

Top Officials May Be Blamed for FBI Break-Ins

Washington

Lawyers defending FBI agents who may be indicted for burglary hope to prove that extra legal intelligence methods were authorized at the highest levels of the Justice Department, attorney Edward P. Morgan said yesterday.

Morgan, who was hired by the Society of Former FBI Agents to coordinate the defense of agents caught up in the widening probe of break-ins to obtain evidence, said ultimate responsibility seems to reach as high as several former attorney generals.

"We may very well find that the authorization goes into the Department of Justice, to the attorney general and perhaps to members of certain congressional committees," Morgan said.

"It would not be an uncomplicated trial," he added. "All the facts would have to hang out."

Morgan declined to name the attorney generals he believes authorized extralegal intelligence techniques. But Nicholas de B. Katzenbach, Ramsey Clark and John N. Mitchell headed the Justice Department during the period under investigation.

Morgan said defense lawyers could force the FBI and the Justice Department to divulge all records relating to FBI burglaries to obtain information.

Court rules permit defendants in criminal cases to obtain all relevant records that might be in the hands of the prosecution. In this case, all FBI files relating to break-ins would be covered and presumably would have to be made available.

The Justice Department has acknowledged it is investigating burglaries — "black bag jobs" in the bureau's argot — that have been committed by FBI agents since 1966 when then director J. Edgar Hoover called a stop to the illegal procedure.

FBI Director Clarence M. Kelley has said there have been "a limited number" of break-ins since 1966.

Morgan said defense strategy would be based on an opinion of the U.S. Court of Appeals in the District of Columbia which last May reversed the convictions of Watergate figures Bernard L. Barker and Eugenio R. Martinez for the break-in at the office of Los Angeles psychiatrist Louis J. Fielding.

The court held that although the burglary to obtain information about Daniel Ellsberg was illegal, Barker and Martinez were blame-

8 Rhodesians Killed by Mine

Salisbury, Rhodesia

The government said yesterday that eight black Rhodesians have been killed in the worst land mine incident since the black guerrilla war against the country's white rulers began in December, 1972.

The victims, including newborn twins, were on a seven-ton truck that hit the mine on a narrow dirt road in the Ngarwe tribal trust area about 12 miles from the Mozambique border, an official announcement said.

Associated Press

less because they believed the action had been properly authorized by government officials.

Morgan said "street-level" FBI agents would be in the same position as Barker and Martinez, if they obeyed instructions to break into a home or office to obtain information.

Sources familiar with the probe say a federal grand jury in New York may be asked next month to begin considering indictments against present and former agents. The sources report the investigation is centered in New York, but might spread into other communities.

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