

NEW INQUIRY BY U.S. INTO F.B.I. ACTIVITIES

Justice Dept. Studying Reports of Illegal Break-Ins and Wiretaps

By ANTHONY MARRO

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WASHINGTON, Oct. 7—The Justice Department has begun a preliminary investigation into allegations that agents of the Federal Bureau of Investigation in New York conducted illegal break-ins against organized crime figures and then used the information they obtained in false affidavits presented to Federal courts.

Robert Havel, the deputy director of public information, said that the inquiry would be conducted by the Office of Professional Responsibility, which is headed by Michael E. Shaheen, Jr.

The disclosures were first reported in Thursday's editions of The New York Times in an article that quoted law enforcement sources as saying that the break-ins, which were common in the 1960's, also continued into the 1970's and that some had been committed in the last five years.

According to the sources, the agents would sometimes place illegal wiretaps or electronic bugs in an apartment or office and then put the information obtained from them into F.B.I. files as having come from informers.

The information then would be falsely represented in affidavits submitted to Federal courts as having come from "a reliable informant." The courts would be asked to approve wiretaps as permitted under Title III of the Omnibus Crime Act.

In short, according to the sources, the agents were breaking the law in search of information that they could later use as a basis for legal wiretaps.

The disclosures of the break-ins against organized crime figures comes at a time when the Justice Department is already investigating illegal break-ins and wiretaps committed by agents of an internal security squad in New York, which was searching for Weather Underground fugitives.

That investigation, which has involved two separate grand juries and which has been active for at least 18 months, has resulted in the indictment of one former F.B.I. supervisor, John J. Kearney, on five felony charges stemming from allegedly illegal acts committed by agents in his squad.

According to bureau sources, the inquiry also has caused some resentment among agents in the internal security squads in New York, who complain that the Justice Department has investigated them while ignoring similar activities by agents working organized crime cases.

Normally, Mr. Shaheen's office investigates complaints that involve violations

of internal regulations or ethics, rather than violations of law, and that can be handled through administrative actions rather than indictments.

If his investigators should come up with evidence of a crime, however, they could refer their material to the department's criminal division for action.

Most of the sources requested anonymity, but one former agent, Anthony Villano, has described the practice in some detail in a recent book, "Brick Agent." According to Mr. Villano, who confirmed in a telephone interview that the practices were still going on when he left the bureau in 1973, agents often entered apartments without warrants before seeking court approval for wiretaps.