

THE CARTER DEVOLUTION ON THE CIA: A CHRONOLOGY

Prepared by the American Civil Liberties Union and the Center for National Security Studies, March 4, 1977

On February 14, 1977, President Carter learned that the Washington Post planned to reveal a secret CIA operation involving the payment of millions of dollars to King Hussein of Jordan. Last summer, CIA officials who viewed the payments as "bribes" reported the program to the Intelligence Oversight Board established by President Ford to review the legality and propriety of CIA operations. The Board determined that the payments, amounting to \$750,000 in 1976, were "improper" and reported the matter to President Ford. The President took no action.

Apparently this was the first President Carter had heard of the twenty-year secret program. According to informed sources, the President was "distressed." His response to the revelation offers the first concrete indication--outside of the aborted Sorensen nomination--of the new Administration's views on matters of secrecy, "leaks," and the use of the CIA as an instrument of secret foreign policy.

During his presidential campaign, candidate Jimmy Carter spoke often about the "shocking revelations" concerning the CIA and the need for concrete reforms. Here is some of what candidates Carter and Mondale said:

On Secrecy: If elected, Carter promised to curtail "excessive secrecy" in government. His running mate, Walter Mondale, underscored the point. "Abuse thrives on secrecy," he said. "Knowledge is the key to control." In a campaign position paper, "Jimmy Carter on the CIA," Carter warned that:

"We must never again keep secret the evolution of our foreign policy from the Congress and the American people. They should never again be misled about our options, commitments, our progress or our failures."

"We will not," he said in his Inaugural Address,

"behave in foreign places so as to violate our rules and standards here at home, for we know that this trust which our nation earns is essential to our strength."

On Candor: If these standards were violated or the laws broken, Jimmy Carter promised to bring the matter before the American public:

"If the CIA ever makes a mistake, I'll be the one, as President, to call a press conference, and I'll tell you and the American people, this is what happened, these are the people who violated the law, this is the punishment I recommend, this is the corrective action that needs to be taken, and I promise you it won't happen again."

On Accountability: Carter promised that he would accept "personal responsibility" for CIA operations to insure that the agency "obeyed the law." His running mate stated that the Administration would:

"press for a specific legislative charter to spell out the powers of the FBI, CIA and other intelligence agencies, and the precise limitations on those powers."

Here, by comparison, is how Jimmy Carter, the President, has dealt with the revelation of the secret payments to King Hussein.

February 16: Carter summons Washington Post Executive Editor, Ben Bradlee and reporter Bob Woodward to the White House. While not stating that the revelation of the Hussein payments would affect "national security," Carter makes it clear that he is "distressed" about the impact of the story on on-going Middle East negotiations and that he prefers that the story be delayed or not published. He also indicates that the payments have been stopped. The President wants to be notified prior to publication. Several hours after the meeting, the Post informs the President that the story will appear on Friday.

February 18: The Post prints the story. White House Press Secretary Jody Powell states that it is Administration policy not to confirm or deny the story but that an intensive review is underway.

"It is the Administration's policy not to comment on--either to confirm or deny--any stories concerning alleged covert activities. By definition any comment would be a contradiction in terms since the operation in question would no longer be covert or secret."

"You should know, however, that almost from the first day of the Administration, senior officials... have been engaged through the National Security Council in an intensive and comprehensive review of all sensitive foreign intelligence activities.

"This review is nearly completed, and, on the basis of its findings, the President will make basic decisions concerning the future of such activities, the purpose of which is to protect the security of our country and its people. The objective of the review is to make certain that activities are proper, to insure full compliance with oversight procedures by law, and that what can be done openly is not done secretly."

The Press Secretary sees no inconsistency between this policy and the Administration promise to reveal "mistakes" to the public. Privately Administration sources indicate that the payments have been stopped.

February 22: President Carter meets with Congressional leaders over the Hussein matter. Reportedly, he tells them that the action by the Washington Post was "irresponsible." He voices grave concern over the number of persons in the Administration and in Congress with access to intelligence secrets. He reveals that he has cut the number of White House officials with access from 40 to 5 and requests the leadership to work with him to cut down the number of congressional committees with access to sensitive information from 7 to 1. Senator Daniel Inouye, Chairman of the Senate Intelligence Committee, tries to assuage the President's fear of "leaks" by indicating that members of his Committee are being monitored by the FBI.

