

Grand Jury's Action Offers Look at FBI Role in Theft Probe

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DENVER—A rare action by a county grand jury here has provided an intriguing glimpse of the FBI's role in investigating the theft of documents from left-wing activists by a Denver bureau informant.

In one instance, in 1973, an agent said he didn't believe informant Timothy J. Redfearn when he said he had "stolen" papers from the Socialist Workers Party, according to transcripts released by the jury.

In a second instance, last July, agents apparently didn't ask Redfearn how he had acquired five cardboard boxes full of the party's records until ordered to do so by superiors in Washington, according to the transcripts.

Ten days later, the FBI notified Denver police of the burglary.

The two incidents prompted the grand jury to suggest that "only responsible (FBI) agents properly supervised be assigned to investigations of internal security matters in this country."

Copies of the grand jury testimony and report have been sent to FBI headquarters in Washington. Such testimony rarely is released to the public, but all 12 Denver jurors voted Thursday to do so in this case.

Redfearn admitted he broke into the Socialist Workers Party office in Denver in July to steal the files. He was sentenced last week to an indeterminate prison term of up to 10 years for felony theft.

The FBI did not report Redfearn's involvement in the 1973 burglary to Denver police.

According to the transcripts, the agent that Redfearn dealt with, Boyd Asdit, explained to the grand jury that the informer wrote a report in 1973 to the FBI on acquisition of the documents and in it said he had stolen them.

"I didn't believe Redfearn truly meant stolen," Asdit testified. "I thought he had access as a party activist to the records he provided to us."

In response to a question by a juror, Asdit said, "I didn't talk to Redfearn about what he meant by stolen. I did ask him if he had perpetrated a

burglary to get the information and he said, 'No.'"

The testimony also revealed frantic communications between the Denver and Washington FBI offices, which began a few days after Redfearn showed up in front of the Federal Building in downtown Denver last July 7 with the five boxes of records in his car trunk.

According to the testimony:

John Almon, the FBI agent for whom Redfearn worked at the time, walked out to the street to see what the informant had and then went quickly back into the FBI offices.

Frederick Volz, Almon's Denver supervisor, testified that, after learning of the documents, he called Washing-

ton. Volz said, "Because of pending (SWP) litigation we didn't want possession of anything which belonged to the party."

(The SWP has charged the FBI in a \$37 million civil law suit filed in New York, with harassment, including burglaries of party offices by informants.)

Bolz testified, "I just wanted some guidance on how it could be done at that time (the handling of the records Redfearn had in his car). I believed he had legal possession of the files."

During a conversation with an FBI unit chief and a legal adviser Volz was told, "Do not take any records into your possession. Get them back. Have the informant take them back right away."

Volz explained to the grand jury, "It was an unfortunate incident where the informant, without instruction, went off on his own and took the records."

Volz then was asked why the burglary wasn't immediately reported to the Denver police.

"I didn't want to notify the Denver police because if we did we would disclose the identity of the informant," he replied.

Volz testified that an employee of FBI headquarters called Denver the next morning "for a recommendation on how we thought the records should be handled. I still did not know if a crime had been committed and Redfearn had since left town. So, my recommendation was that we not turn it over to the Denver police."

The next day the Denver FBI office was ordered by Washington to find out how Redfearn had obtained the documents.

In the meantime, Denver reporters had begun inquiring about the burglary, which SWP leaders in Denver were blaming on the FBI.

The Denver FBI received an order on July 16 in which "Washington said the Denver police should be informed," Volz testified.

The Denver police then were told by the Denver FBI that the records were stolen by Redfearn and could be found in his apartment.

Redfearn refused to testify before the grand jury and, according to the transcripts, Redfearn's testimony might have differed with that of the FBI agents. He has said the FBI "surely was aware that I committed a burglary to get the records."