

Senator Hart. When Mr. Dean said to you "No, I did not do it, I didn't have the FBI reports with me," did you ask him if he knew who might have had them with him?

Mr. Gray. No; because the thought never entered -

Senator Hart. Did you ask him whether anybody had done it?

Mr. Gray. No, I didn't, because the thought never entered my mind. You know when you are working closely with the office of the Presidency the presumption is one of regularity in the conduct of the Nation's business, and I didn't even engage in the thought process that I would set up a presumption here of illegality and I didn't consider it.

Senator Hart. There would have been illegality or irregularity if, in fact, that report had been shown to the man in Miami?

Mr. Gray. Absolutely, I would classify it as a grievous and most serious breach of trust.

Senator Hart. Except for asking Mr. Dean did he or not, you are just presuming regularity, there has been no investigation beyond the inquiry to Mr. Dean?

Mr. Gray. No, I did not and I have got to engage in that presumption in the position I am in. ...

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Mr. Gray. This is possible. The human fallibility is there.

Senator Hart. That is right. Why wouldn't you think of that and attempt to determine whether, in fact, it did occur?

Mr. Gray. Well, I didn't

Senator Hart. Why didn't you?

Mr. Gray. Senator, because I reasoned that I asked the man a straight question with an awful lot of ire and irritation in my voice, and I feel I got a straight answer back.

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. ...

Senator Byrd. Did the FBI consider the possibility that Mr. Hunt may have returned to his office at the Executive Office Building after the break-in?

Mr. Gray. We thought about it, and of course we cannot talk to Mr. Hunt. We have no information that he did return/

Senator Byrd. What other steps could you have taken or did you take to ascertain whether in fact he did return to the Old Executive Office Building?

Mr. Gray. I don't know that we did take any other steps to ascertain whether or not he had returned.

Senator Byrd. Why not?

Mr. Gray. I don't know that during the course of the investigation it came up. I know that we checked - it did come up to check, I recall, it did come up to check his safe deposit box.

Senator Byrd. Well, wouldn't it have been important to ascertain whether or not he went back to the Old Executive Office Building following the Watergate break-in? Wouldn't this have been quite important?

Mr. Gray. Well, yes, you can look at it now and say it would have been quite important, but I would still say that you have ^{to} place some kind of reliance on the security of the White House and the security afforded to Presidential papers.

I am not at all sure that we did this. I really do not know; I cannot answer that question.

Senator Byrd. But here is a man who was involved in the Watergate break-in, was suspected even on the day of the break-in. He had formerly worked at the White House. Why wouldn't it be important to ascertain if he went back to the Old Executive Office Building that night to say to someone, "Boys, we'd better get this out of here, we'd better get that

out of here, things have gone wrong." Why wouldn't it have been important to try to determine if this might have happened?

Mr. Gray. It may have been done. I am just saying I don't know.

Senator Byrd. Would you check the records and see if it was done?

Mr. Gray. I think that would be in the Watergate files.

Senator Byrd. Did the FBI check the sign-in records of the EOB?

Mr. Gray. I think that information would be in the investigative file.

Senator Byrd. That wouldn't be classified, just to give me a yes or no answer, would it?

Mr. Gray. Senator, I am not in a position to discuss those files, and I am not going to discuss them.

Mr. Gray. ... This was an actual delivery made ^{by} ~~me~~ me personally to by Mr. Dean by handing him a briefcase containing the investigative reports on the first occasion. Then on the second occasion, by handing a briefcase to Mr. Fielding with the 10 investigative reports and the two volumes of teletypes that were 3-1/2 to 4 inches thick.

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Mr. Gray. ... I didn't give my full testimony with regard to any of this for obvious reasons, because as soon as this becomes an insert, it is going to be in the newspapers. I wanted to reserve the right to testify in response to questions here to give you the full story.

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Mr. Gray. I was going to tell you because I knew somebody was going to go down the list of these telephone calls and I would tell you as I am telling you now, Senator.

Senator Byrd. Why not put them all on there? That was supposed to be a list in a response to a question asking for all the telephonic communications, and you are saying now that in response to that request, you supplied only a partial list.

Senator Byrd. I note that Mr. Bruce Kehrli, was interviewed on the 19th of June and again on the 14th of August 1972. Why was he not interviewed before the 14th of August in/^{view of}the fact that he had been asked by Mr. Dean to assist Mr. Fielding late on the night of June 19 in breaking open the safe and taking therefrom the possessions of Mr. Hunt?

....

But
Senator Byrd. /Why was he not interviewed on the 27th of June, after Dean had turned Hunt's properties over to the FBI?

I note Mr. Fred Fielding was interviewed on the 27th. That would have been the day following the turnover of Mr. Hunt's possessions to the FBI.

Why was not Mr. Kehrli interviewed on that date?

Mr. Gray. Mr. Kinley is pointing out to me that we have since determined from a corrected list that Mr. Kehrli was interviewed on the 27th day of June and the 14th day of August, and not the 19th day of June.

Senator Byrd. Why was this not picked up at the time this listing was submitted to the committee?

Mr. Gray. The only reason I can give is that when we were checking and having our skull sessions in an effort to make absolutely certain we were delivering accurate information, this came up. We checked all the index cards in these two boxes here and came up with a corrected list.

Excerpts from
/Statement by Sen. Byrd at end of questioning:

Three: What started out initially to be a "full court press" investigation soon was reduced to an investigation only with respect to the IOC statute; possible violations of other statutes were not pursued, the pretext being that there were no indications of other violations, and that the FBI was not requested to go beyond the IOC statute by the Attorney General's office.

....

Five: The repeated absences from Washington at critical times by the FBI Acting Director - for example, during the Southern Airways skyjacking; and often during the Watergate investigation, an investigation which the Acting Director himself recognized initially as an extremely serious matter, one which had every indication of involving people in high positions in the administration.

Six: A handling of the Watergate investigation which has raised serious questions regarding its thoroughness, independence, and objectivity.

Seven: Failure on the part of the FBI Acting Director to demonstrate independence in dealing with John Dean, Counsel to the President, and accepting at face value and almost without question the statements, directions, and requests of John Dean, all of which indicate a pattern either of blind loyalty, faith, and trust in, or subservience to, the White House. Specific examples can be cited:

.....

(h) Although Dean had Mr. Howard Hunt's property removed from Hunt's office on the night of June 19, 1972, and stored it in his own office until he turned it over to the FBI 6 days later, the FBI Acting Director saw no reason to seriously question Dean's actions, even though Hunt proved to be involved in the Watergate break-in, and even though Dean knew at the time the property was stored in his office that Hunt was being investigated

by the FBI, and even though Dean, during those 6 days, failed to inform the FBI of what had transpired, notwithstanding the fact that Dean talked by telephone six times with the FBI Acting Director and met with the FBI Acting Director on two separate occasions in the latter's office during the 6 days Dean was in possession of Hunt's property.

(i) During the Klaindiknet hearings, Mr. Gray turned over to John Dean the famous Dita Beard memorandum which had been entrusted to the FBI by the Judiciary Committee under orders that it not leave the possession of the FBI. The Beard memorandum subsequently to the ITT ~~without~~ before being returned to the FBI and the Judiciary Committee. Notwithstanding this experience, FBI Acting Director Gray demonstrated an implicit faith in John Dean in turning over to him all FBI raw files requested by Dean with respect to the Watergate break-in. Here again, Mr. Gray acted, in his words, on the "presumption of regularity."

Eight: FBI Acting Director repeatedly stated during the hearings, and as recently as yesterday, that he would continue to turn over FBI raw materials to John Dean as requested. The supplying of FBI raw files to Mr. Dean has continued without questions being raised by Gray even subsequent to August 29, 1972, the date on which President Nixon stated in a press conference in San Clemente, Calif., that "Within our own staff, under my direction, Counsel to the President, Mr. Dean, has conducted a complete investigation of all leads which might involve any present member of the White House staff or anybody in the Government." (Emphasis supplied

....

Thirteen: ...There is too much evidence of political activity on the part of the Acting Director; there is too much evidence of subservience to the White House; there are too many unanswered questions with respect to the possible misuse of FBI files in connection with the Watergate investigation - all of these, together with the foregoing detailed reasons, are sufficient to justify a fear that the FBI could, in the future, become

a White House national police force to be used in political campaigns,
thus endangering the constitutional liberties of all Americans.

Senator Tunney. ... Are you suspicious of the relationship that Mr. Dean had with Mr. Liddy and with Mr. Segretti now?

Mr. Gray. Well, sir, I think I have testified that in the sum total of this investigation and, in particular, after we sat down around the table in my conference room and went through many skull sessions and took many looks at the things we have done throughout this investigation, that I just have not found things that would generate those suspicions, Senator Tunney.

Senator Kennedy. Did these reports which are alleged in the newspaper about the relationship between Mr. Dean and Mr. Hunt, come as a complete surprise to you?

Mr. Gray. Well, I guess you would have to say I was surprised to read that because of the fact we had absolutely no information, out of all the many trails that we crossed throughout our interviews, that this would be so. I just must believe, Senator Kennedy, that it is not correct.