On this same day, Admiral Stansfield Turner, Carter's designate for Director of the Central Intelligence Agency, testifies at his confirmation hearing. While assuring the Senate Intelligence Committee that the CIA would conduct operations within the law and in conformity with American values, Turner stresses the need for a tighter reign on security. "Covert operations must be handled discreetly," he warns, "people's lives are at stake." He states that he favors one committee in each house to have access to intelligence secrets. Turning to the issue of reform, he indicates that President Carter is satisfied that no laws are necessary to govern the CIA. "The President," says Turner,

"wants to be ensured that the Foreign intelligence work of all agencies of the Government is being conducted strictly in accordance with law and American values. The President indicated that while he believes that these objectives are encompassed by existing law and executive directives, he intends to work closely with the Congress on any revisions to law and to executive orders as may be desirable to assist the Director of Central Intelligence [sic] fulfilling those charges."

Senator Inouye asks if an official secrets act may be one law that is necessary. Pointing out that even though officials take an oath not to divulge secrets,

"we know that in violation of this oath, articles have been written, books have been written, names have been printed, operations have been described. Do you believe that criminal sanctions should be provided for by law to punish those who violate this oath?"

Turner's response is "Yes." The Director designate is invited by the Committee to draft such a law for consideration by the Congress.

February 23: President Carter calls a press conference and responds to questions about the Hussein payments. He reiterates that "I have adopted a policy, which I am not going to leave, of not commenting directly on any specific CIA activity..." However, he has "reviewed the more controversial revelations that have been publicized in the last few days, some quite erroneous, some with some degree of accuracy.... I have found nothing illegal or improper." In emphasizing the dangers of disclosure, he characterizes the operations in this way:

"It can be extremely damaging to our relationship with other nations, to the potential security of our country even in peacetime, for these kinds of operations which are legitimate and proper to be revealed."

He again expresses concern "about the number of people now who have access to this kind of information" and reports that he has been working with the congressional leaders "to try and reduce the overall number of people who have access to the sources of information."

February 24: Appearing at the State Department, Carter returns to the subject of access to secret information:

"I was shocked when I took office to learn about the number of different people who had access to highly secret, sensitive information on which the security of the nation depends. There are 75 people on Capitol Hill who have access to this very sensitive material."

Now the President favors the creation of a joint committee in the Congress.

"I have hopes... that we can have one joint congressional committee with a limited membership to whom we can reveal what is going on in its entirety.... So, we will have a key group in Congress--very small--myself, the Intelligence Oversight Board,... the Attorney General, and let that be it.... We are now in the position where some of our key intelligence sources are becoming reluctant to continue their relationship with us because of the danger of their being exposed in the future."

Asked to comment on the Freedom of Information Act, Carter says that while he favors such laws, he admits that the volume of requests by citizens for information is "a problem" and "a burden." He hopes that citizens can be persuaded to keep their requests to a minimum; that supporters of the legislation will not bring frivolous test cases just to see that the act works; and that fewer requests will be made if people trust the government again.

February 27: Secretary of State Cyrus Vance appears on Face the Nation and defends the secret payments as "appropriate."

"The purposes are common purposes. The actions taken are in the interests of the country involved as well as the United States. In these cases that have been referred to the best of my knowledge, there was nothing improper or illegal, as the President has pointed out. These kinds of things can not be done in the glare of public publicity and therefore my answer to your question is yes, I do believe it appropriate."

In an interview in the Washington Star, Vice-President Walter Mondale defends Carter's policy of not commenting on specific CIA stories and his call for a reduction in the number of congressional committees with access to secret intelligence. His answer to two questions are worth reporting:

Q: Wouldn't you scream bloody murder if, as a senator, you were denied access to that material?

A: If I weren't on the appropriate committee, I might have...

Q: The President seems to think that he can say that he knows what's going on and that Brzezinski knows what's going on, that Inouye knows what is going on--that is enough to satisfy the public. Do you think that's true?

