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**Break-In by F.B.I. Alleged Before 1969 Inauguration**

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WASHINGTON, May 30—Agents of the Federal Bureau of Investigation broke into the offices of a radical newspaper in Washington without a search warrant shortly before President Nixon's inauguration in 1969 in an attempt to find evidence of overseas Communist influence, two former Army intelligence operatives said today.

The former Army men said that their unit, the 116th Military Intelligence Detachment, had participated in the raid of the Washington Free Press at the request of the F.B.I. agents.

#### Clark Directive Cited

The raid took place, they said, at a time when there was official concern over a series of "counter-inaugural" activities, including a ball, that were being planned by antiwar groups.

"I knew it was illegal," said J. John Wagner, a former intelligence sergeant. "They went in through a second story window at night without a search warrant."

Mr. Wagner, 30 years old, explained that he did not directly participate in the break-in against the supplemental newspaper himself. He was fully informed of the operation nonetheless, he said, because he was one of seven Army

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agents assigned the next morning to process the stolen material for intelligence data.

Two or three F.B.I. agents from the Washington field office took part in the clandestine mission, Mr. Wagner said, along with one enlisted man from the intelligence detachment and a civilian intelligence supervisor assigned to the unit.

The break-in came more than two years after Ramsey Clark, then the acting Attorney General, ordered an end to all such Federal Bureau of Investigation operations, which were initiated in 1941, on the ground that they were unconstitutional and in violation of Federal law.

A bureau spokesman said that such activity, "if it did take place," would be illegal because of Mr. Clark's directive, which was officially promulgated by J. Edgar Hoover, then the director of the F.B.I.

One of the late Mr. Hoover's

former associates said in a telephone interview. "If it was done, it was done without his knowledge. I can't conceive of anyone doing anything like that after being told not to by Mr. Hoover."

Another former high-ranking bureau official noted in a subsequent interview, however, that the order to stop all breaking and entering operations was a frustrating one for many field-level agents, who believed they were being denied a basic tool of intelligence.

"The boys were doing some of the things they did without his knowledge," the former official declared in a reference to continued entry operations. "They just felt they had to do something."

#### Panel Expanding Inquiry

The Senate Watergate Committee is known to be expanding the scope of its investigation into the domestic intelligence activities of the Justice Department during the Nixon Administration. However, the preinaugural break-in in 1969 is the first such activity to be reported under the Johnson Administration after Mr. Clarke's 1966 ruling.

One focal point for the committee will be the 1970 White House proposal for stemming the increase in domestic violence by mounting what some reliable sources have described as a counterinsurgency program of wiretapping, burglary and spying against Black Panthers, antiwar radicals, suspected Arab saboteurs and Soviet spies. The program, which was approved by President Nixon, was not put into effect because of the objections of Mr. Hoover — who cited Mr. Clark's 1966 directive, among other reasons.

At the time of the raid, Mr. Wagner said, the Free Press had been evicted from its offices in the Dupont Circle area near downtown Washington because

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of nonpayment of rent. The premises were still locked, however, and still contained the newspaper's files, subscription lists and other material, Mr. Wagner said.

"The place was full of papers," Mr. Wagner said. "Wh they [the F.B.I. agents] were really after was any kind of connection to an overseas Communist party — you know, literature or funding."

The agents did find some magazine material from Eastern Europe, Mr. Wagner said, but it was determined to be from a publication similar to the now defunct Life Magazine. "None of it was radical," he added.

Another former member of the 116th Military Intelligence Detachment, who requested that his name not be used, described the break-in as "part of the security operation in advance of the President's inauguration."

#### 'It Was Secret'

"The Feds set it up," the former Army sergeant said in a telephone interview, "and wanted the Army along." At the time, he said, he and his colleagues were aware that the operation was unusual. "When we wanted to penetrate," he explained, "we just grew beards and put on fatigues and walked in the front door."

After the break-in, he said, the word was passed among the unit that "you weren't supposed to be telling anybody about it. It was secret."

Both Mr. Wagner and his colleague recalled that among material taken from the newspaper's office were about 300 to 500 preaddressed postcards that were to be filled out by Washington residents who were willing to house demonstrators during the "counterinaugural."

The F.B.I. and the Army intelligence unit quickly filled out the postcards with bogus names and addresses and mailed them, — in hopes of confusing and demoralizing the demonstration organizers, the two intelligence sergeants said.

Both Army men, who each served nearly three years with the Washington-based intelligence detachment, said that no other break-in missions were conducted during their tours of duty, although they said the F.B.I. often would seek information from them on various radical or suspected radical groups.

Lawrence M. Baskir, a counsel for the Senate Judiciary subcommittee on constitutional rights, which investigated Army surveillance in 1970 and 1971, said today that some allegations about illegal break-ins had been made during the Army hearings, "but we never got anything substantial about it."

"None of the untold requests we made to the Defense Department ever produced anything other than one or two isolated instances of harassment," Mr. Baskir said.