

New Rochelle Told To End Surveillance Of Lawful Persons

A Federal judge here has ordered the New Rochelle Police Department to stop the surveillance of persons "neither suspected of criminal activity nor engaged in criminal activity."

District Court Judge Constance Baker Motley also ordered the New Rochelle police to deliver to the court files and documents they were said to have accumulated during their spying on four persons and a Westchester County draft-counseling service.

The New York Civil Liberties Union, which brought the suit against the police, said yesterday it had won "a major case."

The suit was brought last December by eight persons and the Draft Counseling and Information Service of Westchester. Named as defendants were the then Mayor, Stanley Church, City Manager Murray C. Fuerst, Police Commissioner James E. Gordon, Police Chief Edward F. McCaffrey and Lieut. John F. McCormick of the department's Intelligence Unit.

It was Lieutenant McCormick, then a detective sergeant, who appeared before the Senate Internal Security subcommittee and told of his findings about four of the plaintiffs and the draft-counseling service.

The plaintiffs had been put under surveillance while picketing and marching in protest of the war in Southeast Asia and attending a rally at Iona College in New Rochelle where Eldridge Cleaver, the Black Panther leader, was the principal speaker.

The names of Napoleon Holmes, Patricia Murphy Robinson, I. Philip Sipser and Mark Reitman—four of the plaintiffs—and the draft-counseling service were mentioned and indexed.

The other four plaintiffs, Judge Motley said, were not subjected to any surveillance. They were Shirley Etra, Santina B. Jameson, William Scollen Jr. and Bernard Aisenberg.