

# NO FOREIGN LINKS TO FUGITIVES SEEN

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U.S. Prosecutors Find No  
Alien Threats in Targets  
of F.B.I. Burglars  
NYTimes

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WASHINGTON, Aug. 22 —

Justice Department prosecutors have seen no evidence that the Federal Bureau of Investigation's search for fugitive members of the Weather Underground organization was motivated by the group's purported links to hostile foreign governments, sources close to the department's investigation of the bureau said today.

The issue of whether the fugitive group has been directed or supported by foreigners has been raised by Jack B. Solerwitz, an attorney for some 20 F.B.I. agents who have become subjects of a Justice Department investigation into burglaries they carried out against friends and relatives of the fugitives over the last five years.

Mr. Solerwitz asserted last week that such connections had existed between the Weather fugitives and "foreign hostile governments," and other F.B.I. sources have said that the bureau is attempting to marshal evidence of those links as a prelude to demonstrating, under statutes and court decisions in force at the time, that the break-ins were legal.

## Documents on Burglaries

But one source familiar with the prosecutors' thinking said today that none of the F.B.I. documents requesting or granting permission for the burglaries, which occurred in the New York City area from 1970 to 1973, had suggested or even alluded to such foreign connections to the Weather Underground as rationale for their commission.

Another source pointed out that even if such demonstrable connections had existed at the time, it would have been necessary for the bureau to seek and gain approval from the Attorney General's office in order to legitimize the burglaries.

No evidence has been forthcoming thus far that such ap-

proval was even sought, the source said. The Senate Select Committee on Intelligence Activities reported in April that it had found no evidence "that the F.B.I. ever informed any Attorney General about its use of 'black bag jobs,'" as the burglaries were known inside the bureau.

Both sources agreed that even if the F.B.I. were able to demonstrate that the Weather fugitives were financed to some extent by a hostile foreign government such as Cuba's, which is what the bureau is reportedly hoping to show, it would have no effect on the progress of the Justice Department's investigation.

## Court Order Held Necessary

The Senate Committee made

public an F.B.I. memorandum, written in 1966, that conceded that burglaries of the sort now under investigation by the Justice Department's civil rights division were "clearly illegal."

Although there have been a number of court decisions in recent years dealing with the Government's power to wiretap and bug suspected subversives and radicals, only one decision exists that speaks directly to the existence of authority to break and enter without a judicial warrant in national security cases.

In that decision, written in 1974, a Federal district judge here declared that even where an overriding national security concern was present, the President lacked the authority to order a burglary in the absence of an authorizing court order.

The Washington Post reported today that the F.B.I. was preparing a 500-page report showing that some of the Weather fugitives received financial support from the Cuban Government. The newspaper quoted "a high Justice Department source" who cited concern there that such evidence could weaken the department's criminal case against the agents.

Two sources close to the prosecutors dismissed the suggestion that there was such a concern. "It's too late," one said, "the dam has burst," and another noted that several past and present F.B.I. agents had already accepted immunity from prosecution in return for their testimony about the burglaries.

In the absence of evidence showing that former Attorneys General John N. Mitchell and Richard G. Kleindienst specifically approved the use of break-ins as part of the Weather Underground investigation, one source said, the arguable foreign connections of the fugitives would have value only "as an argument you could make to a jury."

L. Patrick Gray 3d, who served as acting F.B.I. director in 1972 and 1973 while many of the burglaries were being carried out, said through his lawyer last week that he had never approved any such action by the F.B.I. in the course of the bureau's search for evidence of the fugitives' whereabouts.

However, Edward S. Miller, who served as head of the F.B.I.'s intelligence division under Mr. Gray, said last week that the former acting director had told him that he would approve burglaries aimed at both foreign and domestic subversive groups.

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