

Judge Orders F.B.I. to Destroy All Records on Jersey Girl, 17

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By JOSEPH F. SULLIVAN AUG 30 1974

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NEWARK, Aug. 29—Lori Paton, the teen-ager who became the subject of a Federal investigation as the result of a classroom exercise, won her fight today to force the Federal Bureau of Investigation to destroy all records pertaining to the incident.

Judge James A. Coolahan of Federal District Court said in a nine-page opinion that there was no legal justification for the F.B.I.'s possession of the file and said "the existence of those records may at a later time become a detriment" to the 17-year-old girl. He ordered the files "removed from the custody of the Government and destroyed."

Frank J. Donner, director of the American Civil Liberties Union's project on political sur-

veillance and author of several books on the subject of government surveillance, said the ruling appeared to be the first of its kind in the country.

"I have worked in this field for a number of years and I have never heard of such a remedy before," Mr. Donner said. "I hope it's catching."

In addition to ruling on the files, Judge Coolahan denied the girl's claim for \$65,000 in damages and refused to grant "class" relief. Such relief was aimed at preventing the F.B.I. from continuing to conduct the type of surveillance that led to the existence of a "subversive" file on the girl because she wrote to the Socialist Worker's party to gather information for

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a political science course.

Frank Askin, a lawyer with the Rutgers Constitutional Litigation Clinic, filed the suit on behalf of the girl and William Gabrielson, chairman of the West Morris-Mendham High School social studies department. Mr. Askin said he would probably appeal the denial of the class relief.

"While we're happy for Lori that the records will be destroyed," Mr. Askin said, "we think the decision is inadequate. It means the F.B.I. can continue to interfere with political inquiry and keep records on innocent people."

Mr. Askin said that Mr. Gabrielson had agreed with him in a telephone conversation today, but he said no decision on the appeal would be made until he talked to both the school official and to Miss Paton.

Nancy Paton of Chester said her daughter was out shopping today, preparing to leave in two days for her first year at the University of Virginia, where she will study languages and Oriental studies.

"When she called in during the day," Mrs. Paton said, "I told her what I had heard about the decision. She didn't say much; we both want to see exactly what the opinion says, but it sounds very good as far as she is concerned."

The incident began early last year when the 15-year-old high-school student wrote a letter requesting information on the Socialist Labor party as part of her work in a social studies project entitled "From Left to Right," which sought to explore various political ideologies.

By mistake, she addressed the letter to the Young Socialists Alliance, which is affiliated

with the Socialist Worker's party.

About that time, L. Patrick Gray 3d, the former acting director of the F.B.I., ordered a 120-day mail cover on the party, which was listed on the now-defunct Attorney General's list of subversive organizations. A postal inspector in New York City screening mail sent to the party came up with Lori's name and it was sent to the F.B.I. The Socialist Worker's party also sent the girl its newspaper and some literature.

The Newark F.B.I. office was asked to follow up the lead, and John Devlin, an agent, ran a credit check on Miss Paton's father and interviewed Edward Strait, the police chief in Chesold the agent that no member of the Paton family had a criminal record.

When he visited the high school to gather more background information, Mr. Devlin was surprised to find she was still a student and that the letter had been written as part of a class exercise. He completed his investigation and recommended "the case be closed administratively."

The F.B.I., however, placed the reports of the investigation in its files and one of the file cards bearing Miss Paton's name also has the notation "SM-SWP" meaning "subversive matter—Socialist Worker's party."

The girl, who said she would like a career as a Foreign Service worker in the Far East, said in her suit that the existence of the file could hurt her if it appeared years from now in a background check by a prospective employer. She also said that the investigation by the F.B.I. had embarrassed her and led to harassment by some classmates.

Judge Coolahan agreed that the files had a potential for future harm, but denied all of the broader points of the suit, which are argued that the F.B.I.'s system of mail-cover surveillance violated statutes protecting mail privacy as well as several amendments to the Constitution.

In January, Judge Coolahan ruled that Miss Paton could not say she represented a class since not everyone investigated as a result of the mail cover on the Socialist Worker's party had "such mild contact" with the political organization "or were cleared of suspicion as was Lori Paton."

LOTTERY NUMBERS

August 29, 1974

New York—897337
 All six wins\$50,000
 First or last five 2,000
 First or last four.... 125
 First or last three... 25
 First and last two.... 5
 First or last two 2.50

N. J. Weekly—487631
 All six wins\$50,000
 All six reversed 5,000
 First or last five 2,500
 First or last four .. 250
 First or last three.. 25

Tickets matching only the last number become eligible for the millionaire semifinal drawing to be held later.

N. J. Daily—34113
 All five wins\$10,000
 All five in reverse .. 1,000
 Last four 225
 First four 225
 Last three 25
 Middle three .. 25
 First three 25

All holders of losing tickets through next Wednesday are eligible for a special losers' prize, to be drawn next Thursday. The qualifying number drawn yesterday for tickets of last Thursday through Wednesday is 63701.

Connecticut—55030
 All five wins\$5,000
 Last four 200
 First four 200
 First, middle or last three 20
 Scrambled five 25

Holders of the five-digit number become eligible for a subsequent Super-75 drawing for prizes of \$100,000 and \$15,000.



United Press International
 Lori Paton