



Department of Justice

FOR IMMEDIATE RELEASE
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Attorney General Griffin B. Bell today announced the following actions resulting from the Justice Department's nearly three-year investigation into the use by the Federal Bureau of Investigation of possibly illegal investigative techniques during the early 1970s in its efforts to locate and apprehend fugitive members of the Weatherman organization:

-- A Federal Grand Jury in the District of Columbia today returned an indictment charging former Acting FBI Director L. Patrick Gray, III; former Acting Associate Director W. Mark Felt; and former Assistant Director Edward S. Miller with conspiring to violate the rights of citizens, in violation of 18 U.S.C. §241, by using, or causing others to use, surreptitious entries in efforts to locate Weatherman fugitives.

-- The Attorney General will initiate administrative disciplinary proceedings against the Assistant Director in charge of the New York Field Office, J. Wallace LaPrade, for his conduct in these matters and during the course of the investigation.

-- Attorney General Bell has requested FBI Director William Webster to examine the results of the Department's investigation and to undertake administrative disciplinary proceedings, where appropriate, against present FBI personnel who were determined

by this investigation to have been involved in the use of possibly illegal wiretaps, mail openings and surreptitious entries. The administrative sanctions available to the Director in any disciplinary proceedings range from censure to dismissal from government service.

--In the course of the investigation, evidence was developed which indicated that the FBI, and perhaps one or more Justice Department attorneys, failed to make full disclosure of surreptitious entries in response to legitimate inquiries in proper forums, including Congressional committees and the General Accounting Office. The Attorney General has today directed that the Director conduct an administrative inquiry to determine, with respect to each inquiry, the causes of the FBI's failure to discover and report all instances of surreptitious entry. The possibility of the involvement of Justice Department attorneys in one or more of the alleged failures to disclose will be investigated fully by the Department, in coordination with the Director's inquiry.

--The Federal District Court in the Southern District of New York, on motion of the Department of Justice, has dismissed all remaining charges against former FBI Special Agent John Kearney.

In making these announcements, the Attorney General noted that these actions were the culmination of an investigation which had begun during the previous Administration and had been ongoing for some 18 months when he assumed office in January, 1977. Today's actions had been recommended by a Task Force of 12 attorneys drawn from the Department's Criminal Division and Civil Rights

Division, and from a United States Attorney's office. In recent weeks these recommendations were the subject of review and discussion by the Attorney General with Acting Deputy Attorney General Benjamin R. Civiletti and Assistant Attorney General Drew S. Days III of the Civil Rights Division, both of whom concurred in today's actions.

The indictment of Messrs. Gray, Felt and Miller charges that they conspired with unnamed others to use, and to cause others to use, the technique of surreptitious entry as part of the FBI's efforts to locate Weatherman fugitives. The indictment alleges that between December, 1972, and May, 1973, entries occurred at the New York residences of Jennifer Dohrn, Frances Schreiber, Mortimer Bookchin and Leonard Machtiger, and that three entries also occurred at the Union, New Jersey, home of Mr. and Mrs. Benjamin Cohen. The indictment further alleges that the defendants' agreement to use, and their use of, surreptitious entries constituted a conspiracy to violate the Fourth Amendment rights of citizens who were relatives and acquaintances of Weatherman fugitives. The Fourth Amendment guarantees to citizens the right to be free from unreasonable searches and seizures.

The Department's investigation disclosed that the use of possibly illegal investigative techniques in Weatherman cases was principally confined to the FBI's New York office.

The Justice Department gave the following reasons for seeking dismissal of the Kearney indictment:

--It now appears that Mr. Kearney was acting in accordance with the wishes and approval of his superiors in the FBI.

--FBI inspectors reporting to FBI headquarters in Washington, D.C., may have learned of Mr. Kearney's activities with Squad 47, which was charged with conducting Weatherman-type fugitive investigations. But those activities nonetheless continued, apparently with the acquiescence of headquarters officials.

--Since the return of the Kearney indictment, documentary evidence has been uncovered which indicates that officials at the highest levels of the FBI authorized certain illegal activities in the Weatherman cases. While that evidence does not relate directly to Mr. Kearney's activities, the Department cannot with any confidence assert that similar authorization did not exist for these activities.

--Subsequent to the return of the Kearney indictment, the Department learned that a former high FBI official was prepared to testify under oath that he had personally communicated to Kearney the personal wishes of then FBI Director Hoover that any available means be utilized to catch Weatherman fugitives. This testimony, potentially of great assistance to Mr. Kearney, now is unavailable because of the official's death.

--In the exercise of his prosecutorial discretion, the Attorney General has determined that in this case the most severe sanction of criminal prosecution should be brought to bear at the highest

levels of authority and responsibility at which the evidence will support prosecution. Mr. Kearney's level of authority and responsibility was substantially below that of the officials who are now to be prosecuted, and was below or equal to that of other officials who will not be prosecuted. To allow the Kearney prosecution to continue under these circumstances would violate basic tenets of fair and equal justice.