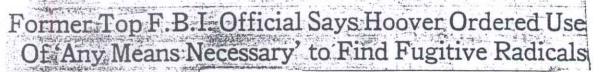
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By ANTHONY, MARRO 71 P Special to The New York Times-WASHINGTON, Aug. 11-A former top official of the Federal Bureau of Investigation William C. Sullivan, said today that im-1970 he relayed an order from the director of the bureau, the late Jd Edgar Hoover; that: agents should use "any means necessary" in their search for Weather Underground fugitives

Mr. Sullivant in a prepared statement to The NewsYork Times, said that he had relayed this order to John J. Kearney, a former F.B.I. supervisor who is unde indictment; one felony, charges, stemming from illegal wiretaps; and mail openings that his men allegedly used in their search for the fugitives. 24 chay

Mr. Sullivan said that no specific reference had been made by Mr. Hooverto illegal break-ins, wiretaps, or mail open ings, but that this was the context in which discussions had taken place and that the statement was "so clear it needs ed no interpretation from me

Hubert Santos of Hartford, an attorney for Mr. Kearney; would not comment today on the statement, or its possible importance to his client to his second

Optimism for Defense Others close to the case, including at torneys for F.B.I. agents who are targets of the investigation, said that they hoped it would bolster, the contention of their clients that they believed they were open ating under legitimate authority

Mr. Sullivan, who at the time was the No. 3 man in the bureau, and who now is living in retirement in northern New Hampshire, said that he would be willing to testify to his statements under oath if Mr. Kearney was tried of the state

He said that he knew of no written record of either Mr. Hoover's order on his relaying of it to Mr. Kearney, but that he believed "Mr. Kearney operated on official instructions from F.B.L. headquarters and therefore is anentirely innocent man." State Several F.B.L. officials reached today

said there was no way to check the alle gation, but one of them said there; was other: evidence; that; in this; same time period Mr. Hoover was "adamant" in h is opposition to illegal break-ins.

"I can't say he's wrong," one senior official said of Mr. Sullivan. "But in that time, it was Bill who was arguing for these things, and Hooven who usually was against them." The state and 11 - P. .

Justice Department investigators, who have been checking allegations of illegal break-ins, wiretaps and mail openings by F.B.I. agents for more than a year, would not comment on Mr. Sullivan's statement:

Legitimate Defense Denied

In the past, the investigators have said in court documents that Mr. Kearney had no legitimate "national' security". defense because only the Attorney General or the President could order such activities without a court warrant and there was no evidence that either had done so in these "cases....

The indictment of Mr. Kearney charges him with two counts of conspiracy, two

counts of obstruction of correspondences and, one count of unlawful wiretapping. All of the alleged offenses were carried out by Squad 47 of the internal security division of the bureau's New. York field office between "late 1970" and June 1972.

It was this squad, which was made upr of about 60 agents, which was assigned the job of tracking down members of the Weather Underground who had been charged with bombings and other terrorist activities and who then had gone into hiding for alleged mail openings and wiretappings, took: place in Manhattan and were: directed against persons the bureau believed were in contact with some of those fugitives and who therefore might be able to provide leads to their whereabouts Although Mr. Kearney is the only for-

mer agent to have been indicted to date, Hoover that Mr. Hoover, "had in effect the investigation is continuing both here and in New York and at least a half-dozen middle and upper-level bureau officials are said to be targets. Currently a grand jury here is known

to be questioning persons who were in-volved in the search for the fugitives to determine whether anyhigher-ups in the Justice Department knew about or ordered the activities.

Mr. Sullivan, who was forced into retirement in 1971 after a bitter falling-out with Mr. Hoover, has been considered an important figure in the inquiry since he was meeting regularly in that period with Justice Department officials involved in the search?

On July 15, he testified for nearly nine hours before a grand jury here on the matter. But in a telephone interview today he refused to discuss the details of that session or to say whether he had told the grand jury about the purported order from Mr. Hoover, who died in 1972. In his statement, which was in the form of a series of questions and answers that he had prepared, Mr. Sullivan said that he knew that Mr. Kearney, whom he described, as one of the most outstanding men in the history of the FBL, had been acting under orders from headquarters in his conduct of the search and not on his own initiative. I was involved in these orders officially," he said the said th Mr. Sullivan was careful in his statement to say that he had merely relayed orders from Mr. Hoover and not initiated them. He did not say precisely what he

had told Mr. Kearney. What Mr. Sullivan did say was that sometime in the fall of 1970 he had a meeting with Mr. Hoover, who complained that the failure of the bureau to catch the radical fugitives was hurting its reputation:

Mr. Sullivan said that he had told Mr.

shackled the hands" of agents by taking away "vital tools" that they had used in the past. This was a reference to an order by the director in 1966 that banned the use of illegal surreptitious entries (known within the bureauas"bagjobs' '). by F.B.I.' agents.

Mr. Hoover, Mr. Sullivan said, repeated two or three times, "These fugitives must be caught." Finally, Mr. Sullivan said, "he said forcefully, "Use any means neces-sary, practical or effective, because these fugitives must be caught."

Later, M. Sullivan said that the quote might not be absolutely precise but that it was at least a very close paraphrase of the director's words. Mr. Sullivan also said that "I passed on Mr. Hoover's state-ment to Mr. Kearney," but Mr. Sullivan declined to state precisely what he had told the subordinate. Book Past Statement Recalled Mr. Sullivan's most. recent statement is in some ways different from, but does not necessarily contradict, some of his statements in the past. In May, when an NBC News report said that Mr. Sullivan had told Justice Department officials investigators that the break-ins and wiretaps had stemmed from pressures from the White House, Mr. Sullivan told The Times: "I never ordered any of them, so far as I can recall."

His statement today does not necessarily put him in the position of ordering the activities but does portray him as a conduit.

Mr. Sullivan' would not' say today whether he was aware of specific re-quests for break-ins and wiretaps by officials in the Justice Department, but he did say that Mr. Hoover was responding to pressures and criticism from outside the bureau. "The last thing in the world Mr. Hoover wanted was any kind of criticism," he said.