

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SOCIALIST WORKERS PARTY, et al., :  
  : Plaintiffs,

-v-

ANSWER

ATTORNEY GENERAL OF THE UNITED :  
STATES, et al., Defendants. :  
-----X

73 Civ. 3160 (TPG)

Defendant federal officials and individual named defendants in their official or former official capacities (hereinafter "federal defendants"), except for defendants Richard M. Nixon and John Mitchell, for their answer to the complaint herein:

1. Deny the allegations contained in paragraphs 1 and 2 of the complaint.

2. Deny the allegations contained in the first sentence of paragraph 3(a) of the complaint, deny the allegations contained in paragraphs 3(c) and 3(d) of the complaint, deny the allegations contained in the first two sections of paragraph 3(e) of the complaint, and deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in the remaining portions of paragraph 3 of the complaint.

3. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the complaint, except admit that the National Office of the SWP is in New York City, and admit that a stated objective of SWP is to replace capitalism in the United States with socialism but deny that the same is a complete statement of their objectives.

4. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the complaint except admit that the YSA's National Office is in New York City, and admit that a stated objective of YSA is to replace American capitalism with socialism, but deny that the same is a complete statement of their objectives.

5. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the complaint, except admit the allegations of the second sentence thereof, and admit for purposes of this lawsuit that plaintiff Linda Jenness is a current member of SWP.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the complaint, except admit the allegations of the second sentence thereof and admit for purposes of this lawsuit that plaintiff Andrew Pulley is a current member of YSA.

7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the complaint except admit for purposes of this lawsuit that plaintiff Christy Wallace is a current member of SWP.

8. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 9 and 10 of the complaint.

9. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the complaint, except admit the allegations of the second sentence thereof, and admit for purposes of this lawsuit that plaintiff Dan Fein is a current member of SWP.

10. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 12, 13 and 14 of the complaint.

11. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the complaint, except admit the allegations of the second sentence thereof, and admit for purposes of this lawsuit that plaintiff Jane Van Deusen is a current member of SWP.

12. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 16, 17 and 18 of the complaint except admit for purposes of this lawsuit that plaintiffs James P. Cannon, Charles Bolduc and Duncan Gordon are members of SWP.

13. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 19 and 20 of the complaint.

14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the complaint.

15. Admit the allegations contained in paragraphs 22, 23, 24, 25 and 26 of the complaint.

16. Deny the allegations contained in paragraph 27 of the complaint, except admit that defendant H. Robert Haldeman was employed by the U.S. Government as an Assistant to the President from January 21, 1969 to April 30, 1973.

17. Deny the allegations contained in paragraph 28 of the complaint, except admit that defendant John D. Ehrlichman was employed by the United States Government from January 21, 1969 to November 4, 1969 as Counsel to the President, from November 4, 1969 to January 21, 1973 as Assistant to the President for Domestic Affairs, and from January 21, 1973 to April 30, 1973 as an Assistant to the President.

18. Deny the allegations contained in paragraph 29 of the complaint except admit that Tom Charles Huston, who is no longer a defendant in this action as a result of a Court Order herein dated November 27, 1973, resides in Indianapolis, Indiana, and admit that he was employed by the White House as a researcher and writer from 1969 until June 1971, and had responsibility for coordinating and channeling internal security information from April to August 1970.

19. Admit the allegations contained in paragraph 30 of the complaint.

20. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 31 and 32 of the complaint.

21. Deny the allegations contained in paragraph 33 of the complaint, except state that during the period 1961-1969 the FBI conducted a program denominated "SWP Disruption Program" whose basic purpose was to alert the public to the fact that SWP is not just another socialist group but follows the revolutionary principles of Marx, Lenin and Engels as interpreted by Leon Trotsky, and further state that at various times during the period 1945-1963 the FBI conducted limited national security electronic surveillance of certain plaintiffs and deny any other allegations inconsistent with the answer herein.

22. Deny the allegations contained in paragraphs 34, 35 and 36 of the complaint.

23. Deny the allegations contained in paragraph 37 of the complaint, except admit that certain organizations have been designated by the Attorney General pursuant to Executive Orders 9835 and 10450 and amendments thereto, and refer to the same for the contents thereof.

24. Deny the allegations contained in paragraph 38 of the complaint, except admit that members of organizations designated by the Attorney General pursuant to Executive Order 10450 are subject to loyalty and security provisions imposed by law, executive orders and regulations pertaining thereto.

25. Deny the allegations contained in paragraph 39 and 40 of the complaint except admit that pursuant to law, executive orders and regulations, investigations are conducted with respect to persons who indicate they are members of SWP, and further deny that such persons have been singled out because of political activity with respect to the 1972 and 1973 campaigns.

26. Deny the allegations contained in paragraph 41 of the complaint, except admit that where an investigation discloses that a person is a member of SWP, such investigation may include conversations with others having knowledge about the person's background.

