
SURVEILLANCE

Though unlawful wiretapping in the guise of protecting the national security first brought public indignation during "Watergate," the ACLU's concerted action began three years earlier with the launching of an anti-surveillance project.

Watergate was directly responsible for one new ACLU anti-surveillance suit, for Muskie-supporter Morton Halperin. In the course of the Ellsberg trial it was revealed that Halperin's home telephone had been tapped 21 months by the National Security Council. Halperin was an NSC employee four of those 21 months, and the tap allegedly was put on his phone on the order of the White House to stop news leaks. For six of the 21 months after he left NSC, Halperin was a campaign advisor to Muskie. The government has admitted almost all the charges but still contends the tap was legal.

Jane Fonda, represented by the Southern California ACLU and national ACLU, is suing the government for ordering FBI agents and others to inspect her bank records, burglarize her car, seize her baggage and keep her under continuous surveillance to destroy her reputation. The list of defendants is classic Watergate: Nixon, Mitchell, Ehrlichman, Haldeman, Colson, Dean.

We had other "Watergate" cases before Watergate broke. One was filed by the North Carolina CLU in 1972. It successfully sought damages for persons who were beaten and harassed at the order of the Secret Service at a Billy Graham rally where Nixon spoke. During the course of the case—in which the CLU won a strong court order—it was discovered that H.R. Haldeman had called for Secret Service provocation of violence in order to ban peaceful protesters, and that the White House had tried to cover up its involvement by getting local police to take the rap. At press time, the Hawaii CLU has scored an almost identical ruling in an almost identical case. A third such case arose in Illinois in 1973, and the CLU there has sued.

In 1972, the Secret Service barred McGovern supporters from an airport

celebration of Nixon's arrival in Cleveland. Certain persons simply were not allowed into certain parts of the airport. The Ohio CLU has a suit pending on behalf of people who were barred from the ceremony.

The government's attempt to prosecute dissenters on evidence created by informers and agents provocateur has fallen flat—in New York, Harrisburg, Camden, and Gainesville—as juries have refused to convict the defendants. ACLU is now turning the case around and suing the government agencies that have planted the spies. One case, against the chief of the Kent State University police, was brought for Viet Nam Veterans Against the War by the Ohio CLU and the national CLU. The federal court has denied a defense motion to dismiss the case, and we will now proceed to show that the police infiltrator tried to get the VVAW members to buy illegal weapons and also to blow up campus buildings.

Another of the more outrageous cases challenges Military Intelligence for planting an MI agent as a driver on a bus traveling from Washington to a demonstration in Wilmington. Information he collected was put on military computers and disseminated widely. The National Capital Area CLU and national ACLU are handling the suit.

One informer changed his mind and at the trial (of a union member who was accused of participating in a bomb plot), refused to testify. Himself a union member, he had testified before the grand jury, after turning state's evidence, on a grant of immunity. When he refused to testify at the trial, he was held in contempt. The Maine CLU is testing the extent of transactional immunity.

In the legislatures, it seems wiretapping was the focal point of the surveillance issue. Wiretap bills failed in Texas, North Carolina, California, Indiana and Connecticut with the help of the ACLU affiliates in those states. One bill passed in Virginia, over the state CLU's opposition. The Louisiana CLU tried to get a law against wiretapping but failed.

ACLU

22 East 40 Street