

Break-Ins, Bugging Said

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Published reports, trial records and allegations by persons who believe they were the targets of government spying indicate that domestic intelligence activities, of the kind President Nixon says he approved and then abandoned in July, 1970, have been used against radical groups since that time.

Break-ins and electronic surveillance involving radicals, antiwar activists and foreign diplomats, and infiltration of New Left organizations such as the Weathermen and Black Panthers—all were key elements in the proposed spy plan.

Mr. Nixon has said he himself approved the plan, but it never became operative because of objections from the FBI director, J. Edgar Hoover. Mr. Nixon's approval came despite warnings from Tom Charles Huston, in background memos on the plan, that the break-in part of the plan was "clearly illegal." Huston headed the White House's domestic intelligence planning at the time.

Many radical and antiwar activists who were to be the chief targets of the plan, said last week that there was no question that this plan or a similar plan was implemented and that widespread spying and harassment were undertaken against them

in a highly successful effort to disrupt the New Left.

The administration has denied that the spy plan ever went into effect.

To one degree or another the public record of trials involving radicals and antiwar activists contains instances in which government or quasigovernmental agents have used break-ins, electronic surveillance and infiltration as spying methods since July, 1970.

In addition to the public record, Senate investigators and federal grand juries are looking into other instances in which break-ins were perpetuated against activists and diplomats, by persons who may not have been ordinary burglars.

to Fit Rejected Spy Plan

In many of these instances, proof is lacking that the government or private agents working for government officials were involved. In others, the proof is on the public record.

Starting with the case from which many of the current revelations and allegations concerning domestic spying flow, here is a partial list of cases that fit the guidelines for the plan the President says was rejected in 1970:

- The most famous break-in of 1972, or perhaps any other year—the Watergate. One break-in occurred Memorial Day weekend, 1972. Electronic bugging devices were placed on two telephones at Democratic National Committee

headquarters. Documents were photographed.

The second, and decisive, break-in at the Watergate occurred June 17. Arrests were made and five men pleaded guilty and two others were convicted of the affair, which since has ballooned into the political scandal of the century because of charges that the operation was directed from the White House.

- The break-in at the office of the psychiatrist of Dr. Daniel Ellsberg on Sept. 3, 1971. One of the burglars has since said that documents were photographed there. Ellsberg accused of stealing the Pentagon Papers, succeeded in having the charges against him

dismissed after the break-in was disclosed at his trial in May. This break-in was directed by some of the same men who directed the Watergate operation.

- A break-in at the Chilean Embassy here on the weekend of May 13-14, 1972. Valuable office equipment and cash were left untouched. Burglars went to offices of the ambassador

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Herbert W. Kalmbach, the President's former personal attorney, reportedly has agreed to testify that John Ehrlichman directed him to raise money to pay for the Watergate conspirators' silence. Details Page A7.

OPERATION, From A1

and first secretary where they searched through political files.

Senate investigators suspect the intruders may have photographed documents in the embassy. John W. Dean III, then White House chief counsel, reportedly told Lt. Gen. Vernon A. Walters, the CIA deputy director, last June that he believed one of the Watergate defendants also may have been involved in the embassy break-in. This disclosure came in a memo written by Walters.

- The New York residence of Humberto Diaz-Casanueva, Chilean delegate to the United Nations, was broken into on April 5, 1971. He reported to police that small items—a pair of boots, a hair-dryer — had been stolen and that his private papers had been rifled.

- Javier Urrutia, head of the Chilean Development Corp. and an economic adviser to Chilean President Salvador Allende, reported his apartment had been broken into April 11, 1971. He reported a pistol stolen but a fur coat in the closet left untouched. And, again, government papers in his possession were rifled.

- The residence of Victor Rioseco, economic counselor for the Chilean U.N. mission, was broken into on Feb. 10, 1972. Again, papers were disturbed and this time valuable items—a radio and television set—were taken.

Both Urrutia and Diaz-Casanueva were then involved in negotiations with American businessmen and government officials in connection with Chilean government plans to take over American-owned concerns in Chile. Chilean officials reportedly view the break-ins as anything but routine.

