

# Kelley Says Aides Silent at Complaint Of Lying in Bureau

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FBI director Clarence M. Kelley has disclosed that his top aides told him nothing when he complained to them privately that someone in the bureau was lying to him about FBI burglaries.

In a deposition made public yesterday, Kelley said that he has never been told details of burglaries conducted by FBI agents after 1966 against persons thought to be involved with militant political groups.

But he said he never sought such information either from his own staff or from Justice Department officials conducting a criminal investigation of the burglaries.

Kelley was questioned under oath Nov. 3 by Leonard Boudin, the New York attorney representing the Socialist Workers Party. The party has filed a \$40 million damage suit against the FBI for allegedly illegal harassment of legitimate political activities.

The Political Rights Defense Fund, which is financing the lawsuit, provided a transcript of the deposition to reporters Tuesday and Wednesday.

Assistant U.S. Attorney William S. Brandt then went to court in a last-minute effort to block release of Kelley's testimony on grounds that government officials had had no time to review the transcript for accuracy, and make corrections.

U.S. District Court Judge Thomas Griesa, who is presiding over the suit in New York, ordered a party attorney to request news organizations to return the copies.

Syd Stapleton, the defense fund's national secretary, called the judge's instructions "a gag order and a dangerous precedent. We consider it an out-and-out interference with our First Amendment right to make information available to the public."

He noted that Kelley and government lawyers had two weeks to review the transcript and said, "We consider that more than reasonable."

The party did request that the copies be returned but the request was not complied with.

[The Washington Post asked the FBI yesterday for a corrected copy of Kelley's deposition, but the request was denied. A spokesman said that under federal court rules of procedure the director has 30 days to correct and return a transcript of his

deposition.]

In the deposition, which is a form of taking testimony before trial, Kelley was asked what action he took after learning last spring that bureau officials had deceived him about the burglaries.

Kelley had made statements that there were no burglaries against domestic intelligence targets after 1966, later amended the year to 1968, and then discovered bureau files showing burglaries occurring until April 1973.

Socialist Workers Party offices were the targets of about 90 burglaries before 1966 and perhaps some after than.

Kelley testified, "I talked with what we call the executive conference group, and I told them that as a result of some of the things which have been publicized, there is obviously someone or some people who have deceived me, letting me continue as I had in saying they stopped at a certain date.

"I did not, however, probe to determine what they knew, nor did anyone volunteer any information."

Before the conference of senior officials, Kelley continued, he had contacted Assistant Attorney General J. Stanley Pottinger to make arrangements for the department probe.

Kelley said he believes he must make no personal effort to learn details of the burglaries in order to "maintain the integrity of the investigation."

Kelley testified that the FBI no longer is investigating the party and its members.

Attorney General Edward H. Levi on Sept. 9 ordered the FBI to end its 38-year probe of the party because it did not meet new standards restricting intelligence investigations.

During the deposition, the government also disclosed that FBI agents have been ordered to tell 66 informers who infiltrated the party or its affiliate, the Young Socialist Alliance, that they should resign their membership.

Kelley testified that if agents are offered information about the party and its members, "they must refuse to accept it."