27. Deny the allegations contained in paragraph 42 of the complaint, except admit that FBI agents may have on occasion characterized the objectives of SWP, and asked questions relating thereto which may have influenced the conduct of SWP members.

28. Deny the allegations contained in paragraph 43 of the complaint, except admit that on occasion FBI agents may have disclosed the affiliation of SWP or YSA members to others which may have influenced the conduct of such persons.

29. Deny the allegations contained in paragraph 44 of the complaint, except admit that on occasion FBI agents may have induced members of SWP to inform the Government of SWP activities.

30. Deny the allegations contained in paragraph 45 of the complaint.

31. Deny the allegations contained in paragraphs 46 and 47 of the complaint, except admit that lawful investigations of SWP members, including Emily Rose Homonoff and Alice P. Woznak have been conducted pursuant to Civil Service Commission regulations.

32. Deny the allegations contained in paragraphs 48 and 49 of the complaint, except admit that the Army has complied with the provisions of Army Regulation 604-10 which requires an investigation of individuals claiming membership in organizations designated by the Attorney General pursuant to Executive Order 10450.

33. Deny the allegations contained in paragraphs 50 and 51 of the complaint, except admit that the Selective Service will classify registrants 4F upon a determination by the Army that they are unfit for service.

34. Deny the allegations contained in paragraph 52 of the complaint except refer to the answers to paragraphs 46-51 of the complaint hereinabove.

35. Deny the allegations contained in paragraph 53 of the complaint, except refer to the answer given to paragraph 33 of the complaint hereinabove.

36. Admit the allegations contained in paragraphs 54 and 55 of the complaint.

37. Deny the allegations contained in paragraphs 56 and 57 of the complaint.

38. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 58 of the complaint, except admit that the discovery of a wiretap on the line of Mr. Cannon at the address indicated was reported to the FBI by the Los Angeles Police Department.

39. Deny the allegations contained in paragraphs 59 and 60 of the complaint.

40. Deny the allegations contained in paragraph 61 of the complaint except refer the answer to paragraph 58 of the complaint provided hereinabove.

41. Deny the allegations contained in paragraphs 62 and 63 of the complaint, except admit that defendant Nogi visited the home of plaintiff Gordon and placed a letter in his mailbox for the purpose of attempting to contact him.

42. Deny the allegations contained in paragraph 64 of the complaint.

43. Deny the allegations contained in paragraph 65 of the complaint except admit that a lawful mail cover was placed on mail of the Socialist Workers Party, 410 West Street, New York, New York 10014, from approximately January 23, 1973 to May 18, 1973 in accordance with Postal Service regulations.

44. Deny knowledge and information sufficient to form a belief as to the truth of the allegations in paragraph 66 of the complaint, except admit that the FBI has knowledge of a report made by the Detroit Police Department concerning the alleged burglary.

45. Deny knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraphs 67 and 68 of the complaint.

46. Deny the allegations contained in paragraphs 69 and 70 of the complaint.

47. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 71 of the complaint.

48. Deny the allegations contained in paragraph 72 of the complaint.

49. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 73 of the complaint.

50. Deny the allegations contained in paragraphs 74 through 99 inclusive of the complaint.

51. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 100 of the complaint.

FOR A FIRST AFFIRMATIVE DEFENSE

52. The complaint fails to state a claim upon which relief can be granted.

FOR A SECOND AFFIRMATIVE DEFENSE

53. The Court lacks jurisdiction over the subject matter of the complaint.

FOR A THIRD AFFIRMATIVE DEFENSE

54. The plaintiffs herein lack standing to bring this suit.

FOR A FOURTH AFFIRMATIVE DEFENSE

55. The suit is in fact a suit against the United States of America, to which the United States of America has not consented, and which is barred by the doctrine of sovereign immunity.

FOR A FIFTH AFFIRMATIVE DEFENSE

56. At all times material herein, all alleged activities of the defendants were in furtherance of their official duties, or within the scope of their authority and were not in excess of their statutory authority; defendants are therefore absolutely immune from civil liability under the doctrine of official immunity.

FOR A SEVENTH AFFIRMATIVE DEFENSE

58. Insofar as this action is predicated on the designation of plaintiff SWP on the Attorney General's List pursuant to Executive Order 9835, Executive Order 10450 and amendments thereto, this suit is barred by laches and failure to exhaust administrative remedies.

WHEREFORE, federal defendants except for defendants Richard M. Nixon and John Mitchell, demand judgment dismissing the complaint herein, together with the costs and disbursements of this action.

Dated: New York, New York  
January 7, 1974

PAUL J. CURRAN  
United States Attorney for the  
Southern District of New York  
Attorney for federal defendants  
except for defendant John Mitchell

By: /s/  
STEVEN J. GLASSMAN  
Assistant United States Attorney  
Office and Post Office Address  
U.S. Court House Foley Sq.  
N.Y., N.Y. 10007  
Tel. (212)264-6325