

CHICAGO TRIBUNE
2 January 1981

Why defend the Red Squads?

By a pleasant coincidence, courts in both Chicago and New York acted simultaneously on Tuesday to settle litigation growing out of misdirected government-harassment of constitutionally protected acts.

In Chicago, Judge Susan Getzendanner gave preliminary approval to the settlement of class action suits against the FBI and the CIA. Though some individual plaintiffs are unhappy with the terms, no serious objection is anticipated to the settlements becoming final. For their part, the CIA has affirmed its statutory inhibition against domestic spying and the FBI has admitted it made some mistakes it is resolved not to repeat.

In New York, the Police Department has agreed to a three-member board [two police officials and a civilian appointed by the mayor] to oversee future investigative work that might threaten 1st Amendment rights. It also agreed to release old Red Squad files, as has already been done in Chicago. Without a trial, the New York Police Department and the plaintiffs there struck an agreement satisfactory to both.

A Civil Liberties Union officer in New York says the settlement "established the principle that the needs of legitimate law enforcement do not require interference with 1st Amendment rights." Police Commissioner Robert J. McGuire says that the activities complained of in the lawsuits ended no later than 1971,

and that the agreement shows "an enlightened approach to balancing the rights of political activists and the police responsibility for maintaining public order and investigating crime."

Agreed settlement of these lawsuits deserves a hearty welcome. The old "Red Squad" silliness added nothing to the public safety, but instead diverted police resources into activities with either negligible or negative effects. Red Squads' antics were an embarrassment both to law enforcement and to citizens harassed for fully protected acts.

It is unfortunate that one defendant before Judge Getzendanner has elected to go to trial rather than join the CIA and FBI in entering into an agreement with the plaintiffs. That is the City of Chicago. Yet the terms of an agreement between the plaintiffs and Chicago were worked out long ago, and acceptance by both sides seemed likely. Someone in the city administration, however, has at least tentatively decided to go to court. This decision, if it stands until the trial date, will involve the city in pointless expense and embarrassment.

In Chicago, as in New York, the Red Squad is an unsavory memory. The conduct that the Byrne administration proposes to defend in court is not its present conduct. Mayor Byrne would do well to line up with the CIA, the FBI, and New York City in accepting an agreed settlement, rather than insisting on defending the indefensible.