Senator Kennedy. Then in the pursuit of Mr. Liddy, you didn't run into any kind of trails of Mr. Liddy in conversations with Mr. Dean about the finances of the organization?

Mr. Gray. No, sir, none that I recall. Of course, we were not permitted to interview Mr. Liddy. But we tried to trace their pattern of movement, Mr. Liddy's and Mr. Hunt's, where they might have gone and who they telephoned and that sort of thing, and it just didn't show up.

[Letter 3/1/73 Kleindienst to Kennedy]

Dear Senator: I have your letter of February 27, 1973, concerning the allegations in the March 5, 1973 issue of Time magazine, regarding electronic surveillance of newsmen and members of the White House staff.

I appreciate and share your concern regarding these very serious allegations.

As a consequence, I immediately investigated Time's allegations and personally contacted the Acting Director of the Federal Bureau of Investigation, Mr. Gray, and former Attorney General Mitchell. On February 26, 1973, the same day that Time magazine's story appeared, I issued a statement categorically denying the allegations in the Time magazine article. Apparently, my statement to the press was published after your letter to me. I am enclosing, for your information, a copy of my statement.

I would like to reiterate that Time's story has no basis in fact. During the period of the alleged wiretapping, a search of the Department's records reflects that neither my predecessor, Mr. Mitchell, nor I, authorized any electronic surveillance of newsmen, as reported by Time, nor of any members of the White House staff.

Senator Kennedy. It was discussed yesterday that the device was on Mr. Oliver's phone. It was mentioned that was known or at least swept by the FBI.

Mr. Gray. That is correct, and I believe it was also swept by the C. & P. Telephone Co., Senator, if my memory is correct.

Senator Kennedy. Do you know what it was doing still on the phone in September?

Mr. Gray. We didn't find anything there on the phone in June, sir.

Senator Kennedy. It wasn't there in June?

Mr. Gray. No, sir. The C. & P. Telephone Co. also reported that they found nothing. They came in there, of course, on June 17, 1972, and they reported that they found absolutely nothing. They dismantled handsets, terminal boxes, speakers, and wiring in the framework to which the incoming trunklines were wired for further distribution. They found nothing.

Senator Kennedy. Did they look into Mr. Oliver's phone, do you know specifically?

Mr. Gray. I didn't ask about that specifically, but they stated - I did ask, "Does this dismantling of handsets mean you actually dismantled the telephone into which we speak?" and the answer to that was "Yes."

Senator Kennedy. You don't know just from your report there whether that included the Oliver phone?

Mr. Gray. No; but I certainly read it to include all handsets in that particular area.

Mr. Gray. ... My recollection is that after we got up, I went to Mass with two of the agents. This I specifically remember because we got lost trying to walk to Mass and they had to come find us in a Cadillac. ...

Senator [Kennedy], I have checked the record and the following is a chronology of the early morning reports received by the FBI concerning the burglary, alleged bombing attempt and the interception of Communications violation.

Our Washington Field Office (WFO) Duty Agent received the initial telephonic notification from Inspector James Munroe of the Metropolitan Police Department (MPD) at about 4:30 am on 6/17/72. This notification was simply of the brief facts of the burglary then known. The burglary presented a possible Interstate Transportation of Stolen Property violation if the value of the stolen property amounted to \$5,000 or more. At approximately 6:30 am on 6/17/72, MPD detectives in viewing the evidence recovered, thought one of the items was a bomb or an incendiary device. Shortly thereafter, MPD informed WFO by telephone that the five men who had been arrested at the Watergate in the office of Democratic National Headquarters were possibly attempting to place a bomb in it. The Special Agent in Charge was thereafter advised by WFO Duty Agent and Agents were dispatched to the Second District Headquarters under the assumption that an attempted bombing had taken place. When FBI Agents arrived at the police station between 8:45 am and 9:00 am, they were informed by the MPD Bomb Squad that the device did not appear to be a bomb as originally reported. Examination of the device by FBI Agents determined it was part of what appeared to be a self-made electronic listening device. This was an immediate indication of a possible violation of the interception of Communications statutes, which are within the primary investigative jurisdiction of the FBI.

Senator Kennedy. Actually, you have answered that. At page 298 [of the typewritten transcript], you said: "I would like to state that Mr. Mardian was not questioned concerning what records existed prior to April 1972 nor was he questioned concerning any destruction of records. The investigation did not develop any allegation that Mardian had been involved in the destruction of records." And yet the Washington Post story clearly accuses Mardian of this.

Mr. Gray. Senator, I stated we interviewed 60 people. We had no indication of this. ...

Senator Kennedy. Well, it was a pretty serious charge, was it not, Mr. Gray?

Mr. Gray. Not in view of the fact that we had already interviewed 60 people.

Senator Kennedy. Is the FBI involved in any way in the investigation of the ITT affair?

Mr. Gray. Now? At the present time, sir?

Senator Kennedy. Let us take the present time.

Mr. Gray. We have been in the case with regard to the submission from the committee to the Department of Justice concerning the investigation relative to perjury or obstruction of justice which I am advised came over to us on December 5. The investigation is ongoing and is nearly complete.

Senator Kennedy. I see.

When do you expect that that will be completed?

Mr. Gray. We have, I think, four more interviews to go on that.

Senator Kennedy. Was one of the interviews in this investigation with Dita Beard?

Mr. Gray. I know nothing about that investigation at all, but I believe one of the interviewees was Mrs. Beard. I believe she had some kind of illness or something like that, at the time we were interrogating her.

From Testimony of John Elliff, Dept. of Politics, Brandeis Univ.,
Waltham, Mass.

There are other Executive orders establishing the Federal employee security program defining FBI intelligence duties. The original order specifically required the FBI to maintain records of persons concerning whom there is substantial evidence of membership in or sympathetic association with any group that might be conceivably designated on the Attorney General's list as it existed from 1947.

President Nixon in July of 1971 issued a new Federal employee security order and that order serves as a reference point for the executive criteria for FBI intelligence. Besides defining Communist, Fascist, and totalitarian groups more fully, the Nixon order extends intelligence coverage to any group that:

Engages in, unlawfully advocates, or adopts as a means of obtaining any of its purposes * * * the unlawful damage or destruction of property; or injury to persons; or * * * the commission of acts which violate laws pertaining to * * * riots or civil disorders * * * obstructing the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses.

The FBI continues to develop and maintain records of persons associated with organizations that may fit these standards.

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Besides electronic and informant surveillance and agent observation, the FBI relies on a wide variety of "established sources" in the community - State and local law enforcement officials, civic leaders, officials and members of voluntary associations, businessmen, college administrators and security personnel, and other persons believed reliable and willing to help the Bureau on a continuing basis. FBI intelligence uses these sources to make sweeping surveys designed to uncover any indications of extremist activity.

When the FBI's Domestic Intelligence Division in Washington determines that a category of persons or groups is the object of attempted influence from extremists, a preliminary survey is made of every organization in the targeted class. The net is cast widely to capture any evidence of contact with extremists. Even where no signs are discovered, apparently innocent group leaders are singled out by for background inquiries and indexing purposes on the remote possibility that some evidence will turn up in the future. Moreover, LHM's are prepared describing the group's origins and activities for possible dissemination outside the Bureau.

These data collection and dissemination methods are not new. They were formulated decades ago

... The passion for comprehensive data still dominates intelligence operations. In preparing what the Bureau calls its security index, field offices are instructed to identify every individual who is a leader of an extremist or subversive group, a key activist in the organization, or a member or sympathizer who shares the group's subversive or extremist aims. ...

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The conclusions of the staff report for the Subcommittee on Constitutional Rights, with respect to Army surveillance, I believe are relevant to FBI data collection as well. These conclusions are as follows:

The collection of information, and its attendant infringement on the constitutional rights and privacy of American citizens, has sometimes been justified on the ground of necessity, chiefly of public safety. Yet, it appears that the vacuum-cleaner approach of collecting all possible information resulted in great masses of data on individuals which was valuable for no legitimate - or even illegitimate - military purposes. ...

Senator Hart. ... You have indicated that your legal counsel decided there was no reason to investigate Mr. Segretti's activities. Was that opinion provided you by a written legal memorandum opinion or was it oral?

Mr. Gray. I think that opinion was a written opinion and as I recollect the Department attorneys were also consulted.

Senator Hart. Have we been provided a copy of that legal opinion?

Mr. Gray. No, sir; you have not been provided that.

Senator Hart. Can we get it?

Mr. Gray. No, sir. I must respectfully decline because that is a part of the Watergate file.

Senator Hart. Remember, that is just a legal opinion.

Mr. Gray. That is right, but it is a part of that file, Senator Hart. It is in connection with that case.

Senator Hart. Well, at least on the 4th of September the U.S. attorney thought it important to find out the details concerning payments of money to Segretti and what reports were made by Segretti and where the money was coming from.

