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Inquiry Begins in Alleged Cover-Up By F.B.I. of New York Break-Ins

NY Times

By JOHN M. CREWDSON

OCT 5 1976

Special to The New York Times

WASHINGTON, Oct. 4—Justice Department prosecutors, having established the details of illegal burglaries carried out by agents of the Federal Bureau of Investigation in the New York City area, are beginning an inquiry into an effort by officials of the bureau to withhold knowledge of those burglaries from Congress.

The alleged cover-up, according to sources familiar with the prosecutors' thinking, occurred last year in connection with an extensive examination of the F.B.I.'s domestic intelligence operations by the General Accounting Office, the investigative arm of Congress.

The G.A.O.'s study, the first of its kind, included an audit of intelligence records in the F.B.I.'s New York office, but the auditors reportedly were not advised of documents on file there showing that agents had committed numerous break-ins during 1972 and 1973.

The targets of those burglaries were the homes of friends and relatives of fugitive members of the terrorist Weather Underground organization where the agents hoped to uncover clues to the fugitives' whereabouts.

Shift in Direction

Lawyers in the Justice Department's civil rights division are understood to have established that a decision was reached in the F.B.I. hierarchy to keep knowledge of those break-ins from the G.A.O., but they reportedly have not yet determined which bureau officials were directly involved.

The Justice Department's interest in the cover-up marks the first shift in direction by the prosecutors away from past and present F.B.I. officials who authorized the break-ins and toward other officials who, while not involved in their planning, may subsequently have suppressed knowledge of them.

James Ingram, who was chief of intelligence operations in the bureau's New York City office while the G.A.O. audit was in progress, is one of those whom the prosecutors plan to question, two well placed Government sources said.

Mr. Ingram was recently named a deputy assistant director of the F.B.I. and as-

signed to head the new domestic security division, established by F.B.I. Director Clarence M. Kelley as part of his reorganization of the bureau's intelligence operations.

One source familiar with the G.A.O. investigation said that most of the materials studied by the auditors had been under Mr. Ingram's care. But the source could not say whether Mr. Ingram had known at the time that documents requesting approval for authorizing the burglaries rested in the New York files.

The G.A.O.'s report, intended to assess the techniques used by the F.B.I. in investigating radical political groups in this country, included a mention of "surreptitious entries" carried out by F.B.I. agents, but all before 1968.

Richard Fogel, a G.A.O. official involved in the study, said today, however, that among the intelligence cases examined by his auditors were "several" concerning members of the Weather Underground.

Mr. Fogel said that the G.A.O., working at the request of the House Judiciary Committee, had made clear to the F.B.I. that it wanted information about the techniques used by the bureau in its investigations, including the use of surreptitious entries.

Auditors Not Told

But the auditors, he said, were not told that any such entries had taken place in connection with the Weather Underground investigation and were advised of only one that had taken place after 1966, when the practice was ordered halted by the late J. Edgar Hoover, Mr. Kelley's predecessor.

At a news conference in July of last year, Mr. Kelley first maintained that he knew of no surreptitious entries by bureau agents that had taken place later than 1968.

Last June, however, he acknowledged that the file alluding to the burglaries in 1972 and 1973, the same one that was denied to the G.A.O. auditors, had been found in the bureau's New York office. But Mr. Kelley said then that it had been located not in 1975, but in March of this year.

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