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SEVEN DAYS SPECIAL REPORT

(Second of Two Parts)

Inside the FBI

FBI Informers Beg, Borrow and Steal

This has been a bad month for the FBI. First, three top FBI officials—former Acting Director L. Patrick Gray, 3d, former Acting Associate Director W. Mark Felt, and the former chief of the Bureau's counterintelligence section, Edward S. Miller—were indicted by a Federal grand jury for conspiring to violate the civil rights of American citizens by ordering agents to break into their homes without warrants. The break-ins cited in the indictment occurred in late 1972 and early 1973 in New York City and Union City, New Jersey, against friends and relatives of Weather Underground fugitives.

Attorney General Griffin B. Bell also asked current FBI director William H. Webster to subject 68 FBI agents to administrative discipline for their role in the illegal entries. Such action could result in dismissal.

On April 13, three days later, J. Wallace LaPrade, chief of the FBI's New York

office and an unindicted co-conspirator in the government's case, was transferred to Washington to answer Justice Department charges stemming from the same investigation.

LaPrade, a 27-year veteran of the FBI, lashed out at Bell, charging that illegal searches and surveillances continued under the Ford and Carter Administrations and are continuing today. William Safire in *The New York Times* alluded to two specific cases LaPrade might have had in mind. These, in addition to the elaborate surveillance undertaken in the current "spy" case of Ronald Humphrey and Truong Dinh Hung suggest that current indictments are merely a cover for continuing illegal surveillance. Some sources even go so far as to suggest that the Justice Department's decision to zero in on the FBI's Weather Underground investigations offers the FBI defendants an easy out, as they can claim their activi-

ties fell into the national security loophole. Recent allegations that the Weather Underground was in contact with the PLO indicate that this may be the case.

At the same time that these unprecedented indictments were being handed down, charges were dropped against John J. Kearney, a lower-level FBI official who had been under indictment for illegal wiretapping and mail openings. Bell said he dropped charges against Kearney after William C. Sullivan, former FBI number three man, testified that in 1970 J. Edgar Hoover had ordered him to urge Kearney to employ illegal measures against the Weather Underground.

If Kearney had gone to trial, it is believed Sullivan would have testified on his behalf. Sullivan also was reported to have been the key witness against Gray, Felt and Miller. He was a defendant in several multi-million dollar civil suits against the FBI and it was known that he

Left to right: L. Patrick Gray 3d, Edward Miller and W. Mark Felt: indicted for giving the orders.



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intended to cooperate with the prosecution. A number of people, therefore, had good reasons for wanting Sullivan out of the way. Last year, shortly after he testified for nine hours before a grand jury investigating the FBI, he was shot in what was described as a hunting accident near his home in New Hampshire.

Attorney William Kunstler recently charged that Sullivan was murdered and called for a full investigation, citing a number of suspicious circumstances surrounding his death. According to Kunstler, Sullivan was shot 15 minutes before sunrise at 243 feet with a sniper rifle equipped with a scope that magnified objects three to four times their normal size. The killer, Robert Daniels, is the son of a state trooper and, says Kunstler, an expert hunter.

He allegedly mistook Sullivan, attired in a black and white mackinaw and white turtleneck sweater, for the white tail of a deer. According to officials who examined the body, however, Sullivan was wearing a black and red mackinaw. The only white item of clothing they found was a T-shirt entirely covered by outer garments. The autopsy report has the fatal bullet traveling in a downward path through Sullivan's body until deflected upwards by vertebrae, while the killer said he shot upwards over the brow of a hill.

The FBI did not investigate at the time of the shooting. "It was a local matter," says FBI press officer Tom Deakin. "We didn't see any reason to investigate then and we find no reason now."

Kunstler's charges are potentially the most explosive of all and could have extremely serious consequences for the FBI, dwarfing the current flap over illegal entries, wiretaps and mail openings. Here is Part II of Dave Dellinger's interview with a former FBI agent who sheds some light on the kinds of activities that led to the grand jury indictments against the three top FBI officials. *Peter Biskind*

Judge Thomas Griesa, in the Socialist Workers Party lawsuit against the FBI has ordered the Bureau to make public the files of nine of the approximately 1,300 informers it employed against the SWP over the years. FBI officials have given the impression they will refuse to comply with Judge Griesa's ruling, thereby risking contempt citations. Why is the FBI ready to go to such lengths to protect its informers?

Informers are a sensitive subject for the FBI. The Bureau presented a memorandum to the Church Committee, which claimed that "informant development and handling are extensively discussed in

the FBI's training programs, and there's no question as to special agents being aware that informants cannot be directed to perform a function that the special agent may not legally perform."

