

Senate Offered Bugging Data

1/19/73
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Attorney General Richard G. Kleindienst offered yesterday to give Senate investigators of the Watergate case a private look at everything the FBI has found out about the case, but cautioned that there may be limitations on what they can make public.

He said Justice Department policy does not permit release of material involved in a possible appeal by any defendants, or of any unverified allegations affecting "innocent people." Two men are now on trial for allegedly bugging and breaking

into Democratic Party headquarters last summer. Five others have pleaded guilty.

A Senate aide said Kleindienst's statements raised the possibility that "we may not be able to get the stuff we need," but the Attorney General said he was confident he will not have any problems working out an agreement with Sen. Sam J. Ervin Jr. (D-N.C.), the man Senate Democrats have picked to head their probe.

Kleindienst made the comments in the course of a breakfast session with newsmen in which he also put public pressure

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on President Nixon to make acting FBI director L. Patrick Gray III the permanent director.

He said Gray has done "a great job" since succeeding J. Edgar Hoover in the post last year, but will remain an "easy target" for both critics and rivals for the job as long as his status is "acting director."

Kleindienst said he had recommended that Gray be named director and "I don't know why" the President is delaying.

Pressed as to any possible reason for Mr. Nixon's inaction, Kleindienst told reporters, "I don't know. You know where he (Mr. Nixon) is. Go ask him."

At the White House, deputy press secretary Gerald L. Warren said he would have no comment on Kleindienst's remarks. "When the President has an appointment to make, we will announce it," Warren said.

The Attorney General said he welcomed the Senate decision to investigate the Watergate case, including the Justice Department's handling of the matter.

"It doesn't bother me a bit. It's a good thing," he said. "A jury trial is not the best place to explore the ramifications of this kind of thing for the political system.

Reminding reporters he was under a court injunction not to discuss the extent of the investigation or the identity of any persons who may have been involved in the alleged eavesdropping at the Democratic National Committee, Kleindienst nonetheless asserted there had been no White House interference and no limitations on the investi-

gation of the case.

"I have a duty to uphold the Constitution and enforce the law," he told the reporters, "and it's a sad fact that some of you at this table don't think that means anything to me."

But, he added, even if he had wanted to curb the investigation, "it would be impossible to do" because the investigators and prosecutors involved would not permit it to happen.

"You take this fellow Silbert," he said, referring to Silbert, he said, referring to Earl Silbert, the prosecutor in the current trial of the seven men involved in the Democratic headquarters bugging case. "I don't know his political affiliation, but I'd guess he's a Democrat, considering his age (36) and the fact he's Jewish . . . Glanser and Campbell (Seymour Glanser and Donald Campbell, who are working with Silbert on the case) are both liberal Demo-

crats . . . If I told them to go easy on someone, they'd tell me to shove it."

As for making the FBI investigation material available to the Senate, Kleindienst said the "only thing we'd hold back" would be materials involved in litigation and "irresponsible" or unsubstantiated allegations included in the files.

He acknowledged to reporters that the first limitation would continue as long as any appeals were pending from the case now being tried. A Senate aide said that might mean the FBI material would be embargoed "for eight or ten years."

But Kleindienst said he

hoped Ervin "would look at what we have in camera (privately) before we decide what we make public. I have great respect for Senator Ervin. I don't think we will have any problems. He's concerned about protecting the rights of innocent people, just as I am."

Kleindienst told reporters he welcomed the press publicity on the Watergate case, because as one who had spent 20 years in politics, he thought the "illegal wiretapping" alleged to have taken place at the Democratic headquarters "is one of the most far-reaching and significant crimes against a free society."

"You read some of those headlines in The Post and they had very little to do with what was in the story," the Attorney General said.

He said he had told Katharine Graham, publisher of The Post, that "the administration is being no more unfair to The Post," in barring its reporters from some White House social events, "than The Post was to the administration" in some of its reporting on the Watergate case.

"I told her, 'Don't get so upset. You've got a great paper. Go ahead and run the . . . thing the way you want. But don't be surprised if the President gets a little upset and does something a little s---y to you in return.'"