

Excerpts From Testimony Before the Senate

Special to The New York Times

WASHINGTON, Aug. 6 — Following are excerpts from testimony by L. Patrick Gray 3d, former acting director of the Federal Bureau of Investigation, on the 36th day of hearings on the Watergate case before the Senate Select Committee on Presidential Campaign Activities:

MORNING SESSION

MR. EDMISTEN. Did you meet with Mr. John Dean in an area around your apartment on one of the first two Sundays in July? I think maybe in one of your interviews you thought it was the first Sunday. Did you have that meeting?

MR. GRAY. Yes, sir, after some three months of reconstruction and working over notes, memoranda, records, logs and talking with my wife, regarding this entire matter, I did have a meeting with Mr. Dean on either Sunday, the 25th of June, or Sunday, the 2d of July.

Q. What were the circumstances that Mr. Dean would be at your apartment?

A. Mr. Dean called me, as I recollect, called me on the telephone on a Sunday morning and said that he wanted to meet with me and wanted to talk with me and I said well, fine, we can meet in my office in the Department, and he stated that this would not be practical because of the fact that there are not too many people present at the department on Sunday and that it would be easily noticed that he would be coming into the Department of Justice and there would be another leak and I suggested, all right, we can meet over here, my apartment is very small, we cannot meet in the apartment but we can meet over here, and we agreed to meet over at the apartment and I met him outside the apartment and we walked around the apartment building and sat down and chatted on a bench overlooking the channel there. This is in southwest Washington in Harbour Square Apartments.

Q. So, Mr. Dean at that

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time was saying that there possibly would be improper inferences drawn or improper appearances if he would go directly to your office or you were to go directly to his office?

A. No, I did not take him to be saying that, I took him to be saying there would have been another leak. Dean would have been seen entering the Department of Justice but I did not really feel fairness and in honesty, take him to be saying this was an improper thing to be doing.

Role of F.B.I. Documents

Q. At this meeting with Mr. Dean did he discuss with you his desire that you turn over any F.B.I. documents relating to the Watergate investigation to him?

A. I cannot be absolutely certain. I know that one of the first remarks he made was that this was a heck of a note when the acting director of the F.B.I. and the counsel to the President have to meet on a park bench in order to avoid leaks. We could have discussed on that particular Sunday afternoon the various theories of the case that the F.B.I. had been considering and that he and I had already discussed.

We could have discussed the leaks that were rampant in that first two-week period and it is entirely possible that he could have raised with me the question of making available to him the F.B.I. materials available to

me for his use in the conduct of his inquiry. I cannot state it with that kind of certainty but I can say that it is entirely possible. My recollection is and my remembrance is that that subject was raised in a telephone call with Mr. Dean following that Sunday meeting.

Q. So that the first, then, the first occasion when Mr. Dean, when you turned over any kind of F.B.I. documents to Mr. Dean was when, the first occasion, any documents?

A. To the best of my recollection, following this meeting, on the bench there at the Harbour Square Apartments, a phone call ensued following that during the week and it was in that phone call that Mr. Dean raised the question of making available to him the materials, F.B.I. file materials that were available to me.

Q. Is that around July 9th or something like that? A. I would say that I believe it to be in the week of July 9th.

Clear on the Topic

Q. Now, the first thing then, that you turned over to Mr. Dean were F.B.I. teletypes, is that true? A. That is correct. He asked me if I would make available to him F.B.I. file materials that I had available to me.

Q. Mr. Gray, I know you mentioned this memorandum a moment ago but I want to read certain portions of it and first of all, you had this memorandum written, did you not, Mr. Gray? A. Yes. I asked that this memorandum be prepared.

Q. And your desire to be informed "on the legal basis for dissemination by the F.B.I. to the White House of information concerning a

criminal case being investigated, more specifically a case being investigated as a criminal case for prosecution, involving violation of Title 18, U.S.C., and which does or may implicate Federal employes or subjects"—now, we are talking about the Watergate case, are we not?

A. That is correct, and I do not think there was any doubt in anybody's mind that that is what we were talking.

Q. Now, Mr. Gray, did you consult with Mr. Petersen and Mr. Kleindienst about the advisability of giving the F.B.I. data to Mr. Dean? A.

Q. Why did you not? A. I No, Sir, I did not.

didn't do it because I thought I was the acting director of the Federal Bureau of Investigation and when I have a request from the counsel to the President of the United States I don't have to go run around to the Attorney General and to the Assistant Attorney General in charge of the Criminal Division and ask them to hold my hand and help me