Your agents were told by Mr. Kalmbach that he paid out to Mr. Segretti sizable sums in cash and he had no idea why this unusual arrangement was used, no idea what services Segretti was performing, or to whom Segretti was reporting, or from whom he received instructions. No questions were asked.

Now, on the basis of what I suggest is a rather extraordinary interview with a man of the stature and sophistication of Mr. Kalmbach, what kind of full-court press did you use to find out for the U.S. attorney what the heck was going on with all that money? Did you go back to Chapin and ask?

Mr. Gray. I believe you may be reading from that insert I put in the record. Is that the one you are referring to?

Senator Hart. Referring to it. I was not reading from it.

Mr. Gray. That is the insert I put in?

Senator Hart. Yes.

Mr. Gray. That is information that came from an FBI report of interview, as I recall it, and that information was furnished to the assistant U.S. attorney. We would take whatever other instructions the U.S. attorney might have given to us.

But I submit once again, this is substance and I am not permitted to discuss substance.

* * *

Senator Hart. As I get it, the U.S. Attorney wanted to know this information about Mr. Segretti, and Mr. Kalmbach was not able to answer. Now, would not an investigator then go to other sources to seek the information and the answers?

Mr. Gray. I think I can say to you that whatever the assistant U.S. attorney would ask us to do in the way of gathering information, if he specifically said go do this, we would do it. I think that must be the obvious conclusion here, Senator Hart.

Senator Hart. Then that aspect of the full-court press was controlled by the U.S. attorney, not by you?

Mr. Gray. I was not operating that close to the leads that were being sent out at all on this. ...

Senator Hart. Did any of your agents seek to go back to Chapin when they ran into "I do not know" with Kalmbach?

Mr. Gray. No such request was made to me. ...

Senator Hart. Why would you and the Bureau not want to know exactly what Mr. Silbert and the U.S. attorney wanted to know; namely, where the money came from and where it was going?

Mr. Gray. I think we have to conclude we gave Mr. Silbert the information he wanted to have, otherwise we would have ~~been~~ come back again.

Senator Hart. It is manifestly clear you were not able to give Mr.

Silbert the information he wanted because Mr. Kalmbach was not -

Mr. Gray. We gave Mr. Silbert the information he asked for, and when Mr. Kalmbach says I do not know, that is the answer we get. We have to take that answer back to the U.S. attorney.

Senator Hart. Sure, but having gotten "I do not know" as your answer, would not just a recently licensed private investigator say, "Well, maybe Chapin can give me the answer"?

Mr. Gray. If he were investigating political work of some kind, perhaps, but we were investigating, Senator Hart - and I think you have to keep that in mind - we were investigating an interception of communications offense. There was enough interest on our part later on to ask, as more information came in, whether or not Segretti has committed any offenses and should we investigate. We did that.

Senator Hart. Did you obtain the bank records or telephone records of Mr. Kalmbach?

Mr. Gray. That I do not know, whether we did or not.

Senator Hart. Would you provide for the record, in that connection -

Mr. Gray. No, sir. ...

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 Ditz 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?

* * *

Senator Byrd, Are you saying that Mr. Dean, 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. Kohrli 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. ... There was no allegation that Mr. Mardian had any information regarding the destruction of records ... Liddy's alleged destruction of records took place on June 17, 1972. In addition, Mr. LaRue was not interviewed regarding destruction of records as there was no allegation that he had any such information. ...

Senator Kennedy. T.. Can you tell us whether there actually was, as a result of the investigation, destruction of those files?

Mr. Gray. Can I tell you that there was destruction of those files? We had allegations to that effect, and statements to that effect made to us by individuals that we interviewed; yes, sir, I think I can say that; yes, indeed.

Senator Kennedy. Would that be a crime?

Mr. Gray. I don't know.

Senator Kennedy. What does your legal counsel say, if this was -

Mr. Gray. I didn't specifically ask that question of him, because all during the conduct of this investigation we were working hand in glove with the assistant U.S. attorney. If at any time an assistant U.S. attorney thought we were uncovering evidence of a crime, he would have pointed us in that direction regardless of what I wanted to do, Senator.

Senator Kennedy. What did you want to do?

Mr. Gray. I said regardless of what I wanted to do.

Senator Kennedy. Did he ever indicate to you that he thought that there was a possible crime?

Mr. Gray. No, I don't recall that specifically; and what I wanted to do from day 1, as we say in the FBI, was to give it a full court press with no holds barred and investigate to the hilt, and I believe we did.

Senator Kennedy. Well now, but you had reason to believe that this could have been a crime, may have been a crime?

Mr. Gray. No, I don't; no, I don't. I am not testifying to that effect at all, Senator. I want to look at the facts and the circumstances and I want to look at the possible statutes that are applicable before I

give you an answer to that question, sir.

(Mr. Gray subsequently submitted the following document for the record:)

Mr. Gray. I have had this matter researched, Senator Kennedy, and I have been informed that if destruction of files is brought about by bribery, misrepresentation, intimidation, or force or threats thereof it could constitute a violation of Title 18, U.S. Code, Section 1510 (Obstruction of Criminal Investigations). However, in the absence of the elements listed (bribery, etc.) the act of destruction by an individual having lawful possession would not appear to be a crime unless the files were specifically protected by a statute or the destruction was the last step in a continuing criminal conspiracy (Title 18, U.S. Code, Section 371) to violate other substantive Federal laws and to avoid detection.

An example of statutory record-keeping requirements is found in the Federal Election Campaign Act of 1971, Title III of which requires keeping detailed and exact records of all contributors, the name and address of contributors, and all expenditures made by political committees covered by the statute. It should be noted that this statute became effective on April 7, 1972.

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Senator Kennedy. You have not been what in that area?

Mr. Gray. Pushed, directed, guided in that area, to the best of my knowledge at this moment - but I will ascertain the facts.

Senator Kennedy. Could this not be considered as an obstruction of justice if the records were actually destroyed?

Mr.

Mr. Gray. I doubt it because I think what you are talking about - if you are talking about the same records that I have a recollection of - you are talking about those that were compiled prior to April 7, and I know -

Senator Kennedy. How do you know?

Mr. Gray. What?

Senator Kennedy. How do you know?

Mr. Gray. I don't know.

(Mr. Gray subsequently submitted the following document for the record:)

Mr. Gray. Senator, at this time I would like to state that Mr. Mardian was not questioned concerning what records existed prior to April, 1972, nor was he question concerning any destruction of records. ...

* * * * *

Senator Kennedy. One other area. Mr. Segretti. As I understand, Mr. Gray, Donald Segretti was interviewed during your investigation; is that correct? You have indicated that, given us the dates?

Mr. Gray. Yes, I gave you the dates - the 26th of June, 1972, the 28th of June, 1972, and also we saw him on the 30th of June in an effort to get him to identify pictures, Senator.

Senator Kennedy. Could you tell us why he was investigated?

Mr. Gray. Why he was investigated?

Senator Kennedy. Yes.

Mr. Gray. He turned up, his telephone number turned up, as I recollect, He was one of those telephone numbers that we ran down. This was my recollection. I would like to check my records to make sure I am correct, though.

(Mr. Gray subsequently submitted the following document for the record:)

Mr. Gray. After reviewing the records, Senator, I find that my recollection was correct and that we conducted investigation concerning Mr. Segretti because a review of the telephone toll records of Mr. Hunt's calls had showed numerous phone calls between Hunt and Segretti.

Senator Kennedy. And do you know whether he indicated that Hunt had asked him - what Mr. Hunt had asked him to do?

Mr. Gray. No. There is a little note here that I made, that he refused to give us any names, dates, or places at all. He was not too cooperative and helpful.

Senator Kennedy. He was uncooperative?

Mr. Gray. That is right, in the sense of giving us names, dates, and places. He talked to us once we contacted him, but he did not give us names, dates, and places. But this later, we are advised, came out at the Federal Grand Jury. I would like not to get into that.

Senator Kennedy. What other investigations were conducted on Mr. Segretti, other than the two interviews on the 26th and 28th, do you know?

Mr. Gray. I am not really sure I understand that question. We were not investigating him for anything other than his involvement, if any, in this IOC situation at the Democratic national headquarters.

Senator Kennedy. Were his telephone toll cards obtained?

Mr. Gray. I believe that they were; yes, sir.

Senator Kennedy. Why were his toll cards obtained?

Mr. Gray. I think we probably wanted to see to whom Segretti could lead us. We obtained an awful lot of toll calls. As I recall, there were 2,200 of them, not from Segretti, though, but from all the people involved in this investigation as interviewees or as principals.

Senator Kennedy. Who did they lead to?

Mr. Gray. I don't recall that with specificity, Senator.

Senator Kennedy. Would there be any names on there - would you remember them?

Mr. Gray. No; I wouldn't. I would have to provide ^{that} for the record for you, Senator. I just don't remember that.

