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## F.B.I. CRIME INQUIRIES REPORTEDLY TAINTED

### Illegal Wiretaps and False Affidavits Cited by Law Enforcement Aides

The following article, based on reporting by Nicholas M. Horrock and Anthony Marro, was written by Mr. Horrock.

Special to The New York Times

WASHINGTON, Oct. 5.—Agents of the Federal Bureau of Investigation looking into organized crime have placed illegal wiretaps and used the information produced by the taps in false affidavits presented to Federal courts over the last five years, key law enforcement sources say.

According to the sources interviewed over the last several days, these activities were known to some lawyers in the Justice Department's organized crime section, but have not been criticized or investigated by the department. However, the department has been investigating for 16 months similar practices by agents in internal security cases, and a former bureau official has been indicted.

The sources, law enforcement officers

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directly connected with the cases, asked not to be identified by name for fear of retaliation. They said that illegal wiretaps, some "entries," or burglaries by bureau agents, and other questionable activities occurred most often in the big New York field office, but also cropped up around the country.

A spokesman for Clarence M. Kelley, the F.B.I. Director, said tonight that the bureau "has no information that such activities have taken place." He added, "The F.B.I. will not comment further on what action it will take on these allegations from undisclosed sources of unknown reliability."

Robert Havel, a spokesman for the Department of Justice, said that Attorney General Griffin B. Bell "knows nothing about such allegations."

#### Book Discussed Practices

The practice of making illegal entries, called "black bag jobs" in bureau jargon, and other illegal practices were discussed

in a recent book by Anthony Villano, a former F.B.I. agent who was assigned to investigate a reputed Mafia don, Carlo Gambino. Mr. Villano was a member of the New York field office's Squad 53, which concentrated on Mr. Gambino's criminal endeavors.

In his book, Mr. Villano said that he had never been notified of a 1966 ban on illegal entries imposed by J. Edgar Hoover, then the bureau's director.

"Sometimes we wanted a look at a place in order to discover evidence, which we would later attribute to a confidential source," he wrote. "But it was also standard at the bureau that a bug job," involving the use of an electronic eavesdropping device, "required a detailed survey of the premises."

"In other words," he wrote, "we could not seek a right to install the bug until we had been inside a place and determined whether the best spot for it was under the dining room table, in a bedroom or even the toilet, since some guys seemed to think that they escaped our ears if they talked in the bathroom."

#### Five-Year Span Confirmed

In a telephone interview, Mr. Villano confirmed information given The New York Times by other law enforcement sources still working on these cases that indicated the illegal practices had taken place within the last five years.

Mr. Villano said the practices were still going on when he left the bureau in April 1973.

This would place the alleged acts within the five-year statute of limitations on felonies, and they could be violations of both Federal and New York State law.

In 1976 the Justice Department carried out a criminal investigation into allegations that agents in internal security squads had stolen mail, conducted burglaries and installed illegal wiretaps. John Kearney, a former bureau supervisor, was indicted earlier this year on charges growing out of this investigation.

The Times's sources said there had been a growing resentment within the bureau because Mr. Kearney had been charged with using methods that were being employed by six squads working on organized crime as well as by several squads concentrating on internal security.

"I think the whole ball of wax should be investigated or nothing at all," said one agent who has worked in internal security.

#### Differing Objectives

The objectives of the illegal activities differed. In organized crime cases or "o.c." cases, in F.B.I. jargon, the bureau could obtain permission from a Federal judge to install a legal wiretap under provisions of the Omnibus Crime Act.

But to get this permission, Government lawyers would have to present an affidavit stating that they had reliable information that the telephone or premises were being used in the commission of a crime. These affidavits were to be based upon legally obtained information, such as material from an informer.

But, law enforcement sources said, bureau agents would place an illegal bug or wiretap and filter the information obtained from that source into their files, making it appear that it had come from an informer. Then, they said, the bureau would pass this information to Government prosecutors, who would prepare and present the affidavits in Federal court.

The sources disagree on whether Government lawyers knew they were handing a Federal judge false or misleading affidavits. One source said that some of the lawyers dealing with organized crime in the Southern and Eastern Districts of New York knew how the information had been obtained.

Other sources doubted this. One key law enforcement source said it was unlikely the lawyers would "officially" know. "They probably did, but they wouldn't officially know," he said. "They wouldn't know because the F.B.I. brass wouldn't know."

Mr. Villano said he believed the F.B.I. "brass" knew about the practices, but doubted that the information had been passed on to the Government prosecutors.