

Former F.B.I. Agent Tells Investigators of

By JOHN M. CREWDSON

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SAN FRANCISCO, Jan. 15 — For the past 13 months, a career agent of the Federal Bureau of Investigation — piqued, he says, by the bureau's reluctance to adopt meaningful internal reforms — has quietly been compiling from memory, from conversations with other agents and from a handful of bureau documents a catalogue of allegedly illegal and abusive practices within the bureau.

The allegations assembled thus far by the agent, M. Wesley Swearingen, range from charges of misleading testimony by bureau agents and previously undisclosed illegal break-ins by agents to accusations of broad, low-level corruption among agents and untruthful public statements by F.B.I. officials.

About eight months ago Mr. Swearingen, who retired in 1977 after 25 years with the bureau, began to make some of his charges to Justice Department lawyers. He says they have assured him that they are investigating the charges seriously.

Mr. Swearingen's cooperation with the Justice Department had been unknown to the bureau until last month when, in a bizarre twist of events, some classified documents he had taken from the bureau's Los Angeles office were found by F.B.I. agents at the People's Temple settlement in Jonestown, Guyana.

Discipline Deemed Likely

Mr. Swearingen has not yet communicated some of what he knows or suspects to the Justice Department, and most of the allegations he has made thus far are still unresolved, but at least some of them are now deemed likely to result in administrative discipline and, in some cases, even criminal charges against the agents involved.

Among Mr. Swearingen's principal allegations are the following:

¶ That agents who recently testified in a Los Angeles criminal case covered up illegal activities by the bureau, and that in at least one other criminal case the bureau fabricated evidence to obtain a confession.

¶ That some three dozen agents in the Los Angeles office, including William A. Sullivan, then the Assistant Director in Charge, accepted wristwatches, radios and other gifts from a wealthy industrialist, rumored to have organized crime connections, whose missing child had been the subject of an unsuccessful search by the F.B.I.

¶ That paid informers working for the Los Angeles office burglarized the headquarters of two extremist political groups and that an F.B.I. official deliberately withheld information hinting at the burglaries from the General Accounting Office, an investigative arm of Congress.

¶ That at least two agents arrested in recent years for violations of narcotics and other laws have escaped prosecution, and that one of them was allowed to resign quietly while the other was not punished.



Associated Press

Among allegations made by M. Wesley Swearingen was that William A. Sullivan, above, accepted gifts, while Assistant Director in Charge of the F.B.I. Los Angeles office, from a man rumored to have organized crime connections.

¶ That many of the F.B.I.'s 59 field offices have been plagued with financial irregularities, from the falsification of agents' expense accounts and the misuse of Government vehicles to the outright theft by agents of funds that were intended as payments for information.

In a series of recent interviews here, Mr. Swearingen, a tall, soft-spoken man with a neatly trimmed Vandyke beard, portrayed himself as one who had frequently brought corrupt conduct and other misdeeds to the attention of his F.B.I. superiors, only to be ignored or, in a few instances, punished.

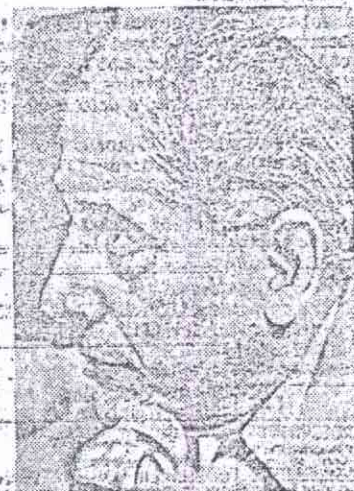
Took Information to Investigators

As a result, he said, he decided before his scheduled retirement in May 1977 to take some of the matters that most disturbed him to Justice Department investigators then looking into other questionable activities of the bureau.

"After I talked to the Justice Department I felt relieved," Mr. Swearingen recalled the other day, "then comes this stuff in Guyana."

A year ago, he said, he gave copies of F.B.I. documents he had taken when he retired to Charles R. Garry, a San Francisco lawyer who was also representing the Rev. Jim Jones and the People's Temple.

