

Judge Says Prosecutor Is Suable

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Guy Goodwin, the Justice Department attorney who specialized in grand jury investigations of Vietnam war protesters during the late 1960s and early 1970s, can be sued for some of his activities during those probes, a federal judge has ruled here.

Justice Department attorneys had argued that Goodwin enjoyed immunity from lawsuits for his activities as a prosecutor.

U.S. District Court Judge Aubrey E. Robinson Jr. rejected that argument in a case filed by eight members of the Vietnam Veterans Against the War who were acquitted in Gainesville, Fla., last year of charges that they planned to disrupt violently the Republican National Convention in 1972.

The plaintiffs specifically charged that Goodwin violated their constitutional rights by committing perjury when questioned under oath by a U.S. District Court judge concerning the presence of government informants in the "defense camp."

One of the persons being represented by attorneys for the defendants at the time of Goodwin's testimony later showed up during the Gainesville trial as a witness against the other defendants.

Quasi-judicial officers such as prosecutors are normally immune from lawsuits to protect them from "possible vindictive lawsuits arising from their activities in performing that function," Judge Robinson pointed out in a five-page opinion.

However, he added:

"Where, as in this case, a prosecutor is alleged to have committed perjury, an activity beyond the scope of his authority, in clear violation of law and far removed from the discretionary areas of the judicial process traditionally protected by the quasi-judicial immunity doctrine, the court concludes that this doctrine is not applicable."

Robinson also denied a request that the suit be transferred to Florida.