

FBI Role Cited in Break-in

SWP Records Were Obtained In Denver Case

By John M. Goshko
Washington Post Staff Writer

DENVER, July 31 —

The first examples of FBI involvement in illegal domestic burglaries during the past five years were made public today through disclosure of confidential documents from the bureau's Denver field office.

These documents show that in December, 1973, an FBI paid informer, Timothy J. Redfearn, committed two burglaries against the Socialist Workers Party in Denver and that SWP records taken by Redfearn were turned over to the FBI and placed in the files of the Denver field office.

Nearly 2,000 pages of documents on the case—the most massive single disclosure of FBI internal papers—were released by the SWP, which obtained them under a court order resulting from a burglary of its Denver office earlier this month. It was the first time an unexpurgated FBI informer's file has been made public, Justice Department officials said.

There is no indication in the documents that the FBI told Redfearn to commit the burglaries. SWP officials say that it is possible that Redfearn acted without authorization and that the FBI did not learn of the break-ins until after the fact.

However, the documents

show the FBI knew that the material turned over by Redfearn had been stolen. Yet, the FBI never reported the burglaries to the police or took any action against Redfearn.

Instead, it made use of the stolen documents in its intelligence activities, and it continued to use and pay Redfearn as an informer against the SWP, the documents show.

The 1973 burglaries came to light because Redfearn, 25, is being investigated by Denver authorities for committing another burglary

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against the SWP here on July 7.

In the latest incident, the FBI did inform Denver police of Redfearn's involvement. But the bureau first kept the information concealed from the police for eight days, and it acted only after Redfearn had been arrested on another, unrelated, burglary charge.

The documents made public today show that during those eight days the FBI carried on an internal debate about whether the police should be informed, that reporters seeking information from the Denver field office were told that "this office knows nothing of the burglary," and that, despite FBI insistence that it refused to accept any of the stolen material from Redfearn, some of it wound up in the Denver office's files.

In addition, on July 22, Denver advised FBI headquarters in Washington that Special Agent John V. Almon, Redfearn's case officer, had been questioned under oath by the Denver district attorney's office.

The message from Denver said: "Indication appears strong that district attorney is looking toward grand jury presentation of possible conspiracy charges against Al-

mon based on statements made by Redfearn . . ."

The message recommended to Washington that the FBI refuse to cooperate with efforts by the district attorney to question other members of the Denver bureau or to obtain FBI files on Redfearn. It also suggested that the FBI in Washington ask the Justice Department to intercede and help in blocking access to the documents and agents.

The Justice Department is investigating allegations that the FBI carried out burglaries against political groups like the SWP during the last five years—long after the bureau said that it had ceased such so-called "black bag jobs."

So far, though, the department has not made public any details about the cases it has under investigation. Its probe has been concentrated in the New York area, although the department has plans to investigate allegations that burglaries were committed in other cities.

Now, Justice Department sources said today, disclosure of the Denver incident makes it certain that a broadened probe will get special priority and extend to intelligence operations in FBI field offices all over the country.

The Justice inquiry was launched five months ago because of information uncovered in a \$37 million damage suit that the SWP has filed against the FBI and other federal intelligence agencies. In a sworn statement made public last week, George P. Baxtrum Jr., an FBI special agent, testified that he participated in "between 50 and 90" burglaries against the SWP in New York from 1958 to 1965.

FBI Director Clarence M. Kelley said last year that the burglaries had been ended in 1966. However, after the Justice Department probe began, Kelley said that he had been wrong and admitted that "a limited number" of burglaries had been committed in 1972 and 1973.

Following the July 7 burglary here, the federal judge hearing the SWP's suit in New York ordered

the FBI to turn over to the party's lawyers its complete file on Redfearn.

A spokesman at FBI headquarters in Washington said the bureau would have "absolutely no comment at this time" on the file.

The file documents relating to the 1973 break-ins say they occurred at an apartment occupied by SWP members and at the party's bookstore.

