

## Suit Over F.B.I. Break-in Raises Some New Questions

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WASHINGTON, June 26—Several times in 1974, a team of agents of the Federal Bureau of Investigation, searching for information that might lead to the whereabouts of radical Weather Underground fugitives, staged warrantless entries in a small cabin in a remote, wooded section of Hurley, N.Y., near Kingston.

The break-ins, at the home of Stewart E. Albert and Judith L. Clavir, were a part of a series of such break-ins, wiretaps and mail-openings that agents in the bureau's New York office had been staging for nearly four years, and for which three former top officials of the bureau recently were indicted on felony charges.

But the break-ins at Hurley may have been different in one key respect from most of the others and may lead to even more controversy for the bureau and its new Director, William H. Webster, before the civil suit that has resulted from them has ended.

The reason is that the last of the break-ins, in November 1974, came long after the men who have been indicted for authorizing such break-ins had left the bureau, and the Government still has not been able to say with finality whether they were "authorized" or not.

### Some Information Withheld

In addition, some official or officials in the bureau apparently withheld information about these break-ins from the General Accounting Office, the investigative arm of Congress, and thus may be accused of obstruction of a Congressional investigation.

The civil suit, which is pending in the Southern District of New York, is of some concern to officials of the bureau and of the Department of Justice because it raises questions about just what sorts of internal controls the F.B.I. has over its agents and also about the thoroughness of the Justice Department investigation of the break-ins.

"If Webster thinks this thing is going to go away in a hurry, he's wrong," said one Justice Department official, who did not want to be identified by name. "If they weren't authorized, he's going to have trouble explaining how this could happen in such a well-disciplined organization."

The break-ins—one source familiar with the matter said there were at least five and possibly six—were made at a point when the bureau was maintaining an extensive surveillance of Mr. Albert and Miss Clavir, both of whom had been identified with a wide range of leftist and radical causes during the 1960's.

According to F.B.I. files made public in the civil suit, Mr. Albert and Miss

Clavir, who have since married, were being investigated for possibly having knowledge about the bombing of the United States Capitol and the Pentagon bombings that are known in F.B.I. parlance as "Capbom" and "Penbom."

In addition, the files show that, at the time of the break-ins, the agents believed that the couple might be harboring certain Weather Underground fugitives, such as Abbie Hoffman.

### F.B.I. Enterings Conceded

In response to pre-trial motions in this suit, Justice Department lawyers conceded that "on several occasions special agents of the F.B.I. entered the residence of plaintiffs Albert and Clavir, searched or photographed certain items found therein, and on one occasion installed and subsequently removed an electronic listening device."

The Government lawyers then added, however, that they had not yet been able to obtain information needed to determine "whether these special agents were acting in an authorized and official capacity."

Jack B. Solerwitz, of Mineola, L.I., an attorney who represents some of the agents in the case, insists that he will be able to show that the break-ins were authorized. Others familiar with the case, however, suggest that they might have been without authorization—what are known in the bureau as "maverick" operations.

Mr. Albert, who is working on a book on radical movements in the 1960's, said in a recent telephone interview that he and his wife were distressed to learn that an electronic listening device had been placed in their home, which at the time was little more than a one-room cabin.

### "Most Uncivilized" Act

"My wife said she felt she had been raped," he said. "It struck me as one of the most uncivilized acts imaginable."

Later, he said: "Everyone writes about how abused the agents feel that the Justice Department is after them. No one bothers to write about how we feel."

The couple, who were never charged with criminal conduct and who are now suing the Government for \$10 million, were subjected to a wide variety of surveillances over the years.

F.B.I. agents obtained their financial records from a local bank, obtained addresses of all their correspondence from local postal officials and kept them under watch both through spot surveillances by agents and with the help of various informers.

At one point, however, the files show that agents complained to their superiors



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William H. Webster, Director of  
Federal Bureau of Investigation.

that it was difficult to keep them under tight watch because of the "extreme paranoia which seems to pervade their thinking."

"It's incredible," said Mr. Albert. "Here's a bunch of guys who are burlgarlizing us, who are complaining that we're paranoid" about the police.

According to the attorneys for the couple, Michael Ratner and Paul Chevigny, the Justice Department has not yet taken a final position on the question of whether the break-ins were "authorized" and, if so by whom.

The Justice Department attorney handling the defense of the Government officials named, Michael Dollinger, said that he could not say what the conclusion would be until it was submitted in court.