

238 Break-Ins Committed By F.B.I. Over 26 Years

Figures Given to Senate Panel on Illegal 'Entries' Up to 1968 Do Not Include Spy or Organized Crime Cases

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WASHINGTON, Sept. 25 — The Federal Bureau of Investigation committed at least 238 illegal burglaries against dissident American groups and individuals from 1942 to April, 1968, according to figures made public today by a Senate committee.

Senator Frank Church, Democrat of Idaho, who is chairman of the Senate Select Committee on Intelligence, said that the F.B.I. had provided the committee with figures showing that it made "238 entries" in connection with investigations of 14 "domestic security targets" over the 26-year period and "numerous" but uncounted entries involving three other groups from 1952 to 1966.

This was the first time that any official figures on burglaries by the bureau have been made public. Clarence M. Kelley, director of the bureau, acknowledged last July, under questioning at a news conference, that burglaries had been

used as a technique by the bureau. Since then, other F.B.I. officials have labeled the technique illegal.

According to Federal law enforcement sources, the figures disclosed today do not include burglaries made in national security espionage cases or instances in which the technique was used against organized crime.

Senator Church said the committee also knew the names of some of the groups that were targets of the technique, but that he could not make them public. Neither he nor other committee members said where the burglaries had been committed.

According to the information presented by Mr. Church, the last burglary in a case involving domestic dissidents was made in April, 1968. However, in a news conference last July, Mr. Kelley said a few break-ins

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he F.B.I. said a few break-ins at foreign embassies occurred after 1966, the year J. Edgar Hoover, then director of the bureau, ordered the end of such illegal burglaries. The scope of his order was unclear.

Former top bureau officials were quoted in The New York Times earlier this year as stating that the former F.B.I. director, L. Patrick Gray 3d, authorized a burglary of the Arab information center in Dallas in 1972. This entry was made, these sources said, in connection with an international investigation of terrorism.

In a July 19, 1966, memorandum from William C. Sullivan, the chief of F.B.I. counterintelligence, to Cartha D. DeLoach, the No. 3 man in the bureau, Mr. Sullivan called the bur-

glaries illegal. He used the term "black bag" jobs, which was F.B.I. jargon for the break-ins.

No Authorization

The memorandum was made public today. It said:

"We do not obtain authorization for 'black bag' jobs outside the bureau. Such technique involves trespass and is clearly illegal; therefore, it would be impossible to obtain any legal sanction for it. Despite this, 'black bag' jobs have been used because they represent an invaluable technique in combating subversive activities of a clandestine nature aimed directly at undermining and destroying our nation."

The reference to the fact that the bureau did not obtain authorization outside of its organization appeared to suggest that no attempt was made to

get approval for burglaries from the President, Attorney General or other higher authority.

The memorandum attempted to make the case for retaining the technique in the face of outside pressure to end it. At one point, with names deleted, Mr. Sullivan pointed out its value in a case that appeared to be a Ku Klux Klan investigation.

Despite the thrust of the memo, Mr. Hoover had scrawled at the bottom: "No more such technique must be used. H."

Started Huston Plan

The burglary figures came as the Senate intelligence committee wound up three days of public hearings on the origins of a domestic surveillance plan in 1970 by Tom Charles Huston, an aide then to President Nixon.

According to information developed during the Watergate hearings, the so-called Huston plan was first approved by Mr. Nixon and shortly discontinued because Mr. Hoover would not agree to it.

Senator Church said F.B.I. memorandums indicated that three months after President Nixon discontinued the Huston plan, Mr. Hoover ordered the minimum age for recruiting F.B.I. informers lowered from 21 to 18. Mr. Church said the memorandums indicated the informer expansion was aimed at developing 6,500 new cases on members of Students for a Democratic Society, and 4,000 new cases on members of black student unions "regardless of their present or past involvement in student disorders."

Senator Walter F. Mondale, Democrat of Minnesota, said that despite the halt of the Huston plan it appeared that the Nixon Administration "proceeded surreptitiously to go ahead and do it anyway."

Cites 7,000 in Index

Charles Brennan, a retired F.B.I. official who succeeded Mr. Sullivan as chief of the domestic intelligence division, testified that the F.B.I. maintained a security index listing 7,000 persons the bureau might seek to detain in the event of an outbreak of war with certain foreign powers.

He said that in the late nineteen-sixties and early nineteen-seventies the bureau came under "tremendous pressure" from President Johnson and President Nixon to establish

whether the American antiwar movement received financial support from abroad. He said the bureau compiled a 40-to-50-page report that indicated that American antiwar leaders traveled abroad and met with Communist groups, but there was no evidence of financial support.

"I personally had the feeling that we were dealing with credit-card revolutionaries who did not need money from abroad," Mr. Brennan said. "I never discovered anything to the contrary."

He said he had not taken part in a burglary but had direct knowledge of 30 to 40. He agreed they were illegal, but said the technique was useful in some instances.

F.B.I. sources have maintained that break-ins in national security cases often involved entering foreign embassies to obtain material to aid the National Security Agency in cracking codes of foreign governments.

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