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Segretti Could Have Seen Watergate Data, Gray Says

By John P. MacKenzie
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Acting FBI Director L. Patrick Gray III told the Senate yesterday that he could not guarantee that White House aides didn't show FBI reports to Donald H. Segretti to prepare him for his grand jury testimony in the Watergate investigation.

Gray said he was confident that no presidential aide was guilty of such a "grievous and most serious breach of trust,"

but he acknowledged that FBI documents were made available to the White House.

Appearing as the first witness at his confirmation hearings, which continue today, Gray defended the FBI's investigation of the Watergate case and said he had met its challenge to maintain a "non-political" FBI.

Gray called the investigation a "full court press" and a "massive special" with "no holds barred and no interfer-

ence, despite implications of involvement high in the Nixon administration.

He acknowledged that, in response to a request from White House counsel John W. Dean III, the FBI provided reports of interviews and the investigation's progress to help Dean's probe into whether presidential aides were indeed involved in the bugging and spying on Democratic Party headquarters.

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Responding to questions from Sen. Sam J. Ervin Jr. (D-N.C.), head of a select Senate committee to investigate the affair, Gray said he shared Ervin's concern about a report in The Washington Post last Oct. 15 that the FBI's reports were used improperly by presidential aides.

Gray said he immediately called Dean and received assurances that he had not divulged their contents to Segretti, a key figure in what has been described as an unprecedented ring of political espionage.

Questioned further by Sen. Philip A. Hart (D-Mich.), Gray said he asked no more questions of anyone about the charge, despite its seriousness, chiefly because he observes "a presumption of regularity" about the activities of persons close to the President.

The Post report cited by Ervin attributed the charge of compromising FBI files to Lawrence Young, a California attorney and close friend of Segretti and of Dwight Chapin, former White House appointments secretary.

Young told The Post that last Aug. 19, two days before the Republican National Convention, presidential aides in Miami Beach showed Segretti reports of two interviews he had with the FBI, including one that was less than 24 hours old.

Gray testified that he asked Dean in angry tones about the story and received Dean's firm denial, including a denial that he took any Watergate documents to the GOP convention.

Pressed by Hart, Gray said he "didn't think" of the possibility that some other White House staff member might have shown the documents to Segretti. Dean was not mentioned in the news article, but

Gray said he thought only of Dean because his reports went to him.

"No one sent any type of recommendation to me" to probe further, said Gray. "I'm accountable," he added. "If you judge this to be error, so be it. I did not judge it to be in error. . . I would make the same decision again."

Gray also testified that the FBI's examination of Segretti went no further after it was determined that he had nothing to do with electronic eavesdropping and illegal break-in at the Watergate, the prime event that resulted in the recent convictions of two men and the guilty pleas of two others at a trial in U.S. District Court here.

Again Hart, who admitted that his experience as a prosecutor was limited, said he wondered why the FBI's expert investigators failed to probe for other possible violations of law, such as reported ventures into political sabotage.

Gray said he had no such mandate from the Justice Department of which the FBI is a part and with which he works closely.

The 56-year-old former naval officer also was questioned extensively about politically flavored public speeches he made after his appointment last May as temporary replacement for the late J. Edgar Hoover.

Gray denied the suggestion of Sen. Birch Bayh (D-Ind.) that his public utterances during the Nixon reelection campaign sounded like those of the Executive Branch "surrogates."

In one speech, responding to complaints about distorted na-

tional priorities, Gray cited the Gross National Product and other economic indicators to support a statement that the United States was "on the threshold of the greatest growth in our history."

Bayh, Ervin and Sen. Robert W. Byrd (D-W.Va.) all said this speech sounded political to them. Gray replied that he was "carrying the FBI's message to the people" and giving him a chance to sound off about his love for America, "not to take up a cudgel for Richard Nixon."

"Have you ever heard a political speech that was not pro-America?" asked Bayh. Byrd, voicing fears of a "politicized" FBI, said the speeches sounded like his own and he agreed with them, but that Gray was not a United States senator.

The nominee conceded that a campaign official had asked him to accept a speaking invitation last August in Cleveland because of Ohio's importance in the election. But he said he made his own independent decision to make the speech, and to talk about law enforcement and patriotism.

Gray's answers did not appease Byrd, who has announced his opposition to the nomination. The assistant Senate majority leader cross-examined Gray extensively on numerous matters of controversy.

A friendly member of the Judiciary Committee, Sen. Marlow Cook (R-Ky.), said he failed to see the political implications of Gray's speeches but expressed concern about the arrest and investigation of Les Whitten, an associate of columnist Jack Anderson.

Gray said the FBI, acting with Justice Department approval, made a "valid arrest" of Whitten last month as he stood on a sidewalk in Northwest Washington with cartons of documents that had been stolen from the Bureau of Indian Affairs.

He said he could not explain why the department,

acting through a grand jury, obtained Anderson telephone records going back six months before the theft that was under investigation. "We only looked at those calls following" the incident, he said, in quest of the stolen documents.

Whitten and Anderson, who are scheduled to testify at the

hearings, have charged that the arrest and the subpoena of telephone records are part of an administration plan to intimidate the press.

Other hostile witnesses will be Joseph L. Rauh Jr. of Americans for Democratic Action, who wrote Gray asking him to withdraw his nomination, and Norman Dorsen

of the New York University Law School, chairman of the Committee for Public Justice which recently investigated the FBI.

The hearing was so well attended that Chairman James O. Eastland (D-Miss.) moved it to one of the largest rooms in the Dirksen Office Building.

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By Joe Heibeger—The Washington Post

Sen. Eastland chats with Acting FBI Director Gray before start of hearings.