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CIVIL LIBERTIES

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ACLU lawsuits probe CIA on mail openings, budget, assassination

In five lawsuits so far this year, the American Civil Liberties Union has sued the Central Intelligence Agency to force disclosure of the agency's multimillion dollar budget and of materials relating to the assassination of foreign leaders, and to collect damages for the illegal interception of mail and phone communications by American citizens.

The ACLU's purpose is to make public as much information as possible about the CIA's operations and to use this information to pressure Congress into taking control of the CIA and limiting its power. The secrecy surrounding the CIA's activities until now has allowed it to operate practically as an independent government, responsible to neither public nor Congress.

One of the ACLU's lawsuits, *Halperin v. Colby*, has already succeeded in forcing the release of CIA director William Colby's report to President Ford on the agency's illegal domestic operations. These activities through the years have included the infiltration of protest groups, the surveillance of U.S. citizens, and the keeping of files on at least 10,000 American "dissidents."

The suit on the Colby report

and the two on the agency budget and assassination materials were filed under the newly amended Freedom of Information Act by the ACLU Project on National Security and Civil Liberties, headed by Morton H. Halperin. (For stories about the project, see page 3.)

The final two lawsuits are different. In *Driver v. Helms*, the ACLU is representing plaintiffs whose correspondence to and from the Soviet Union was illegally opened by the CIA. In *Women's Strike for Peace v. National Security Agency*, the plaintiffs were victimized by the CIA in its Operation CHAOS, which included listening in on overseas phone conversations.

Both suits request the court to order an end to the CIA's illegal and unconstitutional activities and to award the plaintiffs damages for the violation of their rights.

Agency budget

The CIA budget is a secret buried within the overall budget of the Department of Defense. The budget is estimated to be \$750 million, but until it becomes a matter of public record the CIA will remain outside the democratic control of the people and their representatives.

Representative Robert N.



Sen. Barry Goldwater examines CIA poisoned dart gun.

Giaimo, whose amendment requiring disclosure of the budget was defeated by the House last month, explained why CIA officials want it kept secret. "They know that once we see the figure, we will be able to question it and we will be able to analyze its growth from year to year, and they will not have the same free ride that they have had in not having to respond at all."

In a previous effort to open up the budget, *Richardson v. U.S.*, the ACLU lost in the Supreme Court on the basis of standing. The Court ruled 5-4 that a taxpayer did not have the right to demand to know how his taxes were used.

The present suit attempts to

overcome the "no standing" obstacle by relying on the Freedom of Information Act, which recognizes the right to sue the government for the release of certain information. The suit argues that the exclusion of the CIA budget from this list of information is unconstitutional.

Assassination materials

During the past year, the Rockefeller Commission on the CIA, the congressional investigating committees, and the press have all probed the CIA's connections to political assassinations. It has been disclosed that the agency plotted against Rafael Trujillo of the

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Dominican Republic and Congolese leader Patrice Lumumba, both of whom met with violent deaths in 1961. The CIA was also involved in several attempts to kill Cuba's Fidel Castro.

In announcing its findings last June, the Rockefeller Commission held back the section of its report dealing with the CIA and assassination plots. The ACLU's suit demands the release of the documents on assassinations which the CIA turned over to the Rockefeller Commission.

Opening mail

During a 20-year period, the CIA opened and read foreign correspondence to and from American citizens, including senators and other prominent leaders. Photographic copies of letters were kept in files.

The plaintiffs in the ACLU's suit against this illegal activity include Rodney David Driver, a professor of mathematics at the University of Rhode Island who has corresponded with fellow mathematicians in the Soviet Union, and Michael Avery, who as an exchange student in the Soviet Union wrote to his father in Minnesota.

The CIA has admitted to Driver, Avery and the other plaintiffs that it did open and photograph their letters. The agency even sent them copies of the photographed letters.

The CIA's mail surveillance violated the rights of the plaintiffs and all others in their class to privacy, free speech, and security from unreasonable searches and seizures.

The ACLU wants damages for the plaintiffs, their files turned over to the court and destroyed, and mail surveillance declared illegal and ended.

Eavesdropping

Between 1967 and 1974 the CIA established Operation CHAOS within its counterintelligence staff to collect, coordinate, evaluate and report on political activities and foreign contacts by American citizens who opposed policies of the national government.

Operation CHAOS continued despite the lack of indications of foreign influence on domestic dissident groups. The CIA, with the aid of the National Security Agency, compiled lists and files including the names of more than 300,000 persons and organizations.

The National Security Agency intercepted cable and oral communications and turned the material over to the CIA for the agency's use.

The plaintiffs in the ACLU suit, *Women's Strike for Peace v. National Security Agency*, were all engaged in constitutionally protected protest activities. The CIA and NSA were not. The ACLU wants their Operation CHAOS activities declared illegal and ended, the records destroyed, and damages awarded to the plaintiffs.

The ACLU's Project on National Security and Civil Liberties has just published a book, *Abuses of the Intelligence Agencies*, which reveals all that we know so far about the CIA, NSA, etc. Available from the project (see order form, page 3).