Human Rights At Home

By Anthony Lewis

BOSTON, Feb. 26—For 20 years, from 1953 to 1973, the C.I.A. secretly went through bags of international mail in New York and other major postal centers, opened first-class letters to and from Americans and made copies. Altogether it copied at least 215,000 letters and fed 1.5 million names gleaned from the mail-opening project into computers.

Last August three citizens whose letters had been opened won a suit against the Government for invasion of their privacy. Federal Judge Jack B. Weinstein of Brooklyn awarded the three victims $10,000 each in damages. Judge Weinstein wrote:

"The Department of Justice, in this country we do not pay lip service to the value of human rights and individual dignity we live by our ideals."

The Department of Justice—Jiminy Carter—Department of Justice—appealing that decision. A department brief says it "will not argue that the actions of the C.I.A. in this case were legal, or constitutional."

But Federal law, it argues, gives the victim no remedy against the Government. And in any event, $10,000 in damages was "excessive."

The case is another example of a depressingly trend in the Carter Administration. While the President and others have talked about the importance of human rights—policy, the Justice Department reacts with insensitivity and petitif
gory on issues of civil liberty at home. The whole thing makes this an especially compelling case. Although the final decision in damage suits against the Government is left to judges, Judge Weinstein had an advisory jury hear the evidence and give its opinions.

The jurors wanted to award $10,000 to each plaintiff, one suggested $2,000 and the other right called for $5,000. In effect, there was an extraordinary statement of public feeling about Government wrongdoing. Some jurors, when polled, said specifically that it was important to show the Government it could not trample on people's rights and get away with it. "It was important," Judge Weinstein said, that jurors of sharply different background all found that the mail-opening victims had suffered substantial damages.

The three people involved in the case had no idea originally that their mail had been opened. Each made a general request under the Freedom of Information Act to see what the C.I.A. had under his or her name, and was told that a personal letter was in the files. Then each sued.

Norman Birnbaum, professor of sociology at Amherst, wrote to a faculty member at Moscow University in 1970 about an upcoming conference on the sociology of religion. The letter was opened and four copies distributed to various C.I.A. units that had, it was said "interest" in correspondence to and from Moscow University.

Henry Rule, Machinists, wrote in 1973 to a well-known dissident whom he thought on a visit to the Soviet Union last summer. A personal letter was copied and distributed.

"The issue was personal, but I still think it was a mistake," Professor Birnbaum said, "to use the mails for this purpose."

"The Right to the Une

By M. Northrup Buechner

Following the November election for Mayor of New York City, top-level executives of the Finance Administration put in claims for thousands of dollars in accumulated overtime pay.

On Dec. 13, by a margin of 33 to 7, the New York City Council voted itself a 50 percent increase in pay.

On Jan. 13, in the second week of his administration, Mayor Koch signed an order authorizing $3 million in raises for city management executives.

These actions were taken when contract negotiations with the city's unions were imminent; while the city was again petitioning the Federal Government for financial assistance; amidst general public recognition that assistance would be necessary to avoid bankruptcy; in the face of repeated warnings that Congressional support would depend on a city at least at the appearance of fiscal prudence.

To these actions, the irresponsibility of those actions must have been astounding. The average New Yorker, however, was not surprised and took it in stride, "Why? Because he is used to it. Because those actions were only the most recent applications of the attitude that the rich are destroying the greatest city in the world. It can be called the divine right to the uneared."

The most widely accepted application of this idea is welfare. There, it is explicitly held that "be in need gives one a right to what one has earned. The entire of the welfare state is implementation of this principle by government force: taking from the have and giving to the have-nots."

While this ideology in destroying this country's productive energy, it is most widely and deeply held in New York City. New York welfare programs and benefit significantly exceed what is offered elsewhere. While police, fire and sanitation service were cut to the bone for the fiscal crisis, welfare payments went untouched.

The most ominous application of the divine right to the uneared occurred during last summer's blizzard. "We need it," was a typical response. And, eliminating the majority of government welfare payments, they seized what they wanted.

The divine right to the uneared was also behind the response to the hooking by the city's intellectual leaders: perfunctory condemnation drowned in passionate "explanations" excusing the looting as understandable because of the poverty, and unemployment of the looters.

The origin of the divine right to the uneared is the morality of altruism. Altruism holds that the individual's primary moral obligation is to help others. The writer, Ayn Rand, has shown that if those others have a moral claim on one's wealth, energy, life.

Senor Carter, Si!

By Andres Oppenheimer

A few months ago, when I returned to Argentina after a year in the Soviet Union, I saw an old friend, working for a newspaper. He asked me about the newspaper La Opinión, which is...
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claims against the Government for damages suffered when an official performed a discretionary function.

Judge Weinstein held that exception did not apply when an official was acting as a private officer. He said, "There is no discretion under the system to conceive, plan and execute an illegal program." The Government brief also argued that the case falls within a Tort Claims Act exclusion for "loss, negligence or negligent transmission of letters." It says that these letters "misrepresented." Of course, the Justice Department has the right to appeal. The question is whether it will do so in such a case-wise, it will argue as an asset. The idea that opening and copying personal letters is just "misrepresentation of the mails is a special irony in this case. Many victims of Government illegals have sued the statutory officials. Attorney General Griffin Bell regards such suits as too burdensome. He has proposed legislation to bar them from making everyone sue the Government itself for damages. Here three people did exactly that, and Griffin-Bell tells them that they may have a right, but they don't have a remedy.