

FBI Chief Admits New Break-Ins

Washington

FBI Director Clarence Kelley, suggesting he had not been kept fully informed by subordinates, acknowledged yesterday that he had erred in consistently claiming that FBI domestic break-ins ended in 1968.

"I was speaking with the knowledge that was furnished me at the time," Kelley said in a statement, his first since it was disclosed last week that the Justice Department was investigating at least 20 agents for alleged burglaries during the past five years.

At the same time, J. Stanley Pottinger, assistant attorney general for civil rights, disclosed an unprecedented procedure in which written reports on the investigation are bypassing Kelley.

Kelley, it was learned, had readily agreed to the plan, which was proposed by Pottinger and some of his Justice Department aides as a means of bolstering faith in the inquiry. Normally, FBI investigative reports would flow upward to Kelley's office before going to the parent Justice Department.

Twelve FBI agents headed by Richard Long, special agent in charge of the Phoenix FBI office, are conducting the investigation with lawyers from the Justice Department's civil rights division.

Kelley's statement and disclosure of the unusual bypass procedure came as department and FBI officials expressed concern that the disclosure of the recent burglaries, no matter what the investiga-

tion concludes, has damaged the FBI director's credibility beyond repair.

"The kindest explanation is that the bureau didn't conduct a thorough search of its files in the field," one department official said.

In his statement, Kelley noted that he had told a July, 1975, press conference — and later testified before Congress — that the FBI conducted no domestic burglaries after 1968.

"I knew of none," Kelley said. "I have certainly never authorized any and frankly I was never told of any. I was speaking with the best knowledge that was furnished me at the time.

"My press conference statement relied upon a July, 1968, memorandum wherein Mr. (J. Edgar) Hoover instructed that no further surreptitious entries were to be engaged in by bureau personnel. In addition, I relied upon the recollection of current headquarters personnel who were queried about this matter prior to this conference," Kelley said.

Later, responding to congressional and Justice Department inquiries, Kelley said the FBI "detected" additional break-ins and advised the Justice Department and the Senate intelligence committee.

Last September, the FBI told the Senate committee that it had conducted at least 238 "surreptitious entries" against at least 14 "domestic subversive targets" in the 26 years from 1942 to 1968. The bureau added that there were

additional undocumented entries during that period.

Kelley said that on March 17, "FBI headquarters learned as a result of inquiries in connection with a pending lawsuit that folders in our New York office contained information concerning entries subsequent to 1968, and the Department of Justice was notified the same date by us.

"It was through this means that I learned of the existence of a limited number of surreptitious entries conducted in 1972 and 1973 after a thorough review was subsequently made of these folders," Kelley said.

The suit, Kelley referred to was the multimillion-dollar damage action brought by the Socialist Workers party.

However, targets of the post-1971 break-ins, centered in New York, were primarily friends and relatives of fugitive Weather Underground members, who had long been pursued by the bureau, it has been learned.

Allegations of FBI break-ins outside the range of the New York field office — the bureau's largest — are flowing in, but the investigation has not established that they actually occurred, sources said.

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