

# FBI Bid to Kill Probe Charged

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Shortly after he became director of the FBI, Clarence M. Kelley twice made unsuccessful attempts to stop a Justice Department investigation of an allegation that an FBI agent had been bribed by a member of the Mafia, according to an informed source.

The charge was leveled against New York FBI agent Joseph Stabile by two fellow New York agents. One said Stabile had admitted to him that he took the bribe.

An investigation was closed when it turned up no evidence against Stabile. But the two agents who made the accusation told the Justice Department's organized crime strike force in Brooklyn that the FBI investigation had been a "cover-up," the source said.

This triggered a Justice Department investigation, which is continuing, the source said.

Despite the origin of the Justice Department investigation, the source said, Kelley asked high-ranking department officials in 1973 to call the Brooklyn prosecutors off the case on the grounds the FBI had found no violations of law.

In addition, the source said, Kelley complained that the Justice investigation was hurting FBI morale.

During the ensuing dispute, he said, Henry E. Petersen, then chief of the Criminal Division of Justice, informed the Brooklyn prosecutors of Kelley's attempts and told Kelley the investigation would continue.

Another source said Petersen later cited the New York incident to show the need for an inspector general within the Justice Department to police the FBI.

Petersen, who has since left the Justice Department, confirmed recently that Kelley wanted the investigation stopped but could not recall how he had made his views known. Petersen said he would not dispute that it was in the form of a request.

"There was a difference of opinion, and ultimately the opinion of the Criminal Division prevailed, and the FBI acquiesced in that opinion," he said.

The informed source said Kelley's requests, which were known to only a few FBI and department officials amounted to "pressure" and an "attempt to suppress it [the investigation]."

The FBI, the former prosecutors said, is a fact-finding agency that normally does not express opinions on whether an investigation started by Justice should be continued.

Another former federal prosecutor said the FBI, on rare occasions, has expressed such an opinion based on manpower considerations. But FBI intervention when it is a target of the investigation would be "improper," the former Justice Department official said.

Sources familiar with the bribe allegation attributed Kelley's action to a feeling long held by FBI leaders that any hint of corruption would irreparably damage the bureau's image and effectiveness.

Although Kelley's attempts were unsuccessful, the Justice investigation had been ham-

pered by the FBI's handling of the case before Kelley became director in July, 1973, one source said.

Chief among these problems — which were confirmed by a second source — was the fact that the FBI immediately confronted Stabile with the bribe allegation before attempting to gather evidence against him.

In doing so, the source said, the FBI agent gave the agent treatment it would not give others suspected of criminal behavior.

In addition, the source said, at that same time the FBI violated its own procedures by failing to inform the Justice Department that it was conducting an investigation of the bribe allegation.

An FBI spokesman said Kelley cannot comment on the bribe allegation because many of the same issues will be raised in a Brooklyn perjury trial scheduled to begin April 14.

The trial, to be held in U.S. district Court, is of John Caputo, who is identified by the

FBI as a member of the Luchese New York Mafia family.

Caputo is alleged to have bribed Stabile.

The trial, however, centers on the question of whether Caputo lied when he told a grand jury he had not admitted to FBI agents that he paid off New York city policemen.

Reached at his Hawley, Pa., country home Caputo, 71, said of the charge he paid off an FBI agent, "I got nothing to do with this."

Asked if he is a member of the mafia, Caputo said, "come on. I have nice children. My kids went to nice Catholic schools. They say you're with this, with that."

Many of the essential facts surrounding the bribe allegation — including the identity of the accused agent, Stabile — were revealed in pre-trial testimony taken last month for Caputo's pending perjury trial.