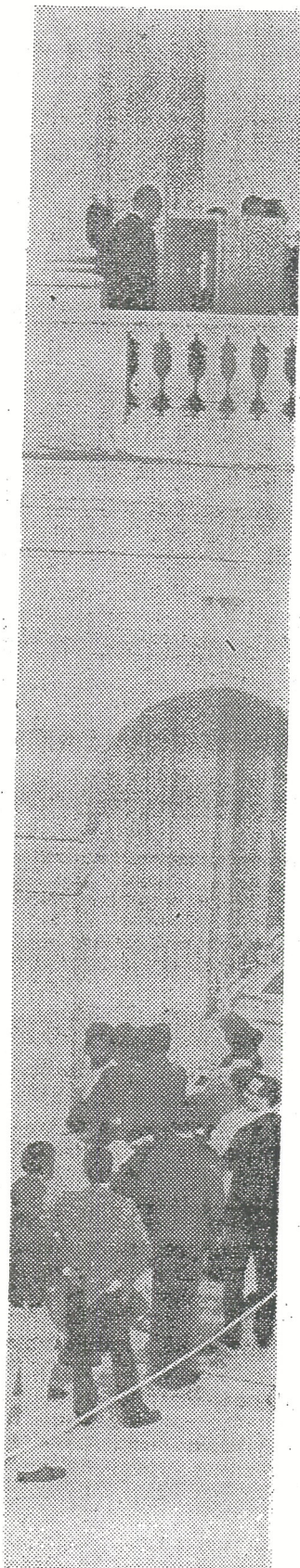
respond in making a decision. I did not do that and I would not do that.

Q. I don't mean to quibble with you but you had 26 years of military experience and you know things about the chain of command. You didn't work for Mr. Dean, did you? Your direct supervisor and your boss, so to speak, was Mr. Kleindienst, wasn't it?

A. That is correct. And also the President of the United States is my boss and when the counsel to the President levies a request upon me, I am going to comply with that request and I did comply with it.

Q. Well, if every person in departments and agencies were to follow that rule, then I can see having to call off the Federal Government—various counsels to the President were called up by the Government agencies and countermand, in other words, step into the internal operations of every agency.

A. I don't think that that would occur. I think the F.B.I. occupies a peculiar position with reference to the President of the United States and that the President of the United States looks to the Federal Bureau of Investigation in a little different manner than he does the other departments of government.



The New York Times

L. Patrick Gray 3d, on balcony, arriving at the hearing room. Below, people await admittance.

Line to the President

A. No question about it. I asked him specifically on two occasions and maybe even three occasions. I can't be certain of the third occasion so I can't testify to it under oath but I specifically asked, John, are you reporting directly to the President or through Mr. Halde- man and Mr. Erlichman and he told me, 'directly to the President.'

Q. Did you ever again ask Mr.—I know Mr. Ehrlichman called you up on that first day and said, "Mr. Dean will be handling the investigation," but after that time did you ever again ask Mr. Ehrlichman or Mr. Haldeman, "Is John Dean able to speak for the President?" Did you ever do that?

A. No. The thought never entered my mind to do that. And I didn't—you know, I didn't talk with Mr. Halde- man at all during this inves- tigation. I did talk with Mr. Ehrlichman but the thought certainly never crossed my mind to ask him again, you know, for reassurance. I asked John Dean and I be- lieve John Dean.

Q. I am going to move on to that date which has had a great effect on your life, I am sure, the 28th of June, 1972, when you met with Mr. Ehrlichman early that morn- ing and you told him that you would like to see him that afternoon and you fi- nally did go to the White House and you met in Mr. Ehrlichman's office with Mr. Dean. Why did you want to see Mr. Ehrlichman that day?

A. On June 28, that was the day of the telephone call from Mr. Ehrlichman in which I believe that either we set up the appointment to meet that evening with regard to the heat that I was taking concerning the leaks that were alleged to be com- ing from the F.B.I. or that was an appointment set up by his secretary dealing in- directly with my secretary but it was in a telephone call, Mr. Edmisten, at 11:17 A.M. that morning. That was the call in which he coun- seled my meeting with Di- rector Helms and Deputy Director Walters of the C.I.A.

Q. In your statement you

made reference to the fact that when you arrived at the White House and you walked into Mr. Ehrlichman's office, you were very surprised to see Mr. Dean. That surprises me that you were surprised. You had met with him or spoken with him—you had spoken with him I think 16 times since the 21st and you had met with him at least once. Why were you surprised to see John Dean in the meeting in Mr. Ehrlichman's office?

A. Because I had been led to believe—it was my understanding that I was going to meet with Mr. Ehrlichman. I was not old that anyone else was going to be there.

Q. As I mentioned a moment ago, in this meeting the events transpired which had an unprecedented impact on your life, and I certainly don't intend, Mr. Gray, to attempt in any way to browbeat you or to ask any condescending questions but there are some questions you know that should be asked. That was the day that Mr. Ehrlichman and Mr. Dean handed over to you the contents of the Hunt safe which had not been turned over to the F.B.I. Can you reconstruct that meeting a little better than you did in your answer. Were Mr. Dean and Mr. Ehrlichman acting strangely?

A. I didn't think that they were acting strangely at all, no, I didn't notice anything strange about the meeting. I was surprised to see John Dean there and Mr. Ehrlichman's first remarks to me were as I remember, as closely as I can remember it, John Dean has something to turn over to you.

Q. I note in your statement, Mr. Gray, there was no indication that you at any time made any resistance to taking any files.

