

JUL 29 1976
NY Times
THE NEW YORK TIMES

F. B. I. MUST GIVE DATA ON INFORMER

Ordered by Federal Judge
to Turn Over File to
Socialist Workers

By ARNOLD H. LUBASCH

A judge has ordered the Federal Bureau of Investigation to turn over its file concerning an F.B.I. informer who reportedly carried out a burglary on July 7 at the office of the Socialist Workers Party in Denver.

Judge Thomas F. Griesa, who issued the order yesterday in Federal District Court in Manhattan, said the F.B.I. must give the informer's file and any documents about the burglary to lawyers for the Socialist Work-

ers Party by noon tomorrow.

The judge said he might reconsider his order if the Government could show him that the disclosure of specific information in the F.B.I. file would interfere with a criminal investigation of the burglary case.

Leonard Boudin and Herbert Jordan, lawyers for the Socialist Workers Party, told Judge Griesa that they wanted the F.B.I. material about the burglary to question the informer, Timothy Fedfern, in connection with the party's lawsuit against the bureau and other Government agencies.

Regarding another aspect of the party's suit, Judge Griesa asked the Central Intelligence Agency to give him an unexpurgated version of documents from the C.I.A. files concerning apparent burglaries and electronic surveillance of Americans abroad.

The C.I.A. provided Judge Griesa with a number of secret documents this week to be examined privately in connection with the suit, but he said at yesterday's court session that the documents contained so many "expurgations and deletions" that he could not determine the significance of the material.

If the C.I.A. declines to give

him unexpurgated documents, the judge said, then he wants "someone knowledgeable from the C.I.A." to explain to him in private why the Government contends that the specific documents are privileged material that should be kept secret.

John S. Siffert and William S. Brandt, assistant United States attorneys representing the Government, told the judge that they would give him an answer from the C.I.A. as soon as possible.

The immediate issue in the C.I.A. aspect of the case concerns two affidavits that George Bush, the agency's chief, submitted this month in response to the suit's request for information about surveillance of the Socialist Workers Party.

In one of the sworn statements, Mr. Bush disclosed that C.I.A. files contained information indicating that some of the party's members and associates had been "overheard by means of electronic surveillance conducted abroad" and that other information had been "acquired as a result of several surreptitious entries that were made into premises abroad."

Mr. Bush also submitted a "top secret" affidavit, which only the judge was permitted to see, officially stating why the Government contended that all the information about the electronic surveillance and break-ins abroad constituted privileged documents that could not be disclosed.

The Government's lawyers asked Judge Griesa to accept the claim of privilege without seeing the documents, but he said he wanted to examine the documents privately so that he could decide later whether they should be disclosed as evidence in the suit.

Judge Griesa scheduled another session on the discovery issue for today in the court in Manhattan, where the Socialist Workers Party originally filed its suit three years ago seeking millions of dollars in damages for illegal activities by Government agencies.

The suit has resulted in disclosures that F.B.I. agents broke into the Manhattan headquarters of the Socialist Workers Party more than 90 times from 1960 to 1966.

Black Bag Jobs

JUL 13 1976

FBI Man Tells of His Burglaries

Washington

An FBI agent has testified that he committed at least 50 burglaries during the 1950s and 1960s with the approval of higher FBI officials in New York and Washington, it was disclosed yesterday.

The sworn statement of agent George P. Baxtrum, filed in a \$37 million civil damage suit brought by the Socialist Workers party, represents the first account of so-called "black bag jobs" by a participant.

Baxtrum, who estimated he might have committed as many as 90 break-ins at New York offices of the Socialist Workers party, said he once received an incentive award for the burglaries from John F. Malone, the now-retired head of the FBI's New York field office.

Baxtrum, who estimated he might have committed as many as 90 break-ins at New York offices of the Socialist Workers party, said he once received an incentive award for the burglaries from John F. Malone, the now-retired head of the FBI's New York field office.

Baxtrum said FBI headquarters in Washington approved written requests for the break-ins. He said he didn't know the names of officials involved.

Baxtrum's account of so-called black bag jobs covered 260 pages of transcript made public in federal court. Under questioning by attorney Herbert Jordan, representing the Socialist Workers party, Baxtrum said his New York section chief — whom he declined to name — first had to approve each break-in.

"His authority was necessary," Baxtrum said.

In addition, he said, "I would, as I recall, prepare a brief memo stating that contact was being planned for a certain date and request the official (the section chief) to obtain authority."

After transmittal to FBI headquarters "the memorandum would be returned to me with a written notation. 'Approval has been obtained,'" Baxtrum said.

FBI Director Clarence Kelley acknowledged last month that additional break-ins had occurred in the last five years, despite instructions in 1966 from former Director J. Edgar Hoover that "surreptitious entries" should cease.

At least 20 FBI agents are under investigation by the Justice Department in connection with those break-ins, which Kelley said occurred in 1972 and 1973. Those burglaries were reportedly directed at friends and relatives of fugitive members of the radical Weather Underground organization.

Justice Department officials said yesterday, however, that their probe has been expanded to include a July 7 burglary of a Socialist Workers party office in Denver. The SWP said an FBI informer has admitted conducting the burglary.

Baxtrum, in his deposition, said he participated in burglaries as a member of the New York FBI office from 1958 to 1965. He is presently an agent in Milwaukee.

Baxtrum said the break-ins were aimed at examining and photographing panels that would

show "the conspiratorial nature of the party in its continued adherence to Trotskyite Communist philosophy and its connection with other foreign parties which were also Trotskyites." Financial information and membership lists were also sought, he said.

The burglaries that Baxtrum acknowledged occurred too long ago for him to be prosecuted, authorities said.

Baxtrum said a team of agents conducted most break-ins by picking locks in the early morning hours when SWP offices were vacant.

Information gained from the break-ins would be written up by FBI agents as having come from "a highly confidential source."

Los Angeles Times