

Patrick Gray: I Asked John

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Dean, I Believed John

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Dean...

L. Patrick Gray III, former acting director of the FBI, was questioned yesterday by Rufus Edmisten, deputy chief counsel of the Senate Watergate committee, about the FBI files Gray turned over to then-presidential counsel John W. Dean III. Following are excerpts from Gray's testimony:

Edmisten: Mr. Gray, did you meet with former White House counsel John Dean in an area around your apartment on one of the first two Sundays in July (1972)?

Gray: Yes, sir . . . I did have a meeting with Mr. Dean on either Sunday, the 25th of June, or Sunday, the 2d of July . . .

Mr. Dean called me, as I recollect, called me on the telephone on a Sunday morning and said that he wanted to meet with me and wanted to talk with me and I said well, fine, we can meet in my office in the Department, and he stated that this would not be practical because of the fact that there are not too many people present at the Department on Sunday and that it would be easily noticed that he would be coming into the Department of Justice and there would be another leak . . . and we agreed to meet over at the apartment and I met him outside the apartment and we walked around the apartment building and sat down and chatted on a bench overlooking the (Potomac River) channel there. This is in Southwest Washington in Harbour Square apartments . . .

Edmisten: Mr. Gray, at this meeting with Mr. Dean did he discuss with you his desire that you turn over any FBI documents relating to the Watergate investigation to him?

Gray: I cannot be absolutely certain . . . We could have discussed on that particular Sunday afternoon the various theories of the case that the FBI had had and had been considering and that he and I had already discussed. We could have discussed the leaks that were rampant in that first two-week period and it

is entirely possible that he could have raised with me the question of making available to him the FBI materials available to me for his use in the conduct of his inquiry . . .

Edmisten: So that the first, then, the first occasion when Mr. Dean, when you turned over any kind of FBI documents to Mr. Dean was when?"

Gray: To the best of my recollection, following this meeting, on the bench there at the Harbour Square Apartments, a phone call ensued following that during the week and it was in that phone call that Mr. Dean raised the question of making available to him the materials, FBI file materials that were available to me . . .

Edmisten: Now, the first thing then, that you turned over to Mr. Dean were FBI teletypes, is that true?

Gray: That is correct. He asked me if I would make available to him FBI file materials that I had available to me.

Edmisten: What are teletypes, Mr. Gray?

Gray: The teletypes are the orders and instructions that are issued to the field by the FBI headquarters, by me, the Acting Director, and they can be reports of summaries of investigations conducted in the field, they are brief summaries, three or four lines on each facet, they can be any number of other things, they could consist of deeds, sent out for interviews, that type of material . . .

Edmisten: Now, Mr. Gray, did you consult with (Assistant Attorney General Henry) Petersen and Mr. Z (Attorney General Richard) Kleindienst about the advisability of giving the FBI data to Mr. Dean?

Gray: No, sir, I did not.

Edmisten: Why did you

not?

Gray: I didn't do it because I thought I was the Acting Director of the Federal Bureau of Investigation and when I have a request from the counsel to the President of the United States I don't have to go run around to the Attorney General and to the Assistant Attorney General in charge of the Criminal Division and ask them to hold my hand and help me respond in making a decision. I did not do that and I would not do that.

Edmisten: Mr. Gray, I don't mean to quibble with you out you had 26 years of military experience and you know things about the chain of command. You didn't work for Mr. Dean, did you? Your direct supervisor and your boss, so to speak, was Mr. Kleindienst, wasn't it?

Gray: That is correct. And also the President of the United States is my boss and when the counsel to the President levies a request upon me, I am going to comply with that request and I did comply with it . . .

Edmisten: You did understand, Mr. Gray, that Dean

was speaking for the President of the United States. He said that to you, I believe.

Gray: No question about it. I asked him specifically on two occasions and maybe even three occasions. I can't be certain of the third occasion so I can't testify to it under oath but I specifically asked, "John, are you reporting directly to the President or through Mr. (H.R.) Halde-

man and Mr. (John) Ehrlichman' and he told me, "directly to the President."

