

Mitchell Halted FBI Quiz of Wife

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FBI agents wanted to question Martha Mitchell about the Watergate affair last fall but her husband, former Attorney General John N. Mitchell, refused to permit it, senators were told yesterday.

The disclosure came from L. Patrick Gray III, the acting FBI director, during his second day of confirmation hearings on his nomination to succeed the late J. Edgar Hoover.

Gray said his agents' desire to question Mrs. Mitchell stemmed from news reports that she was going to "tell all" in a book about behind-the-scenes activities that were partly uncovered in the wake of bugging and burglary arrests at the Watergate last June.

The nominee, defending his handling of the Watergate investigation, told the Judiciary Committee that he did not personally make the decision not to pursue questioning of Mrs. Mitchell. Probably it was based on "a sense of courtesy, decency and dignity," which the FBI observed without favoritism, he said. He was not asked who made the decision.

Gray, who will be back before the Judiciary Committee when hearings resume Tuesday, also disclosed that:

- Robert C. Mardian, former assistant attorney general and

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President's campaign finance committee says it didn't know \$200,000 contributor was under federal investigation. Page A3.

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political coordinator for the Committee for the Re-election of the President last fall, invoked the lawyer-client privilege and refused to answer FBI questions about accusations that the committee destroyed records of financial contributions and wiretapped conversations among Democrats.

- Despite the apparent involvement of aides to White House chief of staff H. R. Haldeman, the FBI, which limited its investigation to the eavesdropping and burglary at the Watergate Hotel, had no leads that would have justified

questioning Haldeman.

Gray's assertion that the failure to question Mrs. Mitchell was "grounded in courtesy" and not politics was greeted with disbelief by Sen. Birch Bayh (D-Ind.).

"That kind of double standard is sort of asking for trouble," Bayh told the witness.

Gray said he personally approved the recommendation of senior agents last September that Mrs. Mitchell be approached through her husband, who had left the Justice Department the previous February and quit as head of the Nixon re-election campaign in June, saying his wife threatened to leave him if he stayed in politics.

The interrogation plan envisioned using the special agents who had guarded the Mitchells when he was Attorney General and who had "established rapport" with Mrs. Mitchell, Gray told the committee.

However, Gray said, Mitchell told the agents that the stories about Mrs. Mitchell's plans to discuss Watergate "were not so. He said we were not going to interview her and that was that."

Asked by Bayh whether it was "customary" for investigators to check with husbands before interviewing wives, Gray said the courtesy was based in part on deference to a former Attorney General, but said the FBI "would have accorded that courtesy" regardless of political party.

Pressed further, Gray told Bayh, "I may be giving you the wrong answer." He promised to check his records over the weekend to make sure his response was accurate.

Committee Democrats repeatedly told Gray they found him honorable and candid but they questioned his claim that the Watergate probe was free of political interference. Gray, who testified Wednesday that he sent investigation reports to White House counsel John W. Dean III, said yesterday that he discussed the probe "on a half-dozen occasions" with John D. Ehrlichman, President Nixon's principal domestic affairs adviser.

The nominee said his agents frequently told him they felt "frustrated" in the investigation of the bugging and bur-

glary of the Democratic National Committee's Watergate office. "We have not really been able to find out what we hoped to find out," he said.

Among the unanswered questions, Gray said, was who received information from the wiretap of the Democratic headquarters. "Somebody received that information, we don't know who," he testified.

Questioned about the funding of the Watergate operation, Gray replied, "The most we could find were the authorizations of secret funds that Jeb Magruder approved . . . the fund authorized by Jeb Magruder when this intelligence-type operation was set up."

Magruder, a former White House assistant to Haldeman and deputy director of the Nixon campaign, testified at the conspiracy trial of seven Watergate figures that he authorized G. Gordon Liddy, former campaign finance counsel and one of the defendants, to receive \$250,000 for a legal intelligence-gathering operation.

Gray's expressions of frustration contrasted with the Justice Department's contention at the trial that the Watergate mysteries had been solved. The prosecution pictured Liddy as the head of the bugging operation and said investigators had found no evidence against any "higher ups" at either the White House or the campaign committee.

Committee critics of the investigation have contended that even if the bugging was thoroughly probed, a far wider investigation was needed to explore alleged political sabotage and espionage.

Gray testified that Donald H. Segretti, a California lawyer said to have been the Nixon campaign's leading sabotage agent, was not interviewed by the FBI shortly before the Republican National Convention in August, as was later suggested by his friend, Lawrence Young.

Only two interviews took place, Gray said, both in June and both limited to whether Segretti was involved in the Watergate bugging.

Sens. Edward M. Kennedy (D-Mass.) and John Tunney (D-Calif.) told Gray they were not satisfied with his investigation into Lawrence's statement that FBI reports had been compromised by presidential aides in discussions with Segretti, who was about to appear before the Watergate grand jury here.

Tunney said he would ask the committee to summon Dean, the White House counsel to whom Gray sent the FBI's reports, and Charles Colson, another top presidential aide.

Chairman James O. Eastland (D-Miss.) told reporters he would oppose such a move. He added the prediction that chances of Gray's confirmation were "100 per cent because we've got all the votes."

Post Will Oppose Bugging Subpoena

Benjamin C. Bradlee, executive editor of The Washington Post, said yesterday that the newspaper will oppose subpoenas of the Committee for the Re-election of the President for testimony and notes on coverage of the inquiry into the bugging of Democratic National Committee headquarters.

"The Post considers that these subpoenas blatantly disregard the First Amendment rights of freedom of the press and the public's right to know," Bradlee said in a statement.

Subpoenas were obtained this week by attorneys for President Nixon's re-election committee and other Republicans involved in civil suits arising from the Watergate bugging.

They were issued for Katharine Graham, publisher of The Washington Post; Howard Simons, The Post's managing editor, and Post reporters Carl Bernstein and Bob Woodward.

In addition, subpoenas were issued for four reporters of the Washington Evening Star-News, a reporter for The New York Times and a reporter for Time magazine.

The New York Times said in an article in Thursday's editions that it will take "all legal steps" to quash the subpoena issued to reporter John Crewdson. Times publisher Arthur Ochs Sulzberger said in a statement that the subpoena "violates the basic First

Amendment rights of The Times, its reporters and the public."

In another statement yesterday, Newbold Noyes, editor of the Washington Evening Star-News, said, "Our reporters will appear in response to the subpoenas. However, they will not violate the public's constitutional guarantee of a free press by revealing any privileged information."

Star-News reporters Jeremiah O'Leary, James Polk, Patrick Collins and Joseph Volz were subpoenaed.

A spokesman for Time Inc., said yesterday that the company will back reporter Dean Fischer in filing "a motion to quash the subpoena" in U.S. District Court here. The spokesman termed the subpoena "an invasion of Mr. Fischer's rights under the First Amendment to the Constitution."