Also, in testimony before the Senate select committee on the Watergate last month, Watergate conspirator James W. McCord Jr. contended that he knew that telephones at the Chilean Embassy here, as well as the Israeli Embassy, were tapped by the government.

- At least two defense lawyers and one defendant in the Seattle 7 case reported break-ins just before, during and after the Decem-

ber, 1970, trial. The Seattle 7 were accused of conspiring to destroy federal property and of rioting in connection with a 1971 protest rally at the Seattle federal courthouse.

In all cases, legal papers and related documents were stolen, but other valuable items were left untouched.

The case also involved testimony by an FBI informer who claimed to have infiltrated the Weathermen in Seattle, as well as the filing of an affidavit by another person who said he served as an infiltrator during the trial itself and stole documents from the defendants and their lawyers.

- Published reports that investigators are looking into allegations that Nixon administration operatives planned to break into the Brookings Institution, a Washington think tank, to look for information on Morton Halperin.

Halperin, former National Security Council staff member, went to work at Brookings after leaving NSC in late 1969. Halperin supervised compilation of the Pentagon Papers and was a defense witness at the Ellsberg trial. Halperin also was one of 10 White House staff members whose phones were reportedly tapped in connection with security leaks.

- Published reports that Senate investigators have been told by high administration officials that government operatives committed burglaries in connection with the prosecution of the Seattle 7, Chicago Weather People, Detroit 13 and the Philip Berrigan cases.

- An affidavit by Carol Scott, an attorney for members of Vietnam Veterans Against the War, that papers on one of her clients, Scott Camil, were stolen and other of her papers were rifled on July 8, 1972. The Miami state's attorney's office is investigating the break-in. Camil is one of seven VVAW members charged with conspiracy to commit violence at the 1972 Republican convention.

- Gerald Lefcourt, attorney for many activists, has reported his offices were burned and burglarized several times between 1970 and 1972. He is one of the lawyers in The Detroit 13 case.

Last week the federal

judge in that trial ordered that the prosecution require all governmental agencies and White House investigators of any type to report to the court whether illegal burglaries, sabotage, electronic surveillance or agents provocateurs were used against those accused in the case.

In addition to this, some newsmen and persons associated with antiwar and radical organizations say they

can recall any number of instances in which the houses of reporters or offices of radicals or their lawyers were broken into in the last few years. Because break-ins are frequent in big cities, it was usually difficult to say whether most of these were anything but ordinary burglaries.

Example of these include: include:

- An April, 1972, break-in at the Georgetown home of Dan Rather, the CBS television news reporter. Rather had been accused earlier that year of bias in his reporting by John D. Ehrlichman, then President Nixon's top domestic aide. The break-in came at a time when Rather and his entire family were to have been in Florida where Rather was covering Mr. Nixon at Key Biscayne. Nothing was stolen but Rather's files in the basement were rifled.

- A published report that Watergate conspirator's G. Gordon Liddy and E. Howard Hunt Jr. are being investigated by the FBI to determine whether they broke into the NAACP Legal Defense Fund office in New York, a few days after the break-in at the office of Ellsberg's psychiatrist.

Throughout the Nixon administration's first term, then Attorney General John N. Mitchell had maintained publicly that the government had the right to tap the telephones of domestic radicals without a court order. The Supreme Court ruled against this position on June 19, 1972, two days after the Watergate arrests.

- Mitchell, on June 11, 1971, said in a speech to the Virginia Bar Association that "never in our history has this country been confronted with so many revolutionary elements deter-

mined to destroy by force the government and society it stands for." He claimed that U.S. radicals are "in many instances directly connected with foreign interests."

President Nixon sounded the same theme in his May 22 statement, detailing what he contended was the necessity for increasing domestic intelligence gathering against militant groups.

"In the spring and summer of 1970," Mr. Nixon said, "another security problem reached critical proportions. In March, a wave of bombings and explosions struck college campuses and cities. There were 400 bomb threats in one 24-hour period in New York City. Rioting and violence on college campuses reached a new peak after the Cambodian operation and the tragedies at Kent State and Jackson State.

