

Indictment Urged Of FBI Agents in Illegal Break-Ins

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Justice Department officials have recommended that Attorney General Griffin B. Bell seek indictments of low-level personnel involved in illegal burglaries as a stepping-stone to possible further prosecution of approximately six present and former FBI executives.

Informed sources said yesterday that this strategy, referred to as "indictments in sequence," has been urged on Bell by department attorneys who conducted an 11-month investigation into the burglaries committed in the New York area during 1972 and 1973.

The sources said it is not certain that this strategy, if pursued, would lead to prosecution of the bureau executives whom Justice Department attorneys regard as the real targets of their probe.

They also declined to identify these targets. However, they are believed to include Mark Felt, retired former deputy director of the FBI; Edward S. Miller, retired former assistant director in charge of the intelligence division; John F. Malone, retired former head of the New York field office; J. Wallace La Prade, current head of the New York office; Andrew Decker, former head of domestic security investigations in New York and currently assistant director in charge of records management at FBI headquarters, and James Ingram, another former domestic security chief in New York, who currently is deputy assistant director of the FBI's general investigative division.

The sources said Bell has not yet made a decision about whether to approve the recommendation and seek indictments.

The burglaries, known in FBI parlance as "surreptitious entries," were committed in the course of domestic security investigations and were aimed at obtaining information about

fugitive members of the radical Weather Underground. In addition to the break-ins, the Justice Department probe is known to have uncovered evidence that the FBI also engaged in illegal wiretaps and mail openings.

Among prosecutors and criminal defense lawyers, the strategy outlined in the recommendation to Bell is often referred to as "using a little fish to catch a big fish." It aims at indicting the known underlings involved in a crime in hopes that such action will trigger the plea bargaining, testimony and evidence required to prosecute the higher-ups.

From the outset of the probe last spring, Justice Department officials have made clear that they were mainly interested in those FBI executives who gave the orders for the

See FBI, A2, Col. 1

FBI, From A1

break-ins or who concealed knowledge of them.

The sources said that if the department does try to get at the higher-ups by first going after the underlings, the initial targets of prosecution will be persons who were in middle-level supervisory positions in New York and Washington at the time of the burglaries.

Approximately 60 present or former FBI field agents, who had some role in the break-ins, have testified before federal grand juries in New York and Washington. However, in exchange for their testimony, all were given immunity that apparently bars any attempt to prosecute them.

Some sources said that the proposed Justice Department strategy is an admitted long shot that bears no guarantees of eventual success in ob-

House Unit Votes \$100 Million In Drought Relief

Associated Press

The House Interior Committee yesterday approved legislation by voice vote authorizing up to \$100 million in aid to farmers threatened by drought.

The thrust of the legislation is to aid farmers with perennial crops. The \$100 million would provide funds for shifting water from farmers with annual crops such as sugar beets and wheat to the orchards and vineyards. Prime impact areas would be Washington, Oregon and northern California.

Farmers would participate voluntarily, with the government assisting with interest-free loans to those seeking to buy the water. Members of the House panel said there appeared to be enough willing sellers of water to tide over the needy farmers.

taining indictments or convictions at the FBI's executive levels. However, the sources added, the department officials who recommended this approach have argued to Bell that the notoriety of the case demands that the government make the effort to reassure the public of its willingness to move against wrongdoing by high-ranking public officials.

The investigation was conducted by the department's Civil Rights Division under federal laws that prohibit police officers from using their powers to violate someone's civil rights or conduct searches without a warrant.

Former Assistant Attorney General J. Stanley Pottinger, who headed the division when the probe began, agreed to remain with the department temporarily until the investigation was completed. Pottinger supervised preparation of the recommendation made to Bell.

According to the sources, Bell then asked for an opinion from Benjamin V. Civiletti, the new assistant attorney general in charge of the Criminal Division. Civiletti, the sources said, concurred in the recommendation by Pottinger and his staff.

The burglary probe, which was triggered by discovery of a previously secret file in the New York field office, dealt a heavy blow to the reputation of the FBI and its director, Clarence M. Kelley. Although the break-ins took place before Kelley became director in July, 1973, he had said that the FBI had ceased the practice of surreptitious entries in 1967.

He subsequently was forced to admit publicly that he had been deceived by his subordinates. After the Justice Department entered the case, a special team of FBI agents was assigned to conduct the probe under Pottinger's direct supervision, bypassing Kelley.

That triggered a number of charges that Kelley was not in effective control of the FBI, and the incident is generally believed to have been a factor in Kelley's decision to retire at the end of this year.