

FBI Indictments Are Eyed

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The Justice Department has concluded that it has sufficient evidence about illegal burglaries allegedly committed by the FBI in the New York area during the past five years to begin seeking indictments.

Informed sources said yesterday that unless something unexpected happens, Department investigators expect to begin presenting the evidence to a federal

grand jury in New York by the end of August.

Submission of the case to a grand jury will mark the next major development in an investigation that began five months ago when the Justice Department learned that so-called black bag jobs had been carried out against alleged "extremists" during 1972 and 1973.

Previously, FBI Director Clarence M. Kelley had said that the FBI had ceased illegal burglaries in 1966. Ear-

lier this month, though, Kelley admitted that he had been "in error" and said that "a limited number of surreptitious entries" had taken place in 1972 and 1973.

The Justice Department investigation, under the direction of Assistant Attorney General J. Stanley Pottinger, has led to speculation that the probe eventually will involve present and former high-ranking FBI officials.

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The sources confirmed that the Justice inquiry is engaged in what one characterized as "peeling back the layers" to determine who authorized field agents to commit break-ins.

In some instances, the source added, these "layers are four and five deep" and have been traced back from the field directly into the intelligence division of FBI headquarters.

But, the source continued, although the trail has led to "middle management" individuals at FBI headquarters, no evidence has been uncovered so far to implicate present or past top-level executives of the bureau.

The source said the investigation is continuing to "work its way back from the field and up the ranks" and, at this stage, there is no way of predicting where it will end.

Similarly, this source and others said, the number of burglaries is not known, but even at this relatively early stage of the investigation it already exceeds Kelley's characterization of them as "limited" in number.

In the New York area, where the investigation began and has been concentrated until now, there is enough evidence available to keep a grand jury operating for several months, the sources asserted.

In a court deposition made public Wednesday, George P. Baxtrum Jr., an FBI agent formerly assigned

to New York, admitted that he participated in "between 50 and 90" burglaries of the Socialist Workers Party headquarters there between 1958 and 1965. However, his testimony did not touch upon the more recent incidents that are the subject of the current investigation.

The sources said that the Justice Department so far has only "allegations" and no "hard documentation" of break-ins committed elsewhere. But, they added, the probe has now started to focus on other cities such as Chicago, Los Angeles, Detroit and, most recently, Denver, where an FBI informer reportedly has admitted burglarizing SWP offices on July 7.

It was a court order obtained by the party in connection with a lawsuit against the FBI and other federal intelligence agencies that triggered the current investigation. The order called on the bureau to produce all documents in its possession relating to the party; and the subsequent search uncovered a file in the FBI's New York field office relating to the burglaries.

Pottinger, who heads Justice's Civil Rights Division, assumed control of the probe because it is based on federal laws that bar law enforcement officers from violating a citizen's civil rights and that prohibit officers from making searches without warrants. Maximum punishment under these statutes is 10 years' imprisonment.

The investigation has un-

covered evidence that 20 to 30 field agents, assigned to the New York office in the early 1970s, were involved in burglaries. Some of these agents reportedly are engaged in plea bargaining with the Justice Department, and some are expected to testify before the grand jury about who gave them their orders.

During those months of 1972 and 1973 when the burglaries under investigation took place, the FBI was headed by acting Director L. Ver, where an FBI informer

A few weeks before, in Es-Patrick Gray. Others who were in key intelligence supervisory jobs at that time were W. Mark Felt, then the bureau's second-ranking executive, and Edward S. Gray resigned when it gate-break-in evidence; Felt and Miller are now retired.

Two active FBI officials who are known to be under investigation are Andrew J. Decker, an assistant director in charge of records management, and Horace Beckwith, an intelligence division supervisor. Decker was in charge of internal security and intelligence investigations for the New York field office during 1972 and 1973.