

# Judge Cites Bell For Contempt Over FBI Files

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Attorney General Griffin B. Bell formally was held in contempt of court yesterday after refusing again to turn over confidential FBI informant files.

This is the first time the nation's chief law enforcement officer has been found in contempt. Bell argued in vain yesterday that the citation "will adversely affect my ability to function as attorney general."

U.S. District Court Judge Thomas P. Griesa denied Bell's request yesterday that his threatened contempt order be delayed to allow for appeals. Griesa said a new round of appeals was "a totally unjustified attempt to obstruct and delay."

Griesa's action in New York set off a round of legal maneuvers by attorneys for the government and the Socialist Workers Party. The SWP and an affiliate, the Young Socialist Alliance, are seeking the files for evidence in a \$40 million damage suit over allegedly illegal FBI spying.

Lawyers for Bell immediately asked Judge Murray I. Gurfein, of the 2nd U.S. Circuit Court of Appeals, to stay Griesa's order. A hearing is set for this morning in New York.

SWP lawyer Margaret Winter said yesterday that the party will ask Griesa today to hold a hearing Aug. 1 on their renewed motion that Bell be jailed until he complies.

Griesa denied a motion for Bell's imprisonment last week. He ordered then that the attorney general had only until today to comply with his order to turn over the 18 FBI informant files to SWP attorneys before automatically being in contempt.

But Griesa issued a new order yesterday after Bell filed an affidavit confirming his decision to withhold the files.

The attorney general, in the sworn



ATTORNEY GENERAL BELL  
... asks stay of court order

statement, said he had to disobey because informants are such an important source of information in criminal and counterintelligence cases. The "ultimate effect" of Griesa's order to turn over the files "would be to cause incalculable harm to the nation's ability to protect itself against enemies, foreign and domestic," Bell said.

On a procedural ground, Bell also pointed out in the affidavit that he was willing to be held in contempt be-

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cause he had been advised that would make Griesa's original order—to turn over the files—appealable.

Earlier appeals of the original order were turned down by both the 2nd Circuit Court of Appeals and the Supreme Court on the technical grounds that a "discovery" order was not appealable.

The circuit court judges did seem sympathetic to Bell's arguments about the importance of informants, but said Griesa had not abused his authority, so they could not review his order.

In issuing his unprecedented contempt order yesterday, Griesa contended that no further appeal was justified. He said Bell's actions in seeking new appeals "are virtually a classic example" of a problem President Carter cited recently in warning about delays in court cases caused by parties seeking to prolong litigation.

Bell spokesman Terrence B. Adamson said yesterday that the attorney general had discussed his stand on the informants issue with the president as recently as Wednesday. It is fair to assume, Adamson said, that Bell and Carter "see eye to eye" on the issue.

In going back to the Circuit Court  
In going back to the 2nd Circuit Court  
nal contempt ruling, U.S. Attorney Robert B. Fiske Jr. of New York said in a letter to Gurfain that the government simply did not "comprehend" Griesa's assertion that there are no further grounds for appeal.

"The issues in this case involve fundamental constitutional questions concerning the propriety of holding a Cabinet officer in contempt without adequate exploration of alternative sanctions..." Fiske said.

In the accompanying brief, he argued that Griesa's contempt order "places an unnecessary strain upon the separation of powers and should be reviewed by this court."

Griesa last week rejected sanctions

other than contempt on the grounds that the informant files were a "unique and essential body of evidence" for the SWP.

The suit, which has dragged on since 1973, has established so far that the FBI used some 1,300 informers in a surveillance program of the small radical political party lasting from 1938 until then Attorney General Edward Levi ordered it terminated in 1976.

The SWP alleges that the informants burglarized party offices and actively harassed its members, with the knowledge of the FBI.

Greisa noted in his 68-page order last week that the FBI intentionally omitted reference to known burglaries by an informer at an SWP office in Denver when answering questions in the suit. Thus, he said, a sample of the actual files was needed so SWP lawyers could seek evidence on which to base claims for damages.

*Special correspondent John Kennedy in New York contributed to this article.*