Edmisten: . . . I know Mr. Ehrlichman called you up on that first day and said, "Mr. Dean will be handling the investigation," but after that time, did you ever again ask Mr. Ehrlichman or Mr. Haldeman "Is John Dean able to speak for the President?" Did you ever do that?

Gray: No. The thought never entered my mind to do that. And I didn't — you know, I didn't talk with Mr. Haldeman at all during this investigation.

I did talk with Mr. Ehrlichman but the thought certainly never crossed my mind to ask him again, you know, for reassurance. I asked John Dean and I believed John Dean . . .

Edmisten: . . . Who initially suggested, Mr. Gray, that you be nominated as FBI Director?

Gray: I think initially this probably came up in the summer of 1971. I can remember I was the Assistant Attorney General, Civil Division, then and was busily engaged in the various litigations that were going on in connection with the injunctions involving demonstrations, Vietnam veterans and that sort of thing and the use of Lafayette Park and so on, and I can remember one meeting with former Attorney General (John) Mitchell in his office when I was reporting to him on this litigation and he said to me, he said, "I don't want to add to your troubles but how would you like to be considered for the position of FBI Director."

And I said, "General, I will serve in any position and in any capacity that the President wishes me to serve." That was the end of that. I heard no more about it. And it was not until the morning of the day after Mr. Hoover's death . . .

about noon (that day) the Attorney General telephoned me from his car and told me to meet him in his office that afternoon about 2:15 or 2:20, and I met him and I went up, walked right in and he said I am going to name you Acting Director of the Federal Bureau of Investigation.

Edmisten: Mr. Gray, during your confirmation hearings there was quite a bit of

controversy about your perhaps involvement in the ITT matter, they were digging in on you heavily about the Watergate investigation, and sometime during that time, I think around March 7 or 8, you in your statement alluded to it, you had a call with Mr. Ehrlichman and he seemingly approved of the way you were handling yourself, but, of course, unknown to you that same day he called Mr. John Dean and therein ensued the famous quote that I think we ought to "let him hang there, let him twist slowly, slowly in the wind."

At what point in your confirmation hearings did you discern this attitude on the part of the White House?

Gray: I never did. The first knowledge I had on that was when I was shown in the Assistant United States Attorney's office that telephone conversation.

Edmisten: What was happening, Mr. Gray, do you know now, what was happening to you?

Gray: What was happening to me?

Edmisten: As far as the White House was concerned?

Gray: Mr. Edmisten, that calls for a judgment, you know, that I am not prepared to make because I didn't have all of the facts on the other side, but knowing at least what I know now, and knowing that in the service of my country I withstood hours and hours of depth charging, shelling, bombing, but I never expected to run into a Watergate in the service of a President of the United States and I ran into a buzzsaw, obviously.

Sen. Lowell Weicker (R-Conn.) then questioned Gray about his actions last spring after President Nixon had announced that he had begun "intensive new inquiries" into the Watergate affair:

WEICKER: . . . in light of the president's statement of April 30, where he states that on March 21 he personally assumed the responsibility for new inquiries and personally ordered those conducting the investigations to "get all the facts and report them directly to me right here in this office", my first question to you is did you ever receive after March 21 or from March 21 on a directive from the President of the United

States relative to these Watergate matters, which directive inquired of you as to what your investigations were producing, sir?

Gray: No, sir. The President did telephone me on March 23 and this was the typical back-up type of call m m m

Weicker And you received from March 21 on—we will get to the phone conversation in a minute — no order from the President as one who was conducting the investigation "to get all the facts and to report them directly to me", the President, right here in this office?"