On Dec. 25, 1973, Redfearn, using his FBI-assigned code name of "Lennon," wrote to Special Agent Boyd D. Adsit, who was then his case officer in the Denver field office. His note said:

"Enclosed are bank statements removed from the residence of Kathy Shields, Marge Vanderslice and Fern Gapin, who resides at 1115 Gaylord St., Denver, Colorado. All are YSA or SWP members." YSA stands for Young Socialist Alliance, the SWP's youth affiliate.)

Another mailed message from "Lennon" to Adsit on Dec. 27, 1973, said: "The enclosed photocopies contain information on new recruits into the Young Socialist Alliance. They are part of a larger bunch of 3x5 note

cards that were removed from the residence of 1115 Gaylord St."

And, on Dec. 30, 1973, Lennon wrote to Adsit: "Several items concerning finances, regional contacts, teamwork, of the Young Socialist Alliance were removed from the MILITANT BOOKSHOP at 1203 California St., Denver, last night, and about 350 pages worth of information were photocopied. The original material was returned to the store this evening."

In each case, the documents show that Adsit catalogued the material sent by Redfearn and had it put into the Denver office's files. On one document, he noted that it was from the Gaylord Street address, which had been publicly identified as having been burglarized.

Other reports from Redfearn at that time said that the Gaylord Street burglary had caused considerable discussion among SWP members. His reports make no mention of SWP discussion about the bookstore robbery—an apparent indication that the material had been

removed, photocopied and returned without detection.

SWP members confirmed today that they had not been aware of a break-in at the bookstore until now.

Documents relating to the July 7 burglary of the SWP offices contain what seem to be major contradictions of the testimony given by Almon in his sworn statement to the district attorney's office.

In the statement, made July 21, Almon said that Redfearn had contacted him on July 7—several hours after the early-morning burglary—and had shown him boxes of SWP documents in the trunk of his car.

Almon said that he examined the documents hurriedly to make sure of what they were, but refused to accept any of them. Instead, he said, after conferring with his supervisor, Fred Volz, he told Redfearn that the documents had been obtained improperly, that the FBI did not want them and that Redfearn should find some way of returning them.

Almon's statement said that was his only direct contact with Redfearn that day. However, the FBI material released today shows that on July 7 Almon received "in person" from Redfearn two documents belonging to the SWP and put them into FBI files.

SWP members said today that both documents were the party's property and that one of them—a list of subscribers to the party newspaper—was among the documents that had been noticed missing immediately after discovery of the burglary. They said it had been stolen from the bookstore cash box where it was always kept.

In another part of his sworn statement, Almon said the FBI headquarters had informed the Denver office on July 8 or 9 that the police should be told about Redfearn. But the notification was not made until July 15.

However, the first indications in the file of such an instruction from Washington are dated July 16. One is telegraphic message stating, "After carefully reviewing the facts . . . it is the determination of headquarters that source's identity and

the fact of his possession of these files should be made known to the Denver Police Department."

In another message the same day, James O. Ingram, deputy assistant director of the FBI's Intelligence Division, said that Kelley had been advised of the situation and had made "two notations": Denver should "render whatever assistance possible in the return of the files" and that Kelley was to be consulted personally about any news releases.

There is nothing in the documents to explain why these instructions apparently were relayed from Washington on July 16—a day after Theodore Rosack, head of the Denver FBI office, already had notified the police.

In its July 21 message to Washington suggesting that the FBI refuse to cooperate with the district attorney's investigation, the Denver office advised that local investigators wanted Almon to submit to fingerprinting and a polygraph test. It added that the district attorney's office was seeking to question Volz and Simon Tullai, deputy head of the Denver office.

The message also said that the recommendation not to allow questioning of Tullai and Volz had been discussed with James L. Treece, U.S. attorney in Denver, and he "agreed with this position wholeheartedly."