A: I believe it is and I believe it is essential if the public feels different to make that case.



aclu

NEWS
RELEASE
NEWS
RELEASE
NEWS
RELEASE
NEWS

Ramona Ripston
Executive Director

Alan Levine
Press Contact

American Civil Liberties Union of Southern California
323 West 5th Street, Los Angeles 90013 • 213-626-5156

ACLU SUES IMMIGRATION AND NATURALIZATION SERVICE

SOUTHERN CALIFORNIA ACLU, IN CONJUNCTION WITH THE MEXICAN-AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND, FILED A CLASS ACTION SUIT FRIDAY, JUNE 22, AGAINST THE IMMIGRATION AND NATURALIZATION SERVICE (I.N.S.).

THE HISTORIC SUIT CHARGES INDISCRIMINATE AND UNCONSTITUTIONAL ARRESTS AND DEPORTATIONS OF PERSONS OF LATIN APPEARANCE, INCLUDING AMERICAN CITIZENS AND LEGAL RESIDENTS, WHO "BY VIRTUE OF APPEARANCE HAVE BEEN AND CONTINUE TO BE SUBJECT TO ARREST WITHOUT PROBABLE CAUSE OR WITHOUT REASON TO BELIEVE THAT THERE IS LIKELIHOOD OF IMMINENT ESCAPE."

IN THE PAST MONTH 10,000 OR MORE BROWN SKINNED PERSONS HAVE BEEN ROUNDED UP WITHOUT WARRANTS, AND IN MOST CASES WITHOUT HEARINGS OR RIGHTS OF COUNSEL, AND DEPORTED.

DONALD T. WILLIAMS, ACTING DISTRICT DIRECTOR OF I.N.S., SAID THAT THE RAIDS WOULD CONTINUE INDEFINITELY IN AN ATTEMPT TO DECREASE THE "VERY HEAVY CONCENTRATION OF ALIENS ILLEGALLY IN THE AREA."

WILLIAMS, ALSO NAMED AS A DEFENDANT IN THE SUIT, SAID THE "ROUTINE INVESTIGATIVE EFFORTS (OF I.N.S.) HAVE BEEN UNABLE TO COPE WITH THE PROBLEM."

MOST OF THE RAIDS HAVE TAKEN PLACE AT PLACES OF EMPLOYMENT ESPECIALLY IN THE GARMENT INDUSTRY, AT HOMES AND AT SCHOOLS. SOME PEOPLE HAVE BEEN INDISCRIMINATELY APPROACHED EVEN AT BUS STOPS.

THE SUIT, SUPPORTED BY THE IMMIGRATION LAWYERS ASSOCIATION AND C.A.S.A. (AUTONOMOUS CENTER FOR SOCIAL ACTION, A SOCIAL MOVEMENT FIGHTING INDISCRIMINATE DEPORTATIONS), CHARGES THAT ALL PERSONS OF BROWN SKIN ARE BEING SUBJECTED TO A "SYSTEMATIC PATTERN OF CONDUCT AND CUSTOM OF CONSISTING OF:

- MASS ARRESTS WITHOUT PROBABLE CAUSE;
- COERCION AND DURESS RESULTING IN THE SIGNING OF VOLUNTARY DEPARTURE WAIVERS;
- PHYSICAL ASSAULTS UPON PLAINTIFFS' PERSONS AND PROPERTY;
- FORCIBLE ENTRY INTO HOMES WITH SUBSEQUENT WANTON DESTRUCTION OF PERSONAL PROPERTY WITHOUT JUSTIFIABLE CAUSE;
- AND OTHER ACTS OF VIOLENCE, BRUTALITY, HARASSMENT, HUMILIATION, AND INTIMIDATION."

THERE ARE NUMEROUS VIOLATIONS OF CONSTITUTIONAL RIGHTS INVOLVED IN THE DRAGNET RAIDS; FREEDOM OF SPEECH, ASSEMBLY, TRAVEL, PRIVACY, SECURITY OF ONE'S PERSON AND PROPERTY; DENIAL OF DUE PROCESS OF LAW, EQUAL PROTECTION OF THE LAWS AND OTHER BLATANT DISREGARDS FOR RIGHTS AND DEMOCRACY.

THERE ARE 12 NAMED PLAINTIFFS IN THE SUIT. MANY OF THEM ARE CITIZENS OF THE U.S. OR LEGAL RESIDENTS WHO WERE SIMPLY SWEEPED AWAY BY "OVERZEALOUS" AGENTS.

