

Ex-FBI Official, on Stand, Defends Break-In Decision

By Gregory Gordon
United Press International

A calm and self-assured W. Mark Felt, formerly the No. 2 man at the FBI, told a federal jury yesterday he never conspired to commit civil rights violations in approving break-ins in the early 1970s.

After waiting 924 days since his 1978 indictment, Felt was called to testify in what could be the pivotal point of the 5½-week trial of the bureau's retired associate director and his co-defendant, Edward S. Miller, formerly chief of FBI intelligence.

"You are charged with conspiracy to violate the civil rights of persons. Did you do that?" defense attorney Brian Gettings Jr. asked.

"No," said Felt.

Felt and Miller are charged with approving break-ins at private homes in 1972 and 1973 in a hunt for fugitive members of the radical Weather Underground.

Tracing his 32-year FBI career, Felt said he approved surreptitious entries as early as 1954, while in Seattle, as part of the FBI's classified "Program C" — its program for break-ins at foreign embassies.

And he told the mostly black jury he had learned the FBI used break-ins to investigate the Ku Klux Klan in a case that "put the brakes on the operation of the Klan."

He said that although J. Edgar Hoover, then FBI director, ordered a halt to all break-ins in 1966, he felt Hoover did so mainly because he objected to "Program C" because it involved the FBI in the work of other intelligence agencies, was a risk to the nation and could be embarrassing if detected.

Felt, testifying before Chief U.S. Judge William Bryant, said Hoover's order was "not because he objected to surreptitious entries in our own cases."

Stressing the seriousness of terrorist bombings has been a major part of Felt and Miller's defense. In a book, and in public statements, Felt has contended he considered the Weather Underground, which claimed responsibility for 19 bombings, a threat to the country.

"I did what I thought was right," Felt told reporters at the outset of the trial. "And I think the jury might agree."

Prosecutors contend Felt and Miller gave their approval in the face of a Supreme Court ruling requiring court warrants for such break-ins, or at the minimum approval from the attorney general in foreign intelligence investigations.

They charge the warrantless break-ins amounted to a conspiracy to violate the civil rights of private citizens.

But defense lawyers have presented stacks of documents and testimony they say proves that leaders of the Weather Underground were encouraged by hostile foreign powers to carry out the bombings. They argue the probe is a legitimate national security investigation.

Felt also contends that laws and policies covering break-ins were murky in 1972 and 1973, and that such "black bag jobs" had been conducted by the FBI for years. He says prosecutors are trying to hold him and Miller accountable based on today's standards and reforms.