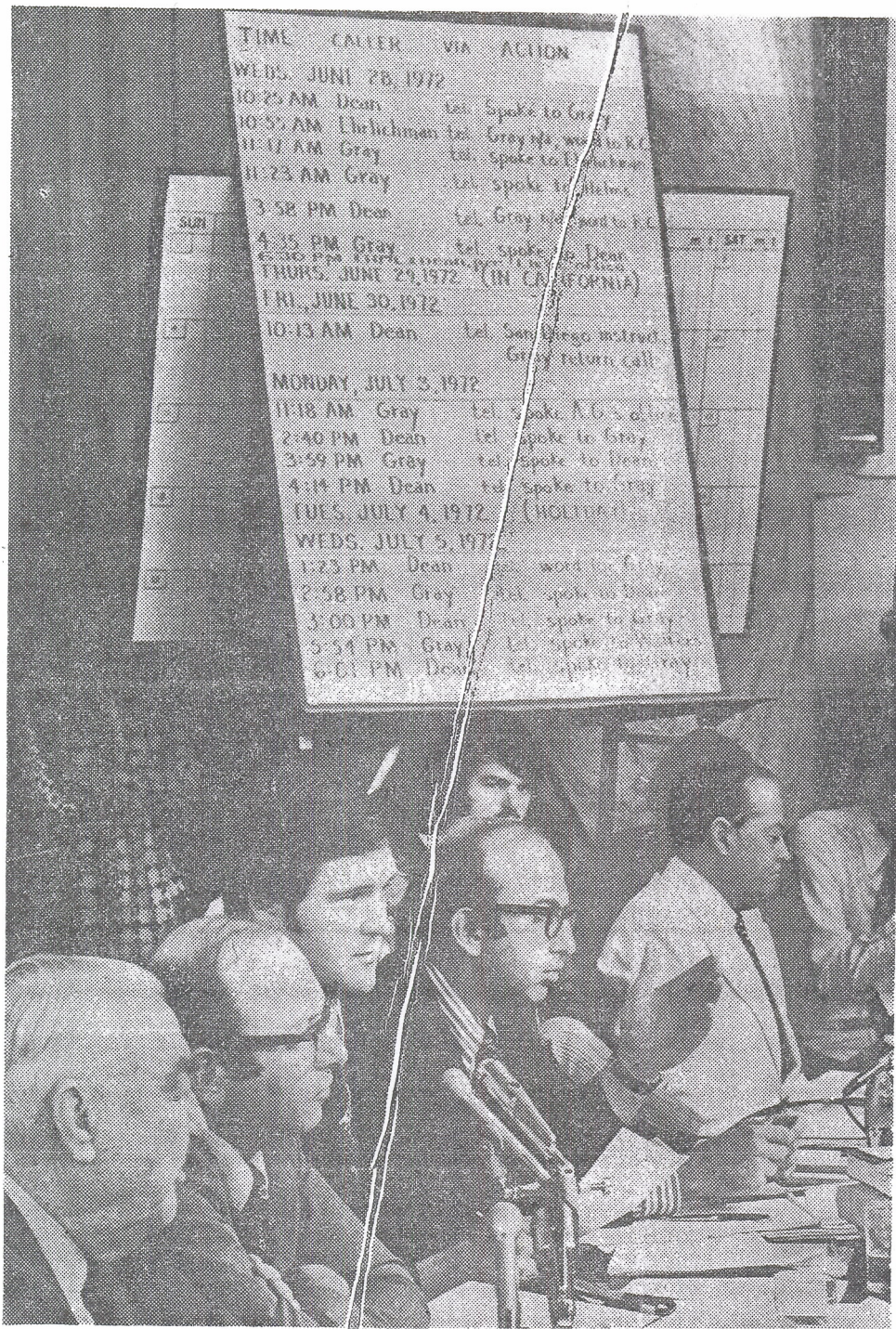
Gray: I did not, sir, and I received no such order from anybody.

Weicker: All right Now, would you please tell the Committee as to what happened in the phone call of March 23?

Gray: The March 23 phone call from the President, once again, it was a surprise to me. I did not really expect to see it.

