

## Ex-F.B.I. Official Says Gray Authorized Burglaries

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

By United Press International

WASHINGTON, Aug. 18—Edward S. Miller, the former head of the Federal Bureau of Investigation's intelligence division, said today that L. Patrick Gray 3d told him in 1972 that he had authorized the commission of burglaries by bureau agents investigating domestic radical and terrorist groups.

In a telephone interview today, Mr. Miller, who retired from the bureau in 1974, said the conversation with Mr. Gray took place in the summer of 1972, shortly after Mr. Gray became acting bureau director after the death of J. Edgar Hoover in May that year.

Mr. Miller said that it was on the strength of his conversation with Mr. Gray, which he said was witnessed by no one, that he subsequently authorized "surreptitious entries" by bureau agents in the New York City area.

### Inquiry Under Way

Mr. Miller thus became the second former top bureau official in two days to acknowledge having approved requests from bureau field offices for permission to conduct such breakins, the legality of which is now being investigated by the Justice Department's civil rights division.

The New York Times reported today that W. Mark Felt, who was the second-ranking bureau official under Mr. Gray, had conceded that he had approved at least two such operations.

Asked about the basis for his approval, Mr. Felt said he believed, but could not be certain, that Mr. Gray had voiced his approval, before a group of bureau officials, for the commission of burglaries.

Yesterday, however, Mr. Gray denied through his lawyer ever having approved any illegal acts carried out by bureau agents under his command. Mr. Gray left the bureau in April 1973, after it became apparent that he would not be confirmed for the job by the Senate.

Although Mr. Felt said his recollection of the circumstances was "hazy," Mr. Miller



The New York Times  
L. Patrick Gray 3d

clearly recalled today that Mr. Gray had announced his approval of the practice at a Washington conference of bureau executives in August 1972.

### Field Officials Present

The occasion, he said, was a briefing attended by the heads of several of the bureau's 59 field offices. He said that he, Mr. Gray and other top bureau officials spoke.

Although his conversation with Mr. Gray had taken place in advance of that conference, Mr. Miller said, "I did not tell the group about the approval for the entries."

"When I finished talking," Mr. Miller recalled, "Gray stood up, and he did tell them. He said he had decided to approve surreptitious entries, 'but I want you to make damn sure that none of these are done without prior bureau authorization.'"

Mr. Miller said Mr. Gray had not distinguished, on that occasion, between burglaries directed at individuals or groups believed to have foreign intelligence connections and those aimed at domestic organizations.

The Justice Department lawyers investigating the burglaries, most of which took place in 1972 and 1973, are understood to believe that those aimed at foreign-connected organizations were legal under the terms of Federal statutes

and court decisions in force at the time.

The entries of questionable legality, in the view of those lawyers, include a number of burglaries of friends and relatives of members of the Weatherman underground organization in the New York City area.

Records gathered by Mr. Gray in the Watergate investigation include calendar entries that show he met with a group of "special agents in charge" on Aug. 29, 1972, from 9 to 9:30 A.M. and that later a picture was made of the group.

He has told associates that he did not, at that meeting or at other meetings, approve burglaries in the Weatherman investigations. But Mr. Gray is known to have approved an entry into the offices of the Arab Information Center in Dallas, according to intelligence sources. He has told associates that it was Mr. Miller who came to him seeking approval for the Dallas burglary and that this was done on the basis that it would help prevent widespread terrorist activity against Jews living in this country.

And although he denied yesterday ever approving illegal acts carried out under his command, Mr. Gray has long told associates that he believes entry in such cases as Dallas were foreign espionage matters and were legal.

Mr. Miller said today, however, that in his face-to-face conversation with Mr. Gray on the subject, "I had to ask him, 'Does this include the domestic field?' and he said 'Yes.'"

Mr. Miller said he then telephoned Robert Shackleford, one of his subordinates in the intelligence division, to tell him of Mr. Gray's approval for the resumption of the burglaries, which had been ordered stopped by Mr. Hoover in 1966.

Mr. Miller said Mr. Shackleford had replied, "That's good, because it's going on anyway."

He did not elaborate on that remark, but one source familiar with the Justice Department investigation of the bureau said today that some burglaries had been carried out in New York City in 1971, while Mr. Hoover was still head of the bureau, but apparently without his knowledge.

It had previously been believed that the practice had not resumed until after Mr. Hoover's death on May 2, 1972.

### Foreign Connections Alleged

Jack B. Solerwitz, a Long Island lawyer who is representing 20 past and present bureau agents who are subjects of the Justice Department's investigation, said today that the targets of the breakins, including the fugitive members of the Weatherman organization, had had "connections with foreign hostile governments."

Mr. Miller said today that although he and Mr. Felt had approved the commission of the breakins, no one at the bureau's headquarters here had ever instructed a field agent to carry one out.

The pressure for a resumption of the practice, he said, had come not from headquarters but from the field, a product of the "tremendous frustration that grew up" among agents who felt that Mr. Hoover had deprived them of a valuable investigative technique by his 1966 order.

The burglaries, Mr. Miller noted, were risky, and he said that bureau executives here believed they could not order an agent to commit such an act because "you might be instructing a guy with 10 kids to go out and get himself shot."