

Strict Guidelines On FBI Informers Issued by Levi

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Attorney General Edward H. Levi has given the FBI strict new guidelines designed to reduce the bureau's use of informers and to ensure that they do not violate the law or individual rights.

The guidelines will affect the activities of an estimated 600 to 700 informers in "security" cases and approximately 6,000 in the criminal field.

The guidelines mark the latest step in Levi's drive to bring the FBI firmly under Justice Department control and to guard against future abuse of the bureau's powers.

Congressional and press investigations have revealed that in the past the FBI used its nationwide network of paid and unpaid informers—the largest of any U.S. law enforcement agency—in a frequently arbitrary and illegal manner.

Informers were employed to spy on persons whose activities, while lawful, did not meet standards prescribed by the late FBI director J. Edgar Hoover, for political orthodoxy. In some cases, the bureau encouraged attempts by informers to incite suspects into violence or other illegal acts.

Last summer, it became known that a paid FBI informer, Timothy J. Redfearn, had committed three burglaries against the Socialist Workers Party in Denver and had turned over stolen documents to the FBI.

Although FBI officials knew the material stolen, they continued to employ Redfearn and, after his arrest on another burglary charge, the FBI's Denver office initially tried to conceal its relationship with him. Redfearn was sentenced yesterday to up to 10 years in a Colorado penitentiary after pleading guilty to one of the SWP burglaries.

These incidents prompted the guide-

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lines, which were drafted by Levi's Staff after months of study. Justice Department officials said they were intended to complement guidelines issued by Levi last year restricting the FBI's domestic security investigations to cases involving violence.

An FBI spokesman, Homer Boynton, said Director Clarence M. Kelley concurred in the rules for using informers. Boynton quoted Kelley as saying that the guidelines incorporate "many of the long-standing FBI policies and procedures relating to handling of in-

formants."

Testifying in a court suit November, James B. Adams, FBI deputy associate director, said that the currently employs between 600 and 700 informers in security cases and approximately 6,000 in the criminal field.

The guidelines state that, while it is legal for the bureau to use private citizens as informers, the relationship imposes a "special responsibility" on the FBI to ensure the legality of the informer's actions and the reliability of his or her information.

"The technique of using informants to assist in the investigation of criminal activity, since it may involve an element of deception and intrusion into the privacy of individuals or may require government cooperation with persons whose reliability and motivation may be open to question, should be carefully limited," the guidelines say.

They add: "The FBI may not use informants where it is not authorized to conduct an investigation nor may informants be used for acts or encouraged to commit acts which the FBI could not authorize for its undercover agents."

In September, Levi ended the FBI's 38-year investigation of the SWP, contending it did not meet his guidelines for domestic security investigations. He also ordered the bureau to cut all ties with the informers it had infiltrated into the SWP.

In other moves to curb abuses of FBI power, Levi has imposed restrictions on the bureau's use of electronic surveillance and has initiated a program of notifying persons who were the targets of FBI harassment tactics. The outgoing Attorney General also started two continuing investigations into the misuse of FBI funds and property by bureau officials and illegal burglaries by FBI agents in domestic security cases.

In deciding whether to use an informer, the guidelines instruct FBI officials to take into account such factors as the risk that the informer might do something illegal, the seriousness of the case under investigation and whether the information can be obtained through other means, the character and nature of the informer and the FBI's ability to keep him or her under control.

When informers are used, the guidelines continue, they must be clearly instructed that they cannot participate in violent acts, use illegal techniques such as wiretapping, burglary or tampering with the mail, initiate or participate in criminal activities "except

insofar as the FBI determines that plans to commit criminal acts or par-tuch participation is necessary to obtain information for purposes of prosecution."

The guidelines state: "Under no circumstances shall the FBI take any action to conceal a crime by one of its informants." In cases where an informer violates these rules, the bureau is instructed to advise the appropriate police or prosecution agency promptly.

The guidelines note that there may be "exceptional circumstances in which notification to local authorities may be inadvisable." In those cases, they instruct the FBI to immediately advise the Justice Department and obtain a ruling about what action to take.

The five-page set of rules does not

cover the question of payments to informers, either in money or in promises of federal intervention on behalf of those who are in trouble with the law.

Also not covered is the question of when and under what circumstances the identities of informers can be revealed. Several groups that were targets of FBI surveillance are suing the bureau in an effort to obtain the names of the informers who spied on them.

The FBI has resisted these legal actions, arguing that to reveal the names would deprive it of an important law enforcement tool by making potential informers unwilling to cooperate. In some cases, the bureau maintains, revealing the identities of informers might expose them to the risk of injury or death.