That followed the testimony I had given on March 22 and which in response to a question from Sen. (Robert) Byrd (D-W.Va.) I had said that Mr. Dean had probably lied when he was talking with our agents and the way the questions were phrased by Sen. Byrd there was no other answer I could give. But the President called me on March 23 and it was in the nature of a back-up call to say, and I cannot remember his precise words, but to say I know the beating that you are taking up there and it is very unfair and there will be another day to get back at our enemies and there will always be a place for you in the Nixon administration, and I thanked the President and then I remembered distinctly him saying, "you will recall, Pat, that I told you to conduct a thorough and aggressive investigation," and I remembered that so distinctly because I had the eerie feeling that this was being said to me but why, and I related it immediately to the July 6 telephone conversation I had had with the President in the previous year . . .

Weicker: . . . you do recall the nature of the conversation. It was, No. 1, to buck you up in relation to your confirmation hearings, and having done that, the Presi-



By James K. W. Atherton—The Washington Post

Log of Patrick Gray's telephone calls form backdrop for the Watergate committee.

dent turned to you and said, 'you will remember, Pat—our previous conversation?'

Gray: No, he just said 'you will remember, Pat, I told you to conduct a thorough and aggressive investigation . . .'

Weicker: Now, Mr. Gray, I would like to move along, if we can, to the events of April, more specifically those events which commenced with your telling me of the burning of the

files in your office on April 25 . . . but I would like to move from April 25 to the afternoon of the 26th of April and have you recount to the Committee in your own words what transpired in the late afternoon of April 26.

Gray: Well, Sen. Weicker, it was after 6 o'clock in the evening when I was leaving and I believe it to be some-

where between 6:15 and 6:30 and I was driving out the gate and the police officer there, of the GSA security force, Officer Cousin, whom I used to say hello to every night as we drove out, exchanging a few pleasantries, said to me that Mr. Petersen had called and it is urgent and you are to call him right way, and I got out of my car and I walked into the guard booth there and I telephoned Mr. Petersen and Mr. Petersen said that he had had a call from the Attorney General, Attorney General Kleindienst, and Attorney General Kleindienst wanted to meet with us in his office at 7 p.m. . . .

And I said, fine, I will go back up to my office and wait a while, and I asked my driver . . . to park the car and wait for me . . . I walked over to the Attorney General's office and . . . I walked right in, walked through the conference room, walked into the secretary's area and picked up the phone, called Mr. Petersen and told him that I was here in the Attorney General's office and just then the Attorney General walked in—I could hear his footsteps—and I told Mr. Petersen the Attorney General walked in, come on up, and I went back immediately and the Attorney General said to me the President had called him and is concerned about the reports that these files were burned and that we had to meet and make some recommendation to the President.

By then Mr. Petersen had come up. We both sat in chairs in front of the Attorney General's desk and I told them that I had spoken with you. I did not say to them that you had talked to the press, even though you had told me that you did. You said to me you are probably going to be the angriest man in the world at me for talking to the press and I told you, no, you ought to be the angriest man in the world at me. I did not say that you had given this information to the press but I said I believe that Sen. Weicker knows all about this because I have spoken to him.

Then Mr. Kleindienst said 'let's have a drink.'

(Laughter)

And Mr. Petersen and Mr.

Kleindienst and I all went into a little private office off of his main office and Mr. Kleindienst fixed a drink for himself and for Mr. Petersen and I do not drink. Mr. Kleindienst was sitting right in front of me facing me and he said to me, "It doesn't seem to me that you can continue as Acting Director of the FBI," and I said, "Well, Dick, it does seem to me that I can continue as Acting Director of the FBI because these files had absolutely nothing to do with Watergate and the men and women of the FBI know this investigation, but that I will accede to whatever the President wishes. If he wishes me to continue to serve, I will serve. If he wishes me to resign, I will resign."

