

14 Charles Lane  
New York, N.Y. 10014  
June 19, 1978

TO ORGANIZERS, CAMPAIGN DIRECTORS, AND NATIONAL COMMITTEE MEMBERS

Dear Comrades,

A significant victory was won in our suit June 12 when the Supreme Court turned down the Attorney General's appeal of a federal judge's order directing him to turn over eighteen FBI informer files to our attorneys. This is also a significant victory for the right of the American people to know the truth about the government's illegal political spying. The Supreme Court action was widely covered in the news media.

On Tuesday, June 13, Judge Griesa invited our attorneys to file a motion holding Attorney General Griffin Bell in contempt of court. This motion will be filed Tuesday, June 20. We are asking that Bell be put in jail until he ends his defiance of the court's order and turns over the files. There will be a hearing on Tuesday, June 27, at 3 p.m. at the federal courthouse in New York City on our motion.

The open defiance by Carter's Attorney General of the court's mandate shows how important the issue of informer secrecy is to the government. The Carter administration is very reluctant to jeopardize its standing with the legions of burglars, dirty-tricks artists, and other low-lives who spy on and harass political activists, trade unionists, the Black movement, women's movement, etc. FBI Director William Webster recently described these informers as the "bedrock" of "law enforcement" efforts today. Griffin Bell has reiterated this stand in explaining why he refuses to carry out the court's order.

The public discussion and debate that has opened up as a result of Bell's refusal gives us a big opportunity to get out our ideas on the question of informers and government political spying. Some areas have already begun to do this. On the day the Supreme Court decision was handed down, SWP candidates in Cleveland, Seattle, Boston, Chicago, and Denver issued statements to the press. We don't have a full report yet on how much coverage we received. We do know that Cleveland's statement was played on seven radio stations and Chicago's on two. Comrades in Cleveland also found interest in television stations holding interviews with SWP spokespersons on the suit. Branches can start now to inform the news media in each local area about the current developments in the suit, including the upcoming hearing on June 27, and offer to make candidates and party spokespeople available for interviews.

Branches should target Tuesday, June 27, as a day for a concentrated media blitz. This can take the form of calling in statements, issuing press releases, or holding press conferences.

We want to use this opportunity to involve trade unionists,

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Black, Latino, and women's movement activists, and others in supporting our suit. Branches can hold forums on the SWP suit against government spying and why Bell faces contempt. Branches can publicize the suit through sales of the Militant, which is carrying important coverage and analysis of the new developments in the suit.

Branches will want to think out other ways in which we can build support for and publicize the suit. In New York City, there will be a picket line outside the U.S. courthouse just before the June 27 hearing to protest Bell's refusal to hand over the informer files. We are trying to involve a broad range of prominent individuals and groups in sponsoring and participating in the demonstration, and attending the hearing immediately afterward.

Comrades should be sure to send us copies of statements, newspaper clippings, and reports on what's being done.

Comradely,

A handwritten signature in cursive script that reads "Roger Rudenstein".

Roger Rudenstein  
SWP National Office

New York Daily News  
June 13, 1978

## ***High Court Rebuffs Bell On FBI Informants' List***

Washington (AP)—The Supreme Court cleared the way yesterday for a possible constitutional showdown between Attorney General Griffin Bell and a federal judge over alleged FBI crimes, a confrontation that could bring Bell a citation for contempt of court.

The court refused to disturb an order last year by U.S. District Judge Thomas P. Griesa in New York City that the FBI give lawyers for the Socialist Workers Party files on 18 agency informants.

Griesa ordered that the files be surrendered to help the small political organization in its \$40 million lawsuit against the FBI. The suit was filed in 1973.

### **Two Options**

That suit charges that agents, beginning in 1938, committed numerous unlawful acts against the party—including breaking and entering, assault, mail tampering, blacklisting and harassment.

Griesa's order left government lawyers with two options—comply or face being held in contempt of court.

Since the FBI is a branch of the

Justice Department, a contempt citation would have to be entered against Bell, the department's top official.

Bell had hoped that the Supreme Court would review his appeal and study whether Griesa should allow the government some avenue of appeal short of a refusal to comply with his order.

That hope died when only three members of the high court agreed to hear Bell's appeal. Four votes are needed to grant review.

Voting to grant review were Chief Justice Warren E. Burger and Justices Byron R. White and Lewis F. Powell Jr.

Bell told the justices that disclosure of the FBI files would severely damage the agency's general law enforcement abilities.

# The Washington Post

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June 13, 1978

## Bell Loses Stand On FBI Informants

By Morton Mintz  
Washington Post Staff Writer

The Supreme Court yesterday declined to review a federal judge's pretrial order that the Justice Department disclose confidential information about FBI informants who infiltrated the Socialist Workers Party and an affiliated group.

Attorney General Griffin B. Bell has repeatedly refused to disclose the information, claiming it is "privileged," and has said that his refusal leaves him open to possible citation for contempt of court.

The justices voted 6 to 3 to deny a Justice Department petition for review of the order, issued by District Court Judge Thomas P. Griesa in New York City.

