

# Should F.B.I. Agents Be Punished for Actions That Once Would Have Earned Medals?

## The Answers For Webster Are No-Win Solutions

By ANTHONY MARRO

WASHINGTON — Last October, a young Federal Bureau of Investigation agent named Jack F. Caldwell was discovered, to the professed horror of some of his superiors, to be living with a woman who was not his wife. He was suspended for three weeks without pay, reprimanded by the director for failing to maintain the "high standards expected of employees of the F. B. I.," and given a disciplinary transfer from Washington to New York. There was some grumbling among younger agents, but the action wasn't considered outrageous or even unusual. Although agents no longer are transferred to Omaha for such petty infractions as drinking coffee on Government time, even the post-Hoover bureau is noted for sudden and arbitrary discipline.

In recent weeks, however, internal discipline has become a potentially explosive controversy for Director William H. Webster. In the days immediately ahead, he must decide what to do about the list of 68 agents and officials. Attorney General Griffin B. Bell sent him last month, with a suggestion that it might be fitting to discipline some or all of them, by letters of censure or outright dismissal. Already many agents and their supporters have announced they

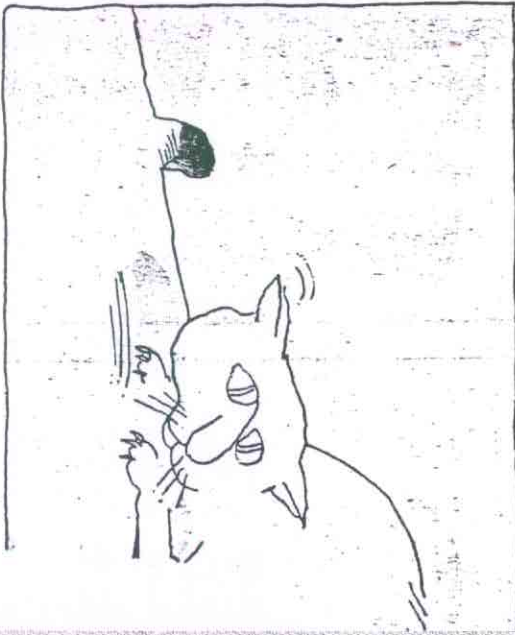
will go to court to try to block any action, no matter how mild, and publicly have warned both Mr. Webster and Mr. Bell that they would get more trouble than they bargained for if they attempted to impose any such sanctions.

Such almost unheard-of open criticism is an indication of the pressures on Mr. Webster. On one side are those who seem ready to view any discipline by the new director as a sign that he is willing to sacrifice his agents to curry favor with outside critics. On the other are persons who ready to accuse him of insensitivity to civil liberties issues if he fails to rebuke agents for actions that Federal prosecutors insist were illegal. Then there are the two Congressional committees, which are holding up legislation that would free Federal agents from liability in civil suits and make the Government itself chief defendant until agencies such as the bureau establish stiffer internal disciplinary mechanisms.

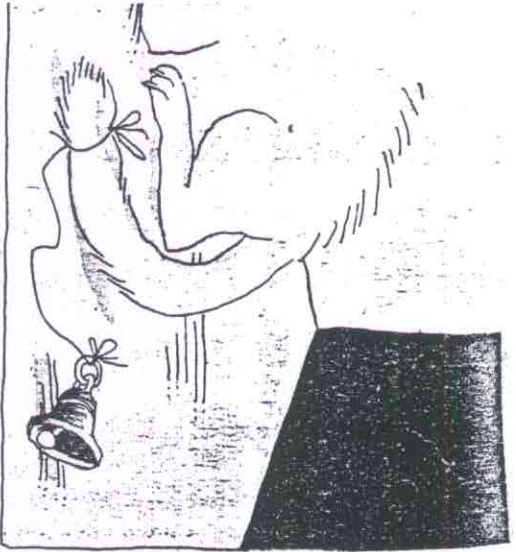
"There are," said one Federal official, "going to be unhappy people, no matter what he does." The same holds true for Mr. Bell, who has sitting on his desk a case file and a recommendation from his deputy on what sort of action, if any, to take against assistant bureau director J. Wallace LaPrade. Until recently Mr. LaPrade was in charge of the bureau's New York office, and he too has made clear he will go to court to prevent any administrative sanction.

Part of the difficulty facing Mr. Webster stems from the fact that the agents, in most cases, were not only following orders, but were doing things for which many agents had received merit awards. Another difficulty is that many of the agents now face civil suits brought by victims of the break-ins, and could be even more vulnerable in court if their own agency said not only was their conduct improper but that they should have known better. "That could be just fatal to us," said one agent who took part in some of the activities. "Presidents and Attorney Generals knew about these things, and tolerated them. It's not fair that they let this gray area exist in the law, and now leave people like me vulnerable to second-guessing." That is a common complaint. "The Government trained us to do this," said another participant in the break-ins who maintains that he hasn't used his talents in recent years except when he's locked himself out of his house.

The issue facing Mr. Webster isn't simply whether or



not to impose uniform discipline on a large group of agents who had the same degrees of involvement. The list of 68 is said to include a range of persons from ordinary agents, most of them from Squad 47 in New York, up to middle-level officials, involved in the pursuit of Weather Underground fugitives in the early 1970's. While some agents are claiming a sort of Nuremberg defense — "we followed orders" — others were among those who actually gave, or at least relayed, the orders. There also reportedly is a wide range of culpability. Some of the agents actually took part in break-ins and mail-openings, while a more merely monitored wiretaps that others had installed. Some were acting under direct orders, a few may have been acting on their own. In addition, some of the persons on the list are said to have lied about their involvement, which could put them in a



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different category from those who cooperated with Federal investigators. And some were ordinary agents with little or nothing to gain, while others were upwardly mobile superiors anxious to please their bosses at any cost.

If disciplinary action is taken, many agents insist that the Justice Department and Mr. Webster not reveal names, on the ground that it would be a violation of their rights to privacy. But others, including a number of officials within Justice, argue that it might be seen as retroactive endorsement of illegal practices. If the bureau, which has been so quick to punish agents for petty infractions in the past, walks away from the matter imposing no sanctions at all.

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