

Senator Bayh. To get a general impression, since we can't get the specifics, of the comprehensiveness of the Watergate investigation, I want to throw this in. I noticed in the New York Times yesterday a story about a team, which included several of these Watergate defendants, recruited to carry on violence, harassment of protest demonstrations, and so on. I wonder if the investigation of Watergate was sufficiently comprehensive to pursue this? Did you find that this did in fact exist? Did you find that any of the funds of the Committee to Re-elect the President were used for this type of thing?

Mr. Gray. I think once again, Senator Bayh, when you go into the substance, what those FD 302's reveal, I would respectfully decline to answer that question. But I would say, as I have testified earlier, that this investigation was oriented toward an intercept of communications violation

Senator Bayh. If in the process of investigating an interception of communications violation you accidentally stumble on the violation of something else, I suppose you have a responsibility to pursue it, would you not?

Mr. Gray. Let me tell you what happens. These reports are going to the assistant U.S. attorneys and to the Criminal Division. Questions are raised and my prior testimony has been to the effect that I did raise such a question and that I did get a response to it. Then a couple of days later an individual within the FBI, in an executive level position, had a discussion with the people in the Criminal Division regarding that. You are correct. When we unearth something like that, it comes to the attention of the U.S. attorney or it comes to our attention and we ask about it.

Senator Bayh. I share the concern expressed by my colleagues that we are not going to have access to the files. When the Attorney General gave that order, did he give you a reason for it?

Mr. Gray. No, sir; he just called me up and he reeled off the instructions and I wrote them down and I said, "Yes, sir," and that was the end

of it. He hung up the phone.

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Senatory Byrd. Can the FBI not initiate investigations into possible criminal activities on its own?

Mr. Gray. There are areas in which this occurs. There are other areas when we work closely with the assistant United States attorneys as we do in the preponderant majority of our cases. We are guided and directed and work very, very closely together, shoulder-to-shoulder with the assistant U.S. attorneys.

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Senator Byrd. ... Could the FBI not have initiated investigations on its own which would have gone beyond the investigation involving the violation of the IOC statute?

Mr. Gray. Not in that particular area, because that involved the possibility of election laws violations, and there is a prescribed policy within the Department for that. These requests were made of the Department and these discussions were had with the Department.

Senator Byrd. How can an investigation be given "full court press" when it is restricted to the possible violations, in this kind of situation, of one statute only - the IOC statute?

Mr. Gray. We gave it a full court press in connection with our investigation insofar as the alleged violations of the IOC statute were concerned, Senator Byrd.

Senator Byrd. Mr. Tunney asked for the date on which Mr. Colson sent Mr. Hunt out to see Dita Beard. Your answer came back, "March 1072"; can you be more specific?

Mr. Gray. That is the answer we have and we cannot be more specific, Senator.

Senator. Byrd. Mr. Gray, on March 7, when you and I were discussing the circumstances of Mr. Dean's handing over the equipment taken from Mr. Hunt's office to the FBI, you stated, "This came up as a result of agents desiring to find out whether or not Mr. Hunt had an office there, and Mr. Dean said that he would have to check whether or not Mr. Hunt had an office there and would ascertain that." Are we to presume the FBI did contact Mr. Dean concerning Mr. Hunt on June 19?

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Senator Byrd, Are you saying that Mr. Deen, on the 22d day of June, indicated that he would have to check it out as to whether Mr. Hunt had an office, notwithstanding the fact that on the 19th, 3 days prior to that, he had asked Mr. Kehrli and Mr. Fielding to go into Mr. Hunt's safe and on the 20th those possessions from Mr. Hunt's safe had been put in his - Dean's - office? Are you saying that?

Mr. Gray. I am just telling you what happened at the Colson interview Senator Byrd. That was the statement that was made at the Colson interview and later reported.

. . . .

Senator Byrd. ... And all the while the possessions of Mr. Hunt's safe were hidden in Mr. Dean's office?

Mr. Gray. That could very well have been.

Senator Byrd. That is correct, isn't it?

Mr. Gray. No, that is after the fact.

Senator Byrd. But it is correct?

Mr. Gray. That is right, but I did not know it at the time of the Colson interview. I did not know it at all during that period.

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Mr. Gray. ... I would like to say further, too, Senator Byrd, that as far as the FBI is concerned this man, Hunt, at that time was potentially involved, as you said to me just now in this exchange. We had no real tie to bring him into this particular IOC thing at that time other than the finding of this check. We had to go out and develop it.

Senator Gray. That is again beside the point entirely that I am discussing here. He was already suspected by FBI agents. The FBI wanted to know whether or not he had an office in the old Executive Office Building. So it is beside the point as to what may not have been proved about Hunt at that time. It was enough evidence to raise one's eyebrows.

Mr. Gray. I would say, at the time, it wasn't enough to raise my eyebrows or the eyebrows of the agents who were doing the questioning. Later when these papers were delivered to us, we were not concerned because we had the papers and we know this man has a duty to the President and that these Presidential papers are the property of the President.

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Senator Byrd. Why did the agents have to ask Mr. Dean as to whether or not Mr. Hunt had an office in the Executive Building?

Mr. Gray. It was as has been reported to me. It was a chance remark on the part of the agent.

He did not know what he was looking for or what he was after. It is one of those things that an agent will ask.

Senator Byrd. It wasn't exactly chance, I would say. You are talking about a conversation on the 22d of June, when on the 17th Mr. Hunt was suspected of involvement and such information was relayed by the FBI to the White House. Why didn't the FBI pick up the telephone and call the White House switchboard to see if Mr. Hunt had an office there?

Mr. Gray. I think a number was called there. We were trying to find

out exactly what number that was, and I don't know whether they have pinned that down. We did make that call.

Senator Byrd. Did the phone ring?

Mr. Gray. The phone rang, yes.

Senator Byrd. Did you try again?

Mr. Gray. No, sir, the phone rang and it was answered.

Senator Byrd. By whom?

Mr. Gray. My recollection is that this has not been placed in the public record, and this is substance and I would refer the Senator to the record.

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Senator Byrd. But this does not answer my question.

I am an FBI agent. I am sitting in on an interview with a gentleman here. You are Mr. So-and-So. The question comes up as to whether or not Mr. Hunt has an office in the Old Executive Office Building. You say, "I will have to check this out." Why wouldn't I, as an FBI agent, follow that up and see if you checked it out? I would follow that up the next day.

Mr. Gray. The only way I can account for that is that those agents were working around the clock on many, many leads. ...