

FBI's inspection of Bellecourt's personal photos defended

By Lucy Dalgish
Staff Writer

Federal agents have the right to examine and purchase prints of film dropped off at photo processing stores by ordinary citizens without a warrant, a Justice Department attorney argued Thursday in U.S. District Court in St. Paul.

The issue arose last week after Vernon Bellecourt, a founder of the American Indian Movement, sued

the FBI after agents took copies of personal photographs from a Minneapolis photo shop where he had left film for processing.

Bellecourt's attorney asked the court Thursday for a preliminary injunction ordering the FBI to turn the photos over to the court, account for any investigation involving the photos and expunge from the record any investigation of Bellecourt done in relation to the photographs.

The FBI's action violated Bellecourt's Fourth Amendment rights against unreasonable searches and seizures, said his attorney, Peter Erlinder. "This means that every time we take a picture of our children, go to a cultural event or take pictures of a sporting event, we are subject to government scrutiny. It turns our camera into the eye of the government," he said.

According to Bellecourt's suit,

on March 22, he took two rolls of film containing pictures of family gatherings, social events and political activities to the F-STOP One Hour Photo store at 3001 Hennepin Ave. S.

After Bellecourt left the store, an FBI agent entered the store and showed his badge to a store employee and asked to see Bellecourt's film. After going to a back room to inspect the negatives, he asked for a set of prints, the suit

said.

When Bellecourt returned later in the day to pick up the photos, store employees told him a set had been given to the FBI. The agent did not display a warrant when picking up the pictures, the suit said.

Erlinder told Chief Judge Donald Alsop that the FBI agent did not know what to expect would be on the roll of negatives, and therefore had no reason to ask to see what was in the pictures.

FBI argues it was correct in copying Bellecourt photos

By Paul Gustafson
Staff Writer

A Justice Department attorney argued in U.S. District Court in St. Paul Thursday that the FBI did nothing wrong when it obtained copies of photos from film that activist Vernon Bellecourt dropped off at a Minneapolis photo shop. Bellecourt is a member of the American Indian Movement (AIM).

The arguments were made during a hearing before Judge Donald Alsop on a motion by Bellecourt's attorney for a temporary restraining order to prevent the FBI from using or copying the photos.

Alsop took the motion under advisement. He ordered the FBI to collect and seal the photos until he rules.

Bellecourt sued FBI officials May 12, saying an FBI agent asked for and received copies of photos from film he left to be printed March 22 at F-STOP One Hour Photo in Calhoun Square.

"We have a reasonable expectation in this society that our pictures won't be sold to the FBI or anyone else," Erlinder said.

However, Justice Department attorney Neil Koslowe said Bellecourt had "no objectively reasonable expectation of privacy" because he took them to a place where store employees and possibly other patrons would see what was in the pictures.

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Vernon Bellecourt
employees and perhaps other customers would see his film and photos.

"If I want to maintain privacy, I'll take Polaroids or develop the film myself," Koslowe said.

Koslowe also asked that Alsop consider additional information from the government without disclosing it to Bellecourt's attorneys. Alsop said Justice Department attorneys will have to submit arguments why the unusual request should be granted.

FBI's tactic is a revolting development

You can sleep soundly tonight, citizens. The Federal Bureau of Investigation is awake. And pawing through your pictures.

The FBI hasn't been this creative since the G-Men bugged Martin Luther King's motel rooms for the listening pleasure of J. Edgar Hoover and his manservant. Creativity, however, oftentimes has no direct bearing on legality.

The local gumshoes of the FBI have stretched the bounds of the Constitution and credulity by claiming they are entitled to run to the local photo store and peruse our photos whenever they fancy. They



NICK COLEMAN

employed this daring investigative technique against Vernon Bellecourt, the American Indian activist who is to the FBI what a burr under a saddle is to a horse.

Bellecourt is not on the FBI's Most Wanted list, but he isn't on the FBI's Most Likeable list either. The FBI has been investigating him in connection with his unauthorized 1987 trip to Libya, the home of Nice Guy Moammar Gadhafi.

G-Men used to engage in derring-do, going undercover at risk to life and limb. These days, though, the FBI sometimes favors a laid-back investigative style more in keeping with the stress-combating strategies of the 1980s. The result may be that today's agents lead longer, healthier lives. Still, it's difficult to work up much admiration for the pluck of the G-Man who popped into a one-hour photo shop in Minneapolis, flashed his FBI badge and asked to see Bellecourt's pictures.

Bellecourt had dropped off two rolls of film that contained photographs of a political event as well as such subversive activities as family gatherings and social parties.

In the old days, the FBI might have paid an informer to spy on a suspect and report his activities, from the names of all the guests at his daughter's birthday party to the recipe his aunt used for the lemon meringue pie she served at Easter. These days, however, informers can't be trusted to stay bought, so the FBI ordered its agents to run down to the photo store and buy a set of Bellecourt's snapshots. Unfortunately, they didn't have a warrant authorizing them to do it.

