

Burglaries by F.B.I. Conceded by Kelley

By JOHN M. CREWDSON
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Clarence M. Kelley, director of the Federal Bureau of Investigation, acknowledged today that during the post-World War II period, F.B.I. agents had committed break-ins and burglaries to secure "information relative to the security of the nation."

It was the first official confirmation of a practice that former F.B.I. officials have alluded to in the last two years.

Speaking at a news conference that marked the beginning of his third year as F.B.I. director, Mr. Kelley, a former police chief, said he did not believe that such "surreptitious entries" were illegal.

"I do not note in these activities any gross abuse of authority," he asserted. "I do not feel

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that it was a corruption of the trust that was placed in us."

But the F.B.I. director said without elaborating that Attorney General Edward H. Levi might find a way to present the question of legality to the courts for resolution.

One Justice Department official asked to amplify Mr. Kelley's remarks, said that, as far as he knew, the department was not considering the criminal prosecution of any F.B.I. agents involved in such activities, but that a number of ways of raising the issue in the courts "other than criminal actions" were under examination.

Another high official suggested that Mr. Levi might ask Solicitor General Robert H. Bork to seek out an appropriate case in which the question of the

Government's authority to break and enter without a judicial warrant could be decided in the course of a Federal appeal.

Mr. Kelley placed the F.B.I.'s first use of burglaries as an investigative tool at around the time of World War II and he said that they continued, although on a much smaller scale, after 1966—the year that F.B.I. sources have previously given for the termination of the practice by J. Edgar Hoover, the late F.B.I. director.

Mr. Kelley said that the F.B.I. planned to report what it knew of such activities to the proper Congressional committees and to the Attorney General. He declined to make details of the break-ins public today.



United Press International

Clarence M. Kelley, F.B.I. director, talking to reporters yesterday about past agency break-ins.

'There Were a Few'

He did say, however, that he knew of none that had been carried out overseas or of any that had taken place inside the United States that were not related to foreign intelligence or national security. Mr. Kelley added that "there were a few" such break-ins at foreign embassies here after 1966, he would not identify the countries involved.

Mr. Kelly characterized the total number of break-ins of which he had knowledge as "not many," and he said he had not been asked to approve any in the two years he has been in office.

Break-ins by F.B.I. agents

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were first mentioned publicly by President Nixon on May 22, 1973, in a statement discussing his Administration's short-lived attempt to expand the domestic surveillance of American citizens.

That disclosure was followed by a number of reports, attributed to anonymous present and former F.B.I. officials, that alluded to the use of the technique. But it was not until earlier this month, when William A. Sullivan, a retiring assistant director of the bureau, said he assumed such break-ins had occurred, that the issue was revived.

In response to another question, Mr. Kelley said that the F.B.I. would continue to collect and maintain any information it received concerning the personal lives and habits of prominent persons, including members of Congress.

'Great Deal' of Data

He noted that a controversy was recently stirred by the discovery that Mr. Hoover had collected such information, some of it derogatory, on public personalities, and in some cases had reportedly attempted to use it against them.

But Mr. Kelley maintained

that the bureau received "a great deal of information" on individuals in the course of its investigations and had neither the manpower nor the mandate to weed out erroneous or salacious material.

The "abuse" of such information, he added, is not in its collection but in its "publication," and he asserted that it would be kept secure within the bureau.

Mr. Kelley conceded hearing reports that such sensitive information had been misused in the past, but he declared that as director, he had no personal interest in it, and that "since