

Nixon Approved Break-Ins, Ex-FBI Aide

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By Ronald J. Ostrow
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The FBI secretly implemented part of the illegal Huston plan for break-ins, wiretaps and mail openings to hunt down fugitive Weatherman terrorists in 1970, a federal court was told yesterday.

Then-President Nixon has said he killed the plan—named after White House aide Tom Charles Huston—in July 1970, only five days after approving it, because of strong objections to the plan from then-FBI Director J. Edgar Hoover.

But a lawyer for W. Mark Felt, former No. 2 man in the FBI, said in a court motion yesterday that "certain

recommendations" of the plan were put into action after a mid-August 1970 conversation between Nixon and Hoover.

Until now, it had been believed that authority for the break-ins that the FBI conducted in its search for Weatherman terrorists came from no higher than FBI headquarters in Washington.

If Felt's claim of presidential approval, which attorney Brian Gettings said would be demonstrated by "overwhelming evidence at trial," stands up, Felt and two other indicted former bureau officials may be able to claim that authorization of the tactics used against the terrorists was legal.

Felt and former acting FBI director L. Patrick Gray III and Edward S. Miller, former assistant director for domestic intelligence, are scheduled to go on trial here in January on charges of conspiring to violate the rights of friends and relatives of the terrorists by approving the illegal tactics.

Gettings said in an interview that the "overwhelming evidence" supporting Felt's contention was gleaned from material that prosecutors supplied in response to defense requests.

The Nixon-Hoover conversation was held over the telephone when both men were in California in August 1970, Gettings said. He refused to say

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how he knew what was said during the conversation.

Following the phone call, according to Gettings, Hoover wrote Nixon, enclosing a copy of a strongly worded letter he had written special agents in charge of the nation's 59 FBI field offices and all FBI legal attaches based in foreign lands.

That letter relayed Nixon's instructions to intensify efforts to track down the Weatherman fugitives. Hoover also told the agents he was "going to hold you personally responsible" for the outcome of the fugitive hunt.

An FBI spokesman declined to comment.
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ment on the assertion that the bureau had put into action the Huston plan's package of illegal tactics.

But a source familiar with the FBI said Hoover's warning to the special agents that he would hold them personally responsible was "vintage butreause"—the kind of word Hoover frequently employed to fire up subordinates.

R. Stan Mortenson, one of Nixon's Washington lawyers, said Nixon and

Hoover had frequent telephone conversations, but added that "a lot of things could have been said without saying implement" illegal tactics.

Mortenson said he had not interviewed Nixon on the Huston plan implementation, adding that the former president had not been contacted about testifying as a witness at the upcoming trial.

A hearing set for today on destruction of evidence in the break-in case by a former FBI official, Robert Shackelford, was postponed because

of the illness of chief U.S. District Court Judge William B. Bryant, an aide to the judge said.