

Nixon '70 I

A BROAD PROGRAM

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Panthers, Saboteurs Targets — Hoover Opposed the Plan

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WASHINGTON, May 23—

The White House urged the Federal Bureau of Investigation in 1970 to mount a massive counterinsurgency program, involving spying, wire-tapping and burglaries, against the Black Panthers, potential Arab saboteurs, antiwar radicals and Soviet espionage agents, well-placed sources said today.

President Nixon briefly described the program in his statement yesterday and noted then that it had never been put into effect because of opposition by the late J. Edgar Hoover, then the director of the F.B.I. Extensive details about the project were provided to The New York Times today.

The program was outlined in a secret report on domestic intelligence prepared in July, 1970, and approved by Mr. Nixon, his top White House aides and the chief officers of the Central Intelligence Agency, the Defense Intelligence Agency and the National Security Agency.

Dean Took Documents

The report was among a series of classified documents that were put in a safe deposit box by John D. Dean 3d, the former White House counsel, and released last week by a Federal judge to the Senate select Committee on Presidential Campaign Activities and other Congressional committees now investigating the role of the C.I.A. in the burglary of the Democratic National Committee's headquarters at the Watergate office complex last June.

The White House has insisted that the documents are related to national security. They have not been made public.

The Nixon Administration repeatedly expressed its concern over the Black Panthers and the radical movement, and the Government is known to have infiltrated many such groups long before Mr. Nixon became President. But the details obtained by The Times today are the clearest indication to date of the depth of the Nixon Administration's concern over the problem of dissident groups and its plans to deal with them.

One high-level source who worked on the 1970 report said in a telephone interview that "the facts we had available in this country then showed that we were faced with one of the most serious domestic crises

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that we've had."

"One of our greatest problems," the official added, "was that the informed public didn't understand it."

In his statement, Mr. Nixon suggested that the domestic program had been necessitated by deteriorating liaison between the F.B.I. and other intelligence agencies. He also said that the task of maintaining domestic security had been seriously hampered by the F.B.I.'s decision in 1966 to suspend "certain types of F.B.I. undercover operations." He did not elaborate.

The sources said, however, that Mr. Hoover opposed the project solely because Mr. Nixon would not grant him authority in writing for the use of F.B.I. agents in illegal wire-taps and illegal breaking-and-entering operations.

Those kinds of F.B.I. activities, the sources said, had been ruled out by Attorney General Nicholas deB. Katzenbach and Ramsey Clark in 1965 and 1966.

The sources also revealed that F.B.I. agents had been engaging in burglaries and illegal forced entries since 1941 as part of a highly classified domestic intelligence operation. "We'd been doing burglaries for years," a former high-ranking F.B.I. official said. "we did them regularly — as a matter of policy."

A high-level source who was involved in the preparation of the 1970 report confirmed that it called for breaking-and-entering operations on American citizens as well as burglaries of foreign embassies.

In addition, he said, the F.B.I. and National Security Agency, which handles most of the United States' electronic eavesdropping, were to monitor foreign embassies in the United

M'Cord Hears His
Former Lawyer Disp
Testimony and Also
Imply He Sought to
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States to ferret out information about potential disorders.

In his statement yesterday, Mr. Nixon said that Mr. Hoover had been directed to be chairman of the Inter-Agency Committee on Domestic Disorder. The President said this about the report:

"On June 25, the committee submitted a report which included specific options for expanded intelligence operations, and on July 23 the agencies were notified by memorandum of the options approved. The options initially approved had included resumption of certain intelligence operations which had been suspended in 1966. These in turn had included authorization for surreptitious entry — breaking and entering, in effect — on specified categories of targets in specified situations related to national security."

In a news briefing after the President's statement was released yesterday, J. Fred Buzhardt Jr., a special counsel to Mr. Nixon, refused to say whether the report authorized breaking and entering in domestic security cases. "I would not address it further for the simple cases. I would not address it further for the simple reason it is a classified document," he said.

Past Proposals Cited

Leonard Garment, the White House counsel, who also attended the press briefing, subsequently described the illegal entry recommendations as similar to those that had been "utilized on a clandestine basis, with the approval of Chief Executives, for many years."

One official who worked on the report described the most serious issue facing the Nixon Administration in mid-1970 as "the black problem."

He said intelligence indicated that Black Panther leaders were being covertly supported by some countries in the Caribbean and in North Africa. Some Government officials also believed, he said, that Algeria, which was vocal in its support of the Black Panthers in the United States, might become a main overseas base for the Panthers.

Another factor that concerned domestic White House advisers, the source said, was what he termed "the vigilante police action" by the Chicago police in the 1969 shooting of Fred Hampton, a Black Panther leader from Chicago. The apparently unjustified police shooting, he said, prompted many moderate black leaders to voice their support for the Panthers "and made it harder for blacks to understand that these guys [the Panthers] were thugs and murderers."

"They had a free lunch program going," the source added, "where they were teaching kids how to kill whitey."

