

# 38-Year Probe Backfires on FBI

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The FBI has spent the last 38 years investigating the Socialist Workers Party, a Marxist group, and some government officials are wondering why. Largely as a result of that probe, the FBI itself is under investigation.

The turnabout is the product of a \$37 million civil damage suit brought by the SWP and its youth affiliate, the Young Socialist Alliance, against the FBI, Central Intelligence Agency and other government agencies.

The suit has led to the public disclosure of documents showing that the FBI burglarized the homes and offices of political dissenters between 1970 and 1973, at least six years after such burglaries supposedly were halted by the bureau.

As a result, the Justice Department has opened an investigation that involves about 30 agents and is expected to reach into most, if not all, of the bureau's 59 field offices.

The Justice Department probe and other events and revelations prompted by the suit come at a time when the FBI can ill afford more bad news. Earlier individual suits under the Freedom of Information Act—which allows public access to government documents—and congressional inquiries into the FBI's "dirty tricks" program to squelch dissent already have resulted in a torrent of criticism of the agency.

But the SWP complaint, filed in U.S. District Court in New York on July 18, 1973, is a long way from being resolved. The party charges in the case that, in its pursuit of legitimate political activities, it has been the target of illegal harassment by the government.

Besides the \$37 million in compensatory and punitive damages, the party seeks an injunction against government surveillance of its activities and hopes to win a ruling that would declare unconstitutional the government's use of informers in political groups.

In addition to the Justice Department probe, the suit has resulted in:

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- A federal court ruling ordering the FBI to surrender some of its closely guarded informers' files.
- Disclosures that at least one FBI informer, Timothy J. Redfern of Denver, who spied on the SWP there was kept on the bureau's payroll and given good ratings even though he had a criminal record.
- Use by a New York FBI agent, Joseph Furrer, of his Fifth Amendment privilege against self-incrimination, the first such action by an agent in memory. The SWP said Furrer knew about burglaries of its new offices.
- An unprecedented admission by an FBI agent, George P. Baxtrum Jr., that, before 1963, he participated in at least 50 burglaries of SWP offices in New York at the direction of superiors.
- Information that knowledge of the more recent burglaries was withheld by subordinates from FBI Director Clarence M. Kelly.
- An accusation by U.S. District Court Judge Thomas P. Griesa, who is hearing the suit, that the FBI failed to disclose that the SWP documents Redfern gave to the FBI, and that the FBI gave to the court, were obtained by burglary.

Justice Department attorneys had opposed an SWP petition for the files of three informers on the grounds that the party was on a "fishing expedition" and could prove that three individuals, whose files it sought, actually spied for the FBI.

The government agreed Friday to turn over the documents on Aug. 19 after the SWP provided the court with evidence showing that the three had already identified themselves as informers in meetings with party members.

The case has some present and former FBI agents, as well as Justice Department officials, shaking their heads over how the bureau got involved with the SWP and YSA in the first place.

"That's a damned good question," said one Justice Department official when asked why the bureau initiated ongoing its investigation of the two groups. "I've been asking that question myself," the official said.

Some sources familiar with the investigation said the SWP probe began as a result of once valid national security concerns but has been kept alive for years by "bureaucratic inertia."

The sources said the bureau is either incapable of closing it down or is unwilling to eliminate the network of informers and the thousands of pages of documents—many of them trivial—generated by the investigation.

The official policy of the Justice Department and the FBI is to decline comment on the investigation because it is "in progress," and because of the SWP suit. However, something of an official rationale for the probe can be found in a deposition given in December, 1974, by High Mallet, then a supervisor in the FBI headquarters in Washington.

"The continuing investigation of the SWP and of its youth arm, YSA, is conducted to determine whether the SWP, YSA and their members are violating any federal statutes . . . as well as to obtain security intelligence information," Mallet said.

The agent said the FBI received information from numerous sources, "including informants of the FBI, who have been in attendance at SWP and YSA meetings, conference and national conventions both early in SWP and YSA history and continuing to the present time."

Mallet said the information showed that the "SWP and YSA are revolutionary Trotskyist communist organizations which have as their purpose

the overthrow of the United States government and the institution of a dictatorship of the working class and the eventual achievement of a Communist society."

Mallet conceded that the FBI had no evidence to prove that the SWP or YSA advocated the use of violence to achieve their ends. However, he said that the "SWP and YSA are not known by the FBI to have rejected the use of violent and illegal means to achieve their purposes."

Moreover, said Mallet, "information received by the FBI indicates that the SWP and YSA would use violent and illegal means to achieve their purposes if such means were considered by the SWP and YSA as being expedient."

But a former federal law enforcement official who is knowledgeable about the SWP probe said the "violent overthrow" rationale is faulty.

"Irrespective of whether it is committed to violence or not, it's so small and insignificant, it never got off the ground," the official said. "The organization, for years, has been very small and insignificant, with the exception of the periods of academic and racial unrest during the sixties."

"I couldn't cite any examples myself to show violence (on the part of the SWP) or to show that they are under the direction of a foreign power," he said.

The former official estimated that the party now has a national enrollment of 2,000.

Asked about federal speculation that the party advocates violent revolution, Cathy Perkus, of the New York-based Political Rights Defense Fund, which is financing the SWP suit, said, "that's just ridiculous."

"If that's their reason for investigating the SWP, it shows . . . that they don't know anything about the Socialist Workers Party."

"The SWP is not connected to any Communist group . . . The SWP has never advocated violence no matter what (Leon) Trotsky or others say. Violence and terrorism are counterproductive to the revolution," Perkus said.

The SWP was founded in the United States in 1938. The group has ideological roots in Trotskyism, a revisionist Marxist ideology based on the theory that permanent, worldwide revolution is needed to maintain economic systems beneficial to the working classes.

The "revolution" envisioned by the SWP was ex-

plained by the party's 1976 presidential candidate, Peter Camejo, in an appearance before the House intelligence committee last November.

"We believe that this society needs to be reorganized on the basis of human needs, not for private profit," Camejo said.

"We think that a political party based on the working class is needed . . . On many issues our views are shared by many . . . Americans. These are issues such as the right of every worker to a job, the right of blacks to attend desegregated schools, the importance of the Equal Rights Amendment and opposition to sending American soldiers to prop up reactionary governments," Camejo said.

The candidate conceded that the party is in a minority "on the question of establishing socialism" as a means of achieving those goals. However, he said, the party is attempting to explain its ideas by fielding political candidates, circulating petitions and organizing peaceful demonstrations.

"These are all activities protected by the Bill of Rights," Camejo said. That, according to Leonard Boudin, a New York constitutional lawyer and one of several attorneys arguing the SWP suit, is a major point of the case.

"The suit really has nothing to do with the SWP," the lawyer said last week after a court hearing on the matter. "The point is that this suit has tremendous educational importance for Congress, the President and the FBI."

"If we win it, no one [in office] would be able to say he didn't know what he was doing by interfering in legitimate political activity . . . We have a constitution that guarantees freedom of speech and of association, and we want the government to keep out of our political affairs," Boudin said.

Boudin, 64, who was denied a passport in 1954 because he refused to say whether he was a member of the Communist Party, said he does not believe the Socialist Workers Party will ever appeal to the majority of Americans.

"But you just can't go after a group and say you're doing it because they oppose existing government policies," he said. "That's why the use of informers in a political group is so unconstitutional . . . What I'm really saying is that this is a hell of a way to live. I should not have to walk into my home and wonder if I could talk freely," Boudin said.