Mr. Swearingen said he asked the lawyer to send the documents and some other materials to the Justice Department and that Mr. Garry did so. A short time later, lawyers from the department's Office of Professional Responsibility, which investigates violations of internal department regulations, began interviewing Mr. Swearingen about his knowledge of F.B.I. misconduct.



The New York Times

Mr. Swearingen said he gave classified F.B.I. documents to Charles R. Garry, above, a San Francisco lawyer whose clients included the Rev. Jim Jones and the People's Temple. Copies of the documents were found in Jonestown, Guyana.

Files Were Photocopied

In a recent affidavit, Tom Adams, a People's Temple member, said that he and Teri Buford, another member, while seeking evidence of F.B.I. harassment of extremist political organizations, had photocopied Mr. Swearingen's file and sent the copies to Mr. Jones in Guyana.

Some of the documents bore Mr. Swearingen's name and were discovered at Jonestown a few weeks ago by F.B.I. agents investigating the death of Representative Leo J. Ryan, Democrat of California, whose murder on a fact-finding visit precipitated the deaths of Mr. Jones and more than 900 of his followers.

Although Mr. Swearingen is technically vulnerable to criminal charges for taking the classified documents, he said he had been assured by the Justice Department that he will not face prosecution in that regard.

Some of the agents involved in the incidents that Mr. Swearingen has reported to the Justice Department will not face prosecution because the five-year statute of limitations that applies to most Federal crimes has expired. The possibility of disciplinary action by the Justice Department remains, however.

Some Knowledge Indirect

Another difficulty facing a Justice Department inquiry is that Mr. Swearingen was not directly involved in some of the incidents he has recounted but only heard about them from agents who were involved. For example, Mr. Swearingen says an F.B.I. supervisor in Chicago told him the bureau had "deliberately set up" the situation in which Fred Hampton, chairman of the Illinois branch of the Black Panther Party, was killed in a shootout with police nine years ago.

Widespread Abuse and Corruption

One of the break-ins described by Mr. Swearingen took place at a printing shop in Eugene, Ore., operated by Clayton Van Lydegraff. Unexpected dividends were realized, Mr. Swearingen said, when F.B.I. agents learned that Mr. Van Lydegraff, a man in his 50's who had long been a member of the Communist Party, was discovered to be a member of the radical and largely youthful Weather Underground.

Mr. Van Lydegraff is currently facing criminal charges in Los Angeles in connection with an alleged conspiracy to bomb the office of a California state legislator. Mr. Swearingen said that the agents instrumental in Mr. Van Lydegraff's arrest had concealed, during preliminary testimony in the case, the fact that the bureau's initial information about his links with the Weathermen had been produced by a warrantless search.

Rowan Klein, Mr. Van Lydegraff's attorney, said that if Mr. Swearingen's allegations were true, any information the Government had collected about Mr. Van Lydegraff and the Weathermen, including that relating to the bombing charge, might be inadmissible in court.

One source familiar with the Justice Department's investigation of F.B.I. break-ins lent some support to Mr. Swearingen's assertions, saying that the prosecutors had come across information indicating that "something happened" in Eugene. The source said the information was likely to be made public at the upcoming trial of L. Patrick Gray 3d, once the bureau's acting director, and three other former top bureau officials on charges stemming from the Justice Department's allegation that they illegally approved break-ins against Weathermen in New York City.

On at least two occasions, Mr. Swearingen said, he believed that F.B.I. informers had broken into the offices of the American Indian Movement in search of membership lists. Another time, he said, an informer entered the El Monte, Calif., office of the American Nazi Party and stole what he took to be that organization's membership roster.

The A.I.M.'s membership lists, Mr. Swearingen said, were photocopied and surreptitiously returned, but the Nazi group's list was not. He said this prompted the F.B.I. to induce the El Monte Police Department to raid the group's office in an ostensible search for illegal firearms, in hopes that once the list was discovered missing the Nazis would presume the police had taken it.

The F.B.I., he said, opened case files on each of the persons on the Nazi list, which later proved to be not membership roster but a list of prospects for mail solicitations.

Resistance From Superiors

Mr. Swearingen said that he learned some of those consequently identified in F.B.I. files as Nazi Party members had never heard of the organization, but that he met resistance from his superiors when he tried to have the files corrected. One supervisor, he said, dismissed his concern by saying that the chances were small that any of those incorrectly identified would ever apply for a Government job.