A. I asked the question whether or not these files should become a part of the F.B.I. files and I was told no, but if you are asking me did I resist and did I say no, I don't want these files or you keep them yourself, no, I did not.

Q. Now Mr. Dean said that the files had national security implications, they were political dynamite, they were absolutely not connected with the Watergate; and I know you have asked yourself this question probably dozens of times—why didn't you tell Mr. Dean and Mr. Ehrlichman to take their own files and destroy them?

Figures in Senate Inquiry

Special to The New York Times

WASHINGTON, Aug. 6—Following are the names of individuals who figured today in hearings by the Senate select committee on the Watergate case:

COMMITTEE MEMBERS

Sam J. Ervin Jr., North Carolina Democrat, chairman.
Herman E. Talmadge, Democrat of Georgia.
Daniel K. Inouye, Democrat of Hawaii.
Joseph M. Montoya, Democrat of New Mexico.
Howard H. Baker Jr., Republican of Tennessee.
Edward J. Gurney, Republican of Florida.
Lowell P. Weicker Jr., Republican of Connecticut.

COMMITTEE COUNSEL

Samuel Dash, chief counsel and staff director.
Fred D. Thompson, chief minority counsel.
Rufus L. Edmisten, deputy counsel.
Terry F. Lenzner, assistant chief counsel.
James Hamilton, assistant chief counsel.
David M. Dorsen, assistant chief counsel.
H. William Shure, assistant minority counsel.

WITNESS

L. Patrick Gray 3d, former acting director of the Federal Bureau of Investigation.

PERSONS NAMED IN TESTIMONY

Charles W. Colson, former special counsel to the President.
Kenneth Dahlberg, Minnesota businessman who contributed funds to Nixon campaign.
John W. Dean 3d, former counsel to the President.
John D. Ehrlichman, former White House domestic adviser.
H. R. Haldeman, former White House chief of staff.
Richard Helms, Ambassador to Iran; ex-C.I.A. director.
E. Howard Hunt Jr., ex-White House aide, pleaded guilty in the Watergate break-in, and Mrs. Hunt, killed in an airplane crash.
Richard G. Kleindienst, former Attorney General of United States.
Clark MacGregor, former head of re-election committee.
Manuel Ogarrio, Mexican lawyer.
Henry E. Petersen, Assistant Attorney General who headed Watergate inquiry.
Lieut. Gen. Vernon A. Walters, deputy director of the Central Intelligence Agency.

A. I don't think that the thought ever entered my mind to do that. These men were telling me that these are sensitive, they were classified, they had national security implications with political overtones, had absolutely nothing to do with Watergate; as I recall, it was either Mr. Ehrlichman or Mr. Dean who said they should not be allowed to muddy the issues in the Watergate case, and then it was in conclusion that Mr. Dean emphasized the national security implications and the fact that they were political dynamite and clearly should not see the light of day. I was receiving orders from the

counsel to the President and one of two top assistants to the President and I was not about to question those.

His State of Mind

Q. Did you ever think that after you took the files out yourself, might these not involve Watergate, why shouldn't I turn them over to Mr. Walters, I have had a great relationship with him.