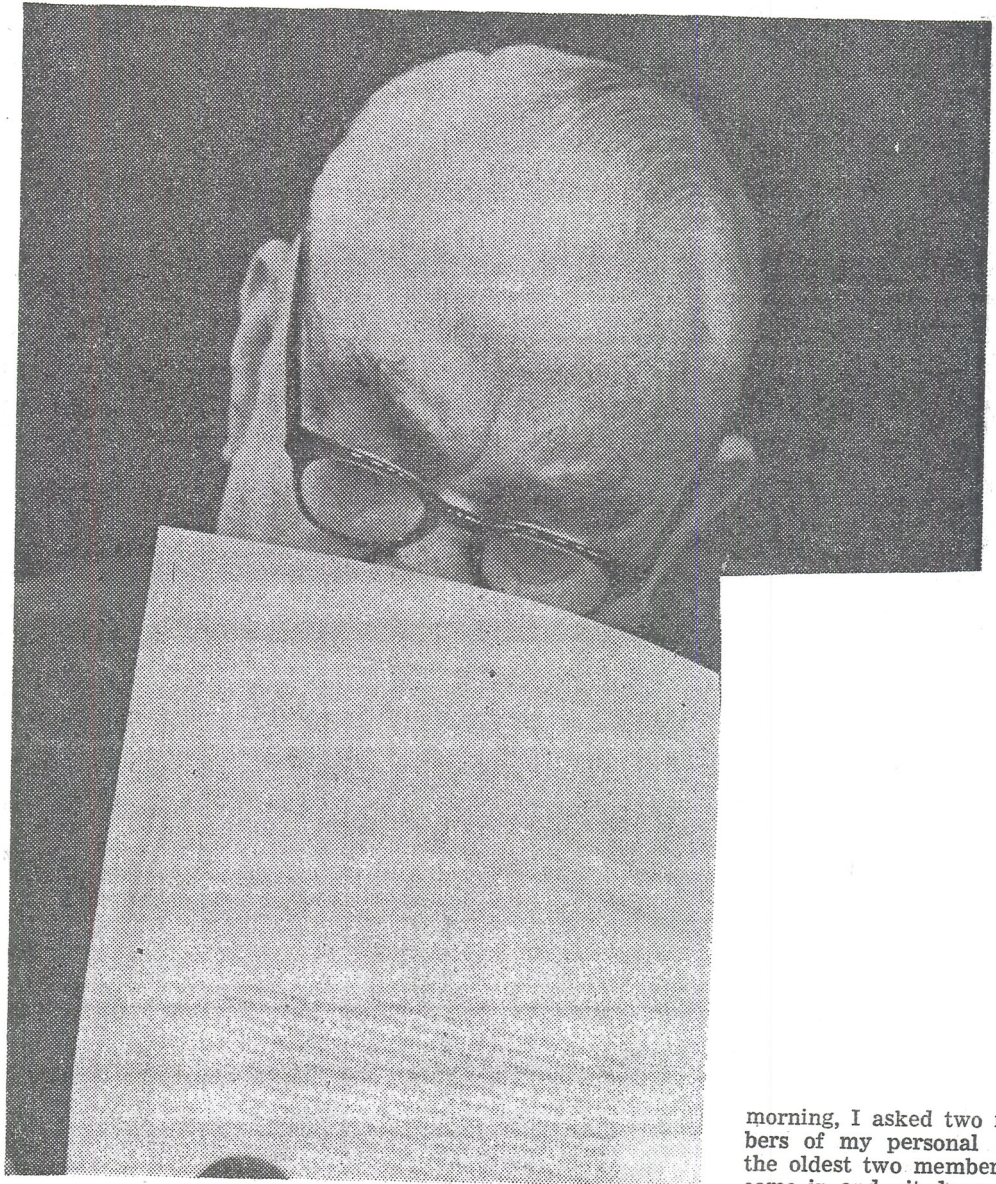
Mr. Kleindienst then went into his other office and

said he was going to talk to the President and during his absence Mr. Petersen was pacing up and down in the office, walking back and forth, and I remember him distinctly saying, "Pat, I am scared." And I said, "Henry, why?" And I am still sitting there in that chair. And he said, "I am scared because it appears that you and I are expendable and Haldeman and Ehrlichman are not." And I said, "Henry, do you think I should get a lawyer?" And—this is the first time I had entertained the idea—and he said, "Yes." And I did. Later.

But then Mr. Kleindienst came back into the office and sat down in the chair again, facing me, and said "The President wants you to continue to serve as Acting Director," and I said, "Fine, Dick, I will do it." And then all three of us left the office. We walked out of the office together.

