

'74 N.Y. Break-Ins Seen Bypassing Top FBI Officials

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FBI agents apparently acted without the approval of high-level officials in Washington headquarters when they conducted allegedly illegal break-ins late in 1974.

Attorney General Griffin B. Bell referred cases against agents involved in these break-ins back to the FBI for disciplinary, rather than criminal, action, sources familiar with the investigation said yesterday.

The 1974 break-ins were disclosed in Senate testimony by William L. Gardner, former head of the Justice Department's investigation of the so-called "black bag jobs."

And yesterday in a phone interview from Hurley, N.Y., Stewart Albert and Judy Clavir said the government admitted to them during proceedings in a civil suit that the FBI's New York office had conducted a "series" of burglaries on their home in 1974, including one to install a microphone.

Investigators have found no evidence tracing approval of these more recent break-ins back to high-level FBI officials in Washington, sources said.

The recent indictment of former acting FBI director L. Patrick Gray III and two top aides charges that they did approve break-ins in 1972 and early 1973.

There are indications that the 1974 break-ins, including the ones against Albert and Clavir, were ordered by officials in the New York office without such high-level approval, sources said.

Gray, W. Mark Felt, and Edward S. Miller, two of Gray's top aides, had left the bureau by mid-1974.

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Bell said he prosecuted Gray, Felt and Miller because they were the officials most responsible. He said the agents who actually conducted the break-ins were just "following orders."

FBI officials expressed concern yesterday when learning of the newly disclosed, unauthorized break-ins because it raises the possibility that there were "maverick" elements in the New York office.

The FBI prides itself on being a highly disciplined organization, whose members do not act without authority. But some officials familiar with the investigation said the later break-ins may have occurred without specific command because there was no clear order to stop the allegedly illegal activity.

Terrence B. Adamson, Bell's spokesman, declined to say why lower-level FBI officials were not prosecuted, as were Gray, Edward S. Miller and W. Mark Felt. "All I can say is that the attorney general stands on his decisions in the case. He used his prosecutorial discretion. He referred matters to Judge Webster" — new FBI Director William H. Webster.

Officials familiar with the investigation said yesterday that the 1974 break-ins against Albert and Clavir are part of Webster's potential disciplinary package because the existence of those burglaries was hidden from congressional investigators in 1975.

The FBI is conducting a separate in-

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ternal probe into why its officials told the General Accounting Office and the Senate and House Intelligence committees that no break-ins had occurred after 1968.

Investigator Gardner testified Thursday that the same FBI headquarters section involved in answering the Senate committee ran a program at the FBI school in Quantico, Va., in 1972 which included a course on how to conduct break-ins.

Bell declined to prosecute what has been described as a weak case against New York FBI official James Ingram. Gardner's task force had recommended Ingram be charged with making a false statement to the GAO investigators because he didn't tell

them about the Albert-Clavir break-ins when they picked that case as a sample during a 1975 audit.

The couple said yesterday that they first learned of the FBI surveillance in late 1975 when they found that a homing device had been attached to their car apparently so they could be followed.

They were given access to their FBI files during discovery proceedings in a civil suit they filed, and found the investigation dated back to December of 1973, they said.

Both had once been suspects in the 1971-bombing of the U.S. Capitol by members of the radical Weather Underground, they said. The break-ins by the FBI's New York office focused on

that terrorist group, but Albert and Clavir said, "We didn't even know members of the Weathermen except in passing."

Their files showed they were being investigated for harboring fugitives, but after almost a year of surveillance that also included checking their mail and bank records, the FBI had found no evidence of criminal wrongdoing, they contended. Still the government has admitted that in November 1974, the FBI broke into their home to install an electronic "bug," they said.

"It seemed the more they failed to find anything, the more they escalated their harassment," Albert said.

Adamson declined to comment on their case.