

FBI Wiretaps Defied Kleindienst Ban

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Former Attorney General Richard G. Kleindienst ordered the FBI in June, 1972, to stop wiretapping in domestic radical investigations—a practice that Justice Department sources now say continued in New York City for nearly a year after the order.

Kleindienst confirmed in a recent telephone interview that he had issued a written directive following a June 19, 1972, Supreme Court Decision banning such wiretaps conducted without a court warrant.

Kleindienst said that in addition to the written order, he told then acting FBI Director L. Patrick Gray III that wiretaps "and certainly any surreptitious entries were out. I'd been very emphatic with Gray about (wanting) no such thing."

Kleindienst said that later he specifically ordered certain domestic taps shut down.

Such matters are the subject of a current Justice Department investigation of FBI burglaries in New York City. A well-placed source said the Kleindienst directive to Gray is a key part in establishing that the burglaries were "the exclusive undertaking of the FBI without higher authority."

"It shoots down any attempt to show that this was what the President or the Attorney General wanted," the source said.

A defense being contemplated by some attorneys for FBI targets of the investigation is that their actions were ordered by superior officials. A U.S. Court of Appeals panel ruled here last May 17 that an accused burglar has a valid defense if he can show that he honestly believed the un-

lawful entry was authorized by a higher authority.

The current investigation has turned up evidence that the New York burglaries directed against the radical Weather Underground were in large part undertaken to install and service electronic surveillance devices, according to Justice Department sources.

Accordingly, the department may try to bring criminal charges under the felony wiretap law instead of the lesser misdemeanor civil rights statutes.

Former acting FBI Director Gray has denied authorizing burglaries or illegal wiretapping. Two other former senior FBI officials have publicly acknowledged approving a limited number of burglaries, but they have disavowed knowledge of wiretapping—

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now a focus of the Justice Department investigation.

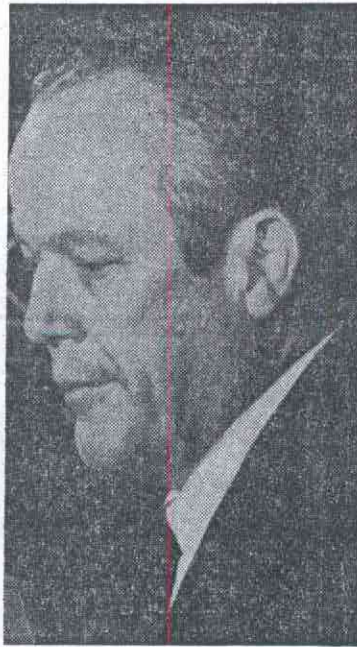
Meanwhile, a former FBI agent has given investigators a detailed account of the operation of a 30-man unit called Squad 47 in New York City. The Squad conducted the burglaries and wiretapping from 1970 to 1973 against the Weather Underground.

Squad 47 was one of about 50 squads that had offices in the FBI's New York City field office.

Donald W. Strickland, a former FBI agent who now practices law in Hartford, Conn., has provided details on at least 12 surreptitious entries conducted by Squad 47, according to Strickland's attorney, Thomas Parker.

"The purpose generally of the entries was to put in wiretaps and bugs," Parker said in a telephone interview. "This was what it was all about—electronic surveillance and my guy [Strickland] actually participated in several entries and monitored a wide [tap] for a while."

Government sources said that Strickland has been granted full immunity from prosecution by Assistant



RICHARD G. KLEINDIENST
... tells of issuing directive

Attorney General J. Stanley Pottinger, head of the Justice Department's Civil Rights Division and the person in charge of the current investigation into alleged FBI misconduct in New York.

Parker said Squad 47 members "sat around and decided whom to hit and how to do it. Strickland was just a foot soldier in this . . . He wrote a weekly report on the activities of Squad 47 and it was sent to Washington. It used veiled terms and source numbers instead of names but to anyone knowledgeable it was clear."

Parker said Strickland has knowledge only of burglaries and wiretaps involving Weather Underground investigations. All were conducted in New York City except for one that was done elsewhere in the state.

"These people had an unlimited budget and were singularly unsuccessful in apprehending any of the fugitives . . . His knowledge extends over a long period of time—from 1970, late 1970 to 1973 when he left.

"The underground was a big enough embarrassment to the FBI that they went full tilt to get them," Parker said, adding that each entry operation was complicated and took weeks of planning and involved about 12 FBI agents. "He [Strickland] was the actual entry man once or twice," Parker said.

There are about 18 Weather Underground fugitives now and were perhaps 30 in the early 1970s, according to an FBI official. The radical group, which went underground in early 1970, has taken credit for numerous bombings in the United States.

Sources in and out of government said there have been the following developments in the case:

- Allegations have been received that another FBI squad in New York City burglarized private residences in connection with FBI probes of the Black Panthers, a militant black political party, and the Vietnam Veterans

Against the War, an antiwar group active during the first Nixon administration.

- Investigators say they believe a senior FBI official lied to the current FBI director, Clarence M. Kelley, when he denied that the illegal burglaries continued in the 1970s after then FBI Director J. Edgar Hoover ordered them halted.

- Investigators have evidence that another former FBI man has committed perjury during the current probe.

Nearly 30 Justice Department attorneys and FBI agents are conducting the investigation and are taking evidence to grand juries here and in New York City. Yesterday W. Mark Felt, former No. 2 official under Gray, testified before the grand jury here.

Felt has publicly acknowledged that he personally authorized two or three New York burglaries. He has defended his action by citing the Weather Underground's terrorist activities and has denied that he knew the surreptitious entries were connected with wiretaps.

Felt has said he authorized the burglaries to obtain letters and notes from those suspected of knowing the whereabouts of the Weather Underground fugitives.

Edward S. Miller, former head of the FBI intelligence division, has also said he authorized burglaries in New York but has said he did so only after Gray approved the practice in August, 1972, well after the Kleindienst directive.

Kleindienst, noting Gray's denial of authorizing the practice, said "I don't believe Pat Gray did this . . . it would have been contrary to our discussions."