

Dear Jim,

1/20/79

In today's mail I have a copy of the New York Times story of 1/16 headed, "Ex-agent Accuses F.B.I. Executive of Perjury in Suit Over Informants."

There is a direct quotation from Mr. Adams in this story that from my experience is not truthful, "...an explicit promise of confidentiality in all cases."

As with the records I received recently in response to my Privacy Act request of 1975 I believe the information I have might well be before that court, SWP case.

Just before I had to suspend what I was doing and prepare a memo for C.A. 75-1996 I had gone over the New Orleans Field Office JFK assassination records I received recently. In one of them there is a record in which the FBI itself stated that the informant said her name could be disclosed. It was not disclosed but was obliterated in the record provided to me. I have had a copy of this record made ~~as~~ as soon as I can. I will go over these copies and provide it to you.

To my knowledge the FBI made not fewer than three of its informants available to the House Select Committee on Assassinations. I have provided the proofs relating to these three in affidavits in C.A. 75-1996 of which, of course, the Department of Justice received copies.

The House committee turned one of these three over to Mark Lane.

In another case I have the record with which the FBI made the informant's name known to the committee. This man told me that the FBI sought him out and told him that the committee desired that he work for it. (Not, of course, as a regular staff member.) When he said he didn't want to do this he was told he'd be subpoenaed and would thus be exposed.

These are symbolled informants. The FBI has made the same representation in my cases with regard to "sources," who may be other than symbolled informants and may not be considered informants at all by the FBI.

Years ago it was disclosed to Paul Hock that one Carlos Quiroga was an FBI informant, whether or not with a number or for pay. This was prior to the SWP suit. After that suit, this past year, the FBI disclosed to me that one Carlos Bringuier was a source for it.

There are probably other such cases.

This story quotes the former FBI agent as saying that the confidentiality-pledge line was "invented" after the filing of the SWP suit. I have no knowledge of that. I do know that I never encountered that, extended to "sources," until after the 1974 amending of the Freedom of Information Act. Once that amending became effective the FBI started to withhold information identical with what it permitted to be printed in facsimile in innumerable cases by the Warren Commission. It then began to make an explanation like is quoted from Mr. Adams.

Distinguished from the foregoing is the disclosure of the identities of informants where the FBI may claim it was accidental. This has happened in my FOIA cases, the disclosure, not the claim. There was no occasion for the making of the claim then.

Counsel in the SWO case may want to look into the matter of the affidavits relating to Clyde Tolson's will. I have some news accounts.

Best,

New York Times

—NEW YORK, TUESDAY, JANUARY 16, 1979—

25 cents beyond 50-mile zone from New York
Higher in air delivery city

Ex-agent Accuses F.B.I. Executive Of Perjury in Suit Over Informants

By JOHN M. CREWDSON

Special to The New York Times

SAN FRANCISCO, Jan. 15—A retired Federal Bureau of Investigation agent has accused the bureau's second-ranking executive of perjuring himself in sworn statements he gave in a long-running lawsuit against the bureau by the Socialist Workers Party.

The accusations against James Adams were made by M. Wesley Swearingen. The retired agent takes strong exception to Mr. Adams's statement under oath that releasing the names of F.B.I. informants who have infiltrated the party over the years would jeopardize the safety of the informants and the broader operations of the bureau.

The Justice Department has forwarded the accusations to the United States Attorney in New York to study their accuracy. Through an F.B.I. spokesman, Mr. Adams said that to the best of his knowl-

edge an affidavit he had filed in the case was accurate.

Despite an order by Federal District Judge Thomas P. Griesa, the Justice Department has refused, chiefly on the basis of Mr. Adams's testimony, to turn the names of 18 F.B.I. informants over to lawyers for the Socialist Workers Party.

Contempt Ruling Appealed

Judge Griesa has ordered Attorney General Griffin B. Bell held in contempt of court for sustaining the F.B.I.'s refusal. The Government has appealed the contempt citation, and the United States Court of Appeals is expected to rule on the matter within a few days.

One of the main points of contention is Mr. Adams's assertion that those who act as the F.B.I.'s informants are "assured" that their identity "will not be revealed" and that the bureau's informant program "is built upon an explicit promise of confidentiality in all cases."

Mr. Swearingen says that the concept of a pledge of confidentiality was "invented" by the F.B.I. after the Socialist Workers Party filed suit and that, during his 25 years with the bureau, agents were instructed to make certain that informants understood that they might well have to testify eventually in open court on the bureau's behalf.

