

U.S. CITIZENS USED BY F.B.I. ABROAD

Bureau Confirms Practice— Authorities Say It Does Not Violate the Law

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Special to The New York Times

WASHINGTON, Feb. 15—The Federal Bureau of Investigation periodically dispatches American citizens on intelligence-gathering missions outside the United States, according to a 42-year-old Florida man who says he and others have been used for that purpose.

The man, Joseph A. Burton, who for more than two years, beginning in May, 1972, posed as a Marxist in order to infiltrate revolutionary groups here and abroad, told The New York Times that he had made "about 10" sorties into Canada at the F.B.I.'s direction.

James Murphy, a spokesman at F.B.I. headquarters here, confirmed in a telephone interview that the bureau has in the past sent American citizens abroad for intelligence purposes, but he declined to discuss specific cases.

The F.B.I., according to a former high official there, has "no

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right to run [intelligence] operations in a foreign country—that's the C.I.A.'s jurisdiction."

But neither he, nor legal authorities in and out of the Government who were asked about the practice, could point to any statute prohibiting the bureau from gathering intelligence overseas.

Another undercover operative, a woman with whom Mr. Burton occasionally worked, confirmed in a separate interview that she had made a month-long visit to China nearly four years ago in connection with her work for the bureau.

Mr. Burton, an auctioneer and antiques dealer who lives in Tampa, Fla., told The Times

that he ended his relationship with the F.B.I. last summer after becoming concerned about the legality of some of the tasks he had undertaken, including the Canadian ventures.

He said that, last month, his doubts led him to write to Clarence M. Kelley, director of the bureau, seeking assurances that his work outside the United States was "legal and proper."

He has received no reply to that letter or to an earlier one. F.B.I. officials will not say whether a reply is forthcoming.

Apart from his concern that he may have violated the law, Mr. Burton's account of his activities, and that of his fellow operative, provide an insight into a little-known aspect of the F.B.I.'s operations at a time when the agency is coming under increasingly stringent scrutiny.

Last month, the Senate set up a select committee to examine intelligence-gathering by Federal agencies, including the F.B.I. and the Central Intelligence Agency, whose occasionally overlapping jurisdictions have created some difficulties in the past.

Talk of Albania

Although his forays outside the United States were confined to Canada, Mr. Burton said, "There was some talk of my going to Europe and also going to Albania. The bureau would have let me go to Albania. They wanted me to go."

He was in the process of securing an invitation to visit the tiny Communist country, he said, when he decided to break off his relationship with the bureau.

Mr. Burton said he was once asked by an F.B.I. superior whether he would "like to go to

Mexico, walk into the Chinese embassy and say that you've got this organization in Tampa and that you want to work with the Chinese."

Mr. Burton then headed a sham "revolutionary" group in Tampa, called the "Red Star Cadre," that, he said, had been set up as a front for his F.B.I. work. He said he told the inquiring agent that he would not "insult the Chinese by trying to pull something that stupid on them."

During the Canadian trips, he recalled, his instructions were to develop contacts with members of the Canadian Communist party's pro-Chinese wing,

LATE CITY EDITION

Weather: Mild, with periods of rain today through tomorrow. Temperature range: today 36-50; Saturday 28-42. Details on Page 75.

and to report to the F.B.I. on their activities, including any signs that the organization was passing funds from China to Maoist groups in the United States.

Accompanied by Woman

On two of the trips, he said, he was accompanied by an American woman who had adopted a similar radical pose in the New Orleans area, and who told him that she had visited China to gather political intelligence for the bureau.

The woman, a 36-year-old housewife and mother, confirmed in an interview in the Southwestern city where she now lives that she spent four weeks in China in 1971 with one of the first groups of Americans allowed into that country after President Nixon's announcement that he would visit there.

When first asked about that trip, the woman said, "It's better not to discuss any F.B.I. operations outside the country."

But after being assured anonymity, she conceded that she had entered China "before Nixon" as part of a "delegation made up of American radicals," and had made "four or five" trips into Canada as well.

The woman asked that she not be identified for fear of reprisals from the left against her or her husband, with whom she had worked in penetrating leftist political organizations in Louisiana and elsewhere.

'A Detail Specialist'

The reports she submitted to the F.B.I. upon her return, she said, were filled not only with information about her traveling companions, but also with her observations of Canton, Shanghai and Peking, the Chinese capital, where, she said she had been introduced to Premier Chou En-lai.

"I was concerned about ev-

erything," she replied when asked what sort of information she supplied to the bureau. "I was a detail specialist."

Asked whether she now entertained any misgivings about her work, her voice trembled as she said, "I spent a month in China, wondering if I was ever going to go home again; wondering if they were ever going

to find out what I was doing.