That's nonsense. The FBI has always encouraged informers to "borrow" membership lists, records or whatever. I can cite at least five cases in the Los Angeles office since Clarence Kelley was director where informers did that. Now, if that wasn't FBI policy, what were those five informers doing? Are they aberrations? I don't believe it.

The FBI also stated that it has a pledge of confidentiality with each informant it develops. But the phrase "pledge of con-

fidentiality" was never part of FBI jargon until it was introduced in an affidavit in the SWP case sometime in 1976. We never guaranteed to informers that their identities would be protected. One of the ideas behind having an informer is to have someone who can develop evidence that will be admissible in court and then testify to it.

Another reason the FBI is sensitive about informers is that this is one of the areas that was phoned up a lot. In order for agents to qualify for their grade raises, from grade 10 to 11 or from 11 to 12, they would have to measure up in all the different statistical categories the FBI had. One of them was their participation in what they called the informer program. If a person didn't participate in the informer program, he might be passed over on a pay raise. They would say his performance was slack, etc. In some offices, each agent had a quota of three informers. In Los Angeles, each agent was supposed to have five. If an agent wasn't in the position to develop informers, he'd have to dream up ways of manufacturing them. The way he would go about that was only limited by his imagination.

I always fought against the quota system, but other agents succumbed to the pressure. They'd say, "These files are confidential and no one's ever going to see them, so there's nothing to worry about."

The fact that the files were confidential meant that the agent had complete control over the information that went into them. The agent could make a statement that the informer would not talk to anyone but that particular agent or that the informer would not be willing to testify in court to any of the information he might furnish. Agents maintained non-existent informers, for example, names taken off the gravestones in a cemetery, and sometimes made payments to these "people" and kept the money themselves. One agent claimed his next-door neighbor as an informer and attributed to him phony information on deserter fugitives in a county 80 miles away.

An agent in Los Angeles told me in 1977 that he used to work for a supervisor who "had agents pad their informer reports to make them sound good."

In 1971, two agents in Los Angeles were suspected by another agent and myself of submitting phony informer reports on a Chicano militant group called the Brown Berets, which the other agent and I were working on at that time. Every so often the two suspect agents would ask us about the group's activities. A few days later, in would come a report from a newly developed informer relating the very

YOUR G-MEN IN ACTION

I'll give you an idea of how the FBI operates when they're in a position where they're not going to get a whole lot of credit for a particular investigation.

Way back in 1954, when the Puerto Rican Nationalist Party shot up the Congress, there was an individual who went to the Secret Service and said that this group was going to try to assassinate President Truman, J. Edgar Hoover and also some members of Congress. It was such a fantastic story that the Secret Service said, "Why don't you go to the FBI? We don't want to be bothered." They figured the guy was nuts.

So he came and told the FBI. They thought he was crazy too, but they didn't want to take a chance that these people might try something against Hoover. So they immediately set up a 24-hour surveillance on all known members of the Nationalist Party of Puerto Rico in Chicago. After a few days the surveillance turned into a comedy scene because we were riding around bumper to bumper and they knew they were being followed. It was just like the Keystone Cops. After a few days went by, there was a shooting in Congress. And it was part of this group.

The FBI, of course, saved Hoover from being assassinated, but they didn't have any responsibility for protecting the President, so they didn't. That was up to the Secret Service, and the Secret Service had already been made aware of the situation. And the FBI had no responsibility to protect members of Congress, so nobody protected them.

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activities we had discussed with them. One day those two agents were given a complete set of details about a meeting that never took place. A few days later, in came an informer report of the fictitious activities we had related. Our suspicions had been confirmed, but we could not report them for they were well wired in the office all the way up to the special agent in charge (SAC).

You can't report anything in the FBI. Once I made a report of some corruption in the Bureau and the SAC called me in and said, "You can get into a lot of hot water for this." I said, "How can I get into hot water? I haven't done anything." So he said, "Well, you should have reported this earlier." That's where they get you. If you discover something on Monday and you report it on Tuesday, you should have reported it Monday night or Tuesday at breakfast. That's the way they play games.

When Judge Griesa ordered the informer files released, the FBI was so fearful of being caught up in the lies some agents had been telling for years in connection with informers that it requested all offices to immediately submit specific instances of harassment directed at FBI informers whose identities had been exposed.

How do you go about developing informers?

