

File Destruction Seen No Reason to Dismiss Cases of Ex-FBI Aides

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The deliberate destruction of at least 47 FBI files dealing with allegedly illegal government surveillance against a radical left-wing group is not grounds for dismissing criminal charges against three former high FBI officials, the government said yesterday.

The Justice Department filed a statement in federal court here opposing a motion by former acting FBI director L. Patrick Gray III and top aides W. Mark Felt and Edward S. Miller to dismiss the indictment against them.

The department said it was "pure conjecture" for the defendants to contend that the destroyed documents contained information that would exonerate them.

It was disclosed last month that Robert Shackelford, a now-retired FBI section chief, destroyed at least 47 folders in 1976 that contained material relating to break-ins and other alleged illegal surveillance directed at the Weather Underground in the early 1970s.

Gray, Felt and Miller are to stand trial in January on charges they authorized the surveillance.

The defendants have said in court papers that missing FBI documents could show that break-ins against suspected radical groups were commonplace for 25 years and were condoned by 10 presidential administrations.