"The 1969-70 school year brought nearly 1,800 campus demonstrations and nearly 250 cases of arson on campus. Many colleges closed. Gun battles between guerrilla-style groups and police were taking place. Some of the disruptive activities were receiving foreign support."

Neither Mitchell nor Nixon has offered any proof for the claim that radical groups were receiving foreign support. Published reports have quoted CIA officials as saying they found no evidence of foreign support for the groups.

But it was in context of violence, Mr. Nixon stated on May 22, that the proposed plan to increase domestic spying came forth, only to be rejected by FBI Chief Hoover. The President has yet to state what, if anything, was put in its place to cope with that security problem of "critical proportions." (Hoover didn't comment on such a plan publicly before his death last year.)

Newsweek magazine reported last week that Senate investigators believe that "a very, very narrow group of White House and Justice Department officials" operated outside normal law enforcement channels to monitor the left and gather information with which to prosecute radicals.

Robert C. Mardian, for-

mer head of the Justice Department's Internal Security Division, appears to have been a figure in the operation, the magazine reported.

The President has publicly said that the so-called White House "plumbers" were formed in the summer of 1971 to help locate the source of sensitive security leaks to the press, with special emphasis on the just-published Pentagon Papers. Watergate conspirators Hunt and Liddy were part of the "plumbers" operation.

The President said that the "plumbers" were not authorized to commit break-ins—even though he himself had approved using break-ins in the domestic spy program just one year earlier.

According to public testimony from Watergate conspirator McCord Jr., there were also plans by some of the Watergate conspirators—including "plumbers" Hunt and Liddy—to bug the headquarters of Sen. George McGovern (D-S.D.), the Democratic presidential

nominee last year, as well as to burglarize the offices of Las Vegas publisher Hank Greenspun. McCord said he believed the latter burglary was to be performed to help recluse billionaire Howard Hughes.

The Watergate trial and its aftermath also opened the way for many disclosures showing that not only radicals, but newsmen and administration officials also were spied on.

Acting FBI Director William D. Ruckelshaus, in a statement later confirmed by a White House spokesman, said last month that 13 government officials and four reporters had their telephones tapped between May, 1969, and February, 1971. The White House spokesman later said that Mr. Nixon had personally authorized the wiretaps in an effort to stop news leaks in matters he considered involved national security.

There also have been published reports stating that even before the proposed 1970 plan, top White House aide John D. Ehrlichman authorized a series of espionage missions conducted outside regular law enforcement channels. Two of these missions involved wiretaps, including one installed early

in 1969 by breaking into the Georgetown home of syndicated columnist Joseph Kraft. The target of the other wiretap was not disclosed in the published reports.

Watergate conspirator Liddy, according to Ehrlichman's deposition in a civil suit arising from the Watergate affair, replaced John J. Caulfield in the White House. Caulfield and Anthony T. Ulasewicz reportedly coordinated the espionage missions in the White House for Ehrlichman before Liddy arrived, according to published reports.

Mardian took over as head of the Justice Department's Internal Security Division in late 1970 and according to published reports, made investigating radicals his top priority.

A key element in the radical-hunting operation was the grand jury. Grand juries were convened in several cities and dozens of radical and antiwar activists were summoned to testify.

According to many of those who testified, the prosecutors seemed to be attempting to build dossiers on activists and their associates and their living and traveling patterns.

The grand jury network, according to numerous published accounts, was directed by Justice Department attorney Guy Goodwin. See Trial

Radicals, antiwar activists, civil libertarians and many liberals have contended that the grand jury operation has been an unconstitutional fishing expedition, designed to strike fear into the radical and antiwar movement and to stifle dissent, rather than to uncover criminal acts.

While grand juries were operating in several cities, court records in several cases show that many activist groups were being infiltrated by government agents and were subjects of phone taps. Many attorneys and their activist clients also now believe that many of the break-ins that occurred at their offices and houses over the last few years were performed by government agents—although they have no specific proof.

