

JUDGE BARS U.S. BID ON LEFTISTS' CLAIM

Socialist Workers' Assertion Held Proper in Action Against Activity of Informers

By ARNOLD H. LUBASCH

A judge has rejected the Government's move to dismiss \$10 million in damage claims arising from the infiltration of the Socialist Workers Party by informers.

The ruling last week by Judge Thomas P. Griesa of the Federal District Court in Manhattan declared that the party had made a proper claim based on the activities of informers and that an association such as the party, could claim damage for invasion of privacy.

Noting the Government's contention that invasion of privacy could be claimed only by an individual, not by an association, Judge Griesa acknowledged that "no case has been cited squarely recognizing a right of action for damages in favor of a corporation or association for invasion of privacy consisting of unreasonable intrusion."

But he said that recent court decisions had expanded the right of individuals to sue for invasion of privacy, and he added that "this right of action should, as a matter of reason and principle, apply to an association."

Member Privacy Tied to Group

"The protection of the association's privacy is necessary," he said, "for the protection of the privacy of the members."

Robert B. Fiske Jr., the United States Attorney in Manhattan, said on Friday that the Government was asking Judge Griesa for permission to appeal the ruling, which normally could not be appealed because it was not a final judgment in the case.

Judge Griesa is presiding over the 5 year-old suit by the Socialist Workers Party and its youth affiliate, the Young Socialist Alliance, which charged that the Federal Bureau of Investigation and other Government agencies had illegally disrupted the activities of the party for many years.

An appeals court is still considering Judge Griesa's decision last July to hold Attorney General Griffin B. Bell in contempt of court for the Government's refusal to release the F.B.I. files on 14 unidentified informers who spied on the Socialist Workers Party.

Disruptive Activities Alleged

As part of the suit, which involves a total of \$40 million in damage claims, the party is seeking \$10 million for disruptive activities attributed to the F.B.I. and its use of hundreds of informers who spied on the party's members.

Judge Griesa observed that the \$10 million was being sought for damages that the party and its youth affiliate had al-

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legedly suffered "in the form of suppression of rights of free speech and association and in the form of reduced support membership and revenues."

Government lawyers moved to dismiss the damage claims on the ground that the informers had gathered information in an undercover capacity as part of a legitimate investigation of potential crimes.

'Intentional Harm' Charged

In a 42-page decision rejecting the dismissal motion, Judge Griesa stressed that the party's damage claims were based on charges that the F.B.I. had resorted to deliberate disruption "for intentional harm by means which were illegal and corrupt."

He ruled that the damage claims by the party should be considered in a trial of the suit, which included charges that the F.B.I. had carried out a program of breaking into the party's offices, stealing documents, disrupting activities and harassing members.

The F.B.I. is not authorized to conduct the activities alleged in the suit, the judge said.