

Bell Appoints 10 to Replace Group That Quit Investigation of F.B.I.

By ANTHONY MARRO

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WASHINGTON, Dec. 13 — Attorney General Griffin B. Bell named 10 persons today to take over the problem of allegedly illegal break-ins by agents of the Federal Bureau of Investigation in New York. He thus replaced the group of five attorneys that quit the investigation last week after a sharp dispute with him over the proper strategy for handling the case.

The best-known of the incoming group is Barnett D. Skolnik, a 36-year-old Assistant United States Attorney in Baltimore who headed the criminal investigations of Vice President Agnew and Gov. Marvin Mandel of Maryland.

Mr. Skolnik was named as the lead attorney of the trial group that will prosecute John J. Kearney, a former F.B.I. official who is the only person indicted in the case to date, and any others who might later be indicted.

At the same time, Paul R. Boucher, 35, an attorney in the department's criminal division, was named as lead attorney on the investigative group that will continue to present evidence to grand juries here and in New York.

Important for 'Image' Purposes

Technically, the two men are co-equal in rank, but Mr. Skolnik's appointment was said by several department officials to be important for "image" purposes because his reputation as an aggressive prosecutor suggests a commitment to a strong prosecution of the case.

The investigation, which centers on allegedly illegal break-ins, wiretaps and mail-openings by F.B.I. agents in their search for Weather Underground fugitives, had been under way for nearly two years when the five attorneys asked last week to be removed from the case.

Their reason was a dispute, which had been simmering for several months, over whether they would be permitted to seek further indictments of present and former F.B.I. officials before the prosecution of Mr. Kearney was ended.

Mr. Bell said he wanted to complete that trial before seeking other possible indictments, at least six of which were recommended by the outgoing attorneys earlier this year.

Opposed Bell's Strategy

Although the attorneys refused to comment on the matter, they were known to have strongly opposed Mr. Bell's strategy and to have felt that it would be very difficult to obtain a conviction of Mr. Kearney if a jury believed that

he alone was being prosecuted as a sort of scapegoat in the case.

Benjamin R. Civiletti, the head of the criminal division and the Acting Deputy Attorney General, said today that, while this had been a matter of dispute between Mr. Bell and the original group, the Attorney General's position "was abandoned some time ago."

Neither he nor Marvin Wall, the Attorney General's press spokesman, could say today precisely when this position had been abandoned, but Mr. Wall said it was at "about the time" the original group of attorneys asked to be removed from the case.

In a brief meeting with reporters, Mr. Civiletti did not predict that there would be more indictments, but he did say that the incoming group would not have to follow Mr. Bell's original strategy.

Kearney Trial Delayed

He also said that it had become clear in recent weeks that the trial of Mr. Kearney would not begin for some time and that it was no longer feasible to wait for its completion before deciding whether to seek other indictments.

Although they would not speak for the record, several Justice Department officials said privately that the dispute between Mr. Bell and the original group was not simply over the timing of other possible indictments, but over the issue of whether more investigation was needed before any such decision was made.

They said that Mr. Bell wanted to try to determine whether the bureau was acting on its own or on orders from higher officials within the Justice Department or the Nixon Administration.

One way of determining this, they said, might be to continue to indict bureau agents and officials in the hope of persuading them to testify against higher officials. But they said Mr. Bell also wanted the group to determine whether there were other ways of getting this information before adopting that strategy.

The original group was headed by William Gardner, an attorney in the civil rights division, and included Richard F. Johnston, Paul R. Hoerber, Francis J. Martin and Stephen A. Horn.

Among the attorneys in the incoming group team is Allen R. Bentley, an Assistant United States Attorney in the Southern District of New York.