

New York F.B.I. Chief Subpoenaed

By JOHN M. CREWDSON

J. Wallace LaPrade, the head of the Federal Bureau of Investigation's New York City office, has been summoned to appear next week before a Federal grand jury in Manhattan looking into illegal activities, including burglaries and unauthorized wiretaps, by F.B.I. agents in recent years.

A subpoena was issued to Mr. LaPrade earlier this week by lawyers from the Justice Department's Civil Rights Division.

Last August, The New York Times quoted F.B.I. sources as saying that Mr. LaPrade, while serving as chief of the bureau's intelligence operations in the city in 1971 and 1972, had personally approved some of the burglaries now under investigation.

The Government subpoena originally called for Mr. LaPrade to appear before the grand jury yesterday morning. But sources indicated that the postponement had stemmed from some questions, subsequently resolved, about whether Mr. LaPrade intended to appear.

Roy M. Cohn, the Manhattan lawyer, said in a telephone interview today that he had been "peripherally involved" in discussions with the Justice Department over the terms of the subpoena in the absence of Mr. LaPrade's regular counsel, and Mr. Cohn asserted that "there was never any question" that the F.B.I. official would honor the subpoena. The delay, he said, was occasioned, at least in part, by the fact that Mr. LaPrade's regular lawyer was out of the country.

Mr. Cohn added that Mr. LaPrade had been "cooperating completely" with the Justice Department prosecutors for several months and had retained a lawyer to represent him in the matter only recently, and then only at the prosecutors' suggestion that he do so.

It has been the prosecutors' practice to encourage those under investigation to obtain counsel only after evidence arises that could implicate them in a criminal violation.

Mr. LaPrade, an assistant F.B.I. director, is one of the highest-ranking officials of the bureau to have been named thus far in the six-month-old investigation by the Department of Justice.

Others previously called to testify have included W. Mark Felt, the bureau's former No. 2 executive, and Edward S. Miller, the former chief of its intelligence division. Both men are now retired.

The Government prosecutors are said to be attempting to determine whether Mr. LaPrade did approve any burglaries, and, if so, whether he did so on his own or received authority for them from F.B.I. headquarters in Washington.

According to Justice Department sources, the prosecutors have concluded that the break-ins were illegal in any event because there were no judicial warrants involved.

Directed Chiefly at Weathermen

All of the burglaries, illegal wiretaps and mail thefts under investigation by the grand jury took place in and around New York City between 1970 and 1974. They were directed chiefly at relatives and associates of fugitive members of the Weather Underground terrorist organization, such as Jennifer Dohrn, the sister of Bernardine Rae Dohrn, and Leonard Machtinger, the brother of Howard Machtinger.

The agents who conducted the burglaries reportedly were hopeful of unearthing clues to the whereabouts of the fugitives, but most of that group, including Miss Dohrn and Mr. Machtinger, are still at large.

The grand jury is expected to wind up its inquiry within a month or two. The prosecutors believe they have sufficient evidence at this point to seek indictments against from 10 to 20 past and present F.B.I. officials, but the decision on whether to bring charges will fall to Griffin B. Bell, the Attorney General-designate, after he takes office.