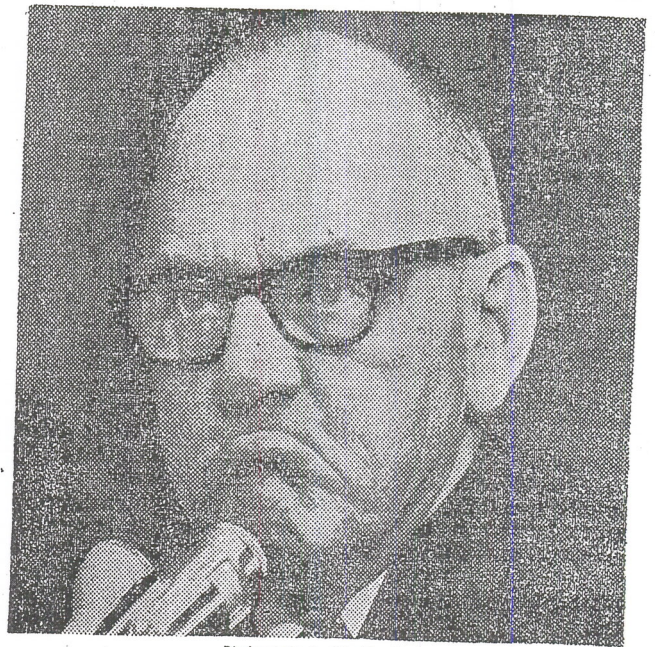
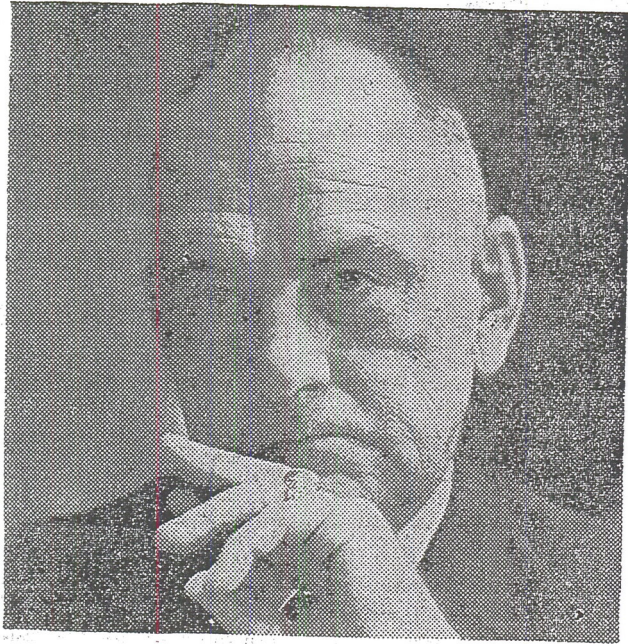
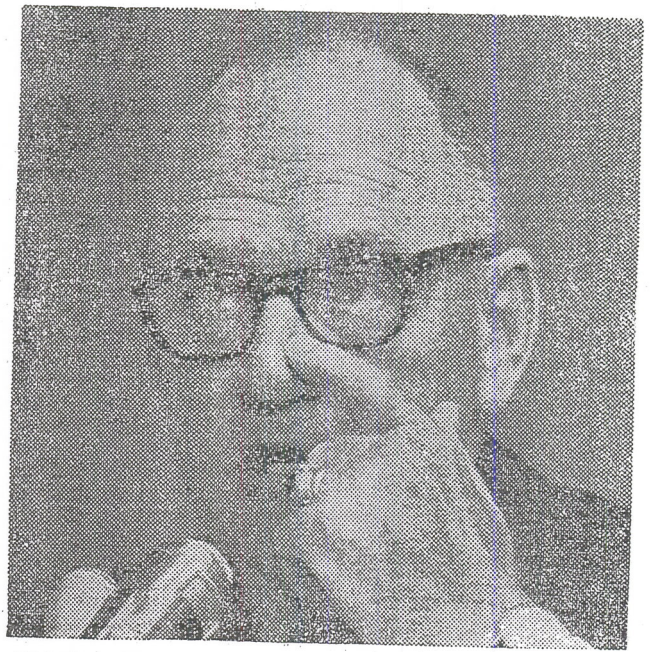
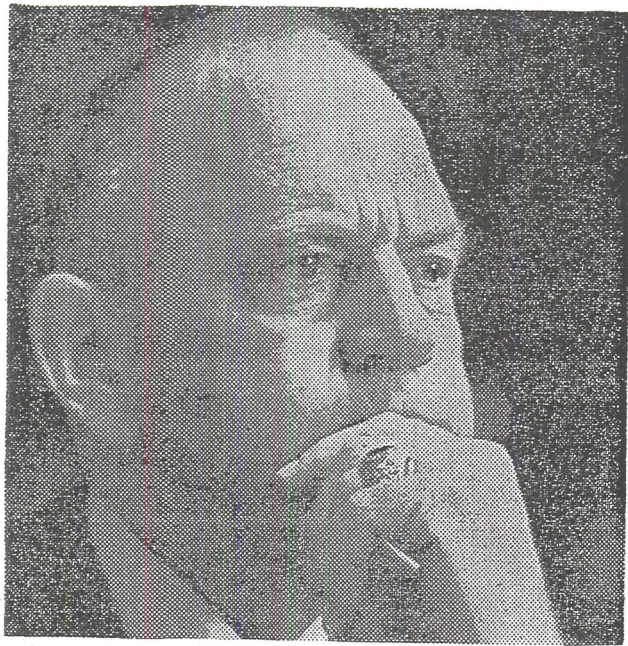
A. I didn't know whether they involved C.I.A., didn't know what they involved in that point of time. In point of fact going back to that period, those files were not of that moment to me because of assurances that I had received that they had absolutely nothing to do with Watergate and were not connected with Watergate in any way.

Q. You held those files for approximately six months, and I am not going to ask questions about the different versions of where you got them or whether you looked at them or didn't, but your final testimony is that you took them to Connecticut and you burned them with the Christmas trash. I just want to know what kind of state of mind were you in to hold those so-called explosives files for that amount of time and never look at them.

A. I didn't believe they were explosive files in the first place. I was told they had absolutely nothing to do with Watergate and had no connection with Watergate and on the basis of all my background, training and experience, I had no need to know and I wasn't concerned about looking. I didn't have the natural curiosity of the cat or of the female. In hindsight, granted, God knows, I should have looked at those files. I should have looked at them that evening in the office and said if I had looked at them that evening in the office I would have said give these to the State Department.

When I did look at them just before burning them I saw they were State Department cables what I believed to be bona fide State Department cables, but they weren't of that burning was on my mind every single day.

Q. When you had that little brief glimpse of these



Photographs for The New York Times by GEORGE TAMES
L. Patrick Gray 3d at the Watergate hearing yesterday

cables at that time with your Christmas burning trash, you saw that they involved State Department, did it occur to you at that moment, I can give these to the State Department now, I know they are not in my bailiwick and I haven't been the recipient of withholding something from my own agency.' Why didn't you give them to the State Department at that time?

