

Yielded Reluctantly, FBI Chief Testifies

Gray Says He Didn't Want Dean at Quiz

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Acting FBI Director L. Patrick Gray III said yesterday that he did not want President Nixon's counsel to attend FBI interviews with White House employees about the Watergate affair and that he probably conveyed his displeasure to presidential counsel John W. Dean III.

But Gray, testifying at his third day of confirmation hearings, said he finally decided to have his agents conduct their questions with Dean sitting in because the al-

ternative was to have no White House interviews at all. Dean, who conducted a separate investigation for the President which cleared current White House employees of involvement in the Watergate episode, did not hinder FBI questioning, Gray testified.

Addressing one of the prime questions confronting the Senate Judiciary Committee, Gray said the probe of bugging and burglary at the Democratic Party's Watergate offices was "as aggressive and as exhaustive an investigation as the FBI has ever conducted or is

capable of conducting within the four walls of its jurisdiction."

The hearings, which resume today with Gray still the witness, also produced these developments:

- Reversing previous testimony that he was independently invited to speak last August to the Cleveland City Club, Gray disclosed that the only invitation he had was accompanied by a White House memorandum urging him to accept because Ohio was "crucially vital" to the Nixon reelection campaign.
- Gray said he personally

gave Dean the "Dita Beard memorandum" which figured prominently in last year's confirmation fight over Attorney General Richard G. Kleindienst and which wound up in the hands of International Telephone & Telegraph Corp. officials.

- According to FBI reports disclosed by Gray, special White House counsel Charles W. Colson sent Watergate bugging figure E. Howard Hunt to Denver last March to interview Mrs. Beard, who subsequently disavowed her

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memo charging a fix of ITT's antitrust cases.

- Gray warned the committee he was reaching a point where he should not discuss any more Watergate evidence, but there was growing bipartisan sentiment to deepen the inquiry by summoning Dean, despite President Nixon's advance notice that he will invoke "executive privilege."

The disclosure that Dean attended all the FBI's White House interviews came Monday, in Gray's first written supplement responses to questions posed by committee members.

The documents told also of complaints from FBI witnesses about attempts to hamper the investigation by officials of the Committee for the Re-election of the President. These complaints were included in FBI reports which Gray admitted forwarding to Dean last year.

White House deputy press secretary Gerald R. Warren acknowledged yesterday that Dean knew about the complaints of interference. He said he did not know whether Dean relayed the complaints to President Nixon.

Warren said that he could not speak for the GOP campaign committee but that the White House staff "completely and thoroughly cooperated" with the FBI. He said Dean was "very helpful to the FBI" in arranging appointments with staff members.

According to Warren, Dean's presence was initially requested by several staff members, and Dean then decided to attend each session as a matter of uniform policy.

Gray's close cooperation with the White House was questioned by Sen. Edward M. Kennedy (D-Mass.).

Kennedy asked whether it was "customary" for the FBI to permit counsel or spectators at interviews. Gray said it was not, but the presence of legal counsel "happens more frequently in today's world."

Despite his "preference" to the contrary, Gray said his only other choice was to say "there could be no investigation of White House personnel. I decided I could jolly well let the interviews be conducted with Mr. Dean sitting in."

Gray said the FBI proceeds with attorneys present "when we want the information badly enough." The hearing halted for the day as Kennedy was bringing out that Dean was not acting as a lawyer for the staff members being interviewed.

Gray's disclosure about the source of the Cleveland speechmaking invitation was one of the day's few developments unrelated to the Watergate controversy. Extensive questioning remains about many other phases of Gray's 10-month interim performance as successor to the late J. Edgar Hoover.

Senate critics, voicing concern over a "politicized" FBI, have noted that Gray's denunciations of those who questioned the nation's values and priorities sounded strikingly like a rejoinder to Democratic campaign themes.

On the witness stand last week, Gray acknowledged that a White House official had urged him to speak in Cleveland but insisted that he had made an independent decision on the basis of a separate invitation direct from the club.

But in written corrections to the transcript, submitted yesterday, Gray said a check of his records showed no separate invitation.

Gray's report that Colson dispatched Hunt, then a White House consultant, to interview Mrs. Beard, an ITT lobbyist, confirmed a story in The Washington Post Feb. 21. Gray told the committee that agents did not question Colson about the purpose of Hunt's trip to Denver, "since there was no involvement of the ITT case with the Watergate bugging."

Senators are expected to question Gray about the matter, however, since it relates to the Justice Department's handling of leads in the search for any connection between ITT's antitrust settlements with the department and ITT's alleged offer to help pay for the 1972 Republican convention.

Mrs. Beard disavowed the memorandum after Hunt's visit and after ITT experts offered scientific testimony challenging its authenticity.

Gray's disclosure that he gave the original memo to Dean left open the question of how the memo reached ITT. Senators are expected to ask about this, and to probe further why Gray later took no precautions against wider distribution of FBI Watergate reports he forwarded to Dean.

Gray told the committee yesterday he feared that deep-

er questioning about Watergate might invade the privacy of innocent persons and prejudice the appeals of the two men convicted at the recent bugging trial.

The American Civil Liberties Union filed a protest against Gray's offer to make Watergate files available to any member of the Senate. The ACLU said the committee should take strong measures to protect against indiscriminate disclosure of information about individuals in bureau files.