

2 FBI Lawyers Held In Contempt of Court

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CHICAGO—An angry federal judge has held two FBI lawyers in contempt of court for refusing to turn over files subpoenaed in two lawsuits that accuse the bureau of illegal spying on hundreds of Chicago-area residents for political purposes. At a late hearing Tuesday, U.S. District Court Judge Alfred Y. Kirkland accused the FBI lawyers of being "defiant" and "stonewalling" on the files. He asked opposing lawyers to file briefs suggesting what punishment would be proper.

"The Watergate defendants would be proud of you," Kirkland, a Nixon administration appointee, told Robert Rader, a lawyer from the Justice Department in Washington, and Richard Hamilton, an attorney in the FBI's legal counsel office in Washington.

"I think it is proper to say at this time that Mr. Rader and Mr. Hamilton and the people they represent stand in defiance of this court," Kirkland said. "From everything I have seen in the records so far, the tactics of Mr. Rader and Mr. Hamilton have been to delay, to stall, to deceive and to do anything they can to frustrate this litigation."

The lawyers could be fined or jailed if they refuse to produce the subpoenaed files.

The lawsuits, brought by the American Civil Liberties Union and the Alliance to End Repression, charge that the FBI, Chicago police, CIA and Defense Department engaged in widespread political spying here, violating the constitutional rights of hundreds of persons not suspected of criminal activity.

They are class actions, seeking to permanently prohibit such spying, and Kirkland has ruled that the FBI must turn over subpoenaed files on persons and organizations who were targets of the activities.

However, the FBI has refused to turn over any files on anyone not named as a plaintiff in the lawsuits.

FBI lawyers previously appealed the order to turn over the files, but the U.S. Court of Appeals for the Seventh Circuit upheld Kirkland.

Rader and Hamilton told the judge that they personally had discussed the situation fully with Attorney General Griffin B. Bell and Solicitor General Wade H. McCree, and that Bell and McCree approved of what had been done.

Top Ex-Officials Focus Of FBI Break-In Probe

By Ronald J. Ostrom

Los Angeles Times

Two former assistant FBI directors and former acting director L. Patrick Gray III have become the prime focus of the FBI break-in investigation.

The restructured Justice Department investigation reflects a decision to abandon the strategy of moving up the ladder of FBI authority a rung at a time in an effort to fix responsibility for illegal actions.

Sources said questioning in recent weeks of former FBI officials who allegedly had roles in authorizing the break-ins disclosed the new direction of the inquiry.

The shift is said to reflect Attorney General Griffin B. Bell's desire to complete the investigations as quickly as possible.

At the same time, it was learned, department investigators have been unable to establish that authorization for the illegal entries came from outside the bureau. Bell has said he finds it difficult to believe the FBI would undertake the illegal operations on its own.

The present strategy of concentrating on former high FBI officials has emerged from the new group of eight Justice Department lawyers assigned to the case in December after a five-man team quit in a policy disagreement with Bell.

As a result, primary targets of the inquiry being conducted through a federal grand jury here are said to be Gray, W. Mark Felt, the bureau's No. 2 man under Gray, and Edward S. Miller, former assistant director in charge of the FBI's domestic intelligence division.

The role of a former deputy to Miller, Robert L. Shackelford, is also understood to be under study by department attorneys.

Only one FBI man has been indicted so far, John J. Kearney, who headed an investigative unit in New York until retiring in 1972, was indicted last April on wiretapping and mail opening charges.

The fact that a new strategy had been adopted became clear when the department allowed the five-year statute of limitations to expire on a former assistant director, Andrew J. Decker Jr., who retired from the FBI Dec. 30.

Decker was special agent in charge of the domestic security division in the FBI's New York field office until January 1973. In that position he oversaw activities of Squad 47, which committed the illegal entries in searching for fugitive members of the Weather Underground.