A. No, I didn't think in those terms at all and I must honestly say that to you, I wish I had. I wish I had brought them back. I wished a hundred thousand times I had been a blackmailer or a leverage man or an edge man to hold those things, you know, and have them and be able to produce them in front of this committee today, but the facts are otherwise. I carried out my orders and I destroyed them. In fact I was ashamed of what I read in that dispatch to believe that my Government would be involved in that kind of an effort to assassinate the President of another nation.

Q. Who, in your mind, when you were burning the papers, did you think wanted them burned, the President, John Ehrlichman, John Dean, somebody else?

A. I really can't be sure of that. I felt that I was taking orders from the counsel to the President and the assistant to the President but I have got to say in all honesty and fairness and decency if I had looked at those files that evening and saw what they were and said to those two men I want a written order from the President before I am going to take these files, I don't think I would have gotten that order.

Q. During your confirma-

tion hearings there was quite a bit of controversy about your perhaps involvement in the I.T.T. matter. They were digging in on you heavily about the Watergate investigation, and sometime during that time, I think around March 7 or 8, you in your statement alluded to it, you had a call with Mr. Ehrlichman, and he seemingly approved of the way you were handling yourself. But, of course, unknown to you that same day he called Mr. John Dean and therein ensued the famous quote that I think we ought to "let him hang there, let him twist slowly, slowly in the wind." At what point in your con-

firmation hearings did you discern this attitude on the part of the White House?

A. I never did. The first knowledge I had on that was when I was shown in the Assistant United States Attorney's office that telephone conversation.

Running Into a 'Buzzsaw'

Q. What was happening, Mr. Gray, do you know now, what was happening to you? A. What was happening to me?

Q. As far as the White House was concerned? A. Mr. Edmisten, that calls for a judgment, you know, that I am not prepared to make because I didn't have all of the facts on the other side, but knowing at least what I know now, and knowing that in the service of my country I withstood hours and hours of depth charging, shelling, bombing, but I never expected to run into a Watergate in the service of a President of the United States and I ran into a buzzsaw, obviously.

SENATOR WEICKER: Now, I would like to read to you, if I might, Mr. Gray, a por-

tion of the President's statement of April 30, 1973, specifically that portion which states, "Until March of this year I remained convinced that the denials were true and that the charges of involvement by members of the White House staff were false. The comments I made during this period and the comments made by my press secretary in my behalf were based on the information provided to us at the time we made those comments. However, new information then came to me which persuaded me that there was a real possibility that some of these charges were true, and suggesting further that there had been an effort to conceal the facts both from the public, from you, and from me. As a result, on March 21 I personally assumed the responsibility for coordinating intensive new inquiries into the matter and I personally ordered those conducting the investigations to get all the facts and to report them directly to me right here in this office."

My first question to you, in light of the President's statement of April 30, where he states that on March 21 he personally assumed the responsibility for new inquiries and personally ordered those conducting the

investigations to "get all the facts and report them directly to me right here in this office," my first question to you is did you ever receive after March 21 or from March 21 on a directive from the President of the United States relative to these Watergate matters, which directive inquired of you as to what your investigations were producing, sir?

A. No, sir. The President did telephone me on March 23 and this was the typical buck-up type of call.

Request for Information

Q. Then, at any point, I repeat, between March 21st and April the 27th, which marked the date of your resignation, at any time during that period did you or were you requested by the President of the United States to give to him information, facts, et cetera, relative to the Watergate situation?

A. I was not given any orders by the President of the United States or anyone to give them any facts about the Watergate situation until Mr. Petersen called me on April 16th, and I have already testified to that in my statement. This is when they asked me whether John Dean had given me two of Howard Hunt's files.

SENATOR TALMADGE: Let's read some more of General Walters' statement now and see where the conflict is between you and he. I am quoting further General Walters and he is reporting your telephone conversation to the President. "Any attempt to involve the F.B.I. or the C.I.A. in this case would only prove a mortal wound. He used my words. And would achieve nothing." Did you tell the President that?

A. I told the President that Dick Walters and I feel that people on your staff are trying to mortally wound you by using the F.B.I. and the C.I.A. and by confusing the question of whether or not there is C.I.A. interest in or not in the people that the F.B.I. which he is to interview.

Q. Who did you have reference to when you mentioned members of his staff?

A. Had the President asked me I would have mentioned Mr. Dean and Mr. Ehrlichman because I was still smarting a little bit under the cancellation of the June 28 meeting.

Q. Let me read further now, still quoting General

Walters. The President said then, and I quote, "Then I should get rid of whoever is involved no matter how high, Gray replied, that was his recommendation." Did that conversation take place?

A. Senator Talmadge, I have no, absolutely no memory of that, and my recollection of my conversation with the President is as I have testified to. And I have also submitted to this committee some exhibits, some response with regard to General Walters' statements. I don't believe we are that far apart but I believe that he is talking over things that we talked about at that time and put them in there in improper context, not direct context.

