

Monday 4/10, 1978

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)

- v -)

L. PATRICK GRAY, III,)
W. MARK FELT)
and)
EDWARD S. MILLER)

Crim. No. _____

(Violation of Title
18, United States
Code, Section 241:
Conspiracy Against
Rights of Citizens)

INDICTMENT

The Grand Jury for the District of Columbia charges:

1. From May 3, 1972, to April 27, 1973, L. PATRICK GRAY, III, was Acting Director of the Federal Bureau of Investigation (hereinafter "the FBI").
2. At all times material herein, W. MARK FELT was Acting Associate Director of the FBI.
3. At all times material herein, EDWARD S. MILLER was Assistant Director for the Domestic Intelligence Division (redesignated the Intelligence Division in February 1973) of the FBI.
4. At all times material herein, the FBI was an agency of the United States government with headquarters in the District of Columbia and with field offices throughout the United States.
5. At all times material herein, the FBI had investigative responsibility for locating and apprehending various fugitives associated with the Weather Underground Organization (hereinafter "Weatherman").
6. At all times material herein, Jennifer Dohrn, Judith Clark, Susan Roth, Frances Schreiber, Mr. and Mrs. Benjamin Cohen, Mortimer Bookchin and Leonard Machtiger were citizens of the United States and were relatives and acquaintances of Weatherman fugitives.

7. From in or about May 1972 through in or about May 1973, in the District of Columbia and elsewhere,

L. PATRICK GRAY, III,

W. MARK FELT

and

EDWARD S. MILLER,

the defendants herein, together with others to the Grand Jury known and unknown, did unlawfully, wilfully and knowingly combine, conspire, confederate and agree together and with each other to injure and oppress citizens of the United States who were relatives and acquaintances of Weatherman fugitives, in the free exercise and enjoyment of certain rights and privileges secured to them by the Constitution and laws of the United States, including the right secured to them by the Fourth Amendment to the Constitution of the United States to be secure in their homes, papers and effects against unreasonable searches and seizures.

8. It was the purpose of the conspiracy to utilize, and to cause other officials and agents of the FBI to utilize, the technique of surreptitious entry into the homes and premises of relatives and acquaintances of Weatherman fugitives, in the hope of discovering something that might in some way assist the FBI in locating Weatherman fugitives.

OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, the defendants committed and caused to be committed the following Overt Acts, among others, in the District of Columbia and elsewhere:

1. In or about August 1972, in the District of Columbia, EDWARD S. MILLER had a conversation with L. PATRICK GRAY, III.
2. On or about September 12, 1972, in the District of Columbia, L. PATRICK GRAY, III, spoke with a group of FBI officials who were attending a conference at FBI headquarters.
3. On or about September 17, 1972, in Stonington, Connecticut, L. PATRICK GRAY, III, approved the agenda for a Weatherman in-service training course to be held at Quantico, Virginia, from October 2, 1972, to October 6, 1972.
4. On or about September 26, 1972, in the District of Columbia, L. PATRICK GRAY, III, spoke with a group of FBI officials who were attending a conference at FBI headquarters.
5. On or about October 6, 1972, in Quantico, Virginia, FBI agents attending a Weatherman in-service training course were given a lecture on how to conduct surreptitious entries.
6. On or about November 17, 1972, in the District of Columbia, EDWARD S. MILLER sent to W. MARK FELT a memorandum concerning a conversation EDWARD S. MILLER had had about Jennifer Dohrn, Judith Clark and Susan Roth.
7. On or about December 11, 1972, in Brooklyn, New York, agents of the FBI surreptitiously entered and searched the residence of Jennifer Dohrn, Judith Clark and Susan Roth at 501 8th Avenue, Brooklyn, New York.
8. On or about December 11, 1972, in New York, New York, a memorandum concerning the surreptitious entry at the residence of Jennifer Dohrn, Judith Clark and Susan Roth was prepared by an FBI agent.

9. On or about December 18, 1972, in the District of Columbia, a communication from New York, New York, concerning the surreptitious entry at the residence of Jennifer Dohrn, Judith Clark and Susan Roth, was received at FBI headquarters.

10. On or about December 13, 1972, in the District of Columbia, EDWARD S. MILLER sent to W. MARK FELT a memorandum concerning a conversation EDWARD S. MILLER had had about Frances Schreiber.

11. On or about December 20, 1972, in New York, New York, agents of the FBI surreptitiously entered and searched the residence of Frances Schreiber at 217-9 Thompson Street, New York, New York.