A Justice Department source who also was familiar with the 1970 report, which was prepared with the aid of Tom C. Huston, an aide to H. R. Halde- man, the former White House chief of staff, expressed concern about the activities of Eldridge Cleaver, the Panther leader who eventually fled to Algeria.

"He had a lot of money," the officials said, "and we weren't able to find out who was financing him. We suspected the Arabs were involved."

This official complained that Mr. Hoover's decision to limit domestic intelligence operations as of 1966 had severely hampered the F.B.I.'s ability to penetrate radical black groups and other organizations. "Here is an agency [the F.B.I.]," the source said, "which has millions of dollars going into it— huge appropriations—and we did not know that there were going to be racial riots."

"The White House got very upset after learning about some of these riots from the newspapers," the official said. "The White House then felt, 'My God, we've got to do something about this.'"

Both sources said that the second major area of concern, as expressed in the report, was the possibility of Arab sabotage before the Middle East talks at the United Nations in the late summer of 1970.

Those talks, initiated by Dr. Gunnar V. Jarring, who was then and still is a United Nations special representative for the Middle East, were scheduled to begin on Aug. 26, 1970. Palestinian radicals had been opposed to such negotiations.

Sources familiar with the 1970 report said the United States had received intelligence indicating that Arab money was flowing to students in the United States who were serving as intelligence agents.

"It was a serious problem," a Justice Department official said, "and we couldn't do anything about it. They were pushing the Arab position and trying to gather information that was to be used against Israel."

Disguised as Students

The spies "came in as students," the official added. "That was their cover," he said, noting that the State Department eventually cut down on the number of visas granted to such students.

"All these—things going on and we were powerless," he continued, referring to Mr. Hoover's decision to curtail illegal operations in 1966.

Specifically, another source said, the White House believed that Arab commandos were attempting to penetrate the United States before the peace talks in order to conduct sabotage and assassinations.

White House officials were described as being so frustrated by the inability of the F.B.I. to penetrate the Arab operations that Mr. Garment, then an adviser to President Nixon for civil rights, cultural and Jewish affairs, was urged to contact the Jewish intelligence community—and ask them about the threat.

"Here we were," one former White House official said caustically, "on the eve of Mideast talks with information that the Fedayeen [Arab commandos] was going to start killing leaders in the Jewish community and we had to ask the Israelis about it."

The peace efforts, which were unproductive, took place without incident and there were no known attacks on Jewish leaders in the United States.

The sources said that the increase in radical activities and in the number of Soviet agents operating inside the United States was attributed by White House officials to the lack of effective F.B.I. domestic intelligence operations.

"Back in 1966," one source said, "we used to conduct entry operations into radicals' headquarters and—if you thought they had a bomb factory—you tried to find out what kind they were making." He added, "We penetrated anywhere we felt there were revolutionary activities going on."

Another source noted that the clandestine F.B.I. activities were conducted under a number of classified code names. He said that Mr. Hoover's 1966 decision to curtail illegal entry operations also cut off a number of other clandestine operations. These included, he said, the use of mail covers, a program by which F.B.I. agents would get from the Post Office a list of persons writing to suspects, and another project that involved the analysis of handwriting of immigrants to the United States in an effort to determine whether they had been educated in Soviet schools, and thus could be potential spies.

"He wiped out the whole domestic security system," the source said of Mr. Hoover.

Mr. Hoover's decision to curtail such activities apparently was well-known throughout the intelligence community. In grand jury testimony last month, E. Howard Hunt, a Watergate participant and former C.I.A. agent who also took part in the 1971 burglary of the office of Dr. Daniel Ellsberg's psychiatrist, noted that the F.B.I. had not been called upon to handle the burglary. The reason, he said, was that "in the last five or six years, under Mr. Hoover's aegis, the Federal Bureau of Investigation had ceased training its agents."

Hunt added: "The cadre that the bureau used to maintain for the type of operation was no longer in existence. It had dwindled away. The agents had been reassigned or lost their skills."

In a telephone interview today, Mr. Clark, who became acting Attorney General in late 1966, recalled that at that time he had refused the F.B.I. permission to conduct an entry operation into the offices of a foreign government in New York City.

"They wanted information that was in the office," Mr. Clark said, "but I said it would be a violation of the Constitution and Federal law and that it would utterly destroy their ability to prosecute."

During the mid-nineteen-sixties, the Supreme Court had been narrowing the scope of F.B.I. activity that could be justified on grounds of national security. The Court specifically ordered the Justice Department in 1965 to determine on whose authority an illegal wiretap had been placed by F.B.I. agents then investigating the Bobby Baker case.

One source recalled that an extensive search of Justice Department files produced a 1954 memorandum to Mr. Hoover by then Attorney General Herbert Brownell Jr., granting the F.B.I. director the right to determine when national security wiretaps could be implanted.

After a review led by Mr. Katzenbach, who was Attorney General in 1965, the F.B.I. was ordered to seek higher approval before any wiretaps were authorized.