

3 F.B.I. Agents in Break-in Case Are Said to Have Left the Bureau

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WASHINGTON, Nov. 9 — In the seven months that the Federal Bureau of Investigation has been considering what to do about 68 agents involved in allegedly illegal break-ins, at least three of the men have left the bureau and are now outside the reach of administrative sanctions, according to persons familiar with the case.

Although the names of two of the men could not be learned immediately, the third is Robert Shackleford, a middle-level official at the F.B.I. headquarters here who was directly in the chain of command that stretched between the officials who allegedly ordered the break-ins and the agents who carried them out.

Because Mr. Shackleford and one of the two other agents who retired held supervisory jobs, many of the street agents caught up in the investigation have begun arguing privately that it would be unfair for William H. Webster, Director of the F.B.I., to attempt to discipline them now, having permitted these higher-ups to escape.

In addition, a number of Justice Department officials are known to be upset about the length of time it has taken Mr. Webster to make a decision and the fact that at least three persons on the list have been able to leave in the interim.

'Annoys a Lot of Us'

"You're damned right it bothers me," said one official who did not want to be quoted by name. "It annoys a lot of us over here, because it's going to make it harder to make an objective judgement about the agents who are still in the bureau."

Mr. Shackleford, who was head of the bureau's internal security section, resigned in August, several weeks after reaching his 50th birthday and four months after the list of 68 names was sent to Mr. Webster for possible administrative action.

Under the current law, an agent becomes eligible for retirement after he has reached his 50th birthday and has served 20 years in the bureau, and is required to retire at the age of 55.

Joseph Morrissey, an attorney for Mr.

Shackleford, said today that the former official "didn't retire to avoid discipline," but would make no other comment on the matter.

The list of names was sent to Mr. Webster on April 10 by Attorney General Griffin B. Bell, who announced that he was asking Mr. Webster to take disciplinary action ranging from letters of censure to dismissal, wherever he found it appropriate.

More Work Required

Initially, Mr. Webster said he hoped to have the matter reviewed and settled in 30 to 60 days. But he said recently that the case was far more complicated and required more work than he had anticipated, and that a decision probably would not be made until later this month.

The case stems from a series of allegedly illegal break-ins, wiretaps and mail openings, most of them conducted by agents of Squad 47 in New York, which were intended to help the F.B.I. track down a number of radical fugitives.

In April, after more than two years of investigation, the Justice Department decided to indict three former top-ranking officials — L. Patrick Gray 3d, former Acting Director of the F.B.I.; W. Mark Felt, former No. 2 official in the bureau, and Edward S. Miller, former head of the intelligence unit — and refer the others involved to Mr. Webster for possible administrative discipline.

The full list of 68 agents has never been made public, but a number of knowledgeable F.B.I. and Justice Department sources have agreed that Mr. Shackleford's name is on it.

The decision to possibly discipline the men is one of the most difficult that Mr. Webster has had to make in the eight months he has been director. On the one hand, the Justice Department has said that the actions were illegal. On the other hand, the agents say they had good reason to think they were following legitimate orders, and note that for years they had received merit awards for having conducted successful break-ins.