(Mr. Gray subsequently submitted the following document for the

record:)

Mr. Gray. Our records show that during the period of time we felt was pertinent and checked, from about August, 1971 to June, 1972, there were about 700 calls charged to Mr. Segretti. The investigating Agents/screened these calls to try to pinpoint those which would appear to involve the Watergate subjects (Hunt, Liddy, McCord, Barker, Martinez, Fiorini and Gonzalez). We also looked for calls to the Committee to Reelect the President, Committee to Reelect the President people, the White House, White House people, or calls which might show Segretti was in contact with Hunt or Liddy during their travels. The greater majority of these calls did not appear to relate to the people involved in the Watergate incident. We did learn that Mr. Segretti was in touch with the published ^{telephone} number of the White House on several occasions; with hotels in Miami, Washington, D.C., and Chicago; with Mr. Dwight Chapin's residence; and with Mr. Hunt, both at his office and at his residence.

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(Mr. Gray subsequently submitted the following document for the record

Mr. Gray. After checking the records, I have found that Mr. Kalmbach was interviewed on September 4, 1972, at Los Angeles. This interview was conducted at the request of Assistant U.S. Attorney Silbert, who directed the grand jury inquiry. Mr. Silbert wanted us to find from Mr. Kalmbach details concerning payments of money to Segretti such as how much was paid where the money came from and whether reports were made by Segretti. ...

... He said he had no knowledge of what Segretti was doing to justify these expenses or to earn his salary. He said the money he used to pay Segretti came out of campaign funds that were obtained from contributors prior to April 7, 1972. ...

* * * * *

Senator Kennedy. Did you interview everyone that Mr. Segretti had called?

Mr. Gray. The Federal Bureau of Investigation?

Senator Kennedy. Yes/

Mr. Gray. No, sir; there would have been a selective screening at the case agent and field supervisory level and they would have done that themselves. I would not have interfered, though, I would not have said, "Don't do this or don't do that." I turned them loose.

Senator Kennedy. What is the basis of the screening?

Mr. Gray. It is basically to save manpower and get your most probable parties first.

Senator Kennedy. How do you decide which ones you are going to get?

Mr. Gray. The case agents from the knowledge of the case and the total buildup of the statement pattern as it is being developed, discuss this among themselves and their supervisors and they begin to zero in. In these investigations one thing leads to another. It is that type of situation.

Senator Kennedy. Why would Kalmbach and Chapin be on the list of the interviewed and some others not be?

Mr. Gray. I think it was a natural and probable consequence by that time.

Senator Kennedy. Why?

Mr. Gray. Because it was certainly an obvious conclusion to be drawn by anybody that these would be people who should be interviewed, because of some of the allegations that were made once again in the Federal Grand Jury.

Senator Kennedy. Did you ever talk to Chapin's boss?

Mr. Gray. Who is that, sir?

Senator Kennedy. Mr. Haldeman.

Mr. Gray. Mr. Haldeman, no, sir, we did not.

Senator Kennedy. Did anybody that you know of in the FBI talk to him?

Mr. Gray. No, sir, I know of no one from the FBI who talked to Mr.

Haldeman. I know of no one in the FBI who sent out a lead to talk to Mr. Haldeman and I know of no one in the FBI who recommended that we talk to Mr. Haldeman, and when I asked these very same questions in our skull sessions -

Senator Kennedy. You asked the same questions?

Mr. Gray (continuing). I asked those very same questions in our skull sessions.

Senator Kennedy. Why did you ask them?

Mr. Gray. Why did I ask them? Because once again I wanted to leave no stone unturned.

Senator Kennedy. You think if they asked Mr. Chapin's boss that some stone might have been turned?

Mr. Gray. I doubt it very much because we have no indication in the total statement pattern, the total evidentiary pattern of development of this investigation to indicate that he was involved. We did interview Mr. Ehrlichman, so the natural conclusion has got to be drawn, Senator, that if we had thought, if any of my investigators had thought that Mr. Haldeman should have been interviewed such a recommendation would have been made, such a lead would have been carried through.

* * * * *

Senator Kennedy. What would have been the type of thing you might have been looking for with Mr. Haldeman, what Mr. Chapin's duties were?

Mr. Gray. No.

Senator Kennedy. What sort of thing?

Mr. Gray. Any participation, guidance, direction, involvement in the IOC. That was the criminal matter that we had under investigation.

Senator Kennedy. Limited only to that?

Mr. Gray. Sir?

Senator Kennedy. Limited only to that?

Mr. Gray. Yes, sir. That is correct.

Mr. Gray. ... When I was a boy growing up my mother said, "Pat, the world can take everything from you but your reputation and your education", and if I thought that was being tarnished I would return to southeastern Connecticut and go back into my law firm and I really mean that.

Mr. Gray. I have had the matter researched, Senator Byrd, and have been informed that the statute, Title 18, U.S. Code, Section 2511, provides no waiver of the prohibition against disclosure when there is an espionage charge involved. In fact, the statute (Title 18, U.S. Code, Section 2515) specifically prohibits the use of intercepted wire or oral communications as evidence before any court, grand jury, Department officer, agencies, regulatory body, legislative committees, or other authority of the United States. Therefore, if an espionage charge is involved and criminal prosecution is contemplated, the statute would prohibit use in the prosecution of evidence obtained through unlawful intercepts.

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From the very beginning this matter received top priority with FBIHQ issuing instructions that all investigation was to be under the personal supervision of the Special Agent in Charge of each field office where investigation was to be conducted. These instructions included the fact that as many Special Agents were to be assigned as were needed to insure the investigation was absolute, thorough, immediate and imaginative. All leads were set out by telephone or teletype.

The investigation has involved 51 field offices in addition to investigation in Mexico, Canada, Venezuela, and Germany. Through September 8, 1972, 333 Agents worked on this case expending about 14,100 man-hours. In addition, about 2,000 clerical hours were expended in support of the Agents. Some 1,550 interviews were conducted during this period and 130= investigative reports totaling about 3,500 pages were submitted. Copies of these reports were furnished to the United States Attorney's office, Washington, D.C., and to the Criminal Division, Department of Justice. ...

Mr. Gray. After checking the records, Senator Byrd, I find that on July 17, 1972, Assistant United States Attorney Silbert requested Washington Field Office to interview Mr. Ehrlichman regarding the activities of Hunt and Liddy while they were under his employment at the White House and to obtain any documents pertaining to travel and expense accounts at the White House of Hunt and Liddy. ...

Senator Byrd. In the material that you supplied for the committee, page 53 there was included a letterhead memo dated July 21, 1972, that you prepared at the request of and sent to John Dean, counsel to the President. On page 10 of that memo, you state:

It was determined from Mr. John Dean that the personal effects of Everette Howard Hunt had been removed from Hunt's office in the Executive Office Building and brought to his, Dean's/ office. This material which was turned over to the FBI on June 27, 1972, included ancillary equipment for the transceivers and other equipment identical to items known to have been purchased by James Walter McGord, Jr.

What were the circumstances involved in Mr. Dean turning over the ~~equipment~~ equipment in Mr. Hunt's office 10 days after the break in?

Mr. Gray. This came up as a result of agents' desiring to find out whether or not Mr. Hunt had an office there. Mr. Dean said that he would have to check whether or not Mr. Hunt had an office there and would ascertain that.

Indeed, at this point in time, the White House records indicated that Howard Hunt had ceased his employment as of March 29, 1972.

We had previously ascertained that fact. Later we were delivered these materials and an inventory was made of these materials that were delivered to us. Included among those materials were a gun, electronic equipment tying in Hunt with the type of electronic equipment that was possessed by Mr. McGora, and top secret materials involving South Vietnam dispatches.

Mr. Gray. Senator Tunney, I have checked the records and I do not find any indication that Mr. Hunt told the FBI he thought that all the effects in his office were not turned over to the FBI. It is a matter of record with the U.S. District Court for the District of Columbia, however, that on October 11, 1972, Mr. Hunt swore to an affidavit, which was part of a motion for return of property and to suppress evidence filed on his behalf with the court. That affidavit of Mr. Hunt's specifically mentions a "Hermes" notebook and a "name-finder" notebook as being among the items which were in his effects in Room 338 Old Executive Office Building. These alleged items were not among the materials which White House personnel removed from Mr. Hunt's office and which Mr. Dean ~~and~~ and Mr. Fielding turned over to the FBI on June 27, 1972. [The June 27 date was subsequently changed to June 26.]

* * * * *

Mr. Gray. Upon checking the record, Senator, I find that Mr. Kehrli was ~~not~~ not questioned on this point by the FBI.

...

Mr. Gray. Senator Tunney, I have checked the records and I do not find any indication that Mr. Hunt told the FBI he thought that all the effects in his office were not turned over to the FBI. It is a matter of record with the U.S. District Court for the District of Columbia, however, that on October 11, 1972, Mr. Hunt swore to an affidavit, which was part of a motion for return of property and to suppress evidence filed on his behalf with the court. That affidavit of Mr. Hunt's specifically mentions a "Hermes" notebook and a "name-finder" notebook as being among the items which were in his effects in Room 338 Old Executive Office Building. These alleged items were not among the materials which White House personnel removed from Mr. Hunt's office and which Mr. Dean and Mr. Fielding turned over to the FBI on June 27, 1972. [The June 27 date was subsequently changed to June 26.]

