

Senator Hart. When Mr. Dean said to you "No, I did not do it, I didn't have the FBI reports with me," did you ask him if he knew who might have had them with him?

Mr. Gray. No; because the thought never entered -

Senator Hart. Did you ask him whether anybody had done it?

Mr. Gray. No, I didn't, because the thought never entered my mind. You know when you are working closely with the office of the Presidency the presumption is one of regularity in the conduct of the Nation's business, and I didn't even engage in the thought process that I would set up a presumption here of illegality and I didn't consider it.

Senator Hart. There would have been illegality or irregularity if, in fact, that report had been shown to the man in Miami?

Mr. Gray. Absolutely, I would classify it as a grievous and most serious breach of trust.

Senator Hart. Except for asking Mr. Dean did he or not, you are just presuming regularity, there has been no investigation beyond the inquiry to Mr. Dean?

Mr. Gray. No, I did not and I have got to engage in that presumption in the position I am in. ...

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Mr. Gray. This is possible. The human fallibility is there.

Senator Hart. That is right. Why wouldn't you think of that and attempt to determine whether, in fact, it did occur?

Mr. Gray. Well, I didn't

Senator Hart. Why didn't you?

Mr. Gray. Senator, because I reasoned that I asked the man a straight question with an awful lot of ire and irritation in my voice, and I feel I got a straight answer back.

Senator Hart. Well, all that that investigation determined was that Mr. Dean didn't do it.

Mr. Gray. That is correct, sir.

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Senator Hart. What would you think if you had asked the U.S. attorney's office, "What happened to yours - did you or any of your people misplace them during the period they might have been shown to somebody in Miami?"

Mr. Gray. No, I did not consider doing that.

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Senator Hart. What about Segretti himself? Do you think that it would have been desirable to ask him who showed it to him?

Mr. Gray. No, I didn't consider that, either. I don't think any of my investigators -

Senator Hart. We never will know whether that happened?

Mr. Gray. That is right. ...

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Mr. Gray. Well, suffice it to say that no one sent any type of a recommendation to me that we do this sort of thing. I think if anybody in the Federal Bureau of Investigation, or in the Criminal Division, or in the U.S. attorney's office, had thought that we should pursue this, that suggestion would have been made to me. I made the decision as soon as I read the newspaper article - and I can remember reading it - to call Mr. Dean immediately. And I am satisfied -

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Mr. Gray. ... actually, you know, we interviewed Segretti very early in the game, on the 26th of June, and when these newspaper accounts came out, this was new information to us because these were things that Mr. Segretti had not told us. What I did at that time was to ask once again

my Office of Legal Counsel whether or not on the basis of the information made available to us, Segretti had committed any offenses within our jurisdiction. That opinion was, no. But I still said, "Check with the Department of Justice." That opinion came back, no, and we were not directed to do any further investigation over on this side of the fence with regard to whatever Segretti was doing in answering - in asking questions, setting up any kind of a network, or whatever it was, he didn't tell us about it. ...

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Mr. Gray. Senator, however you want to characterize it, we did not interview Segretti or investigate into any of the political machinations in which he is alleged to have indulged.

We interviewed him on the basis that he participated in Watergate or he didn't. He fell within the IOC statute, intercepted communication statute, or he didn't.

Senator Hart. What if some of those other activities involved the Corrupt Practices Act or Federal campaign laws, but did not involve Watergate?

Mr. Gray. Certainly under those cases I would have assumed that the Department of Justice would have said yes. ...