

Trial of Ex-FBI Men Told Break-Ins Were Approved

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By Gregory Gordon
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J. Wallace LaPrade, who was dismissed two years ago as head of the FBI's New York office, testified yesterday that the bureau's top man approved break-ins at private dwellings in 1972 to investigate terrorism.

LaPrade appeared as a defense witness at the trial of former top FBI officials W. Mark Felt and Edward S. Miller, charged with approving break-ins to search for fugitive members of the militant Weather Underground in 1972 and 1973.

Felt and Miller, the bureau's former numbers 2 and 3 men, maintain they authorized the break-ins on authority from acting FBI director L. Patrick Gray as part of a national security hunt for suspected terrorist bombers.

Prosecutors contend that even with Gray's okay, the activities were illegal because a court warrant or approval from the attorney general is required for a so-called "black bag job."

LaPrade, now a private consultant, was fired in 1978 by Attorney General Griffin B. Bell after he publicly criticized the Justice Department for indicting Felt and Miller.

In their defense yesterday, LaPrade

said that in 1972, when he was in charge of the FBI's Newark office, he attended a conference in Washington where Gray talked about investigating terrorist activities.

"He [Gray] wanted the FBI to do everything because it was so important to the security of the country," LaPrade said.

He said an agent inquired if the FBI could resume using "traditional" investigative techniques such as break-ins. He said Gray told the agents, "Yes, we will."

LaPrade testified Gray told the agents to go ahead with "black bag jobs" and "do whatever is necessary."

But LaPrade also said Gray told agents, "Of course before you do this you will call in to get permission. You will not necessarily talk to me, but follow the chain of command."

LaPrade acknowledged he did not tell FBI investigators everything he knew about the case at two meetings in 1976 and 1977.

"There was information not allowed to be discussed that would have been embarrassing to the department and to the president of the United States," LaPrade said.

He later told reporters he was under orders from Attorney General Benjamin R. Civiletti to remain silent about the information, since it involved a domestic operation with foreign connections.

Daniel Ellsberg, who released the Pentagon Papers about the Vietnam war and became the target of Nixon administration "plumbers," sat in the courtroom briefly while LaPrade testified. His lawyer said Ellsberg was in Washington on an unrelated matter.

During their investigation of the Pentagon Papers leak, the plumbers broke into the office of Ellsberg's psychiatrist in Los Angeles in a fruitless effort to find damaging information about Ellsberg.