

Probe Is Reaching High at FBI

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A growing number of past and present executives of the FBI, 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 FBI, 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.

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

Williams is a well-known criminal lawyer, and Petersen is a former assistant attorney general.

ONE SOURCE said that Kelley had begun an investigation to determine who within the bureau withheld from him until a few months ago knowledge of illegal FBI 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.

One well-placed source said 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 kidnaping.

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.

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

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

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 Hoover's written order, they were resumed by bureau agents almost from the moment of his death.