YOLANDA LOYA WAS BORN IN TEXAS BUT WAS FORCIBLY REMOVED BY I.N.S. AGENTS AND DEPORTED WITHOUT DUE PROCESS. NO WARRANT FOR ARREST WAS ISSUED IN HER CASE OR, FOR THAT MATTER, IN ANYONE'S CASE.

MAX ANTHONY DUARTE DE A AND GERALD DUARTE DE A ARE BOTH U.S. CITIZENS BUT WERE APPROACHED IN THEIR HOME BY RAIDING AGENTS. THEIR MOTHER WAS ORDERED TO PRODUCE PROOF OF CITIZENSHIP. AN I.N.S. AGENT ASSAULTED ONE SON, TOOK THE LEGAL DOCUMENTS AND FLED. HOURS LATER OTHER AGENTS RETURNED TO THE HOUSE AND HIPPED THE ENTIRE FAMILY TO TIJUANA, MEXICO.

VELIA LIMON HEARD HER NEIGHBOR BERTHA DUARTE DE A SCREAM. SHE RAN TO THE HOUSE. WHEN SHE INQUIRED WHAT WAS HAPPENING SHE WAS ASSAULTED.

ROGELIO DUENAS WAS ACCOSTED IN C.A.S.A.'S OFFICE AT 9:00 A.M., JUNE 5 WHILE WASHING HIS FACE. HE WAS GRABBED, HANDCUFFED AND TOLD THAT THE AGENTS DIDN'T NEED AN ARREST WARRANT SINCE HE WAS A "WETBACK."

THE SUIT IS SUPPORTED BY AFFIDAVITS FROM DOLORES AVALOS AND MARIA GUZMAN, BOTH RESIDENTS OF HARBOR CITY AND AMERICAN CITIZENS, WHO OBSERVED SOME 20 I.N.S. AGENTS RAID AN APARTMENT HOUSE LOCATED AT 253RD ST. IN HARBOR CITY IN THE EARLY MORNING OF JUNE 5.

"THESE OFFICERS WERE SHOVING PEOPLE OF MEXICAN DESCENT INTO VANS PARKED OUT FRONT OF THE APARTMENT BUILDING. I SAW THE I.N.S. OFFICERS ENTERING THE APARTMENTS WITHOUT KNOCKING," WROTE DOLORES AVALOS.

"ONE FOURTEEN YEAR OLD BOY..." WROTE MARIA GUZMAN, "WAS TREATED EXTREMELY ROUGHLY BY THESE OFFICERS. ALTHOUGH HE WAS NOT RESISTING OR STRUGGLING, HE WAS HANDCUFFED AND PUSHED AROUND VERY HARSHLY. I OBSERVED A BRUISE ON HIS HEAD. ONE OF THE OFFICERS HAD A GUN DRAWN AND POINTED AT HIM."

THIS METHOD OF TREATING PEOPLE REMINDS ONE OF THE 1954 L.A. RAIDS WHICH NETTED I.N.S. OFFICIALS 1,101,223 DEPORTEES (BY THEIR OWN COUNT). TOO MUCH OF THE HISTORY OF MEXICAN-AMERICAN RELATIONS HAS BEEN REplete WITH ARRESTS, BEATINGS, KILLINGS, AND DEPORTATIONS OF MILLIONS OF PERSONS WITH BROWN SKIN.

THE ACLU IS SUING FOR IMMEDIATE RELIEF FROM THESE DRAGNET RAIDS. IT FIRST FILED FOR A TEMPORARY RESTRAINING ORDER AS A STEP TO A PERMANENT INJUNCTION. IN ADDITION, PECUNIARY DAMAGES FOR EACH NAMED PLAINTIFF OF \$10,000 OR MORE IS REQUESTED.

THE ACLU KNOWS THAT THESE TERROR METHODS DO NOT SOLVE ANY PROBLEMS BUT INSTEAD CREATE MANY. MOREOVER, SUCH ILLEGAL ACTIONS CONSTITUTE A FRIGHTENING DISREGARD FOR DEMOCRATIC RIGHTS AND PROCEDURES.

