

# Fairfax City Chief Knew of CIA Break-in

6/19/75  
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Fairfax City Police Chief Leonard P. Kline acknowledged yesterday that he "had knowledge" in 1971 of a break-in at a private studio by Central Intelligence Agency and Fairfax City police officials.

Kline, who was deputy chief at the time of the incident, said he did not take part in the break-in itself but declined to say what role he played in the overall operation. "I did have knowledge," Kline said in a telephone interview. "I didn't go in that building."

According to federal and local investigators, Fairfax City policemen and CIA agents in 1971 broke into a Fairfax studio at night without a warrant to photograph some papers.

In its report last week on the CIA's domestic activities, the Rockefeller commission described the Fairfax City break-in as the only instance it had found "where local police actively participated in a CIA operation."

Cpl. Robert L. Fleck, a Fairfax City policeman, said Friday that former Fairfax City Police Chief Murray Kutner had entered the studio along with CIA agents in February, 1971. Fleck said he had been posted as a lookout at a nearby gas station, while the break-in took place.

In a telephone interview yesterday, Kutner, who retired on Jan. 3 and was suc-



ROBERT F. HORAN JR.  
... disputes commission

ceeded by Kline, declined to discuss the incident. "Bigger people than me can talk. There were [federal] government people—let them talk," Kutner said.

In another development, Fairfax Commonwealth's Attorney Robert F. Horan Jr., who is investigating the break-in, said in interviews Friday night and yesterday that one point in the Rockefeller commission's brief account of the incident was "wrong" and "untrue."

The commission reported that three Fairfax City policemen accompanied CIA agents who entered the building. Horan said his investigation so far showed that only two Fairfax City policemen—and possibly only one—broke into the studio along with CIA men. He declined to name the second policeman, in addition to former Chief Kutner.

Horan was apparently the

first government investigator to dispute the accuracy of a factual point in the Rockefeller commission report.

Peter R. Clapper, the commission's public affairs officer, said yesterday that the commission's account of the Fairfax City incident was based on "an interview." The commission's staff still considers its account accurate, he said, despite Horan's disagreement. Clapper declined to name the person interviewed about the operation.

The break-in apparently occurred at a photo studio at 10419 Main St. in Fairfax City, then known as Roland Studio. The photo business was run by Orlando Nunez, a former official of the Castro government in Cuba, and Deborah Fitzgerald, a former part-time CIA employee. The two, who have since married and now own another film business in the District of Columbia, say they did not know of the reported break-in at their former studio until last week.

In his account Friday, Cpl. Fleck said he had seen Kline, then deputy police chief, at Fairfax City police headquarters at 11 p.m. on the night of the break-in. Under questioning, Fleck described this as unusual. Kline did not dispute Fleck's statement but declined to elaborate on it yesterday.

Commonwealth's Attorney Horan is scheduled to discuss his investigation of the break-in during an executive, or closed, session of the Fairfax City Council Tuesday evening. Horan said there was a "possibility" he may obtain a deposition, or sworn statement, about the incident from Kline as part of his investigation.