

FEB 10 1973

NYTimes

NEW YORK TIMES, SAT

LAWYERS ASSAIL POLICE ON FILES

Representatives of Activists
Call Purge Misleading

By DAVID BURNHAM

Lawyers representing a group of political activists in a pending Federal suit aimed at restricting the intelligence activities of the police here said yesterday that the purging of more than a million names from police files was "totally misleading."

The lawyers, charging that the present intelligence operations of the police constitute "a serious threat to the privacy of all citizens," said the new guidelines promulgated Thursday by Commissioner Patrick V. Murphy appeared to be aimed at blocking the litigation of their suit in open court.

Mr. Murphy, at a news conference Thursday afternoon, announced that the names of more than one million people and organizations had been eliminated from police files. He also outlined a series of new guidelines that he said would restrict and control the gathering and dissemination of intelligence information.

Statement by Lawyers

"To purge the files of people and organizations that have long since died or disappeared is of no use to citizens whose privacy is under attack today," the statement of the lawyers said.

"To say that dossiers on political organizations have been reduced from 1,500 to 200, as Commissioner Murphy said, is of no value when one considers that 200 political organizations in New York City are the subject of files at this very minute."

Among those representing the complainants in the Federal suit and signing the critical statement were the New York lawyers Martin R. Stolar, Jethro M. Eisenstein, Gerald B. Lefcourt, Paul Chevigny of the New York Civil Liberties Union and Haywood Burns of the National Conference of Black Lawyers. The complainants are 16 political activists, including

Abbie Hoffman, who was one of the defendants in the "Chicago" Conspiracy Trial.

Bertran Perkel, special counsel to Commissioner Murphy, said the department would have no comment other than that it hoped the dialogue would continue when the complete guidelines were issued in the next few weeks.

The group said the idea that citizens should be satisfied with the self-purging of the police files was "foolish" when it was realized that during a recent year 180,000 name checks were made on New York files, many for other local, state and Federal law enforcement agencies.

Training by C.I.A. Cited

"This fact becomes particularly alarming when considered with the recent disclosures that the Central Intelligence Agency has been training New York intelligence operatives to insure more effective file keeping," the group said. According to a letter from the Central Intelligence Agency released earlier this week by Representative Edward I. Koch, Democrat-Liberal of Manhattan, the New York department is one of about a dozen domestic police agencies that have received different kinds of training from the C.I.A. in the last two years.

The lawyers' statement argued that the control of intelligence activities should not be left to "the benevolence of any particular police commissioner" and urged the City Council to enact legislation making the restrictions a part of the city law.

Among the controls they recommended was the establishment of a citizens group to govern police intelligence activities, the granting to all citizens of the right to inspect files relating to them or the files of organizations to which they are affiliated and requirements that infiltration by undercover agents would be forbidden without a court authorization "showing probable cause to believe a crime is being committed."

In an interview, First Deputy Police Commissioner William H. T. Smith said Thursday that the decision on which names would be retained in the files had been based on specific analysis of whether the person or organization might pose an "immediate or future problem to the Police Department."