

**Other voices** / The Examiner's open forum  
for your views on all issues

**Are you a victim of snoopers?**



By David M. Fishlow



**R**EVELATIONS of uncontrolled intelligence activity by federal agencies have been frequent enough lately as to become almost commonplace.

They resulted when disgruntled insiders from the agencies, journalists and some politicians plugged away at revealing or finding out what goes on inside the agencies — such as the FBI, the CIA and dozens of other intelligence outfits.

The same kind of scrutiny is long overdue for California's state agencies. Even Atty. Gen. Evelle Younger — who ought to know — has said that new legislative oversight committees are needed to prevent abuses.

"I know things that can happen in a bureaucracy," Younger said, "when you get a lot of folks with nothing else to do. This business of taking down all the license plates at an Italian funeral is nonsense."

If Younger believes "thing can happen," he is right to call for control.

The people of California have to know about "the things that happen." What kind of surveillance and intelligence gathering activities are carried on by state agencies; what abuses have taken place?

The American Civil Liberties Union recently filed suit under the Public Records Act, trying to pry out of Younger's office some very general information he refuses to release. The information concerns the activities of a little-known department called the Organized Crime and Criminal Intelligence Bureau (OCCIB).

The OCCIB costs the taxpayers about \$2 million — money well spent, perhaps, if it is being used successfully to fight organized crime. There is evidence, however, that the OCCIB has a whole other area of activity that may or may not be authorized by the Legislature, or for that matter, constitutional.

The OCCIB appears to be the administrative and computer center for something called the Law Enforcement Intelligence Unit, a private national organization of individual police officers and intelligence agents throughout the United States, who on their own gather personal information about American citizens with no connection to organized crime, and who forward that information to a central file operated in Sacramento by the OCCIB.

We of the ACLU believe that Californians have a right to know if a state agency is being used for that purpose.

If it is, who decides when dossiers may be released? Who decides what kind of evidence should be included in secret files? How much is California spending for activities in other states?

The OCCIB may not be the only California government agency involved in such activity. ACLU legal director Charles Marson has written:

"Many controversial practices exist among California governmental agencies and businesses previously thought immune from . . . federal law . . . Governmental snooping seems to be endemic; each day's paper seems to reveal another example of wiretaps, mail taps, inquiries among neighbors and employees, and burglary.

"Early this year, for example, a former Houston, Tex., police agent told the Senate Select Committee on Intelligence of spying on many persons unrelated to

organized crime and of feeding data into the LEIU (with headquarters in Sacramento).

Two days later, an indiscreet Hayward police officer admitted that although the primary function of the LEIU was to keep track of major underworld figures it was being used to exchange information on people 'with criminal contacts' and members of political protest groups that 'might get out of hand.'"

Underworld contacts sounds dangerous enough but they could include underworld victims, relatives, of "underworld figures" engaged in no criminal activity themselves, respectable lawyers who represent criminal defendants, or civil rights advocates . . . innocent people whose lives could be forever tainted by the unsubstantiated allegations of an unidentified "agent" somewhere in the United States.

The Houston Police Department, incidentally, pulled out of the LEIU because it was getting requests for data on people with no criminal ties.

The ACLU lawsuit does not ask for secret intelligence information about dangerous criminals. We would like to see, for example, the annual reports of the OCCIB for the years since 1972.

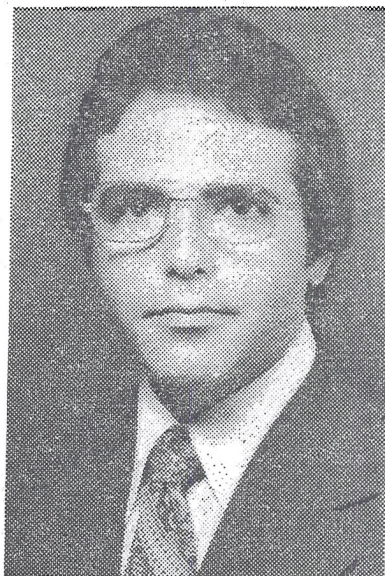
Nobody, including the Legislature, seems to have seen them, though the law requires that there be an annual report to the Legislature.

We also seek to learn what kind of guidelines there are for accepting information about private citizens and legally organized groups, what kind of substantiation is required before such information is filed away in a folder or a computer's memory and what rules there are about who has access to these files.

According to its own budget, the OCCIB maintains a supply of electronic bugging equipment that it lends to local agencies around the state. We have asked for a description of that equipment and we want to know how the use of those devices is monitored and controlled.

OCCIB claims it opened about 5,000 new files last year alone. Is your name in one of them? Have you "associated" with somebody who was listed? Is the information accurate? Who gets to see it? Who paid for it?

The ACLU wants to know, and it wants you to know.



**David M. Fishlow is the executive director of the Northern California office of the American Civil Liberties Union.**