

Judge Reserves Decision on Move By Socialist Workers to Jail Bell

By ARNOLD H. LUBASCH

Arguments were heard yesterday in a move to hold Attorney General Griffin B. Bell in contempt of court and to send him to jail for disobeying a judge's order to release Government files on 18 informers who spied on the Socialist Workers Party.

After a two-hour hearing, Judge Thomas P. Griesa reserved his decision in Federal District Court in Manhattan. The extraordinary dispute involves a \$40 million lawsuit against Government agencies accused of illegally interfering with the Socialist Workers.

Judge Griesa said that he was not indicating what decision he might reach, but his comments to both sides made it clear that he was seriously considering the contempt motion.

Time to Reconsider Order

Leonard B. Boudin, the chief lawyer for the Socialist Workers, proposed that Mr. Bell be held in contempt now and sent to jail on Aug. 1. Mr. Boudin said that this would give the Attorney General time to reconsider the judge's order to release the informer files.

He observed that the judge had issued a "very limited" order for the Government to give 18 files to the party's lawyers, who would be forbidden to disclose the files to anyone else.

But Robert B. Fiske Jr., the United States Attorney in Manhattan, contended that release of the files would deter informers from working for the Government. He said that it would have "a major adverse effect on law enforcement in general and counterintelligence."

Mr. Fiske asserted that the Attorney General was not defying the court but was seeking "full appellate review" of the judge's order. Instead of issuing a contempt citation, he urged the judge to consider alternative sanctions, which could forfeit part of the suit in favor of the Socialist Workers.

According to Mr. Fiske, who described the dispute as an "unnecessary confrontation" between two branches of government, no judge has ever held an Attorney General of the United States in contempt of court for refusing to provide information in any case.

The contempt move grew out of the long and complex civil suit that the Socialist Workers, a small Trotskyite party, filed against the Federal Bureau of Investigation and other Government agencies. The suit seeks damages for the Government's alleged use of informers, burglaries and other surveillance practices against the party.

'Respectfully Declined'

The Socialist Workers asked for informer files as evidence to support the suit's charges that the Government had illegally disrupted the party for many years. But the Government vehemently opposed the release of the Federal Bureau of Investigation files, insisting that it was essential to protect the confidentiality of informers.

Judge Griesa, who is presiding over the case, ordered the Government to give the files on 18 unidentified informers to lawyers for the Socialist Workers as part of the continuing discovery procedure before trial.

Attorney General Bell, as the official with ultimate responsibility for F.B.I. files, replied on June 13 that he "respectfully declined" to release the files. He stressed that this was the only way the Government could obtain a full appeal of the judge's order.

In a formal motion last Tuesday, the Socialist Workers asked Judge Griesa to hold Mr. Bell in contempt and to imprison him until the Government released the informer files. The judge scheduled a hearing on the motion for yesterday at 3 P.M.

The Government, contending that a contempt citation was inappropriate in this case, asked the judge to consider imposing alternative sanctions that could forfeit some of the suit in favor of the Socialist Workers. This would enable the Government to appeal all the way to the United States Supreme Court.

On procedural grounds, the Supreme Court refused to consider a Government appeal that was limited to challenging the order to release the informer files. Orders of this kind cannot be appealed unless the judge certifies them for review. He refused the Government's request for certification of review.

A 19-page memorandum supporting the contempt motion was submitted by Mr. Boudin. He asserted that "the only sanction adequate to force compliance with the discovery order of this court is the entry of an order confining the Attorney General until such time as he authorizes the release of the files."