The Presidential Alert

Q. Let me ask you something that I think is very important. The only evidence that this committee has had to date implicating the President of the United States is that of John Dean and you and General Walters. Did you think that your conversation with the President on July 6, 1972, was sufficient to adequately put him on notice that the White House staff was engaged in obstructing justice?

A. I don't know that I thought in terms of obstruction of justice but I certainly think there was, it was adequate to put him on the notice that the members of the White House staff were using the F.B.I. and the C.I.A.

Q. Do you think an adequate, do you think a reasonable and prudent man on the basis of the warning that

you gave him at that time, would have been alerted to the fact that his staff was engaged in something improper, unlawful, and illegal?

A. I do because I frankly expected the President to ask me some questions and for two weeks thereafter, I think it was on the 12th and again on the 28th, I asked General Walters if the President had called him and when I heard nothing, you know, I began to feel that General Walters and I were alarmists, that we had ahold of nothing here and it is true that I just say that I called Clark McGregor with some fear and trepidation because I didn't have all of the specifics. I had General Walters continued reiteration that if he was directed to write such a letter to me he would

resign and we did discuss his resignation and I even mentioned to him I had already said this to my people.

SENATOR INOUE: Now, on March 23 of this year you had a conversation, a telephone conversation with the President, and you have just testified that when the President said, "Pat, remember, I told you to conduct a thorough investigation," you said you had an eerie feeling.

What did you mean by that?

A. Yes, I thought he was trying to put that on the record, so to speak, relating all the way back to the July 6th conversation.

Q. Are you suggesting that the President was putting this on tape? A. You know, at the time, Senator Inouye, I didn't know that these conversations were being taped but, nevertheless, I had that eerie feeling that the President is reminding me of something and why. That was my reaction. But at that time I didn't know that these were on tape.

AFTERNOON SESSION

SENATOR MONTOYA: What did Mr. Helms tell you when you called him?

Mr. Gray: I told Mr. Helms that I was calling to tell him of the thought that we may be poking into a C.I.A. operation in connection with the Watergate burglary, and he told me that he had been meeting with his men on this every day and that, although we know the people, we cannot figure this one out, but there is no C.I.A. involvement.

Q. All right. Then, that evening you met with Mr. Dean. A. That is correct, sir.

Q. Did you tell Dean about Helms's statement previously that there was no C.I.A. involvement? A. I either told Mr. Dean in that evening meeting or I told him in a telephone call the following morning, yes, sir.

Q. Mr. Dean called you approximately 18 times between June the 22d and July 6th when you talked to the President. Now, most of these calls were concentrated on Mr. Dean trying to prevail on you not to go through with the inquisition of Mr. Ogarrio or Mr. Dahlberg. Didn't this indicate to you, Mr. Gray, that there was an attempted coverup emanating from the White House?

A. No, sir, it did not because all along we in discussing our various theories had

considered that there was the possibility that this was a C.I.A. covert operation, a C.I.A. money change, a political operation, a political money change, and if I had any thought at all on this thing it was zealous counsel trying to avoid political embarrassment to his President, but I did not really have any suspicion on that.

SENATOR ERVIN: We have been furnished, the committee has been furnished two tapes by John Ehrlichman with taped conversations between you and Ehrlichman. Did John Ehrlichman notify you he was taping your conversation? A. No, sir, I had no knowledge of that.

Hunt's Job Authority

Q. We have been trying—this committee has been trying to find out who kept Mr. Hunt on the White House payroll after Mr. Ehrlichman admitted that he had learned about his participation in the burglary [of the office of Dr. Daniel Ellsberg's psychiatrist] but thus far neither the F.B.I. nor this committee has been able to discover that.

A. I cannot testify with any certainty to that but I think in our F.B.I. investigative file there are indications that his timesheets were initialed by Mr. Colson. I do not know whether you have those FD 302's, but I think that there is an indication in there to that effect.

Q. Now, did the F.B.I. ever make any investigation to determine whether or not the \$10,000 in \$100 bills which Mrs. Hunt had in her possession when she was killed in the airplane accident were things that came from the Nixon—I mean the Committee to Re-Elect the President?

A. Mr. Chairman, I do not know. I wish I could answer that question but I do not know the answer to that, sir.

SENATOR BAKER: What was the relationship between you and General Walters, were you friendly and cordial, were you antagonistic or hostile toward each other, why did you have such varying viewpoints?

A. I thought the relation-

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ship was friendly and cordial and I have no reason to believe it is other than that today.

Q. You suspect it may be less friendly and cordial after disputing him on 27 major issues?

A. I don't think so because I told him this in the assistant U.S. Attorney Office, "Dick, this isn't the way it happened and this is not my recollection or memory of it at all." And my outrage when I first saw a newspaper article commenting on his testimony was very genuine and very real.

Q. Your outrage? A. Yes, sir.

Q. Is there any one or two, are there a few examples of what caused that outrage? A. Yes, sir, that these men had apparently had a meeting at the White House and no one called me and told me about a meeting at the White House prior to them coming over to me. That is one of the things.