You get someone in a compromising position; you get something on them. It works on just about everybody. That's one of the reasons for so much investigation into the personal backgrounds of anyone in an organization. The FBI is trying to gather personal information that would embarrass someone and maybe turn him into an informer.

There's a big debate on the left about whether one should ever talk to an FBI agent. Some people say, "Yes, they're people too, and I can handle them without giving out confidential information." Others say, "No, because you may tell them something you think is harmless that will turn out to be the missing piece they're looking for." What's your opinion?

A certain percentage will talk to you in a friendly way. A guy's not about to become an informer, but maybe he feels the agent really isn't such a bad guy after all, he has kids like everybody else and his grocery prices are going up just like everybody else's. Then the agent leads him to a question he needs the answer to and bang, it's over. He gets his answer, shakes hands—"It's nice to know you"—and everything seems very friendly. But it was all a put-up job to get one answer.

Some agents are fantastic. They can go out and get some high-ranking organized-crime type to just roll over and spill a lot of stuff. There are others who couldn't get their own mothers to tell them the truth. Just so bad.

What else are informers used for besides stealing documents?

They conduct break-ins and plant false information to discredit various radical leaders. They provoke violence, sometimes with the intention of killing Hoover's enemies.

When I was in Miami, I was urged by the "Red Star" collective to carry a gun, which they would supply. Later it turned out that the Red Star collectives in Tampa and New Orleans were organized by the FBI. What do you think they had in mind?

They may have been trying to set you up for an assassination. Agents rarely would conduct the assassination themselves, but they would try to generate a situation, get some local cop angry enough so he would do it. There are about 5 percent of FBI agents who would actually go out there and do the shooting themselves, but it's too risky, so it's safer to get someone else to do it. Some of them can justify that kind of activity in their own minds. When they go to confession on Saturday, it's all forgiven.

How do informers contact the FBI?

They phone a special number. The girls at the switchboard just say, "Hello." They don't answer: "FBI." In case an informer loses his wallet or is confronted at a meeting—"What's this number, 336-6462?"—he says, "A number of a friend. If you don't believe it, call it." They call it and she just says, "Hello." Or if you don't give the right code name, she'll say, "Sorry, you have the wrong number."

Do FBI agents go undercover in radical organizations as opposed to just using informers?

The FBI has always shied away from what the police call undercover work. It's very difficult for your average FBI agent who's a middle-class American with a college education and a background in business administration or law to place himself in the position where he's got to discuss politics at a meeting. It's difficult for a lot of them to even discuss the Republican and Democratic Parties. But to talk about Marxism or Leninism, they're absolutely lost. It's easier to

develop an informer. Besides, most agents would prefer to work from 8:30 to 5:30 and wear a jacket and tie rather than work undercover.

In 1972, six agents from Squad 19 in the Los Angeles office went undercover at the Republican National Convention in Miami. They were not paid informers; they were actual employees of the U.S. government, covered under Civil Service regulations. They had California drivers licenses in phony names and used vehicles registered or leased in phony names.

Sometime during the activities in Miami, one of the FBI undercover agents was arrested by the Miami Police Department. He did not identify himself as an FBI agent. The other five did not come forth with identification either because they were told before leaving Los Angeles that they were not to disclose their cover under any circumstances. The Miami PD had their hands full of "radicals" and decided to make an example out of the agent by shoving a police night stick up his rectum.

This agent was hospitalized after being released by the police. His condition was so serious and the damage was so extensive that he will have rectal problems for the rest of his life.

Later on, this same agent was in Canada in the spring of 1971 attempting to locate Weather Underground fugitive John Furst, who was reportedly trafficking in narcotics across the U.S.-Canadian border in the area of Spense's Bridge, a small town in Canada. The agent was to "get close" to the Weather Underground, sleep with them, drink with them, smoke pot with them. He had been "shacking up" with a chick in Canada who was supposed to be close to the Weathermen. She was "heavy" on drugs. This agent was with her one night when she "OD'd." He got out of there and Canada by the skin of his teeth. His supervisor complained to me about how the Bureau had acted toward him. He said the agent had "gone through hell for the Bureau, and nobody back there gives a damn."

But, as I said, few agents are willing to do stuff like this. They'd rather sit around the office and shuffle papers. Or gamble. I remember when the supervisor of the gambling squad generated a gambling forum during the basketball playoffs: quarterfinals, semifinals, finals and so on. They had a pot with as much as a thousand bucks in it. And they used the odds taken from the electronic surveillance of the various gamblers in town. That really galled me. They're doing exactly the same darn thing they've got telephone taps for. Exactly. □