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Rising Concern Over Informers Being Voiced by Legal Officials

By ANTHONY MARRO

Special to The New York Times

WASHINGTON, July 22 — William H. Webster, the Director of the Federal Bureau of Investigation, said in a public meeting with newspaper publishers in Atlanta 10 weeks ago that Americans must accept the fact that informers are the "most effective tool in law enforcement today."

Last week, in a private discussion with a reporter, a long-time bureau agent who agrees with his chief about the need for

informers nonetheless conceded that they cause him great concern. "I've never had a criminal informant I ever felt comfortable with," he said. "They just aren't normal people, and you never know what they're up to."

The use and control of informers is an issue that has troubled a cross section of law enforcement officials, judges, Congressional committees and civil liberties groups for years. But in recent weeks it has caused unusual concern because of a series of events that have focused attention on the importance of informers and the problems they sometimes cause.

Three Principal Happenings

Among those events are the following:

¶ Attorney General Griffin B. Bell has allowed himself to be held in contempt of court and has suggested he would be prepared to go to jail rather than comply with the order of a Federal judge that he identify the persons whom the Government paid to spy on the Socialist Workers Party, a Trotskyite group.

¶ New information growing out of an old case now suggests that Gary Thomas Rowe, the F.B.I.'s chief informer in the Ku Klux Klan in the early 1960's, might have been involved far more directly in

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some of the violent activity he was being paid to report on than was previously known.

¶ The Senate Judiciary Committee, which is in the process of drafting a legislative charter to govern the activities of the bureau, has begun wrestling with the problem of what sort of controls could or should be placed on the use of informers, even though law enforcement officials warn that informers are vital to their operations.

"We're trying to find out what sort of controls we could impose and how much flexibility is needed," Senator Edward M. Kennedy, Democrat of Massachusetts, who is the next chairman of the Judiciary Committee, said in a recent interview. "It's one of the most troublesome and difficult questions we've tried to deal with, and we don't have the answers yet."

Almost all law enforcement officials at every level argue for great leeway in the use of informers, saying that they are crucial to many investigations, particularly those involving white-collar and organized crime. Some agents say flatly that they have never been involved in a difficult case that was solved without the help of an informer, that bank robberies and murders occasionally are, but cargo highjackings, drug cases and racketeering violations seldom are.

"Sometimes in a bank robbery a witness will spot a tag number" for an automobile, "or you'll have fingerprints left behind," said one former agent. "But when it comes to organized crime, you might as well stay home and talk to yourself as go without informants."

At the same time, the public record is replete with cases in which informers themselves have broken the law, acted as agents provocateurs, and violated the civil rights of citizens they were being paid to spy on. In one celebrated case, an F.B.I. informer who had been planted in an antiwar group recruited, equipped and trained members of the group for a raid on a New Jersey draft board.

Bureau Admits 2,800 Informers

There are no firm statistics on the number of informers, but the F.B.I., believed to have the largest stable of long-term informers of any Federal agency, admits to

having 1,764 in the area of general crime and an additional 1,062 providing information about organized crime.

The bureau, which currently has budgeted \$2.4 million for payments to informers, also says that it currently has "under 50 domestic security" informers, who are providing information about alleged subversive or terrorist groups. These figures represent a significant drop since 1976, when the bureau acknowledged almost 600 domestic security informers and more than 10,000 informers on criminal activity.

At the Drug Enforcement Administration, the statistics show a 50 percent increase in payments for evidence and information since 1976, from \$6.1 million to \$9 million. But because the agency refuses to disclose the number of informers and because it lumps together its expenditures for information and for purchases of drugs, it is impossible to tell from the public record whether it has increased the number of informers or simply been another victim of inflation.

Just as there are no firm statistics as to the number of informers, neither are there any realistic definitions of what a "typical" informer is. The cross section includes ranking organized crime figures and low-level drug-pushers, business executives, bartenders, numbers runners and confidence men.

Ordinary Citizens Inform, Too

Many informers for the Customs Service and the Internal Revenue Service are ordinary citizens who inform on their neighbors because of jealousy, a desire for revenge or a hope of receiving a percentage of any money recovered by the Government. Many F.B.I. informers are criminals who are eager to have a friend in law enforcement who can put in a good word with a judge. And many drug agency informers are low-level drug dealers who have been caught in a crime and persuaded to cooperate in investigations against higher-ups.

Probably the best-known informer of modern times, Joseph Valachi, was like many in that he was an integral part of the underworld he informed on — first to the old Federal Bureau of Narcotics and later to the F.B.I.

At the same time, he was unlike most others in that he surfaced and was identified as an informer. Although the drug agencies' informers often testify in court, the F.B.I. prefers to keep its informers in place and often will abandon a prosecution rather than identify an informer, figuring that the long-term benefits of having the informer will outweigh the short-term benefits of a conviction.

For routine crimes, such as money and property thefts, the best informers are often drug addicts, prostitutes and numbers runners — people who are on the streets at night, people who know who has suddenly begun spending money, or who has suddenly gone into hiding.

"You usually solve crimes with a search warrant or a wiretap," said one drug agency official, who did not want to be quoted by name. "But the information that you need to go into court and obtain the warrant for the search or the wiretap almost always comes from an informant."

Payments of Money and Good Will

In return for their information, the informers receive money — the amounts generally are small and almost no one

gets rich becoming an informer — and they receive the good will of police officials, who often put in a word with a prosecutor or a judge.

But because so many informers are themselves involved in criminal activity, and because so many are, for want of a better description, strange, they also pose a range of problems for the law enforcement officials who deal with them.

Agents often will privately complain that informers can become more bother than they are worth. The head of a Justice Department prosecution team once said after a trial that he wished he had let the organized crime figure go free and had instead indicted the bureau's informer "for being obnoxious on Government property, or something."

But the more serious problems occur when informers, whose pay generally increases with the value of their information, cross the line and provoke some of the acts they later report on, or themselves engage in criminal conduct more serious than that of the persons they are assigned to report on.

In the case of Mr. Rowe, there is considerable evidence that F.B.I. agents permitted him a long leash, both because there was great pressure on them to obtain information about the Klan and because it was felt that Mr. Rowe had to involve himself in some Klan activities to maintain an effective cover.

'We Desperately Needed Someone'

"We desperately needed someone to keep us abreast of what was happening with that bunch of maniacs, and he was one of the precious few who could do it," said one agent familiar with some of Mr. Rowe's work.

Later, when asked if there was any way the bureau could have insisted that Mr. Rowe try to persuade the Klan to avoid violent activities, he said: "Well, we put him in there and he had to be part of the group. He wasn't an ombudsman; he had to either be with them or against them. And if he went against them too many times, he would have been out."

Mr. Rowe testified in public several years ago that he had taken part in beatings of civil rights workers in the early 1960's while acting as an informer for the bureau. But he is reported to have recently told the police in Birmingham that he shot, and perhaps killed, a black teen but was told by his case officer to forget about it.

The agent in question has denied Mr. Rowe's statement, but Senator Kennedy and Senator James Abourezk, Democrat of South Dakota, wrote the Justice Department asking for a full investigation and made it clear at a public hearing that they are troubled by the thought that the bureau would permit violent crimes to go unpunished in order to keep an informer in place.

"We need to know a lot more about the use of informants," Senator Kennedy said after a hearing on the subject last week. He said he wanted to find out how they're recruited, how they're used, and how well law enforcement agencies control them.

"I came out of the hearing with a lot more questions than I had going in there," he added. "I think clearly informers are a valuable tool, but the exact value has to be examined."



Gary Thomas Rowe, F.B.I. informer, testifying at Senate hearing in 1975.

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