

*Final 11/30/78*

## **FBI Scrutiny of Mail Found Unconstitutional By U.S. District Judge**

NEWARK, N.J., Nov. 29 (AP)—A federal judge ruled today that it is unconstitutional for postal inspectors to scrutinize mail for the general purpose of "protecting the national security."

U.S. District Court Judge Lawrence A. Whipple said that his ruling would not affect so-called mail covers in criminal or fugitive investigations, but that "national security as a basis for the mail cover is unconstitutionally vague and overbroad."

Inspecting mail covers is a practice in which postal inspectors note any return address or other information appearing on the outside of mail addressed to certain organizations or individuals.

The judge ruled in the case of Lori Paton, of Mendham, who sued the FBI in 1973 after she learned she was investigated for a letter she erroneously sent to the Socialist Workers Party. Paton said she meant to obtain information from the Socialist Labor Party for a high school project.

As a result of her letter, the FBI began a file on Paton with a classification that indicated "subversive matter," court records showed.

"If the mail cover of the SWP had been based on a good faith criminal investigation, it most certainly would be valid," Whipple said.

The Socialist Workers Party mail cover was started by acting FBI director L. Patrick Gray III because the group "has put forth a continuing propaganda program against the American form of government," Whipple said.

Although Whipple ruled that mail scrutiny was unconstitutional, he reserved a decision on whether Paton's individual rights were violated.