Origin of Suspicions

SENATOR WEICKER: Now, at what point in time did your antennae alert you to the fact that somebody might be trying to interfere with the investigation?

A. I think that I had perhaps a feeling along those lines or a feeling that somebody at the White House knows a lot more than we know, beginning when my meeting with Mr. Helms was canceled, but it was a feeling then that maybe this is an activity on the part of people to put some kind of cloak on the political contribution aspects of the thing. But the suspicions really began to generate along those lines rather solidly when I had the meeting with General Walters.

Q. Now, let us continue on that phone conversation with the President. Did you in that phone conversation suggest to the president that the matter of Watergate might lead higher?

A. No, sir. To the best of my recollection, the words that I have been using consistently or the words that stick in my minds are the words that have always been in my mind and the only other things that I did say to the President was that I have just spoken to Clark MacGregor about this morning and asked him to talk with you about it, Mr. President, and there was a slight

pause and then the President said to me, Pat, you continue to conduct your thorough and aggressive investigation.

Q. Did you raise to the President the fact that you and Dick Walters were concerned or was this a question from the President to you?

A. No, sir, this was a question, really, it was a matter that I raised and I didn't really from my meeting with General Walters draw the feeling that I had to call the President and indeed in fact that is why I called Clark MacGregor, and I was surprised that the President called me and I just blurted out to him when he finished congratulating me on the hijacking, I just blurted out to him, Mr. President, there is something that I have to speak to you about.

Q. And then what did you say? A. I gave him the message, Dick Walters and I feel that there are people on your staff who are trying to mortally wound you by using the F.B.I. and the C.I.A. to confuse the question of whether or not there is C.I.A. interest

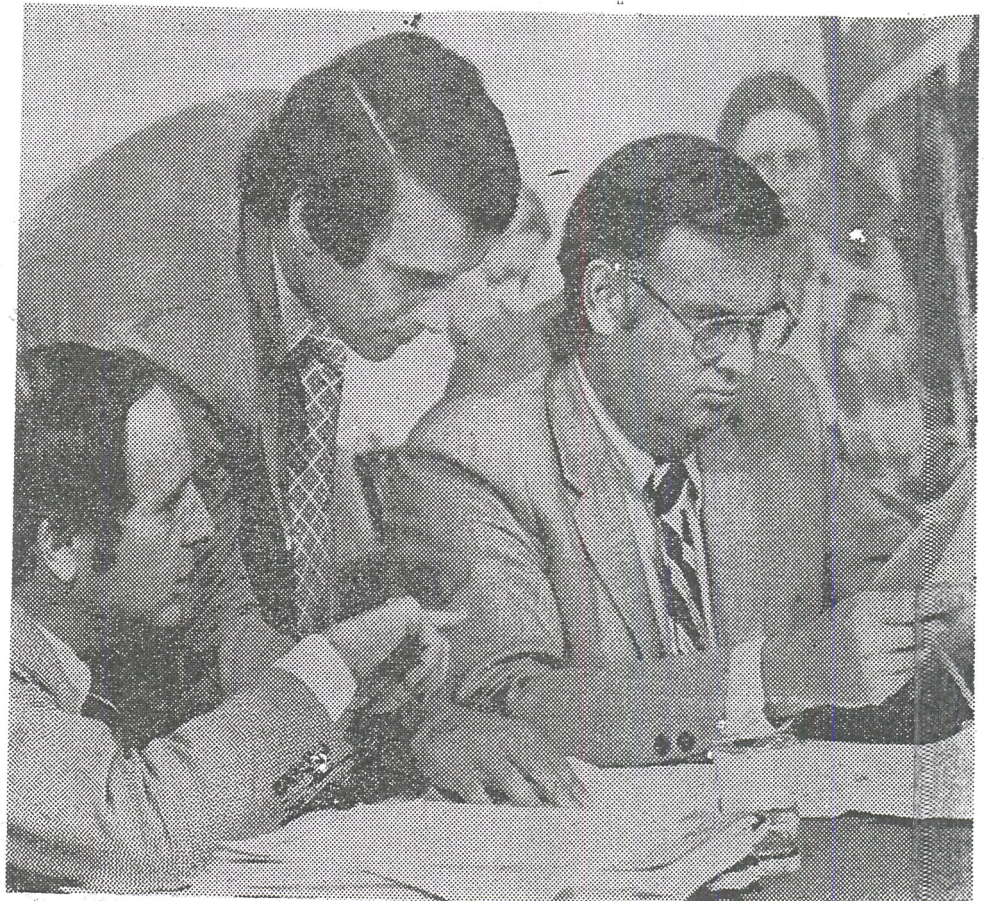
in or noninterest in people that the F.B.I. wishes to interview.

Q. Did you get into a discussion with him relative to your being given assurances that the C.I.A. was not involved?

A. No, sir, the President as best as I can recollect it did not ask me any questions because if he had I would have suspected that he would have asked me who do you mean and I would have told him.

