

New York Times

— NEW YORK, FRIDAY, JULY 9, 1976 —

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Two Aides to F.B.I. Chief Reportedly Under Inquiry

The following article was written by John M. Crewdson and is based on reporting by him and Nicholas M. Horrock.

Special to The New York Times

WASHINGTON, July 8—A growing number of past and present executives of the Federal Bureau of Investigation, including two aides close to its director, Clarence M. Kelley, have fallen under the scrutiny of the Justice Department's inquiry into alleged criminal misconduct within the bureau, according to sources close to the inquiry.

The investigation of the F.B.I., the first in the bureau's history, is considering allegations of financial corruption among high bureau officials and the commission of illegal burglaries by agents within the last five years, long after that practice was believed to have been halted.

One Federal official, asked how many bureau agents and

executives have been touched by either of the two inquiries, replied that a list of their names would take up "a lot of space."

According to a variety of reliable sources in and out of the Government, the twin investigations have badly damaged the bureau's morale and the efficiency of some of its operations.

F.B.I. agents and headquarters officials, one source said, have approached prosecutors through their lawyers about the possibility of testifying against one another in exchange for immunity from prosecution.

Agents and executives alike are looking for lawyers, and approaches have been made to

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Edward Bennett Williams, Henry E. Petersen and Mitchell Rogovin, who served until May as special counsel to the Central Intelligence Agency.

Mr. Williams is a well-known criminal lawyer, and Mr. Petersen is a former Assistant General.

One source said that Mr. Kelley had begun an investigation to determine who within the bureau withheld from him until a few months ago knowledge of illegal F.B.I. burglaries carried out within the last five years.

The investigation of those burglaries, which is expected to lead to the indictment of some of those in the bureau who approved them or carried them out, was begun last March after the discovery that the homes of friends, relatives and associates of members of the so-

called Weather Underground had been secretly entered and searched in an effort to determine the whereabouts of fugitives.

Broad Findings Expected

One well-placed source said that the burglary investigation, headed by J. Stanley Pottinger, who is in charge of the Justice Department's civil rights division, would uncover a far broader pattern of illegal conduct by agents, including illegal wiretaps, unprovoked assaults, the gratuitous destruction of property and at least one kidnapping.

In addition, the source said, other illegal entries not reflected in bureau files obtained by the Justice Department were carried out against a wide variety of organizations, including Puerto Rican nationalists, the Mafia and some right-wing groups.

In a statement last week, Mr. Kelley said that the newly discovered burglaries had been "limited" in number and confined to a period of several months in 1972 and 1973, in the tenure of L. Patrick Gray 3d, who was acting director of the bureau after its director, J. Edgar Hoover, died in May 1972.

But the F.B.I. source, who asked to remain anonymous, said that such break-ins were committed by the "hundreds" over the last five years in New York City and elsewhere, and that the practice continued until as recently as last April.

Although the civil rights division is understood to have received a number of allegations about other burglaries, its investigation was prompted initially by files, discovered in the bureau's New York field office last March, containing evidence of the surreptitious entries to which Mr. Kelley referred.

Bargaining Under Way

One source said that although it appeared that break-

ins aimed at domestic groups had, with a few possible exceptions, been halted in 1966 after Mr. Hoover's written order, they were resumed by bureau agents almost from the moment of his death.

Several officials at F.B.I. headquarters here, including Andrew J. Decker, an assistant director who has retained Mr. Williams as his counsel, and Horace Beckwith, a supervisor in the intelligence division, have retained lawyers who are discussing with Federal prosecutors the possibility of exchanging their testimony for immunity from prosecution, according to sources familiar with the investigation.

That process, one source said, had been slowed somewhat by the necessity of obtaining security clearances for the lawyers involved before they could discuss with their clients the allegations against them.

Although there is no evidence that Mr. Gray possessed knowledge of the burglaries committed in his year-long tenure as acting director of the bureau, some of those close to the investigation believe that the chain of evidence, including written authorizations for "bag jobs," as they are known within the bureau, will ultimately lead to the top of Mr. Gray's intelligence division and very close to the former acting director himself.

