

FBI Team to Bypass Kelley

7-1-76

By John M. Goshko
Washington Post Staff Writer

FBI Director Clarence M. Kelley has agreed to allow his agents, investigating allegations of burglaries by bureau personnel, to bypass him and other FBI executives and report their findings directly to the Justice Department.

Kelley also admitted yesterday that he was wrong when he said last year that FBI burglaries against suspected domestic subversives had been terminated in 1966. The bureau, he said, had uncovered information about break-ins committed by FBI agents in 1972 and 1973, and these burglaries are the sub-

ject of the current investigation.

His statement came after the Associated Press reported that a special team of 12 FBI agents, assigned to the probe, had been instructed not to give their investigative reports to Kelley or other bureau officials.

The AP report prompted Assistant Attorney General J. Stanley Pottinger, whose Civil Rights Division is in charge of the inquiry, to issue a statement saying reports that "Kelley has been sealed off from all aspects of this investigation are wrong."

"Mr. Kelley has taken the unusual step of detailing a

group of FBI agents to assist the Civil Rights Division in this investigation, and they report only to my investigative staff and to me, not through FBI channels," Pottinger confirmed.

"Nevertheless," he added, "Mr. Kelley and I have felt free to consult each other personally as we have found it necessary and appropriate . . . Whatever information is shared with him remains in his personal knowledge and possession only and is not disseminated to other persons in the FBI or elsewhere."

Pottinger did not elaborate further. However, it

See FBI, A21, Col. 1

FBI, From A1

was learned that the arrangement between the FBI and the Justice Department, which has policy control over the bureau, was set up partially to ensure the appearance of impartiality in the probe.

Kelley, it was learned, is not under any suspicion of complicity in wrongdoing by the bureau. Nor is there any feeling at the Justice Department that he would not conduct a thorough investigation of the burglaries had he remained in charge.

But, it was felt by Justice officials that because the investigation might involve former or present high-ranking FBI officials, the probe should be controlled from outside the FBI. Kelley is understood to have agreed and to have assisted in setting up the procedure under which the FBI investigators report directly to Pottinger and his staff.

The investigation, which came to light last week, centers on allegations that FBI agents carried out burglaries at the homes or offices of suspected domestic subversives during the past five years. It is not known how many break-ins took place or how many agents were involved, but the

probe so far has centered on the New York field office.

In his statement yesterday, Kelley recalled that he had said, during a July, 1975, press conference, that the late FBI Director J. Edgar Hoover had terminated all burglaries by bureau personnel relating to the domestic security field in 1966.

In making that statement, Kelley said he had relied on a memorandum written by Hoover in 1966 and upon the recollections of current headquarters personnel.

"On March 17, 1976," he continued, "FBI headquarters learned as a result of inquiries in connection with a pending lawsuit that folders in our New York office contained information concerning entries subsequent to 1966 and the Department of Justice was notified the same day by us."

The resulting investigation was turned over to Pottinger's division because it involves possible criminal charges that FBI men violated the civil rights of citizens through the burglaries.

"It was through this means," Kelley continued, "that I learned of the existence of a limited number of surreptitious entries conducted in 1972 and 1973 . . . The FBI under my direction is cooperating with the Department of Justice in a full and complete investigation to determine all the facts of this matter."

During 1972 and 1973, the FBI was headed by four men: Hoover, who died in May, 1972; L. Patrick Gray, who was acting director until April, 1973; William B. Ruckelshaus, who succeeded Gray as acting director until July, 1973, and Kelley, who was sworn in as director on July 9, 1973.

FBI sources said last night that all of the burglaries alluded to in Kelley's statement took place before he became director.