Q. Well, now, Mr. Gray, I want to read to you a statement made by the President of the United States on May 22, 1973:

"On July 6, 1972, I telephoned the acting director of the F.B.I., L. Patrick Gray, to congratulate him on his successful handling of the hijacking of a Pacific Southwest Airline plane the previous day. During the conversation Mr. Gray discussed with me the progress of the Watergate investigation and I asked him whether he had talked with General Walters. Mr. Gray said that he had



The New York Times/George James
Senator Lowell P. Weicker Jr., right, conferring yesterday with his legislative aide, A. Searle Field, left, and H. William Shure, assistant minority counsel, at the hearing.

and that General Walters had assured him the C.I.A. was not involved. In the discussion Mr. Gray suggested that the matter of Watergate might lead higher. I told him to press ahead with his investigation."

Now, you have characterized or you set your description of this conversation alongside that of General Walters and you said that you will stick with your version of the conversation. A. Yes, sir.

Q. Will you also stick with your version of the conversation set aside that version given by the President of the United States on May 22?

A. Yes, sir, because this is my memory and my best recollection and it is a memory I have had for a long, long time.

Q. When was the first time that you realized—I had it written down a certain way and I realized that could be misconstrued. I have when was the first time you started to realize you were "swinging." That could be interpreted both ways. When was the first time that you real-

ized that you were hanging, twisting slowly in the wind?

A. I think perhaps, Senator Weicker, the first time that I realized this and realized I was in a situation where I was going to have to scramble to extricate himself was really either in my April 25 conversation with you, but I think more the point was really made with me on the evening of April 26 in the meeting in the Attorney General's office when I had the conversation with Assistant Attorney General Petersen.

Q. And this relates to Mr. Petersen's statement relative to you and he being expendable? A. Yes, he said, "Pat, I am scared."

Understanding of His Role

SENATOR TALMADGE: You did not think your office as director of the F.B.I. was an extension of the White House, did you?

A. No, sir, I did not. I had only been in the F.B.I., really actively on duty there and when this whole thing broke, you know, about four weeks. I am not trying to make an exculpatory statement because I have told this committee earlier that I stand responsible for my actions and the actions of the men and women under my command during my tenure as acting director and I am merely trying to recite as a



Associated Press

Archibald Cox, the Justice Department's special prosecutor in the Watergate case, reading early yesterday in Washington before going to his office. Court action on his issuance of a subpoena to President Nixon is to begin today.

fact those suspicions did not enter my mind and I have not been that kind of a person in all of my life. I have not been suspicious of people. I have not lived nor was I raised or brought up with or served with people that I had to be suspicious of. Looking back on it is another matter, sir.

SENATOR INOUE: When did you interview Mr. Dean

and Mr. Ehrlichman? A. Mr. Dean was never interviewed because quite frankly, Senator, I believe everyone in the F.B.I. thought he was on our side. We were working with him on a practically almost daily basis.

Q. Even if he was about to mortally wound the President you felt he was on your side? A. We kept working with him

and when the President did not respond in any way and when the concerns that I had with regard to any interference on the part of the C.I.A. were removed, I had no suspicions, and as I told you earlier, I felt that I was an alarmist and that General Walters and I were both alarmists.

Question of Expendability

SENATOR INOUE: You have testified that on April 27th of this year, Mr. Petersen said that you and he were expendable and Mr. Ehrlichman and Mr. Halde- man were not.

A. Senator Inouye, I think that was the evening of April 26th in the little office off of the Attorney General's larger private office. Yes, sir, he did say that to me.

Q. Did you agree with this observation? A. No, sir, I was sitting, I was sitting in the overstuffed chair and I remained sitting there as Mr. Petersen paced up and down and he said to me, I am scared, Pat," and I said, "why?" He said Because I believe that you and I are expendable and Haldeman and Ehrlichman are not," and I still stay in the chair and I said "Do you think I should get a lawyer?" and he said, "Yes, I do, and then I did get up out of the chair."

SENATOR MONTOYA: I am going to be very brief with you. I think we have covered almost every phase of your part in the investigation. I want you to know that I have read your statement

very carefully, not once, not twice, but three times trying to figure out what motivated you to say in your last sentence, "I shall carry the burden of that act with me always." Now, this moved me very much and I can appreciate your situation. And I see that throughout your statement—I see a thread of hurt which encompasses a pattern experienced by many others at the White House and at the Committee to Re- Elect the President.

Now, we as human beings cannot help but have compassion and intense feeling brought about by the burning rays of Watergate. Why do you think that the tentacles of Watergate touch so many good people so adversely? Can you explain that to me?

A. Well, Senator, I would like to say in Spanish to you, if you would not be insulted, "Yo tengo much-dolar en mi corazon ahora."

Q. "I have a lot of hurt in my heart at this time." A. Si.

Q. That is what you said. A. Yes, sir, yes sir. I said early in the game that I thought that Watergate would prove to be a spreading stain that would tarnish everyone with whom it came in contact and I am no exception. I had a responsibility, Senator Montoya, I believe, not to permit myself to be used, not to permit myself to be deceived, and I failed in that responsibility and I have never failed in anything that I have undertaken until this point in time. And it hurts.