Mr. Swearingen said that he discovered what he interpreted as evidence of

the three burglaries by F.B.I. informers in 1978. At that time, he said, he was assigned to review and prepare updated summaries of specific F.B.I. cases that had been examined two years before by auditors from the General Accounting Office in a study of how the bureau allocated its resources.

Although the cases given to the G.A.O. were supposed to have been selected by the F.B.I. at random, he said, he noticed that there were wide gaps between some of the files that had been made available.

He said that he reported this to the Justice Department after he had retired, and that he had since learned that the F.B.I. official in charge of the "random selection" had deliberately bypassed files "that would really create problems for the F.B.I."

The official, who has since retired, is now the subject of a Justice Department investigation.

In at least one instance, Mr. Swearingen said, evidence was fabricated by the F.B.I. in a successful effort to obtain confessions from a group of seven men suspected of having bombed a railroad bridge in Kentucky during a coal dispute.

Pieces of metal collected at the scene by the F.B.I. were dusted with a powder visible only under ultraviolet light, he said; then given to the suspects for "inspection" during questioning.

The men were told later, he said, that if they had been at the scene of the bombing their hands would glow when placed under an ultraviolet lamp. Such a lamp was produced, Mr. Swearingen said, and the suspects confessed to the crime on the spot. Other suspects who were not subjected to the ruse were tried, he said, but not convicted.

In the recent interviews, Mr. Swearingen said he had also told the Justice Department of instances in which F.B.I. agents were arrested by other law enforcement agencies but never prosecuted and, in at least one case, never disciplined by the bureau.

Agent Arrested In Miami

He said he had told the department of an instance in which an undercover F.B.I. agent who traveled to Miami in August 1972 to search for Weather Underground fugitives among the demonstrators at the Republican National Convention, was arrested by the Miami police on charges of fomenting violence.

Although the agent was severely injured by the police while in custody, he never disclosed his F.B.I. affiliation, Mr. Swearingen said. He said the agent was eventually released and sent by the F.B.I. to Canada, ostensibly on business but in fact to give him an opportunity to recover.

While the agent was in Canada, he said, he became involved with a woman who used narcotics and was himself arrested on a narcotics charge. Mr. Swearingen said the man was never prosecuted for either arrest nor disciplined by the F.B.I., but was instead given a transfer he had sought.

Mr. Swearingen also said a young agent was arrested two years ago by a California police department shortly after he had purchased \$12 worth of marijuana. The agent, he said, at first tried to

make his superiors believe that he had been attempting to break up a drug ring, but later confessed that the marijuana had been intended for his own use.

Agent Never Prosecuted

The bureau gave the agent a choice of resigning or being dismissed, Mr. Swearingen said, and the agent quit and was never prosecuted.

A little over two years ago, the Justice Department began investigating corruption at F.B.I. headquarters. Although a number of irregularities were eventually found there was no large-scale prosecution of the officials involved.

Mr. Swearingen said, however, that fraud and corruption in the F.B.I.'s field offices had been as longstanding and pervasive as at headquarters, and had centered chiefly on the bureau's use of paid informers.

One reason for this, he said, was a bureau requirement until 1975 that agents maintain relations with a minimum number of informers. Pressure from headquarters, he said, led many agents to fabricate informers who were purportedly supplying the bureau with information that might itself be either true or false.

Informer's Pay Pocketed

In many instances, he said, the agents simply filled a bogus informer's file with periodic "reports." But he said he had known of a number of cases in which agents had requested and received, and then pocketed, cash payments for such informers.

It also was common, he said, for an agent to "skim" part of the money given him to pay a genuine informer, with or without the informer's knowledge.

In one embarrassing situation recalled by Mr. Swearingen, the F.B.I. belatedly discovered that for about a year an informer working for an agent in a Southern city was being "paid" by an agent in another city.

Mr. Swearingen said he had also found files in the bureau's Los Angeles office showing that an agent there had obtained \$300 to pay an informer who had left town the week before.

In a third instance, he said, an agent in a small California city was found to have been receiving thousands of dollars in kickbacks from reward money given to his informer for help in recovering stolen property. The agent, Mr. Swearingen said, was dismissed from the bureau but never prosecuted.