12. On or about December 20, 1972, in New York, New York, a memorandum concerning the surreptitious entry at the residence of Frances Schreiber was prepared by an FBI agent.

13. On or about January 13, 1973, in the District of Columbia, a communication from New York, New York, concerning the surreptitious entry at the residence of Frances Schreiber, was received at FBI headquarters.

14. On or about January 10, 1973, in the District of Columbia, EDWARD S. MILLER sent to W. MARK FELT a memorandum concerning a conversation EDWARD S. MILLER had had about Mr. and Mrs. Benjamin Cohen.

15. On or about January 10, 1973, in Union, New Jersey, agents of the FBI surreptitiously entered and searched the residence of Mr. and Mrs. Benjamin Cohen at 1856 Manor Drive, Apartment B, Union, New Jersey.

16. On or about January 12, 1973, in the District of Columbia, a communication from Newark, New Jersey, concerning the surreptitious entry at the residence of Mr. and Mrs. Benjamin Cohen, was received at FBI headquarters.

17. On or about February 5, 1973, in Union, New Jersey, agents of the FBI, for the second time, surreptitiously entered and searched the residence of Mr. and Mrs. Benjamin Cohen at 1856 Manor Drive, Apartment B, Union, New Jersey.

18. On or about February 6, 1973, in the District of Columbia, a communication from Newark, New Jersey, concerning the second surreptitious entry at the residence of Mr. and Mrs. Benjamin Cohen, was received at FBI headquarters.

19. On or about February 13, 1973, in Brooklyn, New York, agents of the FBI, for the second time, surreptitiously entered and searched the residence of Jennifer Dohrn, Judith Clark and Susan Roth at 501 8th Avenue, Brooklyn, New York.

20. On or about February 15, 1973, in the District of Columbia, a communication from New York, New York, concerning the second surreptitious entry at the residence of Jennifer Dohrn, Judith Clark and Susan Roth, was received at FBI headquarters.

21. On or about February 24, 1973, in Brooklyn, New York, agents of the FBI, for the third time, surreptitiously entered and searched the residence of Jennifer Dohrn, Judith Clark and Susan Roth at 501 8th Avenue, Brooklyn, New York.

22. On or about February 26, 1973, in the District of Columbia, a communication from New York, New York, concerning the third surreptitious entry at the residence of Jennifer Dohrn, Judith Clark and Susan Roth, was received at FBI headquarters.

23. On or about February 13, 1973, in the District of Columbia, EDWARD S. MILLER sent to W. MARK FELT a memorandum concerning a conversation EDWARD S. MILLER had had about Mortimer Bookchin.

24. On or about February 14, 1973, in New York, New York, agents of the FBI surreptitiously entered and searched the residence of Mortimer Bookchin at 325 Second Avenue, Apartment 3C, New York, New York.

25. On or about February 14, 1973, in New York, New York, a memorandum concerning the surreptitious entry at the residence of Mortimer Bookchin was prepared by an FBI agent.

26. On or about February 20, 1973, in the District of Columbia, a communication from New York, New York, concerning the surreptitious entry at the residence of Mortimer Bookchin, was received at FBI headquarters.

27. On or about April 13, 1973, in the District of Columbia, EDWARD S. MILLER sent to W. MARK FELT a memorandum concerning a conversation EDWARD S. MILLER had had about Leonard Machtinger.

28. On or about April 16, 1973, in New York, New York, agents of the FBI surreptitiously entered and searched the residence of Leonard Machtinger at 315 East 86th Street, New York, New York.

29. On or about April 18, 1973, in New York, New York, a memorandum concerning the ~~surreptitious~~ entry at the residence of Leonard Machtinger was prepared by an FBI agent.

30. On or about May 19, 1973, in the District of Columbia, a communication from New York, New York, concerning the surreptitious entry at the residence of Leonard Machtinger, was received at FBI headquarters.


31. On or about May 17, 1973, in Union, New Jersey, agents of the FBI, for the third time, surreptitiously entered and searched the residence of Mr. and Mrs. Benjamin Cohen at 1856 Manor Drive, Apartment B, Union, New Jersey.

32. On or about May 28, 1973, in the District of Columbia, a communication from Newark, New Jersey, concerning the third surreptitious entry at the residence of Mr. and Mrs. Benjamin Cohen, was received at FBI headquarters.

ALL IN VIOLATION OF TITLE 18, UNITED STATES CODE, SECTION 241.

A TRUE BILL:

Foreperson



Barnet D. Skolnik
Special Counsel
United States Department of
Justice