

U.S. says it would rather pay Socialists than release FBI files

New York (AP)—The federal government, still insisting that it must not release FBI files containing information about informants, said yesterday that it is willing to concede a \$40 million damage suit filed by the Socialist Workers party.

"We would rather lose the case than turn over the files of these informants," Robert Fiske, Jr., U.S. attorney, told a three-judge panel of the Second U.S. Circuit Court of Appeals, which is reviewing a lower court's contempt citation against Griffin B. Bell, Attorney General.

The nation's chief legal officer was cited last July by Judge Thomas Griesa of U.S. District Court after Mr. Bell defied Judge Griesa's order that he turn over 18

FBI informant files to the Socialist Workers. Judge Griesa denied a motion by the Socialist Workers to have Mr. Bell jailed before the appeal and suspended sentencing pending appeal.

Mr. Fiske said the government had also offered to concede the suit before Judge Griesa. He said the judge should have granted Mr. Bell the alternative of defaulting on the suit rather than surrendering the FBI files, said to contain the names of about 100 informers.

The government's willingness to concede the case means it would submit to a partial judgment if the plaintiffs show they lost revenue or suffered other damages because of the government's activi-

ties.

Arguing against the government's offer, Leonard Boudin, lawyer for the Socialist Workers, said he still needed the files because "we do not know the details of the wrongdoings and the quantity of the wrongdoings."

The suit charged the FBI with break-ins and other illegal acts in the course of its surveillance of the party from its founding in 1938 until 1976, and Mr. Boudin contends the files are needed to determine whether damages exceeded the tentative \$40 million estimate.

The appellate court took the appeal under advisement and continued a temporary stay of the contempt order.