

Details on Illegal F. B. I. Break-ins Provided to Justice Dept.

By JOHN M. CREWDSON

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SAN FRANCISCO, Jan. 23 — A retired agent of the Federal Bureau of Investigation who says he spent "20 percent of my career" conducting illegal burglaries for the bureau has provided the Justice Department with detailed information about some of the most sensitive of the bureau's operations.

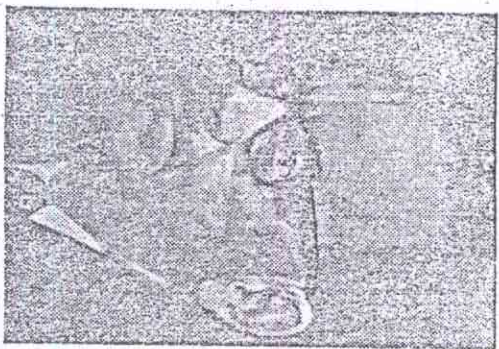
The allegations include firsthand accounts of burglaries in which the agent, M. Wesley Swearingen, says he participated and what he contends were efforts by other F. B. I. agents to cover up the extent to which the burglaries occurred. The allegations have been passed on to Justice Department prosecutors who are preparing to try three former top F. B. I. officials accused of approving similar illegal break-ins in the New York area.

Nearly all the known burglaries were carried out by bureau agents seeking information, and over the years they have been directed mainly at left-wing, political organizations such as the Communist and Socialist Workers parties and, more recently, the Weather Underground organization.

Some of the Allegations

Among the allegations that Mr. Swearingen has passed on to the Justice Department was that in the early 1970's he and other F. B. I. agents assigned to track down fugitive members of the Weather Underground broke into private residences in Los Angeles on at least four occasions without search warrants and that one of the agents involved in the break-ins later denied, under oath before a Federal grand jury that the burglaries had taken place.

He also alleged that subsequent efforts by F. B. I. officials to justify the break-ins on the basis of suggested links between



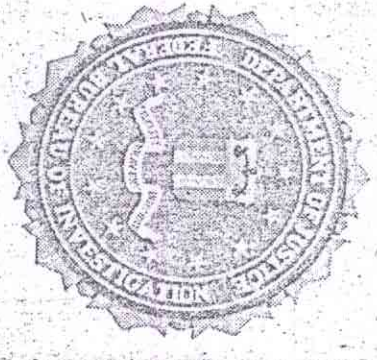
Associated Press

L. Patrick Gray 3d, former Acting Director of the F. B. I., is facing criminal charges stemming from his alleged approval of illegal burglaries by the bureau in New York.

the Weathermen and hostile foreign governments or by asserting that they were denounced by Presidential authority were without foundation.

In a letter written last Nov. 16 to Michael E. Shaheen, who heads the Justice Department's Office of Professional Responsibility, Mr. Swearingen also alleged that "certain present and former F. B. I. officials are continuing a conspiracy to cover up the illegal break-ins against the Weathermen and others."

That letter, along with the information provided to Mr. Shaheen's office in inter-



views, has been sent to the group in the department's criminal division that is in charge of the upcoming prosecutions.

In his interviews and written communications, Mr. Swearingen has made no effort to downgrade his own involvement, conceding that over the years he took part in hundreds of illegal break-ins, known within the F. B. I. as "bag jobs," most of them in Chicago, where he was first assigned as a young agent in the 1950's.

All the burglaries about which Mr. Swearingen has told the prosecutors are now beyond the five-year statute of limitations that applies to most Federal crimes, though some of his other charges are not.

The possibility of administrative action against those involved in the break-ins still exists, however. Several present and former agents who took part in the New York City break-ins were recently disciplined, and some of them were dismissed. Mr. Swearingen, who retired from the F. B. I. in May 1977, did not make contact with the Justice Department until about a year ago.

Communists in Chicago

In Chicago, Mr. Swearingen said, most of the burglaries in which he took part were directed at the homes of members of the Communist Party. At one point, he said, he was one of two dozen agents in Chicago assigned full-time to carrying out such break-ins.

Mr. Swearingen laughed as he recalled the assertion a few years ago by William

A. Sullivan, then the head of the F. B. I.'s Los Angeles office, that the bureau had committed only 238 warrantless break-ins from 1942 to 1966.

Not only did the break-ins continue well beyond 1966, he said, but "I myself actively participated in more than 238 which assigned to the Chicago office." He placed the total number of F. B. I. break-ins over the years at "several thousands."

Chicago, Mr. Swearingen said, was by no means the only city where illegal break-ins, buggings, wiretaps and thefts of mail by the F. B. I. were taking place. Until a few years ago, he said, such activity was widespread in New York, Newark, San Francisco, Portland, Washington, D. C., and Los Angeles.

Agents Took the Risks

It was made explicit by his superiors, Mr. Swearingen said, that such risky assignments were illegal and that the agents who carried them out were "on their own" in the event they were discovered and arrested by local policemen.

As a result, he said, the agent-burglars were largely unhappy men who were prone to ulcers, alcoholism and other tension-induced disabilities, even though they were rewarded with frequent commendations and even cash bonuses.

After leaving Chicago, Mr. Swearingen served in F. B. I. offices in Kentucky and New York City. In 1970, he was transferred to Los Angeles, where he spent most of the next seven years searching for members of the Weathermen, the group that has assumed responsibility for a number of bombings in this country over the last decade.

Three former F. B. I. officials, including L. Patrick Gray 3d, the bureau's onetime Acting Director, are currently facing criminal charges stemming from their alleged approval for the New York break-ins. Their trial is scheduled to begin on March 5.

No Knowledge of Break-ins

Sources familiar with the Justice Department's investigation of that case said that until Mr. Swearingen came forward the prosecutors had not known that similar activities were also under way in Los Angeles.

The prosecutors did search for evidence of break-ins in cities outside New York, and Mr. Swearingen said that at

ene point an F.B.I. agent from Los Angeles who had taken part in some of the break-ins that was summoned before a Federal grand jury in Washington and asked about his knowledge of such practices.

The agent, he said, returned to Los Angeles and told him "not to worry," that he had denied all knowledge of such activities. The agent's name was included in Mr. Swearingen's letter to Mr. Shaheen.

In his letter to Mr. Shaheen, Mr. Swearingen also attacked assertions by F.B.I. officials that search warrants were unnecessary where the Weathermen were concerned because the group had had "contacts" with the Cuban Government and was therefore covered by regulations that then exempted agents of foreign powers from certain constitutional guarantees.

Proof From Cane Cutters

"There is no such documentary proof," Mr. Swearingen added, "unless you call statements by people who went to Cuba to cut sugar cane 'documentary proof.'"

Mr. Swearingen also dismissed as unfounded statements by W. Mark Felt, one of the three former bureau officials to be tried in March, that "certain recommendations" contained in the Nixon Administration's abortive plan for expanded domestic security operations, known as the Huston Plan, provided some authority for the break-ins.

"I worked Weatherman matters from March 1970 until May 1977," Mr. Swearingen said in his letter, "and Felt's claim is absolute nonsense. As coordinator of the investigation in Los Angeles, I would have known of any authority outside the F.B.I. for any 'black bag' jobs."

"If the F.B.I. had Presidential authority to conduct break-ins," he added, "there would be no reason to commit perjury."