Griesa is presiding over a \$40 million damage suit brought in 1973 by the Socialist Workers Party (SWP) and the Young Socialist Alliance (YSA) against the attorney general and several other high government officials.

The suit, which has yet to go to trial, alleges that, starting in 1938, government officials and "unknown agents" committed wrongful acts against the SWP and the YSA, including assault, blacklisting, breaking and entering, disruption, harassment and wiretapping.

Bell's spokesman, Terrence B. Adamson, said yesterday that the attorney general stands by his position that he is "prepared" not to comply with the order. But Bell will make an official reply only to the court, Adamson said. The reply is due to Judge Griesa's court in 25 days.

A spokesman for a group that raises funds to publicize and finance the SWP/YSA litigation termed yesterday's action "a big victory for the right of the American people" to learn of FBI efforts to interfere with the exercise of the constitutional right to freedom of speech and assembly.

In the order at issue, Griesa ordered the FBI to produce its files on

18 informants for confidential inspection by four SWP/YSA lawyers. The lawyers and no one else could make the inspection, Griesa said. He said that they could reveal the information in the files — including the FBI's instructions to, and evaluation of, the informants—to no one.

Eventually, on the same restricted basis, more and possibly all of 1,300 files would be made available to the lawyers, the judge said.

If the government should be recalcitrant, he warned, "I will seriously consider contempt of defiant officials." But, he added, "I can't deal with that in advance. I will face it when and if it comes . . . We may not even have to reach that, and I hope we don't."

Naming Griesa as a respondent, the department asked the 2nd U.S. Circuit Court of Appeals to block his order. It refused, saying that it was a pretrial order and therefore not appealable.

On April 5, Solicitor General Wade H. McCree filed the petition for review. It won the votes of Chief Justice Warren E. Burger and Justices Byron R. White and Lewis F. Powell Jr., but a fourth vote was needed.

Six days later, Griesa held a hearing at which he told Assistant U.S. Attorney Thomas E. Moseley that the petition omitted "essential items" while containing inaccuracies that could "confuse or mislead the Supreme Court."

The department petition said that Bell "is prepared not to comply" Griesa's order "if that should be necessary to permit appellate review," that any contempt order run only against Bell personally because the files are in his control, and that it would be "unseemly" and "pointless" to precipitate a confrontation between the executive and judicial branches.

But in a reply brief for the SWP/YSA, lawyer Leonard B. Boudin said that Griesa not only never had suggested that Bell might be held in contempt, but also had said that contempt "would necessarily be a matter involving some person or persons at the FBI."

**EDITORIALS**
**Last Ditch for the Black Baggers**

Will the Attorney General of the United States and the director of the FBI, both of them former U.S. court of appeals judges, go to jail rather than reveal the identities of eighteen "informants" (read informers) who spied on the activities of a legal political party? That intriguing possibility arose when the Supreme Court refused to overrule a lower court order giving lawyers for the Socialist Workers Party confidential access to files on the eighteen FBI employees who wormed their way into the SWP. (The party has filed a \$40 million suit against the government for damages resulting from forty years of covert official disruption and harassment.)

The Justice Department continues to resist the court order, trying to squirm through all possible legal loopholes in its effort to get a higher court to review the disclosure order. Its spokesman claims Bell's action is "not outside the law" and Bell himself told the lower court that it was not done "in a spirit of defiance of court orders or out of a contemptuous attitude toward this court or its authority." Still, he resists, and, if he sticks to his principles, so to speak, Griffin Bell may go down in history as the first Attorney General to disobey a court order.

Sickening is the right word for the behavior of the federal government in the Socialist Workers Party case. A couple of numbers tell the story as it has laboriously been extracted from the government in court—one FBI informer for every twenty-three members of the SWP, and one FBI break-in to SWP offices every three weeks during the years 1960-66. The purpose of this frantic illegal activity? To get "information relative to the se-

curity of the nation," said the hapless Clarence Kelley, Judge Webster's predecessor as head of the FBI. Those black-bag jobs, he claimed, were "paramount in the protection of the country" and were no "corruption of the trust that was placed in us." The FBI has maintained that the SWP is "potentially violent" (shades of the whole Bill of Rights!), even after a federal court held that the bureau had produced "absolutely nothing" in the way of evidence of "violent revolutionary activity or any other illegal activity."

So why is "Judge" Bell, presumably in concert with "Judge" Webster of the FBI, willing to risk a contempt of court sentence (and even incarceration?) in order to protect a few informers? There must be—at least in Bell's mind—a principle of great importance at stake. What can this be except to preserve the dishonorable profession of political informer, one that is so useful to police prying into the lives of citizens? It is astonishing to find the chief law-enforcement officer of this famously "open" administration out on that shaky limb.

This case is really about the right of the government to engage in domestic political espionage. The deeds were done mainly in the days of the unlamented J. Edgar Hoover but the retribution for them falls in this ostensibly more enlightened period. Bell and Webster are worried about the morale of the G-men, some of whom are likely to be punished for their breaking the law in their role as law-enforcement officials. Their "paramount" concern "in the protection of the country" should be the strict observance of the law at all levels of police activity, not the protection of a few miserable informers and their like in the future.