

Testimony Cites Hoover Approval of Black-Bag Jobs

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The late FBI director J. Edgar Hoover personally authorized "black-bag" jobs or surreptitious entries by FBI agents in 1970 during a hunt for Weather Underground fugitives in New York City, a former top FBI aide has testified.

The grand jury testimony of former FBI associate director William C. Sullivan was disclosed at a court hearing here yesterday by an attorney for former FBI director L. Patrick Gray and former assistant FBI director W. Mark Felt have been charged with conspiring to violate the civil rights of friends and families of Weather Underground fugitives by ordering a se-

ries of break-ins and allegedly illegal wiretaps in New York City in 1972 and 1973.

The attorney, Thomas Kennelly, said his client had the right to rely on the authorization of similar burglaries by Hoover in the same case in 1970 as well as the "customs and practices in the bureau" for such black-bag entries.

In addition, Kennelly presented as a witness another former FBI section chief who testified that he was present when Miller told then-acting FBI director William D. Ruckelshaus in 1973 that the FBI had conducted "black-bag" jobs under Gray.

The witness, Thomas V. Smith, said the men were discussing alleged FBI abuses when Ruckelshaus asked, "What else have you guys done?"

Miller replied, according to Smith, that "we had some bag jobs while Mr. Gray was here."

Ruckelshaus' response was "Oh my God," or something like that, Smith continued.

Kennelly argued that the case

should be dismissed because government officials knew about the break-ins in 1973 and did not bring charges until 1978—a five-year pre-indictment delay that he says makes it difficult to properly defend his client because of the death of Sullivan and other key witnesses.

Kennelly also presented, under seal, to the judge 10 exhibits from FBI files—some highly classified—that he said show that former acting attorney general Robert Borik, former FBI director Clarence M. Kelley "and other officials at the highest levels of Justice or the FBI" knew about the surreptitious entries in 1973 and did "nothing about it."

Earlier yesterday, Gray's attorney said that the three former top FBI aides charged in the conspiracy "will slice each other to ribbons" if they are forced to go to trial together.

Alan Baron, representing Gray, said Gray will be in "direct head-to-head antagonism" with Miller because Miller claims the break-ins were authorized by Gray. Gray has denied the allegation, Baron said.

U.S. District Court Chief Judge William B. Bryant said he will rule later on the series of pretrial defense motions argued before him yesterday.

Women, Minorities Total Under 6% of Nation's FBI Agents

WASHINGTON (AP)—Fewer than 6 percent of the nation's FBI agents are women or members of minorities, according to a General Accounting Office study released yesterday.

As of March 31, 1.2 percent of the FBI's special agents were women and 4.5 percent were members of minorities, said the GAO, the investigative arm of Congress.

In a letter to the GAO, John J. McDermott, assistant to FBI Director William H. Webster, agreed there are far too few women and minority special agents.

"The need for drastic improvement in the representation of women and minorities within the special agent position is well recognized by FBI management and highly concerted efforts are currently being undertaken to insure measurable gains will be achieved in this area in as short as time as possible," he said.

The GAO report said that more progress has been made by the Federal Prison System and the Law Enforcement Assistance Administration, but that minority representation in U.S. attorneys' offices decreased 6 percent to a total of 8 percent between late 1976 and March 31, 1978.

"They've got a long way to go," said Rep. Don Edwards, (D-Calif.), chairman of the House Judiciary subcommittee on constitutional and civil rights.

At a hearing on the matter, Edwards said that programs to bring women and minorities into the federal work force must be continued.

The GAO recommended that the Justice Department monitor recruiting and selection procedures more closely, develop methods for insuring equal opportunity in promotions, and modify its system for registering complaints.