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F.B.I.'S TARDINESS IS FACING INQUIRY

Justice Department Lawyers
Heard About Burglary Files
Just Before Disclosure

By JOHN CREWDSON

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WASHINGTON, April 3 — Justice Department lawyers, stung by the belated discovery that agents of the Federal Bureau of Investigation had committed 92 burglaries at the Socialist Workers Party's offices, will take steps to find out why the bureau failed to produce the information sooner, a well-placed department source said.

Bureau documents describing the burglaries, which took place in New York City from 1960 to 1966, were provided to the party by the Justice Department under the discovery provisions of a civil lawsuit brought against the Government by the Socialist Workers. The party made the records public.

Department sources said later that lawyers defending the Government in that case had not been informed of the existence of the documents until the day before they were provided to the party's attorneys.

Moreover, the sources said, other Justice Department lawyers who were conducting a general investigation of burglaries by the bureau were not aware that the documents had been found until they saw news accounts of their discovery earlier this week.

The sources said that the bureau had made known to the Justice Department the recollections of some of its long-time agents that the Socialist Workers had been the target of an undisclosed number of break-ins.

But the lawyers had no idea of the timing or the scope of the burglaries, which came on an average of once every three weeks and produced some 10,000 photographs of the party's files, until the documents containing accounts of those operations were discovered in the bureau's New York City field office.

The department's civil rights division, which had been investigating all known F.B.I. burglaries from 1966 to 1968, is now considering expanding its inquiry to include the Socialist Workers burglaries, an official there said.

One source in the Civil Rights division said that its lawyers were also "very concerned" at not having been given the reports of those burglaries earlier. The source added that the lawyers would attempt "to find out why one branch of the Justice Department doesn't know what another branch is doing."

Based on the information gathered up to now, the source said, "no thought is being given to possible prosecutions" of agents involved in the burglaries.

The bureau itself has had no comment on the belated discovery of the documents because, a spokesman said, "the matter is currently in litigation."

One source in the bureau said recently, however, that the documents were thought to have been destroyed years ago, and as soon as their existence was discovered they were forwarded to the Justice Department. No details of how or when they were found could be learned.

The discovery of the papers poses a separate problem for Government lawyers involved in the Socialist Workers civil lawsuit. They assured the party two years ago that it had not been the object of any break-ins by F.B.I. agents.

In its civil complaint, the party asserted that it had reason to believe that it had over the years been the target of warrantless electronic surveillance, mail openings and burglaries perpetuated by the F.B.I., the Central Intelligence Agency and other Federal agencies.

In response, the Justice Department acknowledged that there had been some electronic surveillance and that the bureau had attempted to disrupt the party's operations, but it denied that mail openings or burglaries had occurred. One Justice Department source said that the response had been based entirely upon information provided by the bureau, which had been asked to provide all relevant information from its files.

But even after the bureau told the Senate Intelligence Committee in September of some agents' recollections that the party probably had been burglarized, the Justice Department made no move to amend its answers.

One government lawyer familiar with the civil case said that while criticism of the bureau was "justified" because of its delay in locating the burglary reports, he had so far seen "nothing to indicate bad faith."

Another chagrined Justice Department official remarked, however, that it was "embarrassing when you have to keep going before a judge and saying, 'Sorry, sir, we just found this.'"

A spokesman for the Socialist Workers said that the party's lawyers would ask Federal District Judge Thomas P. Griesa next week to find the F.B.I. director, Clarence M. Kelley, in contempt because of the bureau's tardiness in producing the burglary reports.