

FBI-7

F.B.I. Linked to East Side Break-In Months After Kelley Took Office

Several Entries Reported in the Last 5 Years in Search for a Weatherman Fugitive

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WASHINGTON, Sept. 28—Agents of the Federal Bureau of Investigation, searching for a fugitive member of the Weather Underground, burglarized a New York City residence several months after Clarence M. Kelley took over as the Bureau's Director, according to a well-placed F.B.I. source.

That burglary, one of several understood to have been carried out over the last five years at the East 86th St. Apartment of Leonard Machtinger, is the first reportedly to have occurred during Mr. Kelley's tenure.

An F.B.I. spokesman said today that Mr. Kelley was unaware that any illegal entries of the sort now under investigation by the Justice Department's civil rights division had taken place after he took command of the F.B.I. on July 9, 1973.

Mr. Kelley said last month that he had been 'deceived' by F.B.I. associates into believing that such burglaries by agents had been halted in 1966 by his predecessor, the late J. Edgar Hoover, but that

he had subsequently learned that 'a limited number' of them had occurred in 1972 and early 1973.

The assertion by the F.B.I. source is the first indication, however, that his subordinates kept from Mr. Kelley the knowledge that what the bureau terms "surreptitious entries" had taken place during his own administration of the bureau.

The F.B.I. agents who entered Mr. Machtinger's apartment, the bureau source said, were searching for clues to the whereabouts of his brother, Howard N. Machtinger, who became a fugitive in April of 1970, he is still at large.

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Others, equally well-placed sources confirmed that the Machtinger burglaries were a part of the criminal case against a number of past and present F.B.I. officials that is now being constructed by

the Justice Department prosecutors. But none of the sources would say with what frequency the had occurred.

The prosecutors have also discovered that the F.B.I. agents in New York who carried out the burglaries against Mr. Machtinger and friend, and relatives of other Weather fugitives sometimes placed illegal wiretaps on the telephone of their targets, and the F.B.I. sources said that the telephones belonging to Leonard Machtinger and to his parents, who live in the Bronx, had been tapped in that fashion.

In an interview last week at his Co-op City apartment, Harry Machtinger, a retired businessman, recalled that in October 1973, following his visit to a bedridden sister in Canada, investigators had suddenly appeared in the city where she lived and began inquiring about the reason for his presence there.

Wiretap Recalled

"How did they know I was going to Canada," Mr. Machtinger asked a visitor with a shrug of his shoulders. Then the realization dawned on both Mr. Machtinger and his wife, Yetta.

"The wiretap," they said in unison.

Leonard Machtinger, told in a telephone interview that his New York City apartment had been entered by F.B.I. agents and that his telephone had been monitored, replied that he was "fed up" with the F.B.I.

He said that he and his parents, who had had no contact with Howard during his years as a fugitive, and who had tried to cooperate fully with the F.B.I., were now contemplating filing a suit for civil damages against the agents who carried out the burglaries and wiretappings.

Howard Machtinger, a graduate sociology student at the University of Chicago at the time he disappeared, was indicted in that city with a number of other members of the Weather Underground Organization on riot charges stemming from a violent demonstration there that the group called 'Days of Rage.'

Mr. Machtinger vanished shortly after

the indictment was returned, and his disappearance was followed closely by visits to his parents and brother from F.B.I. Agents assigned to track him down.

Harry Machtinger, Howard's father, said that he told the agents on two occasions in the summer of 1970 that neither he nor his wife had been in touch with their son since his disappearance and had no idea where he was hiding.

Leonard Machtinger, a lawyer who now lives in Los Angeles, said that he had also been visited openly by the F.B.I. during that period and that he was as ignorant of Howard's whereabouts as his parents had been.

The F.B.I. agents who he named as having called upon himself and his parents were identified by bureau sources as former members of Squad 47, the 'Weatherfug' unit in the F.B.I.'s New York City office that was assigned to find the underground terrorists.

The Weather Underground, which numbers about 40 members, has taken responsibility for several bombings here and elsewhere in the country during the late 1960's and early 1970's.

The Machtinger family saw little of the F.B.I. over the next two years, although Harry Machtinger said at one point that a friend confided in him that the bureau had tried to recruit the friend to inform on the family's activities. The friend said that he refused the offer.

On another occasion, in what appeared to be a clumsy attempt to induce Leonard Machtinger to lead the F.B.I. to his brother, an agent advised him in a telephone call that "something was going to happen and I should get in touch with Howard right away." Mr. Machtinger said he told the man that he did not know how to reach Howard and hung up.

Then, on Sept. 19, 1973, more than three years after he had become a fugitive, Howard Machtinger was arrested by an F.B.I. agent on the corner of East 86th St. and Second Avenue, about 50 yards from his brother Leonard's apartment building.

An Apparent Coincidence

The location of the arrest appears to have been coincidental. Leonard Machtinger said that he had received no mail or telephone calls from Howard, or anything else that would indicate that his brother had returned to New York city.

Moreover, he said, his brother had told him following the arrest that he had not known that Leonard lived there and had not been planning to see him.

Leonard Machtinger arranged for his brother's release on a \$2,500 cash bond, and the then-27-year-old fugitive moved in with his parents to await a hearing on the charges facing him.

During that period, Mrs. Machtinger said, Howard seemed glad to be home. "He did all the dishes," she said. "He asked us a lot of questions about our background we were told not to question him."

Eight days later, on the eve of his court hearing, Howard Machtinger became a fugitive for the second time.

"He left and he didn't come back," his mother recalled. "I thought maybe he had a date or something." But she said that it soon became clear that he had gone underground again, and she notified the police.

It was at that point, the F.B.I. source

said, that members of the special squad, who earlier had burglarized Leonard Machtinger's apartment, decided to make yet another entry.

The F.B.I. spokesman said today that Mr. Kelley had not authorized a break-in at Mr. Machtinger's apartment or anywhere else since becoming director in July of that year, nor had he been asked to.

On Oct. 10, 1973, about two weeks after Howard Machtinger disappeared for the last time, two F.B.I. agents appeared at the door of his brother Leonard's apartment. They seemed to have no purpose in mind, he said, recalling his impression that "all they wanted to do was come in." He declined to let them enter.