

Watergate Files Held Destroyed by White House Staff

5/12/73
By Lawrence Meyer and Lawrence Feinberg
Washington Post Staff Writers

The Senate select committee investigating the Watergate affair told a federal judge yesterday that it has "evidence" that White House staff members "illegally and improperly removed and destroyed records and documents" relevant to committee's investigation.

The assertion, made without further explanation by

the committee's chief counsel, Samuel Dash, was contained in a motion filed with Chief U.S. District Judge John J. Sirica.

The motion asks Sirica to give the committee access to the safe deposit box in which former White House counsel John W. Dean III says he has stored nine classified documents concerning the Watergate affair.

In related developments:

- Former FBI Director L. Patrick Gray III, who was interviewed Thursday night by the Senate committee staff, spent several hours in the United States District Courthouse here yesterday talking to prosecutors. Gray did not appear before the grand jury. He entered and left without talking to reporters.

- Judge Sirica granted immunity from further prosecution to four men who pleaded guilty at the Watergate trial, and ordered them to answer questions from the Senate committee. The four men—Bernard L. Barker, Eugenio R. Martinez, Frank Sturgis and Virgilio R. Gonzalez—are not on the committee's tentative list of witnesses for the first round of hearings, scheduled to begin May 17, although they could be added. Following a brief hearing, Barker and Martinez were taken to the committee's Capitol Hill offices to be questioned by the committee, according to their lawyer, Daniel Schultz.

- Common Cause, the so-called citizens' lobby, also asked to see the contents of Dean's safe deposit box as part of its suit against the Committee for the Re-election of the President to force it to disclose the identity of campaign contributors.

Dean's lawyers filed a motion on May 4, along with the two keys to the safe deposit box, asking Judge Sirica to take custody of the contents. Precisely what is in the documents was not revealed. Lawyers for Dean, who was fired April 30 by President Nixon, indicated that the papers relate to the Watergate investigation.

White House sources say that Dean has written a his-

See PROBE, A16, Col. 3

PROBE, From A1

tory of his version of the Watergate bugging that asserts that President Nixon's aides were responsible for it and engaged in an attempt to prevent public disclosure of their role.

The government on Wednesday asked Sirica to turn the documents over to prosecutors investigating the Watergate affair on the ground that the papers, which Dean's lawyers say are classified, belong to the government. The government said the Court could keep a copy of the documents if it wished to.

Sirica called a hearing for Monday morning and ordered Dean to appear.

The Senate committee's motion, asking Sirica to allow an authorized representative of the committee to open the safe deposit box and copy the documents in it, has this statement:

"Evidence has been developed and received by the committee to the effect that on prior occasions persons then or previously connected with the White House staff illegally and im-

properly removed and destroyed records and documents relating to the mandate of the committee."

No explanation is given as to what kind of "evidence" the committee has, what kind of documents were removed and what was destroyed.

At least four instances have been reported of documents pertaining to the Watergate investigation being destroyed or disappearing:

- Former Acting FBI Director Gray, according to accounts that he has never denied, destroyed documents taken from the office of convicted Watergate conspirator E. Howard Hunt Jr. in the Executive Office Building. Gray reportedly destroyed the documents after being given them at a meeting with Dean and former top White House aide John D. Ehrlichman.

- After the June 17 break-in at the Democratic National Committee's Watergate headquarters and the arrest of five men inside, convicted Watergate conspirator G. Gordon Liddy destroyed documents at the re-election committee's of-

fices, according to testimony at the Watergate trial

- After the break-in, several re-election committee employees, reportedly directed by Robert C. Mardian and Frederick C. LaRue, conducted a "house cleaning" that included the destruction of documents.

- After the break-in, according to attorney Peter Wolf, an employee of the re-election committee was given eight boxes of documents in the Executive Office Building that belonged to the re-election committee. The employee's name has not been revealed publicly.

- A notebook and an address book belonging to Hunt and left in his office at the Executive Office Building have never been received by the FBI, according to federal investigators.

Some of these examples do not fit Dash's description in the motion since they do not involve White House staff. Dash declined in a telephone interview last night to say whether the "evidence" the committee has involves more examples of documents being removed and destroyed than those enumerated.