

# Judge Curbs Lawyers for FBI Ex-Aides

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A federal judge issued a broad "protective order" yesterday barring lawyers for former acting FBI director L. Patrick Gray III and two co-defendants from making public national security documents unless they are allowed as evidence in their conspiracy trial.

Chief U.S. District Court Judge William B. Bryant also said in his eight-page order that witnesses in the case may be questioned only if their "trustworthiness" has been confirmed by the Justice Department and if they have signed a secrecy agreement.

The secrecy oath advises government employees they could be fired, prosecuted and subject to civil lawsuits if they make unauthorized disclosure of the hot highly sensitive classified documents.

Bryant's order, believed to be unprecedented in scope for a nonespionage case, was issued at the request of prosecutors seeking to protect national security secrets during the conspiracy trial scheduled for Jan. 22.

Gray's fellow defendants are Mark Felt, the FBI's former No. 3 man, and former bureau intelligence chief Edward S. Miller. They are charged with approving illegal break-ins, wiretaps and mail openings in a hunt for fugitive members of the radical Weather Underground in the early 1970s.

Their lawyers strenuously opposed the protective order on grounds it would deny them access to some documents and intimidate potential witnesses.

Bryant left open the critical question of what national security material, if any, he will rule admissible as evidence. Prosecutors say they could be forced to drop the case if large amounts of the material are allowed.

Bryant turned down one government request: that all questioning of witnesses about classified information be conducted in a vault with foot-thick walls at the Justice Department.

He ruled that prosecutors may delete material "that would tend to compromise pending investigations," that would identify people unrelated to the Weatherman organization or that would disclose intelligence sources and methods.

But he also rules that the government may not delete references "to any surreptitious entries, electronic surveillances or mail openings conducted by the FBI in its investigation of the Weatherman organization."

Bryant ordered defense lawyers to return all copies of uncensored grand jury transcripts in the case, following disclosure at a pretrial hearing that the documents are highly classified and never should have been provided to the defense in raw form.

The judge said the most highly classified Central Intelligence Agency documents should be made available to the defense, but only at the Justice Department vault.