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FBI Access to Private Mail Is Curbed by Federal Court

Newark, N.J.

A federal judge ruled yesterday it is illegal for the FBI to screen a citizen's mail that is sent to organizations considered subversive or a threat to national security.

U.S. District Judge Lawrence Whipple said that it is unconstitutional for the FBI to invoke mail covers, a Postal Service procedure setting aside letters to specific organizations.

Under postal regulations involving national security, the FBI can request that mail be set aside and information on the outside cover recorded. The letters are not opened.

"National security is too ambiguous and broad a term. The memory of the lawlessness that masqueraded as "national security" searches is too close to the memory of this court," Whipple said.

The ruling was issued in connection with a lawsuit filed five years ago by a Mendham, N.J. high school student who became the subject of an FBI mail cover after she wrote to the Socialist Workers party in New York.

Lori Paton, now 21 and living in the Washington, D.C. area, became the focus of an FBI probe after she wrote a letter asking for information for a high school social studies class called "Left to Right."

Paton said that FBI agents started a file on her in 1973 and visited her school and local police department asking questions about her. Her FBI file was expunged after she filed suit.

Frank Askin, the American Civil Liberties Union lawyer who represented Paton, said that the decision marks the first time a judge has ruled that mail covers

violate the First Amendment.

This (procedure) is a relic of the Nixon administration. The FBI had an insatiable quest for names. All they wanted was names, names, names," Askin said.

He said that the ruling will affect mail covers nationwide unless it is appealed by the government.

Whipple said his ruling in no way affects the use of mail covers for locating a fugitive or obtaining evidence of commission of a crime.

He said that if the mail cover of the Socialist party had been based on a "good faith" criminal investigation, it would have been valid.

On October 6, the U.S. Supreme Court refused to hear an appeal of a mail cover case involving a California man. In that case, the U.S. 9th Circuit Court of Ap-

peals upheld the use of mail covers in a criminal case.

Postal regulations first authorized the use of mail covers in 1879. More restricted regulations were issued in 1965 following congressional hearings.

United Press