ACLU News

American Civil Liberties Union

22 East 40th Street / New York, N.Y. 10016 / 212-725-1222 / After hours: 212-725-9124, 212-982-2066

For Press Information Contact Claire Cooper

Edward J. Ennis, Chairman, Board of Directors / Ramsey Clark, Chairman, National Advisory Council / Aryeh Neier, Executive Director

FOR RELEASE A.M., WEDNESDAY, MARCH 14

P/R #9-73

NEW YORK, N.Y. March 14, 1973The American Civil Liberties Union Foundation yesterday (3/13) filed a federal lawsuit to stop dragnet detentions and interrogations of "dark-skinned Latin Americans" on the groundless suspicion of Immigration and Naturalization authorities that they may be living in the United States illegally.

The complaint, filed in U.S. District Court here, lists several instances in which dragnets have been made and contends there have been many others.

The plaintiffs in the case are three aliens, two living in the United States lawfully, and the other with the knowledge of INS. They were stopped on their way to work at 7:30 a.m., Jan. 8, in Brooklyn. INS agents pushed them into a car in which two Ecuadoreans were already imprisoned in handcuffs. The agents drove on a few blocks, then picked up another two dark-skinned persons. The three plaintiffs were released when their status was proven.

--more--

According to the ACLU Foundation, Sol Marks, director of INS in New York and a defendant in the lawsuit, "has stated publicly that the defendants' practice of stopping and interrogating persons on the streets to determine whether they are aliens unlawfully in the United States will continue unless prohibited by judicial decision."

The lawsuit argues that "arresting, interrogating and detaining persons without probable cause to believe that they are aliens illegally resident in the United States constitutes a violation of constitutional rights...as well as false arrest and injury to reputations." "Probable cause," which is constitutionally required for arrest, cannot be the fact that an individual appears to be a "dark-skinned Latin American."

The suit asks the Court to forbid the present practice.

ACLU Foundation attorneys in the case are Melvin L. Wulf and John H.F. Shattuck.

###

The ACLU Foundation is an affiliate of, but separate from the ACLU.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SARA FLORES MARQUEZ; ISABEL MARIA
FLORES; and MIGUEL EDUARDO MARQUEZ,
on behalf of themselves and all
other persons similarly situated;

Plaintiffs,

v.

SOL MARKS, Director, New York District,
Immigration and Naturalization Service;
JOHN WEISS and WILLIAM CARROLL, Inves-
tigators, Immigration and Naturalization
Service; RAYMOND F. FARRELL, Commissioner,
Immigration and Naturalization Service;
RICHARD KLEINDIENST, Attorney General of
the United States,

Defendants.
-----X

Civil Action No.

73-1078

Complaint-Class
Action

Jurisdiction

1. This is a civil action for declaratory and injunctive relief, and for damages, arising under the Constitution of the United States, in particular the First, Fourth, Fifth, Sixth, and Ninth Amendments thereto. The jurisdiction of this court rests on Title 5 U.S.C., Secs. 701-706; and Title 28 U.S.C. Secs. 1331, 2201 and 2202.

2. The matter in controversy, exclusive of interests and costs, exceeds the value of \$10,000.

Class Action Allegations

3. This suit is brought by plaintiffs Sara Flores Marquez, Isabel Maria Marquez and Miguel Eduardo Marquez as a class action on behalf of themselves and all other persons similarly situated pursuant to Rules 23(a), 23(b)(1)(A), 23(b)(2), and 23(b)(3) of the Federal Rules of Civil Procedure.

4. The class represented by plaintiffs consists of all aliens who have been lawfully admitted to the United States for permanent residence, alien spouses of citizens of the United States or of permanent resident aliens who have overstayed the period of their temporary admission but have been permitted by the Immigration and Naturalization Service to remain in the United States with their spouses pending action on their applications for adjustment of status or for immigrant visas at United States Consulates abroad, and other aliens who have overstayed their period of temporary admission but have been granted by the Service a period for voluntary departure which has not expired.

5. The suit is properly maintained as a class action because the prosecution of separate actions by individual members of the class would create the risk of inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the defendants, and because the defendants have acted on grounds generally applicable to the class, thereby making appropriate final injunctive relief and corresponding declaratory relief with respect to the class as a whole.

6. The approximate size of the class represented by plaintiff is unknown, but it is so numerous that joinder of all members is impracticable.