Senator Tunney. It indicates a Secret Service agent was present with Mr. Kehrli as they removed the items from the safe. I am curious to know if, after these rumors were started that somehow not all the documents were turned over by Mr. Dean, Mr. Kehrli was interviewed and if the Secret Service agent was interviewed in addition to Mr. Dean.

Mr. Gray. I can state, Senator Tunney, that Mr. Dean, Mr. Kehrli and Mr. Fielding were interviewed by Assistant U.S. Attorney Silbert in the presence of Assistant Attorney General Henry Petersen of the Criminal Division and one agent of the Federal Bureau of Investigation, but I cannot specify with regard to the Secret Service agent. I will have to check for you and make an insert for the record.

(Mr. Gray subsequently submitted the following document for the record

After checking, I have been informed that the Secret Service agent was not questioned on this point by Assistant United States Attorney Silbert, nor was he questioned on this point by the FBI. Our files show that among the people we interviewed relative to the removal of Mr. Hunt's effects from Room 338 in the Old Executive Office Building was a Secret Service agent who was interviewed on June 29, 1972. When the safe was opened and it was seen that some highly classified material was contained therein, it was immediately closed and Mr. Kehrli was informed. Mr. Kehrli took the responsibility for the contents and the Secret Service agent was thereafter excused and did not participate in recovery of the items from the safe.

Senator Tunney. You don't know whether he coached any of the witness Mr. Gray. No, I wouldn;t even have asked him if he coached any of th witnesses, and we didn't.

Senator Tunney. But considering the fact that he had probably more information than anyone else, other than the FBI, and inasmuch as he seem to have almost as much information at times as you did, at least he had prior information with regard to Hunt, wouldn't it have been a normal question to ask Mr. Dean if he was interviewing the witnesses before the FBI interviewed them?

Mr. Gray. No, sir, because Mr. Dean had zero information at the beginning and he stayed that way for a long period of time. ...

Senator Tunney. As of the 19th he had an awful lot of information on Mr. Hunt?

Mr. Gray. I don't know what he had.

Senator Tunney. He had the materials he turned over to you.

Mr. Gray. That is right, and you can look at the inventories there and they are not that great, the materials listed there.

Senator Tunney. There was bugging equipment, wasn't there?

Mr. Gray. Oh, yes, that was there. ...

Senator Tunney. As of the 19th you knew Mr. Hunt had electronic equipment that was pretty extensive. So he may not have had as much information as you had, but he had a fair amount of information. Do you think maybe the reason he asked to sit in on those interviews was because of the fact he had gone through the safe and found out what was in it?

Mr. Gray. No, I don't think so, sir. ...

Senator Byrd. Were you aware that Mr. Colson sent Howard Hunt to Denver last March to interview the ITT lobbyist, Dita Beard?

Mr. Gray. I was not, no, sir; I was not until the investigation, this Watergate investigation, developed and we found it out through that. I believe we found it out through that. I may be misquoting myself and I had better check the record on that before I get on with that one.

(Mr. Gray subsequently submitted the following comment for the record:)

After checking our records, Senator, I find that Mr. Colson was interviewed by Washington Field Office on June 22, June 26, August 23 and August 24, 1972. Concerning Howard Hunt's travel and reimbursement for travel expenses, he said on August 23, 1972, he was aware that Mr. Hunt traveled on a frequent basis, but that there were only two trips that Mr. Hunt made which were authorized by Mr. Colson. He stated the other trips were on behalf of some other person. With respect to the trips that Mr. Colson authorized, one was to Denver, Colorado, in March, 1972, in connection with the "ITT case." Mr. Colson did not state what was learned by Mr. Hunt on this trip and the matter was not pursued by our Special Agents since there was no relationship between that trip and the Watergate matter and we were not investigating ITT.

* * * * *

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Department of Justice,
Washington, March 23, 1972.

* * * *

(e) All such inquiries are to be directly related to and material to the charge that the ITT antitrust cases were settled in return for an agreement on the part of ITT to contribute a sum of money to the City of San Diego in support of its bid to host the Republican National Convention in the City of San Diego, California.

Senator Byrd. Were you aware of transmission by the chairman on March 10, 1972, of the Dita Beard memorandum to the FBI through the Justice Department?

* * * *

My personal recollection is that there were two transmittals of the Dita Beard memorandum to the FBI. The first one occurred on March 10, 1972 and the second was on March 15, 1972. Upon checking internally within the FBI, I am now aware of three transmittals of the Dita Beard memorandum to the FBI, the two mentioned above and a third one occurring on March 17, 1972.

Mr. Gray. Yes, sir. I believe it was because I believe that sometime during that period of time that memorandum was in the hands of the counsel to the President.

Senator Byrd. Referring again -

Mr. Gray. But I do not know how it got there. I would have to check the record to be certain how it got there, but I believe this is a correct statement.

(Mr. Gray subsequently submitted the following document for the record:)

Upon checking the record I found that the Dita Beard memorandum was made available to Mr. Dean, the counsel to the President, by me.

* * * * *

Senator Byrd. Referring again to the interview between Mr. Hunt and Dita Beard, did the FBI question Mr. Colson as to the purpose of that interview?

Mr. Gray. I do not believe that we did. I do not believe - you mean, at the time of the ITT or the Watergate investigation, Senator, which one are you referring to?

Senator Byrd. Well, if you were aware at the time of the -

Mr. Gray. I have no present recollection of it and I am going

to have to refresh my recollection but I want to know which time you are talking about, either the ITT -

Senator Byrd. Well, in either case.

Mr. Gray. All right, in either case, we will furnish that information. P.137

(Mr. Gray subsequently submitted the following document for the record:)

After checking the record, I find that we did not question Mr. Colson as to the purpose of Mr. Hunt's trip to Denver, Colorado, since there was no apparent connection between that trip and the Watergate investigation and we were not investigating the ITT matter.

* * * * *

As I indicated previously, Senator, when our Agents interviewed Mr. Colson on August 29, 1972, concerning Mr. Hunt's travel, Mr. Colson said one trip which he authorized Mr. Hunt to make was to Denver, Colorado, in connection with the ITT matter. Our Agents did not question Mr. Colson about that trip further since there was no involvement of the ITT case with the Watergate bugging. We do not know what questions were posed to Mr. Colson by the Assistant U.S. Attorneys who took a sworn deposition from him as ~~that~~ that deposition was for grand jury purposes.

* * * * *

Senator Byrd. Would not the FBI think it important to know how and why Mr. Hunt was tied into both the ITT case and the Watergate case?

Mr. Gray. I do not know that the thought ever crossed our minds.

* * * * *

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Senator Byrd. And would it not be important now to know whether or not Mr. Hunt was connected with both of these cases?

Mr. Gray. I do not know. I am going to have to review on that because I cannot really see the tie-in of Dita Beard and Watergate. I am having trouble making that tie-in.

Senator Byrd. The tie-in is Mr. Hunt, No. 1, and Mr. Colson, No.

2, of the White House. Mr. Hunt was employed by Mr. Colson, on the recommendation of Mr. Colson, and worked for the White House.

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Senator Byrd. The Washington Post reported that Mr. Segretti had named White House aide Dwight Chapin as his contact in spying and sabotaging of the Democrats. Did the FBI question Mr. Chapin?

Mr. Gray. We did question Mr. Chapin, but that information from Mr. Segretti, I believe, comes from testimony that I should not be alluding to here, Senator.

Senator Byrd. Would it not be appropriate then, Mr. Gray, for you to supply the committee with the Watergate files before the committee proceeded any further?

Mr. Gray. I made the offer, Senator Byrd, earlier, to the committee,

...

* * * * *

Senator Byrd. Was information obtained from national security wiretaps insofar as you know, in connection with the FBI wiretaps given to Mr. Hunt and/or Mr. Liddy while they were working at the White House?

Mr. Gray. I do not know, sir.

* * * * *

~~Senator Byrd~~ --- When Judge

Senator Byrd. Did you ever discuss any matter relating to the investigation of the Watergate affair with anyone from the White House?

Mr. Gray. Yes, sir.

Senator Byrd. Who?

Mr. Gray. John Wesley Dean, Counsel to the President, and I think on maybe a half dozen occasions with John Ehrlichman.

* * * * *

Senator Hart. Why I am bothered is that it was a leadpipe criminal action alleged in the news and it alerted you to call Dean in the White House but nothing beyond that.

Mr. Gray. No, sir; I made the decision, and I did not go beyond it because I saw no reason to go beyond it.

Mr. Gray. Well, first, Senator, Segretti was not a subject of an investigation. He was one of the many people who were being interviewed in connection with the Watergate. ...

