

Reluctant F.B.I. Gave Aide Of Nixon Watergate Files

NYTimes By DAVID E. ROSENBAUM Special to The New York Times MAR 1 1973

WASHINGTON, Feb. 28—L. Patrick Gray 3d, the acting director of the Federal Bureau of Investigation, said today that he had originally resisted making the bureau's files on the Watergate affair available to the White House, but that he had finally allowed a record of the investigation to be given to a Presidential assistant.

Mr. Gray told the Senate Judiciary Committee that his legal advisers had informed him that he had an obligation to accede to White House requests for the investigative material.

Speaking as the committee opened hearings on his nomination to be permanent head of the F.B.I., Mr. Gray offered to let any Senator see the same complete Watergate files. He also promised to cooperate fully with the special committee formed by the Senate to inquire into the Watergate break-in and other alleged espionage during last year's Presidential campaign.

"We have nothing to hide," Mr. Gray told the Senators.

Most of the questions at the daylong hearing dealt with the bureau's investigation of the watergate incident, which involved burglary and bugging of the Democratic National Committee offices, and with allegations that Mr. Gray had given political speeches on behalf of the campaign to re-elect President Nixon.

Five men pleaded guilty and

two others were convicted in the Watergate case, all having been arrested chiefly on the basis of the F.B.I.'s investigation. But there have been charges, especially from Democrats, that the bureau was less than thorough in its inquiry.

Mr. Gray denied such charges. The Watergate case had been given the "highest priority," he told the Senators, and "no restrictions or limitations were placed" on the investigation.

"We gave it a full-court press," Mr. Gray said, using a basketball term for intense pressure against the team with the ball. He added, "I was not such a jackass as to think that the credibility of the F.B.I. as an investigative agency would not be on the line in this thing."

Three of the Watergate defendants were present or former employees of the White House or the Committee for the Re-election of the President.

Instructions Denied

Mr. Gray said that he had received no instructions from the White House or from Attorney General Richard G. Kleindienst about how his bureau should proceed in the case.

But, he said, on June 19, just two days after the break-in at the Watergate, he received a summary report of the investigation thus far that had "come up through F.B.I. channels." Copies of the report were addressed to H. R. Haldeman, Mr. Nixon's chief of staff, and to Mr. Kleindienst.

"I mixed that. I said, 'No, we will not do that,'" Mr. Gray told the Senate committee today, explaining that he did not think a record of the investigation should get out of the F.B.I. at that point.

Obligation Cited

Mr. Gray recalled, however, that a month later, John W. Dean 3d, counsel to the President, who was conducting a separate White House inquiry into the incident, "asked us to give him what we had to date."

Mr. Gray said that he asked members of his legal staff about Mr. Dean's request and that they advised him that, while the bureau should not volunteer such information to the White House, it had an obligation to

provide it if it was requested. Mr. Gray said that he then gave a report on the investigation to Mr. Kleindienst and that "I have every reason to believe that it then went to the White House."

After another request from Mr. Dean, Mr. Gray said, present records of the interviews that agents had conducted during the Watergate investigation to the White House.

Mr. Gray did not say explicitly that he allowed the White House to see raw data that the F.B.I. had collected. However, he implied that the information he released was quite extensive.

Officials of the Justice Department in this previous Administration said that Mr. Gray's predecessor, the late J. Edgar Hoover, had zealously guarded undigested investigative files, but had always given the White House full reports on the progress of important investigations.

Access Is Offered

Mr. Dean's White House inquiry has never been made public, although Administration officials, on the basis of Mr. Dean's work have said that no one now employed at the White House was involved in the Watergate affair.

While Mr. Gray may not have given the White House all the F.B.I. documents on the Watergate case, he did agree to make them all available to Congress.

He said that any Senator who wanted to see the files personally could do so, but that the only staff members who would be given access to the material were those working for members of the special Senate committee.

Mr. Gray was asked repeatedly today about the bureau's investigation of Donald H. Segretti, the young California lawyer alleged to have conducted political espionage and sabotage on behalf of the Nixon campaign.

Just One Interview

Mr. Gray said that F.B.I. agents interviewed Mr. Segretti once, on June 26, but had not asked him about espionage activities. The bureau concluded that he had been involved in no illegal activities in connection with the Watergate break-

in, according to Mr. Gray. Mr. Gray said that the only information the F.B.I. had about the spying and sabotage activities of Mr. Segretti had come from news accounts, subsequent to the interview.

According to one news article, Mr. Segretti went to Miami Beach just before the Republican National Convention and shortly before he was scheduled to testify before a grand jury. At that time, Administration aides were said to have shown Mr. Segretti copies of his F.B.I. interview and, on the basis of the interview, to have coached him on what to say to the grand jury.

Mr. Gray said that if that report were true it would have meant a grievous and most serious breach of trust.

After the report appeared, Mr. Gray said, he was "really ticked," apparently believing that Mr. Dean, the White House counsel, might have been the one to show the material to Mr. Segretti.

No Further Checks

Mr. Gray told the Senators that he then called Mr. Dean, "with a great deal of ire and irritation in my voice," Mr. Dean told him, he recalled, that he did not have the F.B.I. reports in Florida.

In answer to Senator Philip A. Hart, Democrat of Michigan, who indicated disbelief, Mr. Gray said he had taken Mr. Dean at his word and had not made further checks into whether the reported disclosure of information occurred.

Mr. Dean was not asked whether anyone else on the White House staff might have shown the material to Mr. Segretti, and Mr. Segretti himself was not questioned on the matter, Mr. Gray said.

In a 24-page opening statement to the committee, Mr. Gray said that one of his cardinal principles was to keep the F.B.I. "completely and absolutely non political."

Mr. Gray said that, like other Administration officials, he had received a memorandum from the White House urging him to give a political cast to the speeches he made before the Presidential election, but that he had ignored the memorandum.

In the weeks before the election, Mr. Gray said, he gave several speeches around the country, but he added:

"I did not design, write, plan or intend any of those speeches to be political speeches."

Senator Birch Bayh, Democrat of Indiana, noted that Mr.

Gray's speeches frequently strayed from questions of law enforcement into such matters as the relative merits of defense and domestic spending. Senator Bayh also noted that Mr. Gray had traveled on a White House airplane and, at one point, had spoken to a group in Cleveland that Sargent Shriver, the Democratic Vice-Presidential candidate, was scheduled to address the next week.

would not be difficult to conclude that Mr. Gray was speaking as Mr. Nixon's "surrogate."

Mr. Gray denied that conclusion and said:

"My intent was to praise America, not to carry the cudgel for President Nixon."