

BURGLARY IS LAID TO 2 I.R.S. AGENTS

Official in Florida Tells of
Theft of Documents

3-23-75
Special to The New York Times

MIAMI, March 22—Two men who were working as paid informants for the Internal Revenue Service burglarized the office of a candidate for the House of Representatives in 1972, according to an announcement by Richard E. Gerstein, Dade County State Attorney.

Mr. Gerstein said that earlier this week he took a sworn statement from one of the informants, Nelson Vega, who, he said, admitted breaking into the office of Evelio Estrella, an unsuccessful Republican candidate, and stealing a filing cabinet full of documents.

The other man, Roberto Novoa, was shot and killed in an accident one year ago.

Mr. Vega, who is 21 years old, testified, according to Mr. Gerstein, that the two men participated in so-called Operation Leprechaun, in which the I.R.S. allegedly tried to gather information on the sex lives and drinking habits of 30 Miamians, including three Federal judges and Mr. Gerstein.

The information about Operation Leprechaun was first disclosed here last week by Mrs. Elsa Suarez Guteirrez. She said that she was recruited in 1972 by several I.R.S. agents to "spy" on the 30 Miamians in an operation whose over-all goal had never been made clear to her but had apparently not been connected with gathering information on tax violations.

Tells of Recruiting

Mrs. Suarez Guteirrez said that she had been told by her I.R.S. contacts to "pick up all the dirt I could" on people she had been asked to investigate. She said that she had recruited Mr. Vega and Mr. Novoa for her investigation.

"Our discovery of the burglary by two I.R.S. agents makes Operation Leprechaun much more serious," Mr. Gerstein said. "I don't know whether these men reported it to their superiors, and we have not yet been able to establish the objectives of that criminal entry."

"One thing is certain, however," he added. "And this is that I.R.S., like any other agency, cannot investigate itself. It is imperative that the Attorney General or the local Federal judiciary empanel a special

Federal grand jury and appoint a special Federal prosecutor to get to the bottom of this incredible affair."

Alleged I.R.S. spying here is also under Congressional investigation. Next Wednesday, a special House committee is scheduled to take testimony about Operation Leprechaun.

Mr. Vega, who could not be reached immediately for comment, was subpoenaed by the state prosecutor late Sunday. He appeared on the next day, accompanied by Lawrence Lilly, an attorney for the I.R.S. regional office in Miami.

Witness Is Advised

Before Mr. Vega was interrogated, Mr. Lilly, according to the minutes of the proceeding, said that he had advised Mr. Vega that according to I.R.S. regulations "for an employe of the I.R.S." it could be a "crime to disclose without proper authorization any information which he might have received" and that "until such time it would be a crime for Vega to testify about I.R.S. matters."

Mr. Vega was subpoenaed again on Monday afternoon and went to Mr. Gerstein's office the next day alone. He was questioned and under oath admitted his part in the burglary, according to Mr. Gerstein.

Mr. Lilly later told a reporter that he had nothing to say about his presence with Mr. Vega at the State Attorney's Office. He referred all questions to the I.R.S. in Washington.

Asked about Mr. Lilly's alleged representation of Mr. Vega, whose services with the I.R.S. are said to have terminated at the end of 1972, an I.R.S. spokesman in Washington, Leon Levine, said:

"It is my understanding that the statement Mr. Lilly has made was based on newspaper stories which said that Vega was on our payroll. I want to stress that no confidential informants are employes of the I.R.S., and that as such they do not need an authorization of the commissioner to give testimony."