

# Gray Refuses to Provide Break-in Files--'Orders'

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**Citing orders from the United States Attorney General, L. Patrick Gray III refused continuously yesterday to answer questions on material contained in FBI files.**

Senator Birch Bayh (Dem-Ind.) said the order by Attorney General Richard G. Kleindienst and President Nixon has given what he called a "black eye" to Gray, who testified before the Senate Judiciary Committee during hearings on his nomination to be the FBI director.

Senator John V. Tunney (Dem-Calif.) said Kleindienst's action "clearly demonstrates that the attorney general is concerned about revelations contained in the Watergate file. We have learned some things from information provided by Mr. Gray; the question is 'how much more is there in those files?'"

## SUPPORT

At the White House, a Nixon administration spokesman said support of Gray for the FBI post has not diminished and that Mr. Nixon has not abandoned him, as alleged in a newspaper account.

"I have the impression that the President's support is exactly the same as when he sent it (the nomination) up, and that is full," said Senator Hugh Scott (Rep-Pa.), a leading administration spokesman.

Scott said, however, that the administration support of Gray "does not include the television spectacular on Capitol Hill." "The White House has nothing to hide," he said. "And that is an authorized statement."

## DECLINED

Gray declined to discuss what he called "matters of substance."

In his five previous appearances, Gray had discussed data contained in the FBI files and supplied, upon request from committee members, other information pertaining to investigations conducted by his agency.

Under orders given to him Monday, Gray said, he could make information in the FBI files on the bugging of Democratic headquarters in the Watergate complex available to four persons: the committee chairman, the ranking minority member and the counsel for both political sides of the committee. Previously he had said that any member of the Senate, but no staff member, could see the material.

Gray said he did not question the orders of the attorney general because "I'm a bureau chief in the executive branch. I serve at the

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pleasure of the President. I take my orders from the attorney general. I do accept those orders."

Senator Philip A. Hart (Dem - Mich.) displayed amazement, however, when Gray said he would not provide to the committee a memorandum ordering an investigation of an FBI directive to field offices last year. The directive requested information about the criminal justice system that might be useful for Mr. Nixon's campaign speeches.

"That's part of an FBI investigation and I'm not permitted to provide that material," said Gray.

Hart: "It's simply a memorandum initiating the investigation."

Gray: "I respectfully decline. It is part of the investigation file."

The acting FBI director also said that "every word I say up here is listened to by every intelligence agency in the world."

Hart: "I'll be hanged if Moscow or Peking or whoever our new enemies are will be helped by your providing that memo."

At another point, Hart asked Gray if he would ask Kleindienst to permit him to provide some other material for the committee. Gray said he would not.

"There has to be a line of finality drawn," Gray said. "I'm going to be up here until January providing memos to the committee."

"I don't want to get into this pattern," he continued. "We have to reach a point of finality where you vote up or down. I'm entitled to some kind of judgment."