

FBI Break-ins Still Go On, Panel Says

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The FBI still conducts break-ins against intelligence targets without getting a court order, a special Senate intelligence committee report said yesterday.

The Senate investigators said such surreptitious entries are conducted mainly to plant hidden microphones and other recording devices, but occasionally the missions have turned into raids for other information as well.

The FBI assured the committee that in recent years at least, the "opportunity" to expand the entries into multi-purpose burglaries has been "exploited" only against foreign agents.

The report said that according to an FBI memorandum supplied to the committee last fall, in the course of installing electronic bugs, "there have been occasions when observations and recordings were made of pertinent information contained within the premises."

The release of the 16-page report coincided with a statement by FBI Director Clarence M. Kelley that it is "my great desire to dispel any thought that the FBI can't be trusted."

Kelley made his remarks while taping a television interview in Nashville as a followup to a weekend speech in which he said the FBI was sorry for its past abuses.

The Senate committee report said that special teams of FBI agents have carried out more than 1,000 surreptitious entries without judicial warrants since World War II "despite the questionable legality of the technique and its deep intrusion into the privacy of targeted individuals."

More than 200 of these

were so-called "black bag jobs"—burglaries conceived and conducted not for the sake of planting a bug but for other purposes such as "physical search and photographing or seizing documents."

Such entries included a long series of break-ins, perhaps as many as 92 of them between 1960 and 1976 against the Socialist Workers Party and affiliates such as the Young Socialist Alliance, the report said.

"The door is locked with a Master padlock only," said one FBI memo laying out detailed plans for a post-midnight burglary on alliance headquarters in New York City. "Previous spot checks on numerous occasions have shown that there is a very limited amount of pedestrian and automobile traffic after 12 midnight. . . . Entrance will be made between the hours of 12 midnight and 4 a.m., June 30, 1960.

The take from such raids, the report said, included photographs of items such as membership lists, "current photographs of SWP

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members," and a letter detailing the "health status of (the) national chairman." The number of documents photographed during these raids, the study recounted, reached as high as 220 on one break-in and regularly was more than 100.

More often than not, the report said, no force or even lock-picking was needed to make the secret entry.

If a building manager appeared to be a "patriotic citizen," one former FBI man told the committee, FBI

agents would simply "show our credentials and wave the flag" to get doors opened.

In case more rigorous work was required, the report pointed out, "selected FBI agents received training courses in the skills necessary to perform surreptitious entries.

"The unit chief who taught the courses stated that he had participated in numerous 'black bag jobs' in which his only role was to open locks and safes," the Senate investigators reported.

The FBI unit chief, the report continued, "said that he would ordinarily receive an incentive award for a successful entry."

In addition to the estimate of more than 200 "black bag jobs," the report said the FBI has installed more than 500 bugs without warrant since 1960 "against intelligence and internal security targets," a technique which "the Justice Department still permits."

The bureau also submitted a chart showing that it has carried out 491 surreptitious entries to install hid-

den microphones "in criminal investigations" since 1960. Ninety-seven of these entries were conducted under the authority of court orders since 1968 when the Omnibus Crime Control Act legalized electronic eavesdropping under judicial supervision and other restraints.

Senate intelligence committee staff members said neither the Justice Department nor the FBI offered any clear explanation of why warrantless entries to eavesdrop on "foreign espionage or intelligence" targets

are still considered necessary when warrants could be obtained from the courts under the provisions of the 1968 law.

The Senate committee, headed by Frank Church (D-Idaho), has recommended that warrants be required for all such entries as a matter of policy.

"Warrantless surreptitious entries against American citizens who have no significant connection with a foreign power, its agents or agencies, are undoubtedly unconstitutional," the report said. "The constitutional issues arising from warrant-

less surreptitious entries against foreign agents within the United States have not been definitely resolved by the courts."

In addition to its occasional use of espionage-connected break-ins to plant a bug, the report said, the Justice Department is still asserting the authority to carry out burglaries for other purposes "in foreign intelligence cases," but has told the committee it is not presently conducting any such operations.

The late FBI Director J. Edgar Hoover abruptly ordered an end to "black bag

jobs" in 1966 after apparently approving hundreds of warrantless entries, the report noted.

Hoover's motives remain unclear, the report said.

"Break-ins to install microphones were not banned," the report noted. "Moreover, Hoover's order did not finally terminate 'black bag jobs' against foreign targets. Despite Hoover's directive, there is evidence that at least one 'black bag job' directed against a 'domestic subversive target' took place between 1966 and 1968."

The Senate investigators said they were unable to find any evidence that the FBI told any Attorney General about its "black bag jobs," although several Attorneys General "were aware of the FBI practice of break-ins to install electronic listening devices."

The Senate study made clear that the actual number of surreptitious entries the FBI carried out may never be known, partly because of its "Do Not File" system which provided for the periodic destruction of pertinent records.