

EX-AIDE APPROVED F.B.I. BURGLARIES

AUG 18 1976

Says He Authorized Two in
1972, Believing He Had
the Support of Gray
NYTimes

The following article was written by John M. Crewdson and is based on reporting by him and Nicholas M. Horrock.

Special to The New York Times

WASHINGTON, Aug. 17—W. Mark Felt, a former associate director of the Federal Bureau of Investigation, said today that he had approved in 1972 the commission of two burglaries by bureau agents engaged in domestic intelligence investigations.

The acknowledgment by Mr. Felt, who retired from the bureau in 1973, was the first instance in which a top executive at bureau headquarters has taken responsibility for authorizing any of the burglaries that are currently the subject of a criminal inquiry by the Department of Justice.

Mr. Felt first said in a telephone interview that he had given his approval for the two burglaries on the strength of an assurance by L. Patrick Gray 3d, then the acting F.B.I. director, that he would countenance the use of "surreptitious entries" to gather evi-

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dence in sensitive intelligence investigations.

Mr. Felt initially recalled that Mr. Gray, who took over the burden after the death of J. Edgar Hoover in May 1972, had told a Washington conference of the heads of the bureau's 59 field offices that "he would approve these things" but cautioned the agents to "be damn sure you get bureau approval" before carrying them out.

Through his lawyer, Mr. Gray, who now lives in Stonington, Conn., denied "condoning or approving, directly or indirectly, any illegal act" by the F.B.I. Told of Mr. Gray's denial, Mr.

Felt conceded that his recollection of the circumstances of Mr. Grays' approval was "hazy," and said that in any event his authorization had been predicated on "the belief that that was what he [Mr. Gray] wanted."

One of the burglaries, Mr. Felt said, was carried out by agents searching the Arab Information Center in Dallas in the fall of 1972 for clues to the operation of Palestinian terrorists in the United States.

The second, he said, was intended to uncover leads to the whereabouts of members of the Weather Underground, a guerrilla group that has taken credit for several bombings in this country.

Justice Dept. Inquiry

A number of burglaries of friends and associates of the Weather fugitives were carried out by F.B.I. agents in the New York City area in 1972 and 1973 and are now the focus of an investigation by the Justice Department's civil rights division.

J. Stanley Pottinger, who heads that division, was in New York today for the empaneling of a Federal grand jury that will begin hearing evidence in the case next week.

Mr. Pottinger's office, which is trying to trace knowledge and approval of the illegal bur-

number of bureau agents from around the country participated in a discussion of the hunt for the Weather fugitives that included mention of the use of burglaries as an investigative technique.

Mr. Gray and other top bureau executives, including Edward S. Miller, then the head of its intelligence division, attended the conference, and Justice Department lawyers have received some indications that they were present during the discussion.

Resumption of Burglaries

The bureau's use of burglaries to gather evidence was believed, until recently, to have been halted by Mr. Hoover in 1966. Three months ago, it was disclosed that Mr. Pottinger had obtained documents show-

ing that the practice had resumed in New York City after Mr. Hoover's death on May 2, 1972.

Since then, some bureau sources here have characterized the New York City office as a "renegade" one that acted without the knowledge or approval of bureau officials in Washington, an assertion that is said to have angered the New York agents and strengthened their determination to show that they were acting under agents.

Mr. Pottinger's investigation is known to be proceeding on the assumption that such break-ins, none of which were accompanied by search warrants, constitute a violation of the Federal civil rights statutes in cases where the targets had no foreign intelligence connections.

The burglary of the Arab Information Center, for example, is not understood to be a subject of the Justice Department's inquiry. The New York Times has reported that Mr. Gray approved that operation, and he has reportedly told friends that he believed it to be legal because a foreign espionage matter was involved.

Although Mr. Felt took responsibility today for having authorized that burglary, he said in the interview that he believed he had later advised Mr. Gray of his action in that case and also in connection with his approval of the Weather fugitive burglary.

No Previous Comment

But he said that Mr. Gray, who was immersed in the F.B.I.'s Watergate investigation and, later, in his own abortive confirmation hearings, "didn't even know what was being said



Associated Press
W. Mark Felt

glaries up through Mr. Gray's chain of command, is understood to be investigating, in addition to Mr. Felt's assertions, Mr. Gray's attendance at a second meeting at the bureau's Quantico, Va., training facility in the summer of 1972.

According to F.B.I. sources present on that occasion, a

to him, he was so busy."

Mr. Gray, who left the bureau in April 1973 after his nomination as its director was withdrawn by President Nixon, has until now not commented publicly on his year-long tenure. But he said today through

Stephen H. Sachs, his attorney, that he had never approved "surreptitious entries in the investigations of Weathermen fugitives."

According to records prepared by the Watergate special prosecutor's office, which investigated the possibility that Mr. Gray had perjured himself during his 1973 confirmation hearings, Mr. Gray did attend a meeting of the heads of the bureau's field office in May 10, 1972, two weeks after he replaced Mr. Hoover.

That, he said, was the only such meeting he attended in Washington, and he has told associates that he does not recall any discussions of surreptitious entries.

Charles W. Bates, now the head of the F.B.I.'s San Francisco office, said in a telephone interview today that he was present at the May 18 meeting

and did not recall Mr. Gray's having made any statement like that described by Mr. Felt.

Mr. Felt said, however, that the meeting he recollected in a "hazy" way had taken place later in the summer of 1972—on Aug. 29, he believed.

But according to records of Mr. Gray's activities, that was the period during which the conference on Weather fugitives was taking place at Quantico and in Washington.

In a related development, Eugene V. Walsh, who had been assistant director in charge of the bureau's administrative division, retired from the bureau yesterday.

The administrative division has been the subject of a separate investigation by the Department of Justice, but no indication was forthcoming that Mr. Walsh's departure bore any relationship to that inquiry.