

Headed Bureau in 1972-73

# Gray Testifies on Burglaries by FBI

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Former Acting FBI Director L. Patrick Gray III appeared before a federal grand jury here yesterday to testify about his knowledge of illegal burglaries committed by FBI agents when Gray headed the bureau during 1972 and 1973.

Informed sources said they believed that Gray was asked if he had authorized the use of burglaries against radical political groups or had learned about such break-ins after they were committed.

In August, Gray publicly denied that he had given permission to use such so-called "black bag jobs" as an intelligence-gathering tool. Earlier one of his former FBI subordinates had said Gray approved such tactics.

Edward S. Miller, former head of the intelligence division, told The Washington Post on Aug. 18 that Gray had reinstated a previous policy of

permitting break-ins in domestic security investigations in August, 1972. This renewed policy, Miller added, was terminated in April, 1973, when Gray left the FBI after admitting that he had destroyed potentially incriminating documents in the Watergate case.

W. Mark Felt, associate director under Gray, has said that he recalled approving break-ins during 1972 and 1973 and thought that he had acted with Gray's overall knowledge and approval.

These burglaries, known in FBI parlance as surreptitious entries, have been the subject of a far-reaching Justice Department investigation since last spring. At that time, it became known that the FBI had carried out a number of burglaries during recent years—long after 1966 when the bureau previously said it had ceased such practices.

Most of these break-ins are known to have taken place in the New York

area during the 1972-73 period and were aimed at obtaining information about fugitive members of the radical Weather Underground.

Until now, the Justice Department's investigation has been concentrated on the New York burglaries, although department officials also have started looking into allegations of other FBI break-ins in several other cities.

Two federal grand juries—one in New York and one in Washington—have been impaneled in the probe. The New York grand jury has been looking into the activities of these New York FBI agents, who were assigned to the Weatherman investigation during the early 1970s.

Informed sources said yesterday that this "first phase" of the investigation has now been largely completed. The Justice Department, they said, is now turning its attention to the Washington grand jury in an attempt to elicit testimony about whether present

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## Gray, FBI Head in 1972, Testifies on Burglaries

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or former executives at FBI headquarters here authorized or were aware of the break-ins.

The inquiry is under the direction of Assistant Attorney General J. Stanley Pottinger, who heads the Civil Rights Division. It is based on federal statutes that bar law enforcement officers from using their police powers to violate a citizen's civil rights and that prohibit officers from making searches without warrants.

From the outset of the investigation, the sources said, Pottinger and his aides have been less interested in the field agents who carried out the burglaries than in tracing the chain of complicity to the FBI's executive hierarchy.

The feeling within the Justice Department, the sources added, is that the field agents mostly acted from a belief that they were carrying out properly authorized, legal orders.

Some sources familiar with the investigation believe that these low-level agents will not be prosecuted, es-

pecially if they cooperate with the grand jury inquiries. If indictments result from the probe, the sources added, they probably will be aimed only at any higher-ups who are found to have given the orders for the burglaries or concealed knowledge of them.