In many of the publicized

trials of activists in the last few years, infiltrators have played a key role in testifying against the defendants. This was true in the trials of the Camden 28, and the Harrisburg 7—Phillip Berrigan and six others—accused of conspiring to kidnap President Nixon's national security adviser, Henry A. Kissinger.

Seventeen of the 28 who were recently on trial for the Camden draft board raids were acquitted, as were the Harrisburg 7.

In both cases, news accounts said the informers' testimony was a key factor in bringing about the acquittals. In the Camden 28 trial, the informer was accused by the defense of having tried to goad antiwar activists into more militant, destructive positions. FBI informer Robert W. Hardy testified

that the raid would not have taken place "without the FBI and me."

The Seattle 7 trial is a case study in government spying—part of it acknowledged by the government, part alleged by a self-acknowledged spy.

The Seattle 7—one woman and six men—were accused of conspiring to destroy federal property in connection with a protest rally over the Chicago 7 trial at the Seattle federal courthouse on Feb. 17, 1970. Five were also accused of attempting to incite a riot. None of the seven were arrested at the courthouse on the day of the demonstration, which resulted in \$30,000 in property

damage and clashes between demonstrators and police.

During the trial, in December, 1970, the government relied heavily on the testimony of Horace L. (Red) Parker, who claimed to have infiltrated the Seattle Weathermen, the militant offshoot of Students for a Democratic Society.

Parker testified that in order to keep his cover and maintain credibility with Seattle activists, he had committed provocative acts or suggested certain courses of militant action—some of which he admitted were illegal.

One of the defendants, Michael Lerner, twice informed Judge George F. Boldt, of the U.S. District Court, during the trial that his house had been broken into and legal papers had been taken, the trial transcript shows. Lerner blamed the FBI for the break-ins. (Boldt later headed the Pay Board for President Nixon.)

Attorney George Vradenburg, who was staying in the house with Lerner, confirmed last week that legal papers had been taken. Vradenburg explained that the other defendants, except for Lerner and Charles C. (Chip) Marshall III, all had their own lawyers, and so Lerner kept his own legal papers at home.

Two of the defense attorneys in the case, Lee Holley and Carl Maxey, told The Washington Post last week that their offices also had been broken into. Holley said two break-ins occurred at his office just before the trial, while Maxey said one took place at his office 18

months ago. The break-in at Maxey's office was reported to the police, but Holley said he did not report the break-ins at his office because "I couldn't be sure anything was taken. We had many copies of the same legal papers."

Maxey said he realized just last week that an affidavit, given to him by an acknowledged FBI informer a few months after the trial, was missing. The affidavit, which was filed with the court, was signed by Richard Sannes.

In it, Maxey said, Sannes contended that he volunteered during the trial to infiltrate the Seattle 7 for the FBI, and that he provided information to the FBI and stole documents. The FBI denied this. Maxey said he gave Sannes a lie detector test at the time and that Sannes passed. Sannes could not be reached.

Lerner, in a telephone interview last week, said that the effect of the trial and government spying on radical groups "was to create a climate of suspicion and fear." Because many radical leaders were tied up in the trial and a later grand jury investigation, "others were reluctant to assume leadership" for fear they, too, would be investigated and indicted for organizing protest demonstrations, he said.

Radical groups, which had been open in recruiting new members, "began to turn off a lot of potential members because of their secrecy and paranoia over being infiltrated—even though the paranoia was justified."

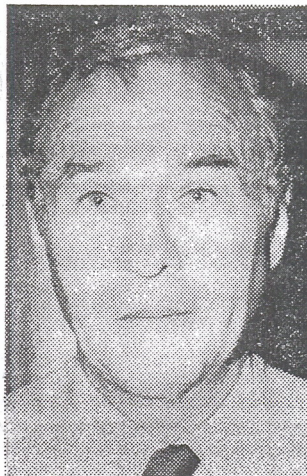
The result, Lerner said,



CAROL W. SCOTT
... papers stolen



JOSEPH KRAFT
... home bugged



HANK GREENSPUN
... target of plan



DANIEL ELLSBERG
... freed of break-in

was the "total weakening of the left" in Seattle. After the trial, Judge Boldt accused three of the lawyers—Michael Tigar, Jeffrey Steinborn and Holley—of refusing to stop their clients from committing "misconduct" during the trial.