Big boo-boo, that. In this country, if the government wants to see your stuff, it has to come up with a good reason and get a judge to agree.

When the store manager alerted Bellecourt to the fact that the FBI was lifting his prints, Bellecourt sued the government. Tuesday, a federal judge ordered the FBI to lock up the pictures it took from the store, preventing the government from using them against Bellecourt pending the outcome of his suit.

So far, so good. A person's property, including his snapshots, should not be up for grabs to every FBI agent, police officer or other snoop who comes along and flashes a badge at a teen-age photo store worker. Most reasonable people would agree that, absent a warrant signed by a judge, the government should keep its mitts out of our photo albums.

No one said the government is reasonable.

An attorney for the Justice Department argued that

Bellecourt photos locked up pending outcome of lawsuit

By Lucy Daigligh
Staff Writer

Copies of snapshot taken by American Indian Movement activist Vernon Bellecourt will remain locked in a vault pending the outcome of his lawsuit against the FBI under an injunction issued Tuesday by a federal judge.

Chief U.S. District Court Judge Donald Alsop said in his order that, based on sealed FBI evidence shown only to the judge at a hearing last month, the agency appeared to have had probable cause to seize photographs Bellecourt had taken.

But the agents who entered the STOP One Hour Photo Store in Calhoun Square in Minneapolis on March 22 and purchased copies of Bellecourt's prints should have had a search warrant, Alsop said. Justice Department attorney

Neil Koslowe argued at a hearing on May 25 that no warrant was necessary because Bellecourt did not have a reasonable expectation that his film would remain private because store employees and possibly other patrons would see what was in the film. Federal agents have a right to examine and purchase prints of film dropped off by ordinary citizens, he said.

But Alsop did not buy that argument and criticized the FBI's behavior.

"It appears to this court that society would recognize that by dropping film off at a developer, a person would expect only those who are employees of the developer to view the film and no one else," the judge said.

"It seems even more certain that society would recognize that no one would expect or anticipate that

a stranger would or could buy a set of prints of their personal film," Alsop said.

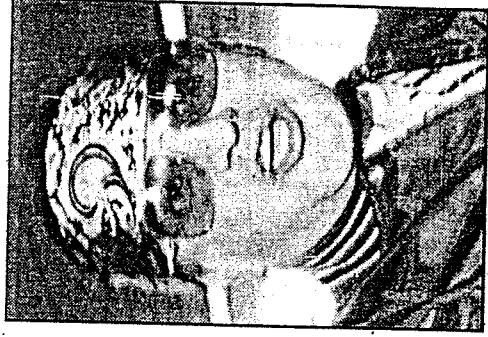
The judge said he could find no evidence that the FBI would be harmed if the prints were locked up. He also said the public has "a sincere interest in requiring law enforcement personnel to act lawfully or be restrained from utilizing whatever information they obtain."

According to Bellecourt's lawsuit, the film contained pictures of family gatherings, social events and political activities. The photo store's manager told Bellecourt that the FBI purchased the copies when he picked up his prints.

The suit asks for the FBI to be ordered to turn the photos over to the court, account for any investigation involving the photos and expunge from the record any investigation of Bellecourt conducted in relation to the photographs.

Vernon Bellecourt

FBI latched onto prints



Bellecourt says FBI telling lies about him

By Lucy Daigligh
Staff Writer

American Indian Movement activist Vernon Bellecourt accused the FBI on Thursday of a "systematic campaign" designed to discredit him among members of Minnesota's Indian community.

FBI agents masquerading as American Indians have told Bellecourt's associates a variety of lies, he said at a news conference in Minneapolis.

Bellecourt said the lies ranged from claims he has Swiss bank accounts funded by Libya to carry out terrorist attacks in the United States to assertions that he is training students at St. Paul's Little Red School House to become terrorists.

Agents also told his associates that he has stockpiled surface-to-air missiles and had planned last April 14 to commemorate the U.S. air attack on Libya by shooting down a domestic airliner, Bellecourt said.

FBI spokesman Byron Gigler said Thursday the bureau would have, "no comment. Absolutely none," concerning Bellecourt's claims.

Thursday's news conference was another round in Bellecourt's most recent dispute with the FBI.

On March 22, the agency purchased copies of pictures from two rolls of film Bellecourt had dropped off at a Minneapolis photo processing store. Bellecourt sued, and on Tuesday a U.S. District Court judge in St. Paul issued a preliminary injunction preventing the FBI from using the photos in any investigations pending the outcome of the suit.

Bellecourt told reporters Thursday that most of the pictures were taken in mid-March when he and his wife, Janice Denny, attended the First Congress of Indian Organizations in Panama City, Panama.

Bellecourt said he is concerned the FBI and CIA would circulate pictures of the Central American participants at the conference, who could become targets of death squads.

"If it weren't so serious, it would be a laughable matter," Bellecourt said. "America is behind this holocaust and they like to silence anyone who speaks out."

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