

Gray, in Shift, Says He Read Hunt Files He Burned; Terms Accepting Papers a 'Grievous Misjudgment'

8/4/73

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Special to The New York Times

WASHINGTON, Aug. 3—L. Patrick Gray 3d changed his story today and asserted that he had examined files removed

Excerpts from the testimony are on Pages 11 and 12.

from the safe of a key member of the Watergate conspiracy before burning them with his Christmas trash.

The former acting director of the Federal Bureau of Investigation, who had earlier said that he had destroyed the docu-

ments without reading them, contended before the Senate Watergate committee that the papers had not been "evidence in the case."

He said, however, that his acceptance of the papers taken from the White House safe of E. Howard Hunt Jr., one of seven men sentenced in the Watergate plot, constituted "a grievous misjudgment."

Mr. Gray largely confined his testimony today to two aspects of the Watergate controversy, his handling of the files and the "confusion" over the covert activities of the

Central Intelligence Agency.

Among Mr. Gray's points were these:

¶The F.B.I. waited two weeks, at the suggestion of White House and C.I.A. officials, to interview two key witnesses on the handling of \$114,000 in Nixon campaign funds involved in the Watergate break-in.

¶President Nixon was informed by Mr. Gray on July 6, 1972, that "People on your staff are trying to mortally wound you by using the C.I.A. and F.B.I. and by confusing the question of C.I.A. interest in, or

not in, people the F.B.I. wishes to interview."

¶The President's only response to this, after "a slight pause," was to instruct Mr. Gray to "continue to conduct your aggressive and thorough investigation."

¶Previous testimony by Lieut. Gen. Vernon A. Walters, Deputy Director of Central Intelligence, differed in some respects with Mr. Gray's recollection of events.

General Walters, who preceded Mr. Gray at the 'com-

Continued on Page 10, Column 4

Continued From Page 1, Col. 6

mittee's witness table today, testified that when he first went to Mr. Gray on June 23 he indicated that he had left a meeting at the White House.

General Walters and Richard Helms, then the director of Central Intelligence, had been summoned to the White House earlier that day for a meeting with John D. Ehrlichman and H. R. Haldeman, Mr. Nixon's ranking advisers.

All four men agree that Mr. Haldeman told General Walters to meet with Mr. Gray, but the C.I.A. officials say that they were ordered to object to parts of the F.B.I. investigation while the White House advisers contended that they asked only that the question of C.I.A. involvement be explored.

"... I have no recollection or memory whatsoever of General Walters informing me at this meeting that he was coming to me after talking to the White House..." Mr. Gray said. "I understood him to be stating a C.I.A. position, not a White House message."

The Hunt files were passed to Mr. Gray on June 28, 1972, 11 days after the Watergate arrests, by John W. Dean 3d, then counsel to the President. The transaction occurred in Mr. Ehrlichman's office.

Error Was 'Compounded'

"My destroying them and resistance of disclosure only compounded the error [of taking them]," Mr. Gray, who resigned on the day the episode became public, said in a 51-added:

"That the documents were not in fact Watergate evidence, while legally significant, does not lessen my present belief that I permitted myself to be used to perform a mere political chore. I shall carry the burden of that act with me always."

He told the Senators that in passing the Hunt files to him, Mr. Dean had described them as "political dynamite" and said they "should not see the light of day."

Against the denials of both Mr. Ehrlichman and Mr. Dean that they had ordered the papers burned, Mr. Gray conceded that neither man had "expressly instructed me to destroy the files." But he added:

"... There was, and is, no doubt in my mind that destruction was intended. . . . The clear implication of the substance and tone of their remarks was that these two files were to be destroyed, and I interpreted this to be an order

from the counsel to the President of the United States issued in the presence of one of the two top assistants to the President of the United States."

After keeping the files in his Washington apartment, his of-Stonington, Conn., Mr. Gray said, he "burned them during Christmas week with the Christmas and household paper trash that had accumulated immediately following Christmas."

In April, Mr. Gray told Senator Lowell P. Weicker Jr., a Connecticut Republican who is a member of the committee, that he had dropped the files into his F.B.I. "burn bag" shortly after receiving them. He said that he had done so without reading them.

His previous account would mean that Mr. Gray could not say of his own knowledge that the documents had no relation to the Watergate investigation, and his defense against any charge of destroying evidence would be more difficult.

"... Immediately before putting them in the fire," Mr. Gray contended today, "I opened one of the files."

He said that it contained what appeared to be State Department cables, and that the first of these "implicated officials of the Kennedy Administration in the assassination of President Diem of South Vietnam."

This celebrated document has since been dismissed as a forgery designed by Hunt, but Mr. Gray said that he had been "shaken at what I had read." He added:

"I merely thumbed through the second of the two files and noted that it contained onion-skin copies of correspondence. I did not absorb the subject matter of the correspondence and do not today, of my own knowledge, know what it was."

Mr. Gray said that his determination nonetheless that the papers were not Watergate evidence was "legally significant."