Intelligence. - ... But the nagging problem that will not go away is Gray's tie with President Nixon. Whatever Hoover's flaws, no one could accuse him of playing partisan politics; he intended the bureau to be above such doings and made that ideal stick during his reign. Gray left the Navy in 1960 to join the staff of Vice President Richard Nixon, and served on the Nixon campaign teams in 1960 and 1968. There have been disturbing indications that Gray is not the wholly apolitical administrator that he now claims to be. Back in 1969, when he joined the Health, Education and Welfare Department, he told a meeting of Administration appointees, "Do not retch or quiver when we insist that the preponderant majority of our colleagues - political appointees - be members of our own party." He added: "Loyalty includes an avoidance of criticism of our leaders and of our colleagues. Criticism which is destructive in nature is cancerous - it will destroy us and our entire team."

Gray coached Richard Kleindienst in his testimony before the Senate Judiciary Committee during the I.F.T. controversy, and last summer, at the request of the White House, made campaign speeches for Nixon. He began his talks in Ohio after a presidential aide told him that the state was "crucially vital to our hopes in November." In September he ordered his agents to collect political intelligence for Nixon, and within the bureau, defended his actions by simply shrugging: "Wouldn't you do that for the President?" Although the request came from a member of Nixon's staff, the White House said later that it was improper to give the assignment to the FBI.

Senator Kennedy. This week's Time magazine contains information about alleged wiretaps on newsmen, according to the article, requested by the White House, authorized by the Justice Department, installed by the FBI. How would you respond to these charges?

Mr. Gray. I would have to say, first, that with regard to the general matter of wiretaps -

Senator Kennedy. No, just on these charges. How do you respond specifically, I will come on to general wiretap questions later on. How do you respond?

Mr. Gray. How do I respond to these charges? When I saw this particular article and checked the records and indexes of the Federal Bureau of Investigation, and I am told also that the Department of Justice checked the records of the Internal Security Division of the Department of Justice, there is no record of any such business here of bugging news reporters and White House people.

Senator Kennedy. Well, is that the full answer?

Mr. Gray. That is my answer, yes, sir, that is my full answer.

Senator Kennedy. Did you talk to anyone about it at the White House or is it just a matter of your answer is "I just checked the record and we didn't find any authorization and we didn't do anything else."

Mr. Gray. That is my answer, that we checked the records and indexes of the Federal Bureau of Investigation, yes, sir.

Senator Kennedy. Could you describe that in some greater detail. These are some rather serious charges.

Mr. Gray. I know they are rather serious charges.

Senator Kennedy. Tell us what you did/ exactly.

Mr. Gray. I went to the records and checked the records.

Senator Kennedy. What records?

Mr. Gray. The records that we keep on national surveillance wire-taps, the authorizations, the memorandums that are prepared, the reports and the indexes that are filed in connection therewith.

Senator Kennedy. Well, unless you had some official designation that this was going on -

Mr. Gray. That is correct.

Senator Kennedy (continuing). You didn't feel that you had to pursue it any further?

Mr. Gray. That is correct because, you know, Mr. Hoover is not going to do something like this in the first place.

Senator Kennedy. I am not asking Mr. Hoover.

Mr. Gray. And in the second place -

Senator Kennedy. I am asking about you.

Mr. Gray. In the second place, every one of these come across my desk, every single one and, in the third place, when I came into the Federal Bureau of Investigation on May 3, the very first thing that I said is, I will not permit any wiretaps that are not in accordance with law. That is my answer, and that is what I have done. That is what I have said repeatedly.

Senator Kennedy. Well, you have indicated that you reviewed what wiretaps were authorized, and since any taps on the White House didn't appear on that list, that is the extent of your investigation?

Mr. Gray. That is the extent of my investigation.

Senator Kennedy. You don't feel - let me ask a question.

Mr. Gray. Yes, sir.

Senator Kennedy. Did you feel that you ought to talk to anybody at the White House about this?

Mr. Gray. The White House has already issued a denial, and the answer is no, Senator.

* * * * *

Senator Kennedy. Did you talk with anybody in the Justice Department about it?

Mr. Gray. I was advised - yes, I did - I was advised -
Senator Kennedy. Whom did you talk to?

Mr. Gray. I talked to Jack Hushen, public information officer.
Senator Kennedy. Public information officer?

Mr. Gray. Yes; because he called me, and he said this has ap-
peared in Time magazine - I hadn't even seen it - "What do you know about
it?" And I said, "You had better start checking the records in the De-
partment of Justice and we will check the records in the Federal Bureau
of Investigation, and that has got to stop," and that is all.

* * * * *

Senator Kennedy. And you didn't have any - that is the only con-
tact you had with the Justice Department?

Mr. Gray. On this?

Senator Kennedy. On this issue.

Mr. Gray. Yes; I haven't talked to Assistant Attorney General
Olson on this at all. I have not discussed this with the Attorney General
at all.

* * * * *

Senator Kennedy. I was listening to you earlier when you were
talking about how your Inspection Division follows up every single com-
plaint that comes on out when it affects the FBI.

Mr. Gray. On one of us.

Senator Kennedy. But when a crime like this, and it is a crime.
Would it not be a crime?

Mr. Gray. If these acts were committed, certainly it is a felony;
no question about it, certainly.

Senator Kennedy. But the extent of your investigation is, as I
stated, just a review of your own files, the files of the FBI, on what
wiretaps had been authorized, and since you didn't see any approval there,
and after a routine call from the public information officer from the
Justice Department, you let that drop; is that correct?

Mr. Gray. Yes, one telephone call.

Senator Kennedy. One telephone call.

Mr. Gray. That is correct.

Senator Kennedy. Did you ever think of talking to Mr. Segretti about how he got the information?

Mr. Gray. No, I did not because there was no need to do that ...

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Senator Kennedy. What do you do when there is unrestricted information or FBI leaks or whatever?

Mr. Gray. We try ~~to~~ in many ways to ascertain how ~~these~~ those leaks occur. I am not going to discuss publicly, Senator, how we try to do it.

Senator Kennedy. Well, you didn't in this case, though, did you, Mr. Gray?

Mr. Gray. No, I did not. I did not.

* * * * *

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Mr. Gray. We have our records of national security surveillances, you know.

Senator Kennedy. That is correct.

Mr. Gray. And this is what we checked, and we found no evidence to the effect that we were tapping any newsmen or any White House personnel.

* * * * *

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Senator Kennedy.

Senator Kennedy. Well now, he, as I understand, Mr. Dean indicated that he himself did not leak the FBI report?

Mr. Gray. No, we didn't talk in terms of leak, Senator Kennedy.

Senator Kennedy. Well, how did he - I mean I am just trying to understand a little better whether he said "I didn't show the FBI report," that still leaves a pretty wide -

Mr. Gray. No, he said, "I didn't even have them with me." He said he did not.

Senator Kennedy. Could he have made some notes before or copies and brought those with him?

Mr. Gray. I would doubt it very much, Senator Kennedy.

Senator Kennedy. Did you ask him -

Mr. Gray. I didn't ask him.

Senator Kennedy. Whether he had passed on even any of the information -

Mr. Gray. No, I did not ask him.

Senator Kennedy (continuing). Any of the information that was in it?

Mr. Gray. No, sir; I did not ask him that.

Senator Kennedy. You just asked him whether he had shown the report to Mr. Segretti?

Mr. Gray. In fact, this was the allegation when I read it, and I read it to him out of the paper that morning.

Senator Kennedy. Did you ask him whether he had seen Segretti?

Mr. Gray. No, I did not.

Senator Kennedy. Do you know whether he saw Mr. Segretti?

Mr. Gray. No, I do not, sir.

Mr. Gray. I would not classify it as just a routine call. He was quite upset when he read this article to me, and I am sure he was speaking for the Attorney General. I am sure that there had been discussion between the Attorney General and the Assistant Attorney General in charge of the Internal Security Division where those reports are made. I have to assume this - this is a normal type of procedure - and I did what I would do under these circumstances - I checked our records and indexes.

Senator Kennedy. That is the sole extent of what you did?

Mr. Gray. That is correct, Senator Kennedy, that is exactly what my testimony is.

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Senator Kennedy. ... As I understand it, at the hearings yesterday there was discussion about the copies of various FBI materials shown, or made available to Mr. Segretti prior to his grand jury appearance in the Watergate investigation, and, as I recall your testimony, I believe you said that no investigation was conducted of those allegations. That despite the fact that these materials have been disseminated to the Justice Department personnel and to assistant U.S. attorneys out in the field, and, of course, I imagine presumably to your own agents, your own Bureau, nothing was done to investigate those allegations or charges other than a phone call to the White House?

Mr. Gray. Senator, we don't investigate unless we have a violation of law. Our ground zero is found in our jurisdictional authority, and there is no violation of law, there is only a breach of trust if this occurred. I don't know that it occurred, and if it occurred Segretti was hearing what he had said himself.

Senator Kennedy. Well, I am interested in what steps were taken to find out or track this down by the FBI?

Mr. Gray. I testified as to the steps.

Senator Kennedy. We are just going to take a little time.

One telephone call?

Senator Kennedy. At one point while you were investigating the Watergate case, there were allegations in the press that a former Assistant Attorney General, Mr. Mardian, after he left the Justice Department and joined the Committee To Reelect the President, either ordered or was in some way involved in the destruction of relevant documents at the Committee To Reelect. Could you tell us what investigation, if any, the FBI conducted into those allegations?

