

Court Asked to Bar Suit Against Army Dossiers

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WASHINGTON, Jan. 3 — The Justice Department asked the Supreme Court today to throw out a suit by political radicals and antiwar groups who are seeking to curb surveillance by the Army of civilian political activities.

In a brief filed today by Erwin N. Griswold, the Solicitor General, the Government asserted that the courts should leave it to the executive branch and to Congress to keep military intelligence units in check.

Mr. Griswold asked the Supreme Court to overturn a lower court's holding that the dissident plaintiffs — most of whom were subjects of the Army's surveillance — can sue to stop the surveillance and to make the Army destroy its dossiers on their activities.

The suit grew out of revelations in the press and in Senate hearings last year that some 1,000 Army intelligence agents in 300 offices across the coun-

try had kept tabs on such diverse civilian activities as civil rights groups, Community Action organizations, church groups and Earth Day observances.

Arlo Tatum, executive director of the Central Committee for Conscientious Objectors, and 12 other individuals and groups filed suit in Federal District Court in Washington, charging that the surveillance was having a "chilling effect" upon civilians' free political expression, in violation of the First Amendment's free speech guarantee.

The United States Court of Appeals for the District of Columbia ruled that they were entitled to a trial to prove, if they could, that the Army's surveillance was constitutional and should be halted by a court order. The Justice Department headed off an immediate trial by appealing to the Supreme Court.

In the brief filed today, Mr. Griswold insisted that the suit

represented "generalized grievances" against a Government policy that should not be heard by a court.

He said that the dispute presented no "case or controversy" for the courts to hear, as required by the Constitution, because there was no specific dispute between these plaintiffs and the Government.

He added that the political activists who brought the suit lacked standing to challenge the surveillance because they admitted that their plans for demonstrations and dissent would not be "chilled" by the Army's activities.

Mr. Griswold hinted that if these plaintiffs could not legally get into court to challenge the surveillance, nobody else was likely to qualify. Referring to hearings by the Senate Subcommittee on Constitutional Rights on the surveillance, he said, "There is an available forum outside the courts in which the public can air its general grievances."