

When Policemen Become Spies

by Robert Spector

A 59-year-old grandmother in Seattle, Wash., likes to exercise her right of free speech by writing letters to the editor. In June 1977, she wrote to a local newspaper questioning, in the mildest terms, Jimmy Carter's position on the B-1 Bomber. The day the letter was published, a member of the Seattle police intelligence unit clipped it out and slipped it into a file labeled "Profile of Miscellaneous Indicators."

As a mushrooming number of nationwide lawsuits and public disclosure acts revealed, local police intelligence units have compiled files on millions of law-abiding citizens. They have been routinely and indiscriminately mixed in with files on real criminals. Infiltrators and informants have reported false and misleading information.

In July 1979, the Seattle City Council became the first in the nation to pass a local ordinance setting specific guidelines for gathering intelligence information by a police department. The concern of the landmark bill is to

critic of police operations in Seattle. When he was elected mayor in November 1977, Royer promised to propose a police intelligence ordinance. In 1978, a Police Intelligence Drafting Committee was formed. Represented were the mayor's office, the police department, the Coalition on Government Spying (a citizens' activist group), the city attorney, the city council, the King County prosecutor, the Office of Policy Planning and the American Civil Liberties Union (ACLU).

All parties knew an ordinance was inevitable. The mayor and the city council were strongly behind it, and the Coalition on Government Spying received endorsements from a cross-section of community groups. Hundreds of hours and six drafts later, the committee had a 26-page, 7000-word ordinance permitting the police to investigate and collect information that doesn't "unreasonably" infringe upon a person's right to privacy and other constitutionally protected civil rights.

The ordinance controls the collection and use of certain "restricted information." This is defined as private political, religious and sexual beliefs, preferences, activities and associations. It can only be collected if a connection to criminal activity is established. In that case, an officer must get a written authorization from a department member with the rank of lieutenant or above.

An independent auditor is the basic enforcement mechanism, Nominated by the mayor and confirmed by the



Kathleen Taylor, a campaigner against excessive police files, displays some of the documents yielded by Seattle officials after lawsuit.

reported the figure was closer to 750. The names of some of the individuals and organizations were printed. None had broken any laws nor were suspected of criminal activities. There were, as you might expect, anti-war demonstrators and other political activists. But the files included Indians, black construction workers, elected officials and businessmen, too.

There was also a file on local TV news commentator Charles Royer a

protect personal privacy, freedom of dissent and First Amendment rights without handcuffing the police in its exercise of necessary official duties. The ordinance went into effect on Jan. 1.

A growing number of cities—Washington, D.C., New York, Chicago, Los Angeles, and Jackson, Miss., among them—are considering legislation.

The issue of local police spying is not new. Many intelligence-gathering units (dubbed "Red Squads" by critics because Communists were primary targets) date back 50 years—long before the anti-Vietnam War demonstrations and campus unrest of the '60s.

Seattle's ordinance illustrates an understanding of—and possible solution to—the problem. Seattle also showed what can happen if adversaries sit down and talk.

In 1974, during a city council confirmation hearing on a new police chief, the nominee (then acting chief) admitted to ordering the destruction of 100 police files on local individuals and organizations.

A year later, the local press

city council, he has access to most police files and must examine them confidentially at least twice a year.

All police personnel (1000 officers and 400 civilians) are going through a two-day, 14-hour training session on the meaning, duties and enforcement of the ordinance. As a result, Assistant Police Chief Ray Connery expects "considerable administrative headaches the first year or two. We can still do our job as police, but it will require more paperwork."

There has been negative reaction from some law-enforcement colleagues. Local police routinely exchange information, but one unidentified city police department now refuses to do business with Seattle.

One of the side benefits of the Seattle ordinance is that advocates for all positions had a forum to defend their views. As Seattle Police Lt. Pat Munter puts it: "I think both sides grew from the experience. I learned from them, and I think they picked up an appreciation of some of the problems of law enforcement."

In Other Cities

Other cities are looking closely at the Seattle ordinance and taking action.

• **Memphis:** In September 1978, Federal District Court Judge Robert McRae handed down a consent decree on a suit filed by the ACLU. It was a precursor of the Seattle legislation in that the Memphis Police agreed not to engage in political intelligence-gathering in the future, including infiltrating legitimate political organizations. Written authorization is required for information collection.

• **Washington, D.C.:** Efforts to draft an ordinance here predate Seattle. There has been some support from the city council. A lawsuit disclosed a file on Mayor Marion Barry from his days as a civil rights activist.

• **Los Angeles:** A citizens' committee is pressing the police commis-

sion to adopt new guidelines modeled in part on the Seattle ordinance. An outright ordinance is impossible under the city charter.

• **Chicago:** In the past, police collected dossiers on Rev. Jesse Jackson, Notre Dame University President Father Theodore Hesburgh, and others. The ACLU is pushing for a city council bill.

• **Detroit:** A judge appointed a special master in Wayne, Michigan's largest county, to examine police files. According to State Rep. Perry Bullard, "In the next several months, we will introduce more sophisticated Seattle-type legislation."

• **New York City:** Dorothy Samuels of the ACLU feels that "the Seattle ordinance has been a spur for thinking about the kind of rules we need in New York City and New York State."

SALT LAKE CITY
FRID
JUN MAR 61