

**FBI Would Concede Suit,
Won't Yield Informant Data**

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," U.S. Attorney Robert Fiske Jr. told a three-judge panel of the 2nd U.S. Circuit Court of Appeals, which is reviewing a lower court's contempt citation against Attorney General Griffin B. Bell.

The nation's chief legal officer was cited last July by U.S. District Court Judge Thomas Griesa after Bell defied Griesa's order that he turn over 18 FBI informant files to the Socialist Workers. Griesa denied a motion by the Socialist Workers to have Bell jailed before the appeal and suspended sentencing pending appeal.

Fiske said the government also had offered to concede the suit before Griesa. He said the judge should have granted 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 activities.

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 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 against Bell.