7. The questions of law and fact common to the class which predominate over questions affecting only individual members are whether the defendants' pattern or practice of arresting, interrogating and detaining members of the class without probable cause to believe that they are aliens illegally resident in the United States constitutes a violation of the constitutional rights of the class secured by the First, Fourth, Fifth, Sixth and Ninth Amendments, as well as false arrest and injury to the reputations of the members of the class. The named plaintiffs will fairly and adequately protect the interests of the class because their claims are typical and their counsel are experienced in advancing similar claims in law suits brought under the Constitution.

Parties

8. Plaintiff Sara Flores Marquez is a citizen of Ecuador and a lawful permanent resident of the United States. She resides at 533 - 41st Street, Brooklyn, N.Y.

9. Plaintiff Maria Flores is a citizen of Ecuador and a lawful permanent resident of the United States. She too resides at 533 - 41st Street, Brooklyn, N.Y.

10. Plaintiff Miguel Eduardo Marquez, is the husband of plaintiff Sara Flores Marquez. He is a citizen of Ecuador. He is not a lawful permanent resident of the United States but had made application for the issuance of an immigrant visa to

the United States Consul in Guayaquil, Ecuador. He too resides at 533 - 41st Street, Brooklyn, N.Y.

11. Defendant Sol Marks is District Director for the New York District of the Immigration and Naturalization Service and in that capacity is charged with administering the Immigration laws in that District. He is sued in his private and official capacities.

12. Defendants John Weiss and William Carroll are Investigators employed by the Immigration and Naturalization Service who are attached to the office of the New York District Director. They are sued in their private and official capacities.

13. Defendant Raymond F. Farrell is Commissioner of the Immigration and Naturalization Service and in that capacity is charged with administering the Immigration and Naturalization Service. He is sued in his private and official capacities.

14. Defendant Richard Kleindienst is the Attorney General of the United States and in that capacity is charged with overseeing the operations of the Immigration and Naturalization Service. He is sued in his private and official capacities.

Facts

15. On the morning of January 8th, 1973, at about 7:30 a.m., plaintiffs Miguel and Sara Marquez, accompanied by plaintiff Isabel Maria Flores, were walking from their apartment building, 533 - 41st Street, Brooklyn, New York, to their place of employment. They were on 5th Avenue between 40th and 41st Streets in Brooklyn when a green car approached from the opposite direction.

The car stopped and backed up. Defendant Weiss or Carroll ran out of the car and grabbed Mr. Marquez by the arm, shouting at him, "Where are your papers, where are you from?" He shouted the same thing at the women and pushed all three of them physically into the car, which was driven by defendant Carroll or Weiss. In the back seat of that car were two other Ecuadorean aliens in handcuffs. Mr. Marquez and Isabel Flores were thrown in the back seat, alongside the prisoners. Sara Marquez was placed in the front.

16. The female plaintiffs showed their alien registration cards as evidence that they are lawful permanent residents. After approximately ten minutes of detention, interrogation and examination of her card, Mrs. Marquez was released. Isabel Flores was further detained. The agents drove the car around the neighborhood, looking for other aliens. They questioned Isabel Flores regarding her family in the United States, and radioed their office regarding the authenticity of her alien registration card. About fifteen minutes after her arrest, Isabel Flores was released at 58th Street and 4th Avenue, approximately one mile from the place where she had been unlawfully arrested.

17. The defendant agents then continued to circle the neighborhood, and at 45th Street and 4th Avenue, they stopped their car upon seeing two dark skinned, apparently Latin men walking on the sidewalk. They pushed them both into the back of the car and interrogated them until they learned that they were Mexican aliens. There were five people in the back of the car, crowded one on top of the other. During the ride to the Immigration Service offices, one of the original prisoners

complained to the defendant agents that his handcuffs were so tight his wrists were swelling and discolored. The driver of the car verbally abused the man who complained, used obscene language to him, and refused to adjust his handcuffs.

18. Shortly after the defendant agents arrived at the Immigration Service offices with their five prisoners, Miguel Marquez was released, but only after a telephone call from his attorney informed a supervisor that the Immigration Service already had a record of his status and case.

19. Defendants Weiss and Carroll had neither probable cause, nor any suspicion, to believe that any of the plaintiffs were aliens illegally present in the United States.

20. To the extent that defendants Weiss and Carroll assert any such probable cause or suspicion, it was based, upon information and belief, solely on the fact that the plaintiffs are and appear to be dark-skinned Latin Americans.

