

Former Top F.B.I. Official Says Hoover Ordered Use Of 'Any Means Necessary' to Find Fugitive Radicals

By ANTHONY MARRO
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WASHINGTON, Aug. 11—A former top official of the Federal Bureau of Investigation, William C. Sullivan, said today that in 1970 he relayed an order from the director of the bureau, the late J. Edgar Hoover, that agents should use "any means necessary" in their search for Weather Underground fugitives.

Mr. Sullivan, in a prepared statement to The New York Times, said that he had relayed this order to John J. Kearney, a former F.B.I. supervisor who is under indictment on felony charges stemming from illegal wiretaps and mail openings that his men allegedly used in their search for the fugitives.

Mr. Sullivan said that no specific reference had been made by Mr. Hoover to illegal break-ins, wiretaps or mail openings, but that this was the context in which discussions had taken place and that the statement was "so clear it needed 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.

Optimism for Defense

Others close to the case, including attorneys 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 operating 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.

He said that he knew of no written record of either Mr. Hoover's order or his relaying of it to Mr. Kearney, but that he believed Mr. Kearney operated on official instructions from F.B.I. headquarters and therefore is an entirely innocent man.

Several F.B.I. officials reached today said there was no way to check the allegation, but one of them said there was other evidence that in this same time period Mr. Hoover was "adamant" in his 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 Hoover who usually was against them."

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 correspondence 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 up 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.

Most of the 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, 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 involved in the search for the fugitives to determine whether any higher-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 F.B.I.," had been acting under orders from headquarters in his conduct of the search and not on his own initiative.

"I know [this] because I was involved in these orders officially," he said.

Stress on Relay Role

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.

Hoover that Mr. Hoover "had in effect 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 bureau as "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 necessary, practical or effective, because these fugitives must be caught.'"

Later, Mr. 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 statement to Mr. Kearney," but Mr. Sullivan declined to state precisely what he had told the subordinate.

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 requests 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.