Holley said he was almost disbarred as a result of the judge's statement and says he will no longer handle cases involving radicals

"because of my experience in this case."

During the Seattle 7 trial, Parker acknowledged receiving about \$7,200 in salary and expense money for his spying work for the FBI between July, 1969, and December, 1970.

He also testified that he volunteered to buy dynamite for a Seattle radical; gave shooting lessons on three occasions to would-be "urban guerrillas"; provided paint to be splashed on the wall during a demonstration; used FBI funds to buy drugs—including LSD, methedrine and cocaine—for himself and others; received \$20 from the FBI to print militant stickers with the slogan, "Stop the Pig, serve the people," printed on them; recruited members into the Weathermen; suggested on one occasion that a police informer should be "ripped off" (killed), and told potential Weathermen members about "the necessity for armed struggle, violence."

All this was done, he testified, in order to maintain his credibility with the Weathermen. He said the FBI was always aware of what he was doing.

The FBI has consistently maintained that it tells its infiltrators to do what is necessary to maintain their cover, but that violence or inciting to violence is not permitted. Still, it has come up in several trials that FBI infiltrators allegedly prodded people to commit illegal acts.

One of the Seattle 7 defendants, Marshall, who served as his own lawyer, asked Parker at one point in cross-examination:

"Have you ever encouraged people, anyone, since you have become part of the FBI, to violate a law; yes or no?"

Parker answered, "Yes." Marshall then asked, "... has the FBI told you to do this?" And Parker answered: "They gave me some direction."

Marshall pressed on, asking: "It's very important to you that people like us be brought to justice, isn't that correct? I mean you feel very strongly that we are bad people and should be brought to justice?" Parker answered: "That's one way of putting it."

Marshall asked Parker if he would go to "almost any length to bring us to justice." Parker said: "Yes, any length." And Marshall asked: "Any length, and for months and months you took people—who thought perhaps that you were their friend, and you were willing to lie to them in order to get us, is that correct?"

Parker responded: "That is absolutely correct."

Finally, Marshall asked: "You were willing to lie to get us?" Marshall answered: "Yes."

A mistrial was declared. The defendants all received contempt of court sentences of up to six months. The government earlier this year decided not to retry the case and dropped the charges.

Parker's testimony, in which he acknowledged that he had often advocated violence in the course of his undercover work, fits in with allegations made in published reports about another alleged FBI informer, Larry D. Grantwohl.

Grantwohl was charged in

June, 1970, in Detroit with conspiring to bomb police and military installations in Detroit and other cities. The case defendants came to be known as "The Detroit 13"—after the charges against Grantwohl were dropped. Grantwohl reportedly provided the grand jury with the information that led to the indictments.

Grantwohl's father-in-law, Donald Riestenberg, has acknowledged that Grantwohl had infiltrated the Weathermen for the FBI. He said Grantwohl was in New York on March 6, 1970 when two Weather People, Diane Oughton and Theodore Gold, were killed when a Greenwich Village town house blew up. The building allegedly was a Weatherman bomb factory.

Grantwohl also reportedly provided a tip that led to the April, 1970, arrests in New York of two fugitive Weather People, Linda Evans and Dianne Donghi.

During the last few years, the federal government on several occasions refused to turn over wiretapping records for inspection by the defense in several celebrated cases, with the result that the judge ordered the indictments dismissed.

One case involved Black Panther leader David Hilliard, who was charged with threatening the life of President Nixon.

In many other cases that were prosecuted, the government acknowledged using wiretaps. These included defendants in the Harrisburg 7 case and defendants Bradford Lyttle and Abbie Hoffman in cases growing out of the May 1, 1971, "Mayday" arrests.

And in recent weeks, some members of Congress have alleged that mail of Democratic presidential candidates in 1972 had been opened, Xeroxed and placed in Nixon campaign headquarters. Mail intercepts were another part of the domestic security plan supposedly rejected by Mr. Nixon in 1970.