

Criminal, Security Cases

Burglaries by FBI

'Began in 1930s'

J. Edgar Hoover's Orders

Washington

Informed Justice Department sources disclosed yesterday that what one of them called "illegal and unlawful" burglaries by agents of the FBI had taken place in this country over a 30-year period that began under the administration of President Franklin D. Roosevelt and ended in 1966.

One source who like the others asked not to be named, said that the burglaries, "obviously" barred by the Fourth Amendment, had been conducted not only in connection with "national security" investigations, but also in criminal cases and against alleged organized crime figures.

The source said that the practice was "an old, established investigative technique," but that its use had never been known to any of the attorneys general who served during the time it was employed, or to anyone else outside the FBI.

The disclosure, which was corroborated by others familiar with the practice, followed a statement by President Nixon at a news conference in San Clemente Wednesday that such burglaries took place "on a very large scale" during the administrations of Presidents Kennedy and Johnson.

Mr. Nixon made the remark, which brought rapid denials from two former Democratic Attorneys General,

in response to a question about the constitutionality of the 1971 burglary of the office of a Los Angeles psychiatrist who had treated Daniel Ellsberg, the former Defense Department official who says he provided the Pentagon Papers to the press.

Mr. Nixon said that such

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burglaries had been "authorized" in other administrations, but did not say by whom. The sources said yesterday, however, that approval of the technique had never come from any authority higher than J. Edgar Hoover, the late FBI director, who ordered the practice ended in 1966.

The sources said that, in some instances, breaking and entering by specially trained FBI men had been used against foreign embassies and missions in this country in hopes of finding "cryptographic materials," or code books.

Whenever code books were found, one source said, they were turned over to the National Security Agency, an arm of the executive branch that specializes in code-breaking, among other top-secret functions.

According to one former Justice Department official, Hoover halted the practice in 1966 because he disliked lending his agents to such a risky enterprise, and because "the benefits we got out of it were for the NSA, not the FBI."

CRIMINAL

Another source said that the technique had not been limited to national security matters. "It's been done on criminal cases, too. You can catch a fugitive much quicker (that way) than by looking for him for a year and a half."

The source said that one rule employed by FBI agents on such cases was that "you never take anything except information." In the case of a criminal fugitive, he said, agents breaking into a house or apartment might find "any number of" clues pointing toward his whereabouts, or "to look for a sign that an individual was there."

All FBI agents before 1966 "had the capability" to perform such burglaries, the source said, but those actually used were a more select group. "Just like a man has a special talent for playing the violin," he explained. "Well, it's the same with this business. For one thing, you need nerves of steel."

Asked whether the burglaries had in fact stopped in 1966, he said that "basically" they had, but that there had been a few "sporadic" approvals since then.

In a long statement on May 22 and again at his news conference Wednesday, Mr. Nixon insisted that the practice had been halted in 1966.

The sources also said that periodic, illegal entries were made beginning in the early 1960s — at the time the government began to intensify its fight against organized crime — to install concealed microphones, or "bugs," in the homes or offices of suspected crime syndicate figures.

KENNEDY

One source said that the use of such "bugs" was also unknown outside the FBI until it came to light during the Kennedy administration, when one was discovered in a Las Vegas, Nev., casino, and that Attorney General Robert F. Kennedy had "never" approved their use.

But another source said he was certain that Kennedy

had authorized the use of "one or two" such devices.

The planting of such "bugs" continues today, but since 1968, when the Omnibus Crime Control Act was passed, they cannot be installed without a court order.

Nicholas Katzenbach, who succeeded Kennedy as attorney general in 1964, declared yesterday that if any "official" burglaries had taken place, he was unaware of them.

MISSION

Ramsey Clark, Katzenbach's successor, recalled in a telephone interview yesterday that he had been approached by Hoover on one occasion with a request to authorize the burglary of the New York City mission of what he believed was a "North African country," but that he had turned down the FBI director.

Clark, who now practices law in Washington, said he believed that it was "most improbable" that Hoover might have continued the practice without his knowledge, something that apparently did take place.

In July of 1970, Mr. Nixon approved a new intelligence-gathering plan that included a provision for a resumption of the "surreptitious entry" technique against "specified categories of targets in specified situations related to national security."

MEMOS

But the plan was rescinded a few days later, Mr. Nixon said in a May 22 statement, because of "the opposition of director Hoover."

Despite Mr. Nixon's assertion that the use of burglaries during previous administrations was "quite well known" the practice appears to have been one of the best-kept secrets within the FBI.

Asked how the Nixon administration might have learned of its prior existence, one source said he believed that the information had been included in a series of memorandums prepared over the last few months by William C. Sullivan, who recently retired from the Justice Department after having been a former assistant to the late Hoover.

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