Comment Declined

Edward S. Miller, who headed that division in the period under investigation, declined comment today when asked whether he had retained counsel in connection with that case. Some former associates of Mr. Miller, who retired from the bureau in 1974, described him as an enthusiastic pursuer

of leftist radicals. They said that he once seriously proposed infiltrating the Democratic Party with agents on the ground that it had been subverted by Communists.

W. Mark Felt, who served as deputy associate F.B.I. director under Mr. Gray, said in a recent interview that he was in charge of the bureau's daily operations in Mr. Gray's tenure but he declined comment when asked whether he knew of the break-ins at the time.

Although those close to the inquiry indicated that some bureau agents or officials would have to face criminal charges regarding the burglaries, no indictments in the case were expected before September.

Justice investigators are attempting to broaden the inquiry by searching for evidence of similar illegal break-ins outside the New York area, especially in San Francisco and Albany, and also by tracing the chain of knowledge and approval upward in the bureau's hierarchy.

The department's investigation of possible financial corruption within the bureau, which is being conducted under the guidance of Michael Shaheen, head of the office of professional responsibility there, is considerably further along than the break-in inquiry and has touched even more of the bureau's important past and present officials, according to the sources familiar with the investigation.

The officials are said to include John P. Mohr, until he retired in 1972 the F.B.I.'s administrative chief and, next to Mr. Hoover, its most powerful and influential official; Nicholas P. Callahan, the associate F.B.I. director who is now Mr. Kelley's most important aide, and Thomas J. Jenkins, one of Mr. Callahan's two deputies.

The only top F.B.I. official likely to remain untouched by the Justice investigations, sources said, is James B. Adams, Mr. Callahan's other deputy.

Mr. Mohr and Mr. Jenkins both declined to comment on the investigation. A secretary to Mr. Callahan said that he was on vacation.

Mr. Callahan, Mr. Jenkins and Mr. Adams have been described by some bureau sources as a "triumvirate" that is loyal to memory of Mr. Hoover and that has retained much control over the bureau's operation. However, Mr. Kelley has rejected suggestions that he is in less than complete charge.

Allegations of Kickbacks

One source said that Mr. Callahan was planning to retire from the bureau later this

month. Another official said that his departure had been planned for some time and had no connection with the current investigation.

Mr. Shaheen's investigation concerns allegations of kickbacks to bureau executives from companies that supplied electronic and other equipment to the F.B.I. Investigators in that case have reportedly focused on Ivan W. Conrad, the former head of the F.B.I. laboratory, who has retained Mr. Petersen to represent him.

When asked how many individuals in the bureau had become objects of the kickback investigation, Mr. Shaheen declined to comment.

However, at least 28 bureau agents are known to have been notified by the Justice Department that they are targets of the burglary investigation, and sources said that a number of middle-level bureau officials, such as Mr. Beckwith and Robert Shackelford, head of the bureau's internal security section, also apparently had knowledge of the recent illegal break-ins.

One source explained that those break-ins were directed at individuals whom the F.B.I.



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Clarence M. Kelley

believed might be harboring such fugitives as Mark Rudd, Kathy Boudin and Bernardine Dohrn.

Asked whether Leonard Boudin, a New York City lawyer who is Miss Boudin's father, might have been included on such a list of targets, the source replied, "absolutely."

Since 1963, Mr. Boudin has represented the Socialist Workers Party, and for the last three years had handled that party's civil lawsuit charging the F.B.I. and other Government agencies with unlawful harassment.

New Issue Raised

The possibility of an illegal search directed against him by the bureau is said to raise the issue of an illegal invasion of Mr. Bourdin's relationships with the S.W.P. and other clients.

It was a discovery order obtained in connection with the S.W.P. lawsuit that led last March to the discovery of the burglary files in the bureau's New York City office.

The House Intelligence Committee discovered last year that some electronic equipment purchased by the bureau had been marked up in price by the bureau's supplier, the United States Recording Company, but the current Justice Department inquiries have gone far beyond the information uncovered about the bureau by the House committee or its Senate counterpart.