21. On information and belief, the illegal detention, interrogation and arrest of the plaintiffs is only one incident in a pattern or practice of similar incidents engaged in regularly by the defendants, and defendant Marks has stated publicly that the defendants' practice of stopping and interrogating persons on the streets to determine whether they are aliens unlawfully in the United States will continue unless prohibited by judicial decision.

22. On information and belief, the defendants have engaged in or ordered other unknown agents of the Immigration and Naturalization Service to engage in similar illegal dragnet arrests, detentions and interrogations at the following times

and places. On August 11, 1972, at Roosevelt Ave. and Junction Boulevard, Corona, N.Y.; October 16, 1972, at Fifth Avenue and 16th Street, N.Y., N.Y.; on December 12, 1972, at the 82nd Street Station of the IRT Flushing line, Jackson Heights, N.Y.; and at many other times and places.

23. Plaintiffs fear that they will again be illegally interrogated, detained and arrested under similar circumstances.

First Cause of Action

24. The pattern or practice of conduct of the defendants described herein is illegal and unconstitutional for the following reasons:

a. It violates the provisions of 8 U.S.C. 1357 which authorizes the defendants to detain and arrest persons only on the basis of probable cause to believe they are within the United States illegally.

b. It violates the plaintiffs' freedom of association as guaranteed by the First Amendment to the United States Constitution;

c. It violates the plaintiffs' right to be secure in their persons, papers, and effects, against unreasonable searches and seizures, as guaranteed by the Fourth Amendment to the United States Constitution;

d. It violates the plaintiffs' right to travel, their right not to be deprived of their liberty and property without due process of law, and their right not to be deprived of their liberty and property solely because of their race and national origin, all as guaranteed by the Fifth Amendment to the United States Constitution;

e. It violates the plaintiffs' right to privacy as guaranteed by the First, Fourth, Fifth and Ninth Amendments to the United States Constitution; and

f. It violates the plaintiffs' right to the assistance of counsel.

25. By reason of the aforesaid, plaintiffs suffered great humiliation, embarrassment, and mental suffering.

Second Cause of Action

26. Plaintiffs repeat and reallege every allegation contained in paragraphs 15-23 of this complaint.

27. Defendants' conduct constituted false arrest and imprisonment of the plaintiffs in violation of law.

Third Cause of Action

28. Plaintiffs repeat and reallege every allegation contained in paragraphs 15-23 of this complaint.

29. As a result of defendants' conduct, plaintiffs have been greatly injured in their good name and reputation, and have been brought into contempt, scandal and ridicule before their friends, acquaintances, and the public in general.

WHEREFORE,

1. Plaintiffs, on behalf of themselves and the class they represent, pray that the court:

a. Certify that this action is maintainable as a class action pursuant to Rule 23, Federal Rules of Civil Procedure;

b. Declare that the defendants' practice of engaging in a pattern and practice of illegal and dragnet interrogations, detentions and arrests as described in the complaint herein is in violation of 8 U.S.C. 1357 and the First, Fourth, Fifth, Sixth and Ninth Amendments to the Constitution; or, if not in violation of 8 U.S.C. 1357, that that statute, as construed and applied in this case by the defendants, violates the First, Fourth, Fifth, Sixth and Ninth Amendments to the Constitution.

c. Issue preliminary and final injunctions forbidding the defendants from engaging in dragnet arrests, detentions and interrogations of any individual or groups of individuals, and forbidding the defendants from arresting, interrogating, or detaining any individual without probable cause to believe that any such individual is an alien illegally within the United States.

2. Each named individual plaintiff demands judgment against the defendants on the first cause of action in the amount of \$20,000, on the second cause of action in the amount of \$20,000, and on the third cause of action in the amount of \$20,000; and each plaintiff demands judgment against the defendants in the form of exemplary damages in the sum of \$50,000; together with costs and disbursements of this action.

MELVIN L. WOLF
JOHN H. F. SHATTUCK
American Civil Liberties
Union Foundation
22 East 40th St.
New York, N.Y. 10016
212-725-1222

EDWARD J. ENNIS
8 West 40th St.
New York, N.Y. 10018

BURT NEUBORNE
New York Civil Liberties Union
84 Fifth Ave.
New York, N.Y. 10011

Attorneys for Plaintiffs

LEON ROSEN
60 East 42nd St.
New York, N.Y. 10017

Of Counsel