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A Counterweight to A.C.L.U. Thrives

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WASHINGTON, Feb. 21 — Backed by the endorsement of Attorney General John N. Mitchell, a legal foundation formed to file friend-of-court briefs on the "law enforcement" side of court cases is beginning to prosper.

"This organization should be at least as large as the American Civil Liberties Union in a few years," Frank G. Carrington Jr., executive director of the Chicago-based Americans for Effective Law Enforcement, said in an interview.

The foundation was formed in 1966, largely in response to the success that the A.C.L.U. and other civil liberties groups were having in cases they supported before the Supreme Court. Until the Nixon Administration took office, the A.E.L.E. remained little more than a one-man operation under the direction of its founder, Prof. Fred E. Inbau of the Northwestern University Law School.

Gaining Momentum

Mr. Inbau then began to be invited to the White House for the signing of anticrime legislation and to Capitol Hill to testify before Congressional committees. A contribution of \$70,000 came from the foundation of W. Clement Stone, a Chicago insurance man who is a major contributor to the Republican party. Other money came from the Reader's Digest Foundation and from a growing membership of persons concerned over the "law-and-order" issue.

By last month, when the group gained the formal endorsement of Mr. Mitchell in a letter that is being used in its fund and membership drives, it had already become a \$100,000-a-year operation. Mr. Carrington was hired in September to head its staff.

In his letter of Jan. 20, Mr. Mitchell said that, "although our legal system is based on the adversary concept, which implies a balance between the prosecutor and the defendant, increasingly that balance has been heavily weighed for the defendant." He declared his support for the friend-of-court group to "represent the legitimate interests of law enforcement and our law-abiding citizens."

Since last year, the tax-exempt foundation has filed two friend-of-court briefs in the

Supreme Court, one in support of the Justice Department in a search warrant case and another supporting the California Attorney General's argument that policemen should be given latitude to search without warrant under "exigent circumstances." Neither has been decided.

Lower-Court Activity

Mr. Carrington said his group would like to file half a dozen such briefs each year, but he said that the opportunities to affect the development of the law in this way had been diminished by the fact that the Burger Court was not hearing as many criminal cases as the Warren Court did. So his organization is becoming active in the lower courts.

Among other activities, it has obtained permission to file a brief in support of the contempt petition imposed against the defendants and lawyers in the Chicago 7 conspiracy case.

Americans for Effective Law Enforcement has also drafted a document that tells, nondissenting college students how

to go to court for relief if militants disrupt their universities. And it is distributing model "stop-and-frisk" and wiretap statutes to state legislatures. It says it has chapters in four states—Ohio, Oregon, Oklahoma and Colorado.

Mr. Carrington, a former legal adviser to the Denver Police Department, said that his organization's role was to tell the courts what effects proposed rulings would have on the police or upon the public security from criminals.

The A.C.L.U. has shifted its tactics in recent years away

from friend-of-court briefs to filing cases in its own right, challenging various governmental practices, a tactic that the new group cannot adopt since it invariably supports the Government.

Mr. Carrington believes that the A.E.L.E.'s influence will grow so long as it reflects a view and not a political conservatism. He feels that, in this regard, his group already has an advantage over the American Civil Liberties Union.

"We are not as far to the right as they are to the left," he said.