Mr. Swearingen, who retired from the

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bureau in May 1977, sent his lengthy remarks to the Justice Department's internal watchdog agency, the Office of Professional Responsibility, several months ago. The document has reportedly been referred to a second Justice Department agency and also to Robert B. Fiske Jr., the United States Attorney for the Southern District of New York, where the Socialist Workers' suit is being heard. Mr. Fiske's office is defending the F.B.I. and presented Mr. Adams as a witness.

Steps are being taken in both New York and Washington to establish the accuracy

of Mr. Swearingen's charges. And although one source said there was a possibility that some criminal charge might result from the inquiry, others said such a charge was less than likely at this point.

Mr. Adams has submitted a sworn affidavit, given a deposition and testified in the Socialist Workers case. The thrust of all his statements has been that the F.B.I. has an obligation to honor its pledge of confidentiality to the 18 informants and that harm has come to informants whose names became known to the organizations they were assigned to infiltrate.

Mr. Swearingen takes issue with most of Mr. Adams's testimony and, in a few cases, accuses the F.B.I. official of having misrepresented, deliberately or otherwise, the facts at his disposal.

Asked about Mr. Swearingen's charges, Mr. Adams said through an F.B.I. spokesman that the affidavit he submitted had been "prepared by F.B.I. headquarters staff, based upon extensive research including a survey of all field divisions."

"It was prepared for my signature in 1976, at which time I was in charge of all F.B.I. investigative operations. To the best of my knowledge, the affidavit is accurate and I am unable to comment further because this matter involves pending litigation."

The spokesman, Homer Boynton, also said that Mr. Adams, who is now the bureau's associate director, had asked the F.B.I.'s legal counsel to make certain that the Swearingen allegations were sent to Mr. Fiske because of their potential impact on the Socialist Workers Party case.

One Adams assertion that Mr. Swearingen disputed was that informants' reports had proved over the years to be the primary source of the bureau's information about the party and its activities. Mr. Swearingen said the F.B.I. had for many years subjected the party's offices to various kinds of electronic surveillance, had opened and read its mail and repeatedly broken into its offices without search warrants to hunt for information.

Judge Demands Data on Allegations Against F.B.I.

By ARNOLD H. LUBASCH

A Federal district judge ordered the Government yesterday to give him all the material that a former agent had given to the Justice Department concerning allegations that the Federal Bureau of Investigation had provided false information in sworn statements involving a suit by the Socialist Workers Party.

Judge Thomas P. Griesa, who is presiding over the party's \$40 million suit against the F.B.I. and other agencies, told the Government's lawyers to turn the material over to him and to the lawyers for the Socialist Workers. The judge, who said he had learned of the allegations in an article in The New York Times, issued his order in Federal District Court in Manhattan.

If the court could not rely on sworn testimony from the F.B.I. in this case, Judge Griesa said in a firm tone, it would be of "grave concern" to him.

The judge asked the Government why it had failed to inform him about the alle-

gations that were made by M. Wesley Swearingen, a retired F.B.I. agent who contended that the bureau's second-ranking executive, James Adams, had perjured himself about the danger of identifying informers who had spied on the Socialist Workers.

Thomas E. Moseley, an assistant United States Attorney, replied that the Government believed that Mr. Swearingen's allegations were "devoid of substance." Mr. Moseley added that the Government was still investigating the allegations and expected to "wrap it up in three or four weeks."

Leonard B. Boudin, the lawyer for the Socialist Workers, told the judge that Mr. Swearingen's long statement conveying the allegations to the Justice Department should be turned over to the Government. He added that the judge should schedule a hearing on the matter.

After the request, Judge Griesa ordered the Government to turn over the material to him and to Mr. Boudin. The

judge declined to take further action for the time being, but he stressed his concern about Mr. Swearingen's allegations that the F.B.I. had fabricated evidence about dangers of identifying informers.

The Government said later that the material would be turned over today.

According to Mr. Swearingen's allegations, the bureau's Los Angeles office had helped compile a list of informers to support the testimony of Mr. Adams that identifying informers in the case of the Socialist Workers would jeopardize the safety of the informers and the operations of the F.B.I.

Mr. Swearingen alleged that the list of informers amounted to "a pack of lies" because none of the individuals on the list were political informers who had suffered reprisals as a result of their identities being disclosed against their wishes.

Mr. Adams has said through an F.B.I. spokesman that his affidavit in the case had been accurate to the best of his knowledge.