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ACLU ASKS FBI IMPROVE INVESTIGATION OF CIVIC RIGHTS COMPLAINTS

The American Civil Liberties Union called for immediate action on December 1 to improve the FBI's investigation of civil rights complaints and its enforcement of civil rights law.

Noting that the current controversy around FBI Director J. Edgar Hoover's statements concerning Dr. Martin Luther King and the civil rights movement had sharply pointed up the inadequacy of the FBI's role in the civil rights area, the civil liberties organization said: "Despite the recent flurry of FBI activity in civil rights cases in the South, we do not believe that its over-all record is one of vigorous pursuit of persons responsible for depriving Negroes of their civil rights. Since the list of these violations is huge, and proportionately arrests and prosecutions are few, we do not think our criticism is unjustified."

The ACLU's views were contained in a letter sent to Acting Attorney General Nicholas Katzenbach and signed by John de J. Pemberton, Jr., the Union's executive director.

Declaring the FBI investigation of civil rights violations is weakened by the "basic conflict of interest which exists because of the FBI-local police relationship," the civil liberties group warned that unless changes were made, more drastic action may be necessary. This might include "creating a special civil rights investigatory unit within the FBI, free of local ties, or establishing a separate civil rights investigation division within the Department which has no connection with the FBI." The ACLU continued that immediate action is necessary "in order to regain public confidence that the government diligently searches for and prosecutes persons, including white police officers, who rely on violence or their official position to break the law. As Negro citizens press forward even more vigorously to exercise the rights which are truly theirs, the federal government must confront this fundamental problem of law enforcement."

The civil liberties group urged the Attorney General to give the FBI "explicit instructions that investigation of civil rights complaints is a number one priority. ...; that because violations of civil rights laws concern human beings, their safety and their right to equal protection of the laws, the FBI is to show as much vigor in these investigations as those where private property is involved -- regardless of the fear that cooperation of local police in dealing with other crimes may be adversely affected."

A second recommendation made by the ACLU was to amend the present federal civil rights laws, to make clearer the grounds on which local law enforcement officers can be arrested and convicted for depriving persons of their civil rights. "Currently to obtain a conviction where a person is mistreated by police, it is necessary to prove that the official had specific intent to deprive him of a constitutional rights, and this has been offered by the FBI as one reason for the failure of the FBI to make arrests. Yet if Section 242 (of Title 18 of the U.S. Criminal Code) were amended so that simple performance of several specific acts of violence and mistreatment are defined to be violations, additional authority would thereby be provided."

The Union's letter recognized as a major stumbling block the "built-in problems inherent in the nature of the law-enforcement structure, particularly the close working relationship that exists between local police officials and FBI agents. The FBI needs the cooperation of these local officers in dealing with such interstate crimes as auto theft, bank robberies, hijacking...; it is only logical to expect that when these same officials are accused of depriving Negroes of their civil rights, their fellow federal police officers are less than eager to investigate the

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incident and arrest them if necessary. This conflict of interest is compounded as FBI agents are stationed in a particular community for a long period of time and develop friendly relationships with local police."

The ACLU appeal was made before the FBI announced the arrest of 21 men in Mississippi for conspiracy in the murder of three civil rights workers in Mississippi last summer. The ACLU congratulated Hoover on the FBI's action.