

Kelley Shuffles FBI in Effort to Avoid Illegalities

BY NORMAN KEMPSTER
and ROBERT L. JACKSON
Times Staff Writers

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WASHINGTON—Acknowledging that FBI agents probably committed burglaries on the orders of superiors, FBI Director Clarence M. Kelley announced a series of management changes Wednesday aimed at preventing a recurrence of such illegalities.

Kelley told reporters at FBI headquarters that he was dismantling the bureau's domestic intelligence division, which has been accused of abusive conduct against activist groups—ranging from break-ins to poison-pen letters.

Besides assigning domestic intelligence to the same division that handles regular criminal cases, Kelley said he was taking steps to strengthen the bureau's internal safeguards against illegal conduct. He said he was expanding the role of the office of legal counsel and establishing a professional responsibility section.

Kelley opened his news conference by announcing the retirement of Thomas J. Jenkins, 63, an assistant to the director who is the bureau's third-in-command. Kelley said Jenkins' resignation was voluntary and had no relation to current investigations into FBI burglaries, financial misconduct and abuses of power.

One FBI source said that Jenkins, with 42 years of service, had been a protege of J. Edgar Hoover, the late FBI director, and that "he simply decided it was time . . . to leave."

Last month Nicholas P. Callahan, the No. 2 man at the FBI, was fired by Kelley.

Kelley told reporters he did not think it was likely that agents had committed burglaries without express authorization from their superiors. He said it was conceivable that some "mavericks" might have burglarized on their own—but "I have not experienced it here."

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At the same time, Kelley said, he does not know how many agents are under investigation for burglaries during the last five years. This has been the subject of a Department of Justice investigation that Kelley said he intentionally had kept some distance from.

Although in 1966 Hoover ordered an end to "surreptitious entries" as an intelligence-gathering tool, Kelley recently discovered that the practice had continued through 1972 and 1973. A paid FBI informer has admitted breaking into the radical Socialist Workers Party office in Denver as recently as last month.

Kelley, who gave assurances to Congress all last year that such break-ins and burglaries had ceased, said he had been unable to find out who deceived him. To learn this, Kelley said, he would have to question FBI officials who might come under Justice Department scrutiny.

"I have avoided interviewing people that might be involved because that is not my province," he said. "I have not read the results of the surreptitious entry investigation. I have no way of knowing who may be involved."

Looking toward the future, Kelley invited agents in field offices to appeal to headquarters if they were asked to do something they considered illegal.

In a sharp break with the FBI's do-as-you-are-told tradition, Kelley said that an agent "has the right to say he



Clarence M. Kelley
AP Wirephoto

thinks (an order) is illegal or unconstitutional, and that would be immediately sent to me, and I will see to it that it is resolved. There is no question but that such a plea will be heard, considered and determined very, very quickly."

Kelley said he had issued orders intended to prohibit burglaries and other extralegal intelligence methods. He vowed to "take some action" if the orders were disobeyed.

But he said he could no longer unequivocally state that there had been no illegal activities, since his assurances to Congress last year turned sour.

"I wish I could say categorically, unquestionably that this is not going on," Kelley said. "I feel that it is not. I at one time . . . made a statement which later proved to be wrong. I'm not going to categorically again say something like that."

Kelley made an almost identical point July 1 in an interview with The Times. At that time he said it would be "fantastic" to think the bureau was still conducting illegal break-ins, but he said he could not say flatly that the activity had stopped.

A week after that interview, a paid FBI informant, Timothy Redfearn, broke into the Denver office of the Socialist Workers Party and removed four cartons of records. Although the Denver FBI office said Redfearn had acted on his own, the bureau's rules governing the use of informants say any act of an informant is the responsibility of the agent who handles him.

Kelley turned aside most questions about the Redfearn case because he said it was still under investigation. But he said he was not satisfied with the overall operation of the bureau's informer system.

He announced creation of a review group to evaluate FBI policies on the use of informers—individuals who work undercover for the FBI and are paid in cash for specific pieces of information.

"While I can readily state that informant information is a vital ingredient to the successful operations of any law enforcement agency, I am not satisfied that our present program . . . meets our needs," Kelley said.