"I feel like I've put my life on the line for a good cause, and I don't feel like that all ought to go down the drain because someone wants to make a sensational story."

The former F.B.I. intelligence official said he had read the woman's reports on China, but could not recall whether any of the information had been shared with the C.I.A.

Hoover's Strategy for 'Glory'

On more than one occasion when the F.B.I. sent a covert operative abroad, the official said, J. Edgar Hoover, then director of the bureau, would "instruct us not to advise" the C.I.A. of the intelligence that was produced.

"He wanted to outcoop the C.I.A.," the man said. "He wanted the F.B.I. to come back with valuable information which he would give to the President over his signature, so he would get the glory."

Added the official: "He was wrong."

When first asked about Mr. Burton's activities, officials of the bureau here said that all queries should be addressed to Nick F. Stames, the special agent in charge of the F.B.I.'s Tampa field office, under whom Mr. Burton had worked.

Mr. Stames, who last week was notified that he was being transferred to the bureau's Washington field office, said repeatedly in a recent interview that he would not respond in any way to Mr. Burton's disclosures or charges beyond the following statement:

Services 'Discontinued'

"Joseph A. Burton volunteered his services to the Tampa F.B.I. office in May, 1972, and was able to establish contact with several Marxist-Leninist groups.

"He was paid for his service in providing information and expenses incurred in connection with its acquisition.

"During his periods of assistance to the F.B.I. Burton was instructed not to engage in any illegal activities and we have no information indicating he did engage in illegal activities.

"Burton's services were discontinued in July, 1974, at his

own request, as he indicated he desired to provide security for his family and because he was no longer willing to be associated with the Communist revolutionary movement."

The former F.B.I. official said that the bureau maintains agents in a number of foreign capitals who serve as "legal attachés" and who have their offices inside American embassies. But he said that their role was officially limited to performing a "liaison" function with foreign policy agencies and that they were barred from "positive," or active, gathering of intelligence.

Not Special Agents

Mr. Murphy, the spokesman for the bureau here, said that the F.B.I. was "not operational outside the country," and, without confirming that either Mr. Burton or the woman had ever traveled abroad, he pointed out that neither was a special agent of the F.B.I.

Asked how he would describe the pair, Mr. Murphy replied that they were considered "paid informants."

A spokesman for the C.I.A., which is charged by law with the gathering of intelligence outside the United States, said his agency would have no comment on any reports concerning the F.B.I.'s external intelligence operations.

Told of the bureau's description of him as an "informant," Mr. Burton bristled.

"What information did I sell them?" he demanded. "When they called me and told me to go to Canada, was I selling them information? When they asked me to set up 'Red Star,' was I selling them information?"

"If the bureau asked me to go to Canada or Pennsylvania or anywhere," he went on, "at first they would say, 'Do you want to go?' After a while they just said, 'You're going to Canada.'"

Full-Time Help

Both Mr. Burton and the couple from New Orleans pointed out repeatedly that they had worked virtually full time for the F.B.I.

Mr. Burton produced a letter from Mr. Stames showing that, in addition to travel and other expenses, he was paid \$2,923 for his work for the bureau during the first seven months of last year.

The New Orleans couple said that during their service as undercover intelligence operatives they received an average of "about \$16,000" a year from the bureau.

Told of Mr. Murphy's explanation that, because he had not graduated from the F.B.I.

Academy as a special agent he was officially considered an "informant," Mr. Burton laughed and replied:

"The only thing I didn't learn [by not attending the academy] is how to pick up a phone and say, 'This is not your F.B.I. We didn't do it, no, we don't know them, thank you for not calling us.'"

"That and the karate course, I think, are the only two things I missed."

Dismissing an informant as "somebody who asks, 'How

much will you give me for some information,'" Mr. Burton emphasized that he received instructions from and made reports to his F.B.I. superiors on a daily basis, and that he was directed both here and abroad to act "in other than a passive role."

As his first Canadian assignment, he recalled, he was instructed to attend a conference of the Canadian Communist party's pro-Chinese wing, an organization of which he said he eventually became a voting

member and to which he periodically donated funds supplied by the F.B.I.

Without seeming to do so, Mr. Burton said, he had been able to cause a "rift" among some of the leftist organizations represented at the conference. Upon his return to Tampa, he said, the bureau "congratulated" him on his success.

Displaying anger at what he deemed attempts by bureau officials to play down the importance of his activities, Mr. Burton asserted that last July, just

before he broke with the bureau, he was told by an agent:

"If you want to do a book on your association with the bureau someday after this has all settled down, we would be more than happy to help you, and we will supply you with a publisher."

Mr. Burton said he declined the offer, saying that, "By the time you cut out everything I want to put in, there wouldn't be any book."

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