Mr. Gray. We endeavored to interview Mr. Mardian, and we did interview him on July 17, 1972, and he claimed the attorney-client privilege and said no more to us.

Senator Kennedy. He what?

Mr. Gray. He claimed the attorney-client privilege with regard to his role with the principal, this is what we were interviewing him about.

Senator Kennedy. Well, who was his client?

Mr. Gray. I will have to take a look at the specific interview sheet. I will get the interview sheet, the FD-302, and provide the answer. I don't remember. I think he claimed that he had advised Mr. Stans and Mr. Mitchell.

Senator Kennedy. So he didn't respond any further?

Mr. Gray. That is my recollection, Senator, but I want to check the actual interview sheet.

Senator Kennedy. But you accepted his claim of lawyer-client relationship?

Mr. Gray. Senator, you know we have a point beyond which we cannot get.

Senator Kennedy. I am just asking you did you accept it?

Mr. Gray. We tried to get whatever information we could from him.

Senator Kennedy. And he said that it was a lawyer-client relationship?

Mr. Gray. ~~That's~~ This is my best recollection.

Mr. Gray. That is what - no, I am not going to get into the destruction aspect. I am not looking at the 302. His position as reflected there was he had counseled them.

Senator Kennedy. For any period of time, or for how long a period?

Mr. Gray. It doesn't say in that statement.

Senator Kennedy. Did you ask him?

Mr. Gray. I don't know, Senator. I will have to look at the 302.

(Mr. Gray subsequently submitted the following document for the record:)

Mr. Gray. After a review of the record, Senator Kennedy, I find that Mr. Mardian advised our Agents that he had, in the capacity of an attorney rather than as an employer, spoken to Mr. Liddy, Mr. Stans and Mr. Sloan, and as such he could not divulge either the nature or the substance of his conversations with those men. It is my understanding that the attorney-client privilege which he was invoking is a continuing one and exists until revoked by the client. Our Agents did not ask Mr. Mardian how long a period of time this privilege would be claimed.

Senator Kennedy. Who else did you interview about those alleged destructions of the files?

Mr. Gray. We interviewed quite a few people. Once again, I will have to go to the 302's to find which of them were asked specific questions regarding any destruction of files.

(Mr. Gray subsequently submitted the following document for the record:)

Mr. Gray. After checking, I find that there are two situations in which records at the Committee to Reelect the President were allegedly destroyed. The first of these relates to financial records of contributions before April 7, 1972, when the new Disclosure Act took effect. The second involved alleged destruction of records at the Committee offices after the arrests of the five men at the Democratic Headquarters on June 17, 1972. Our Agents contacted a number

of people at the Committee concerning these points and during the Federal grand jury inquiry a number of people were also questioned concerning the records destruction. Those questioned included Jeb Magruder, Herbert Porter, Maurice Stans, Hugh Sloan, Paul Barrick, Lee Nunn, Sally Harmony, Judith Hoback, Robert Odle, Robert Houston, Sylvia Panarites, Millicent Gleason and Martha Duncan.

Senator Kennedy. Do you remember whether you talked to Frederick LaRue? His name was mentioned in this.

Mr. Gray. I believe Mr. LaRue was interviewed.

Senator Kennedy. Could you tell us when?

Mr. Gray. Yes, he was interviewed on July 18, 1972, and again in more detail on July 21, 1972.

Senator Kennedy. Did you ask him about the destruction of files?

Mr. Gray. I am going to have to answer that one specifically: I will have to go to the 302 to see the detailed report of interview, Senator, and I will do that.

Senator Hart. Well, all that that investigation determined was that Mr. Dean didn't do it.

Mr. Gray. That is correct, sir.

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Senator Hart. What would you think if you had asked the U.S. attorney's office, "What happened to yours - did you or any of your people misplace them during the period they might have been shown to somebody in Miami?"

Mr. Gray. No, I did not consider doing that.

* * * * *

Senator Hart. What about Segretti himself? Do you think that it would have been desirable to ask him who showed it to him?

Mr. Gray. No, I didn't consider that, either. I don't think any of my investigators -

Senator Hart. We never will know whether that happened?

Mr. Gray. That is right. ...

* * * * *

Mr. Gray. Well, suffice it to say that no one sent any type of a recommendation to me that we do this sort of thing. I think if anybody in the Federal Bureau of Investigation, or in the Criminal Division, or in the U.S. attorney's office, had thought that we should pursue this, that suggestion would have been made to me. I made the decision as soon as I read the newspaper article - and I can remember reading it - to call Mr. Dean immediately. And I am satisfied -

* * * * *

Mr. Gray. ... actually, you know, we interviewed Segretti very early in the game, on the 26th of June, and when these newspaper accounts came out, this was new information to us because these were things that Mr. Segretti had not told us. What I did at that time was to ask once again

my Office of Legal Counsel whether or not on the basis of the information made available to us, Segretti had committed any offenses within our jurisdiction. That opinion was, no. But I still said, "Check with the Department of Justice." That opinion came back, no, and we were not directed to do any further investigation over on this side of the fence with regard to whatever Segretti was doing in answering - in asking questions, setting up any kind of a network, or whatever it was, he didn't tell us about it. ...

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Mr. Gray. Senator, however you want to characterize it, we did not interview Segretti or investigate into any of the political machinations in which he is alleged to have indulged.

We interviewed him on the basis that he participated in Watergate or he didn't. He fell within the IOC statute, intercepted communication statute, or he didn't.

Senator Hart. What if some of those other activities involved the Corrupt Practices Act or Federal campaign laws, but did not involve Watergate?

Mr. Gray. Certainly under those cases I would have assumed that the Department of Justice would have said yes. ...

Senator Hart. At some stage there was concern that the White House was concerned in this case.

Mr. Gray. I think there was the possibility right on the first day, as I testified earlier this morning. when we in the FBI learned that Mr. McCord was the security officer of the Committee to Re-Elect the President, that right away posed the possibility that we had a very touchy situation on our hands, no question about it; we were very well aware of it.

Senator Hart. Aware that it might involve the White House/

Mr. Gray. Yes.

Senator Hart. In the course of the Watergate investigation, did you, from investigators under you in the Bureau, or through the U.S. Attorney's Office, have requests or recommendations that the Bureau interview particular people?

Mr. Gray. Very few of them, very few of them, because I turned the Bureau loose, as I testified this morning. I pushed the button. I said, "No holds barred, give it the full court press," and they didn't have to come around every time they wanted to interview somebody and ask me and they didn't do it, Senator.

Senator Byrd. ... I fear that the FBI could, under a politically oriented Director, become the political arm of the White House - ~~whether~~ whether it be a Democrat in the White House or a Republican in the White House, I think this would be a danger to the protection of the constitutional liberties of all of our people. I think the politicization of the FBI could - I am not saying it would happen at all - but it could be the first step toward the conversion of the FBI into a sort of American Gestapo.

Mr. Gray. ... On July 1, 2, 3 or 4, after June 30, 1960, I left the Pentagon for room 361, Senate Office Building, and served on the staff of the then Vice President, Richard Nixon, and my first assignment was to work with analysts regarding mail. Every assignment I received thereafter was logistical in nature - go out and find space, put together a group of lawyers to answer mail, find volunteers, rent the basement of the Solar Building, and that type of thing.

Senator Byrd. You indicated earlier that the Watergate break-in occurred on June 17. Did the FBI tell Mr. Ehrlichman on that day that Mr. Hunt was involved?

Mr. Gray. I do not know whether the FBI reported on that day to Mr. Ehrlichman that Mr. Hunt was involved. I will have to furnish that information for the record. I know that probably such information was furnished but as to the exact time I will have to determine that, Senator.

(Mr. Gray subsequently submitted the following document for the record):

Mr. Gray. Upon checking the record, I find that the FBI did not inform Mr. Ehrlichman that Mr. Hunt was involved. However, late in the afternoon of June 17, 1972, Mr. Alexander P. Butterfield, Deputy Assistant to the President, was contacted by the Washington Field Office to ascertain what connection Mr. Hunt had with the White House.

* * * * *

Senator Byrd. In view of the fact that the FBI entered the case on the 17th, would it not be proper to assume that the FBI told Mr. Ehrlichman that Mr. Hunt was involved?

Mr. Gray. No, it would not be proper to assume that, Senator, because I gave instruction very early when I first talked with Mr. Felt, and I must make sure when that was. The instructions I gave to Mr. Felt were to hold this very, very, very closely, and that I think was probably late in the afternoon on the 17th or early on the 18th. But I have no reason to believe that the FBI would have made any notification to anybody without notifying me first. They just do not operate that way.

Senator Byrd. Mr. Ehrlichman was reported to have said, "We get a routine notification." Does that mean they could get a routine notification from the FBI if a White House staffer was in trouble?

Mr. Gray. No; I am going to have to look into that for you. I cannot answer that question under oath. I am going to have to look into that. I just do not know that information that was reported.

find out and I will furnish it for the record.

