were remanded to jail following the flight to Algeria of Richard Moore and Michael Tabor during the recent trial, in which all four were defendants.

Included among the plaintiffs will be teachers, publishers, labor organizers and anti-war groups suing in behalf of "all others similarly situated," according to Mr. Eisenstein.

The suit will ask for establishment of legal procedures with which the police must comply before placing undercover agents. For instance, a procedure would be advanced showing to a neutral officer, such as a judge, of proof of good reason to believe the group in question was engaged in criminal activities.

"We want an end to infiltration based on a vague sense of discomfort with the politics or way of going about things of individuals and groups," Mr. Eisenstein said, "an end to whimsical decisions by prejudiced police officials to violate the First, Fourth, Fifth, Ninth and 14th Amendments, guaranteeing the right to freedom of speech and assembly, privacy, due process and freedom from coerced incrimination."

The suit will be amended this week to include a demand for compensatory damages for the 13 Panthers, most of whom were in jail from April, 1969, to Thursday, when they were acquitted.