Weicker: Now, would you move to the morning of the 27th.

Gray: Well, when I got home that evening I got—it was after 8 o'clock and I did quite a bit of thinking about this and I thought that I had better really resign, that this was not the thing to have done and that there was no way in the world that I would be able to explain it to the FBI. It would take too long. So coming into the office that next



By James K. W.

Sen. Sam Ervin, chairman of the Watergate committee,

morning, I asked two members of my personal staff, the oldest two members, to come in and sit down with me. I told them all the facts and I said, I just feel that I can no longer command the FBI. They agreed with me and I told them, I said, all right...

I had Mr. (Mark) Felt (acting associate FBI director) set up the meeting with the Assistant Directors at 11:30 in my conference room so I could appear before them and tell them. And I did. I met with them and I told them exactly what had happened and I said, Mr. Felt will tell you all the details but I feel that I can no longer command the FBI.

I shook hands and I said goodbye.

I think it was then, at about noon, that I called presidential aide Mr. (Larry) Higbee...

I told him at that time that my resignation had been written and was on its way over, and he said, let

me talk to them, the (presidential) party down there in Mississippi, before you send this over.

And then there was another call at 1:59. Mr. Higbee spoke to me and said, "Please send your resignation over. They are expected back at about 3:00 o'clock. And I believe it was in this call that I told him I also wanted to issue a statement along with this resignation of mine and this—my recollection is that took him aback a little bit and he said, "Nobody at the White House is going to want to issue this statement," and I said, "No, my statement is harmless. I am going to issue it," and I read it to him. And then he called me back at 2:09 p.m. and told me to go ahead and send the resignation over and send the statements over to him, which I did.

Weicker: Now, after your resignation was announced, did you receive any information . . . or any indication that according to White House officials, those associated with the White House, the fact that yours was not a resignation but rather you had been kicked out?

Gray: Yes, sir. I left the Department that afternoon about 2:45 p.m. and drove, as I recall, to Connecticut and I think it was the next day that I talked with my executive assistant, who told me that there had been stories that had been carried on the wires to the effect that I had been thrown out and that he had taken it upon himself to—because he had participated in this whole thing with me—he had taken it upon himself to issue a correcting statement attributed to FBI sources.

Weicker: Then, at any point, I repeat, between March 21 and April 27, which marked the date of your resignation at any time during that period did you or were you requested by the President of the United States to give to him information, facts, etc., relative to the Watergate situation?

Gray: I was not given any orders by the President of the United States or anyone to give them any facts about the Watergate situation until Mr. Petersen came to me

on April 16, and I have already testified to that in my statement. This is when they asked me whether John Dean had given me two of Howard Hunt's files.

Weicker: After March 30, it has been testified to before this committee, that Mr. Ehrlichman was placed in charge of the Watergate investigation as of March 30, so my question to you is, aside from the phone call of April 15, which phone call again has been testified to before this committee, and also I believe has been testified to by you, did Mr. Ehrlichman make any inquiry of you as to the matters attendant to Watergate?

Gray: No, sir he did not . . .

Gray was then questioned by Sen. Herman Talmadge (D-Ga.) about whose orders he thought he was acting under when he destroyed the files from Howard Hunt's safe:

Talmadge: . . . these Hunt papers that were turned over to you on June 28, I believe it was, 1972, is that right?

Gray: Yes, sir, in the evening.

Talmadge: And they told

you never to let them see the light of day?

Gray: Yes, sir, these, as I best remember it, Sen. Talmadge, this was in the concluding remarks of Mr. Dean when he said to me that these have national security implications, they are political dynamite and clearly they should not see the light of day.

Talmadge: Was it your thinking when you received that order that Tennyson must have had in mind when he wrote the charge of the Light Brigade, "Their's was not to reason why, but do or die."

Gray: I do not know that I thought in those terms, Senator Talmadge . . . I took this as an order . . .

Talmadge: You accepted it as an order and you executed it as an order and you carried it out as an order, is that correct?

