

Weather Underground Links to Cuba Alleged

Report Could Balk FBI Break-In Probe

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By Bruce Howard

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The Chicago office of the FBI is nearing completion of a 500-page report showing that the radical Weather Underground, a target of break-ins by FBI agents, received financial support from Cuba, according to sources close to the agents. The report, if confirmed, could hinder a Justice Department investigation of the FBI-directed burglaries.

Top FBI officials authorized the report last month in an effort to stop the Justice Department's criminal investigation of more than 30 current and former FBI agents connected with a number of burglaries of the homes and offices of persons with ties to the Weather Underground in New York, the sources said.

The agents who are the targets of the Justice probe are eagerly awaiting

completion of the report, which they feel will force the department to abandon the cases against them.

Recent court cases have indicated that it may be legal for government agents, acting with the authorization of the President or the Attorney General, to conduct warrantless searches and wiretaps if the target is a threat to national security and has connections with a foreign government. It is not known whether the break-ins being investigated fall under this category.

In the past six months the Justice Department has dropped two criminal investigations of government officials involved with warrantless break-ins because the targets had foreign connections.

A high Justice Department source confirmed that there is growing concern in the department that evidence of foreign support for the Weather

Underground has complicated, and perhaps weakened, their case against the agents.

However, the source said that prosecutors are intent on continuing the investigation at this point because they feel they should obtain more information about the break-ins before deciding their strategy.

Last week Justice officials impaled a grand jury in New York to begin hearing evidence in the break-ins.

The Justice source said that the prosecutors are beginning to refocus their investigation on former top FBI officials, including Edward S. Miller, former bureau intelligence chief, and W. Mark Felt, former associate director of the bureau.

Both Felt and Miller announced publicly last week that they approved break-ins in New York under a policy

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established by former director L. Patrick Gray III.

Felt and Miller had not been interviewed by Justice investigators before their disclosures in the press last week. Both were subpoenaed the day after their disclosures to appear before the grand jury in New York.

In addition to the court decisions on break-ins involving foreign intelligence activities, prosecutors are worried that two previous decisions by the department not to prosecute top intelligence officials for authorizing break-ins in matters involving foreign intelligence and national security may preclude their bringing a case against FBI officials for the New York break-ins, according to sources.

In February the Justice Department decided to drop possible criminal charges against former CIA Director Richard Helms, other CIA officials and Fairfax City police involved in a break-in at a Fairfax City photography studio.

It is also known that the department decided not to prosecute Gray for authorizing an FBI burglary in Dallas in the fall of 1972.

Both cases were dropped because the burglaries involved foreign governments and national security matters, according to sources in the department.

Jack B. Solerwitz, a lawyer representing approximately 20 of the FBI agents in New York under investigation, also reported that he has learned that the Weather Underground was receiving financial support from hostile foreign governments. However, Solerwitz said he learned of the connection from his own investigations, and not from classified documents prepared by the FBI.

Another attorney representing some FBI agents under investigation has called for the Justice Department to abandon its criminal investigation in light of the Chicago report and the disclosures by Felt and Miller that the break-ins were authorized under bureau policy.

The attorney, Edward Morgan, said, "Now that the legal premise for this prosecution has eroded, it is certainly in the best interest of preserving the FBI and of sparing these fine young men who have been put through enormous emotional strain, to candidly

conclude the entire matter at this time."

A Justice Department official had no comment.

However, a high Justice source said that prosecutors still feel there will be at least one or two indictments of top bureau officials, though there is growing concern that recent developments and the current law "will make convictions difficult, if not impossible."

Miller and Felt said publicly last week that they felt the break-ins were legal and justified because they were part of a bureau attempt to neutralize a terrorist group. The Weather Underground has claimed responsibility for numerous bombings, including the 1971 bombing of the Capitol and the 1972 bombing at the Pentagon.

Felt said that he was proud of his role in authorizing the break-ins, and that he felt he "had an obligation."

Defense attorneys involved in the case, but not representing Miller and Felt, said that the threats involved in the Helms and Grey decisions were not as serious or immediate as in the Weather Underground case.