(Mr. Gray subsequently submitted the following document for the record):

I find, Senator Byrd, upon checking the record, that when the FBI receives an allegation of a criminal nature against an employee of the Executive Branch, as a matter of routine, a senior official of that agency is advised. This includes the White House.

Senator Byrd. Can you inform the committee as to who first contacted the White House on the 17th?

Mr. Gray. On the 17th, assuming - I will inform you, Senator Byrd, and the members of the committee, who first contacted the White House and when and what they told them.

Senator Byrd. And who was contacted at the White House.

Mr. Gray. Right; I will inform the committee.

(Mr. Gray subsequently submitted the following document for the record:)

Senator Byrd, upon checking the record, I find that Supervisor John Ruhl of the Washington Field Office telephonically contacted Mr. Alexander P. Sutterfield, Deputy Assistant to the President, between 6:00 and 7:00 pm, June 17, 1972, to determine Mr. Hunt's affiliation with the White House and to inform the White House that Mr. Hunt may be involved in this matter which was being investigated by the FBI. This was the first contact by the FBI with the White House concerning this matter.

Senator Byrd. Why did the FBI not look for Mr. Hunt until the 19th?

Mr. Gray. I think we interviewed Mr. Hunt on the evening of the 17th, if my recollection is correct, and I will check that in the summary to make sure and if I am in error I will correct it. I think I am correct in stating that we interviewed him on the 17th.

(Mr. Gray subsequently submitted the following document for the record:)

Upon checking the record I find that at approximately 5:30 p.m., June 17, 1972, the Washington Field Office telephonically contacted Mr. Hunt to request an interview with him. He agreed and shortly

thereafter was contacted at his home by two Special Agents.

Senator Byrd. You interviewed -

Mr. Gray. That evening.

Senator Byrd. You interviewed Mr. Hunt on that evening?

- Mr. Gray. Yes; he was not doing very much talking.

Mr. Gray. ... Otherwise we would have deferred to the metropolitan police department on either the burglary or the bomb, but it was later on, about mid-day, that the U.S. attorney and the Assistant Attorney General of the Criminal Division confirmed that we should have jurisdiction of this case.

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Mr. Gray. ... These leads are going out and the organization is really cranking up the speed rather rapidly through the teletype circuit. I will be happy to submit for the record the general instructions that went out indicating that this was to be an investigation aggressively conducted and pursued, taken under the wing of each special agent in charge, and as many special agents utilized as necessary in order to promptly and effectively investigate this case.

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From AIRTEL to SACs Washington Field et al. from Acting Director, FBI

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WFO discuss with the USA the possibility of obtaining a search warrant for search of McCord's apartment in the Miami area.

Miami and WFO are to obtain all available information concerning the bank accounts, as well as toll telephone calls, of the subjects and other individuals who appear to be involved in this case including Everett Howard Hunt, Jr.

WFO is instructed to continue submission of a daily teletype summary of the highlights of investigation.

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Senator Byrd. But you were kept well informed?

Mr. Gray. I was well informed, yes, sir.

Senator Byrd. Were you the decisionmaker as to the scope of the investigation?

Mr. Gray. As to the scope?

Senator Byrd. Yes.

Mr. Gray. Of the investigation that it would be limited to the IOO, to the violation of the criminal statutes involving intercepted communications?

Senator Byrd. As to the scope.

Mr. Gray. That is all we had, yes, sir.

Senator Byrd. And you made the decision?

Mr. Gray. Well, I made it in conjunction with the Assistant Attorney General of the Criminal Division, and U.S. attorney ...

Senator Byrd. But it was your decision as to whether any leads would be followed that might go higher up than the seven defendants?

Mr. Gray. I did not make any decisions on leads, and this is where I do not write the leads. The case agents write the leads, they are reviewed by the field supervisors, the Special Agent in Charge reviews them, then they are reviewed over by the Bureau supervisors.

* * *

Senator Byrd. Were you required to clear the scope of the investigation through the Justice Department?

Mr. Gray. Yes, sir; we work with them very closely on that.

Senator Byrd. But were you required to clear the scope of the investigation through the Justice Department, or was this a determination that you would make yourself?

Mr. Gray. No, I do not think it was a determination at all. I could make a determination but I would have to investigate what the Department of Justice told me to investigate, and I investigated within our jurisdiction.

Senator Byrd. Who made the determination as to how far you would

go in the investigation and as to whether or not leads would be followed which may have pointed to people in the White House?

Mr. Gray. Oh, we followed up on people in the White House, and we interviewed them, and I would be happy to submit to the committee and for the record, a list of ^{the} people interviewed at the White House, at the Committee to Re-Elect the President, and the dates on which they were interviewed.

(Mr. Gray subsequently submitted the following documents for the record:)

* * * * *

White House personnel contacted for the purpose indicated, though not interviewed:

Wilbur Jenkins Administrative Officer, White House Aug. 7, 1972.
(checked records for official travel of Hunt).

John Campbell Staff Assistant, Office of Domestic Co.
Council (made available travel voucher and related documents concerning Liddy).

Margaret L. Beale Personnel Office, Office of Manage- Do.
ment and Budget, Executive Office of the President (made available copies of personnel action concerning Liddy).

James Rogers Personnel Office, White House Office Do.
(made available forms from Hunt's personnel file).

Arthur Bauer Fiscal Service Officer, Office of Aug. 10, 1972
Management and Budget, Executive Office of the President (made available copy of official time and attendance records regarding Liddy).

Senator Byrd. So when clearance was sought the green light was given?

Mr. Gray. That is right.

Senator Byrd. In every instance?

Mr. Gray. I am not going to answer that question that categorically because there may be some instance, even in my intensive review of this case and my participation in it, where I could make an error and I would rather reserve the answer to that so I can check it and give a statement for the record, Senator Byrd.

(Mr. Gray subsequently submitted the following document for the record:)

After checking the matter, I have been informed there were no leads the Agents wanted to follow which they were not permitted to do.

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After checking the record I find my recollection was correct and that no interviews suggested by SAC Kunkel were turned down.

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... At about 3:11 pm, Pacific Daylight Time, June 17, the Los Angeles Office briefed me in more detail. That briefing was to the effect that the Watergate security guard had found tape around two door locks, he believed a burglary was in progress, he called the police who apprehended five subjects in the Democratic Headquarters. The true identity of Barker, Gonzalez, Martinez and Fiorini was then known, but McCord had not yet been identified as the true name of the individual who when apprehended gave the name Edward Martin. That briefing gave information about the material which the subjects had in their possession such as lockpicking de-

vices, surgical gloves, camera equipment, transceivers and a bugging device.

I was informed that search warrants were being issued for hotel rooms used by the subjects and for the vehicle they were known to be using. I was informed that attorney Michael Douglas Gaddy gratuitously appeared at the Metropolitan Police Department, Second District Headquarters, and stated he was representing the subjects who were in custody although the subjects had not previously made a telephone call to contact him or anyone else after they were in custody. ... At about 3:45 pm, FBIHQ called the Los Angeles Office to advise the identity of McCord and this was relayed to me by the Los Angeles Office shortly thereafter.

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Senator Byrd. Mr. Robert Houston, one of McCord's assistants to the Nixon Committee, in describing his duties under McCord said "Part of my instructions were to receive and record instructions from outside police forces. The information I got came from the FBI." Can you tell me what information was turned over to Houston or McCord or anybody else?

Mr. Gray. I do not believe any information was turned over to anybody.q...

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I find, Senator Byrd, upon checking the records, that on June 18, 1972, we first learned that one George Leonard, later identified as George Gordon Liddy, was registered at the Watergate hotel with the group which was arrested at the Democratic Committee Headquarters. Extensive efforts, of course, were made to endeavor to identify Leonard. On June 23, 1972, Assistant Director Bates directed a memorandum to Acting Associate Director Felt which stated that at 12:50 P.M. that date, SAC Kunkel had called to advise that in tracing

telephone calls of Martinez and Barker, one of the numbers called at the Committee to Reelect the President was that of a Mr. Gordon = Liddy. ...

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Senator Byrd. When did you first become aware of Mr. Howard Hunt's role in the case?

Mr. Gray. I think it may have been when I read the teletype regarding his investigation, regarding the fact that we interviewed him that Saturday evening, the 17th, but I will have to once again go to the record and provide you with the exact information, Senator.

Senator Byrd. And indicate -

Mr. Gray. From whom.

Senator Byrd (continuing). From whom the information came.

(Mr. Gray subsequently submitted the following document for the record:)

After checking the records, I find the FBI first became aware of Mr. Hunt's ~~involvement~~ involvement in this case during the search conducted on the afternoon of June 17, 1971, of the two rooms at the Watergate which were rented by the arrested men. During that search an envelope containing a country club bill of Mr. Hunt's was found. Also located during this search was an address book which belonged to Bernard Barker and contained the letters "H.H. House," beside which letters was telephone number 202-456-2202.

A check of the field office indices showed we had previously conducted a Special Inquiry investigation on Hunt in 1971 at which time he was being considered for a job as Consultant to the White House. ...