Gray: That is correct.

Talmadge: What did you think the source of this authority was?

Gray: Well, as I have testified, I cannot really say it came from the President

but I can say to you, Sen. Talmadge, that one thing I neglected to say in the course of the conversation in the Attorney General's little private office when he was sitting there after having talked with the President, Mr. Kleindienst said to me there must be no implication that in burning these files there was any attempt of a cover-up at the White House, and I told him, I said, Dick, I clearly got instructions, I thought, to burn those files and I burned them and that is going to be my testimony.

Talmadge: You assumed that Dean's authority came from the President, did you not?

Gray: He was standing right there in the presence of the top assistant to the President.

Talmadge: You assumed that Ehrlichman's order came from the President?

Gray: I had to believe they were acting for the President, yes.

Talmadge: You assumed that it came from the Chief Executive of the United States of America . . . ?

Gray: I made that assumption but, Sen. Talmadge, in fairness and decency and honesty I have to say I just cannot testify under oath that the President ordered them to do this.

Talmadge: . . . You were in the Navy. When you got came from the Chief of an order from the Fleet not?

Commander you assumed it Naval Operations, did you

Talmadge: And in turn that he was appointed by the President of the United States, it came from the authority of the President; is that an accurate estimate?

Gray: That is correct.

Talmadge: I believe you in some statement stated you wrote the President, I believe . . . in 1968, to beware of his subordinates, they were attempting to wear his stripes as Commander-in-Chief; is that correct?

Gray: Yes, sir, I wrote that to him . . .

Talmadge: What made you think then that his subordinates were trying to take advantage of the positions that they were being placed in?

Gray: That was very early in the game and I did not know any of those subordinates but I knew sometimes this would occur in

the area of White House politics and I was merely telling him that I had nothing specific in mind, Sen. Talmadge, because I did not even know who were going to be the subordinates.

Talmadge: That was foreboding on your part on behalf of a friend?

Gray: Yes, sir.

Talmadge: You had that suspicion in 1968. What made you abandon that suspicion in 1972?

Gray: The thought never occurred to me at all again; you know, that letter had to be dredged up out of memory.

Talmadge: You assumed, then, when they gave those instructions it came from the Chief Executive of the United States of America?

Gray: No question about it, because I had had prior **experience in the administration** and I knew that those men did give orders. I knew that they used to come over and do that sort of thing, they used to do that at HEW

Talmadge: . . . The only evidence that this Committee has had to date implicating the President of the United States is that of John Dean and you and Gen. Walters.

Did you think that your conversation with the President on July 6, 1972, was sufficient to adequately put him on notice that the White House staff was engaged in obstructing justice?

Gray: I don't know that I thought in terms of obstruction of justice but I certainly think there was, it was adequate to put him on the notice that the members of the White House staff were using the FBI and the CIA.

Talmadge: Do you think an adequate, do you think a reasonable and prudent man on the basis of the warning that you gave him at that time, would have been alerted to the fact that his staff was engaged in something improper, unlawful, and illegal?

Gray: I do because I frankly . . . I expected the President to ask me some questions . . .

Talmadge: . . . I believe you made a denial to someone that you burned papers last Christmas during the Christmas celebration, during that period in Connecticut. Who did you make that denial to?

Gray: Assistant Attorney General Henry Petersen on April 16 of this year in my office.

Talmadge: Did you make any other denial that was a fabrication or falsehood?

Gray: I didn't tell the whole story, the correct story to Sen. Weicker . . .

Talmadge: You failed to volunteer at that time or did you tell him an outright falsehood?

Gray: . . . I told him an outright falsehood, I said I burned those papers in the FBI, and it was not true, I did not tell him the truth.

Talmadge: That is twice you yourself, Captain, have admitted you told a falsehood. Why do you think this committee should believe you now rather than maybe believing you were still telling a falsehood.

Gray: I am sitting up here testifying to you under oath and knowing full well that the substance of my testimony is critically important to this nation.

Talmadge: You are a lawyer, you are well aware of the penalty of perjury?

Gray: Yes, sir.