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Gray Says Mitchell Blocked Interview With His Wife

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WASHINGTON, March 1—L. Patrick Gray 3d, acting director of the Federal Bureau of Investigation, told a Senate committee today that his agents had wanted to interview Mrs. John N. Mitchell during their investigation of the Watergate affair but that they were refused permission to do so by Mr. Mitchell.

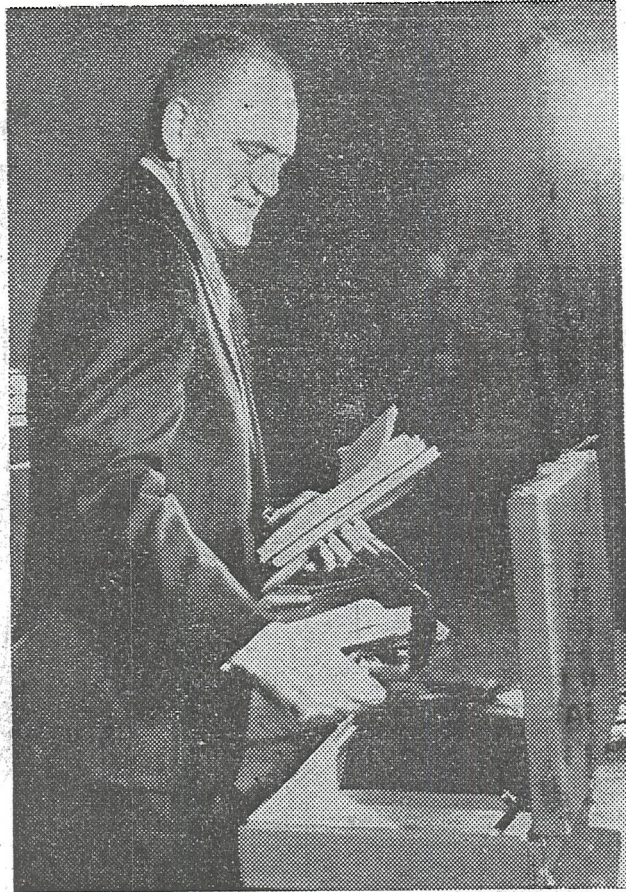
In his second day of testimony before the Judiciary Committee, which is considering his nomination to be permanent director of the F.B.I. Mr. Gray made these further points:

F.B.I. agents were unable to get information about the destruction of campaign finance documents from Robert C. Mardian, a top official of President Nixon's re-election committee, because Mr. Mardian cited a lawyer-client relationship with principals in the Watergate break-in at Democratic headquarters last June 17.

Agents of the bureau interviewed John D. Ehrlichman, the President's senior adviser on domestic affairs, during the Watergate inquiry but did not talk with H. R. Haldeman, the President's chief of staff.

Mr. Gray could find no evidence that the F.B.I. had tapped the telephone of newsmen and White House officials, as Time magazine alleged in its issue this week.

Mr. Gray said that on Sept. 27 he received a recommendation from agents working on the Watergate case that they ask Mr. Mitchell if they could interview his wife. Mr. Gray said he did not know what information the F.B.I. hoped to get from Mrs. Mitchell.



The New York Times/George Tames
L. Patrick Gray 3d taking papers from his case as he arrived to testify at Senate hearing yesterday.

Mr. Mitchell who was in private law practice by then, was a former Attorney General and was chairman of the Nixon Re-election Committee at the time of the Watergate incident.

Five men pleaded guilty and two others were convicted as the result of the burglary and

bugging of the Democratic National Committee headquarters. Three of these men had worked either for the White House or for the Re-election Committee.

Five of the men were arrested in the Democratic headquarters on June 17.

Mr. Gray said that he had agreed to the proposed interview with Mrs. Mitchell. But he said that Mr. Mitchell had advised the agents that his wife would have nothing to contribute to the investigation and said they should not try to see her. The agents complied with Mr. Mitchell's wishes, Mr. Gray said.

He told the Senators that it was "not customary" to ask permission of a man before his wife was questioned but he said that Mr. Mitchell was a special case.

'Sense of Courtesy'

"The men and women of the F.B.I. have an innate sense of courtesy," Mr. Gray remarked. "This man was a former Attorney General of the United States, and I think we would have accorded that courtesy to any person in a position like that."

on Watergate

Senator Birch Bayh, Democrat of Indiana, said that "that kind of double standard might be asking for trouble."

Mr. Gray merely said again that it was "a matter of courtesy."

Mr. Gray said he had assumed that the agents wanted to talk with Mrs. Mitchell because of public statements she made following the Watergate burglary. A few days after the arrests, for instance, she told a reporter that she might leave her husband because of "all those dirty things that go on" in Washington.

Republicans on the Senate committee continued to express support for Mr. Gray's nomination, but many of the Democrats seemed to have serious reservations. The hearings are to continue next week.

Mr. Gray reiterated today, as he did yesterday, that the bureau's investigation of the

Watergate case was as complete and thorough as possible.

"If he had tried to rig the investigation, Mr. Gray said, "the morale in the F.B.I.

wouldn't be what it is, and I would have been blown out of the water long ago."

In the case of Mr. Mardian, who was once an Assistant Attorney General and who was political coordinator of the Re-election Committee, Mr. Gray said that F.B.I. agents had tried to question him about newspaper allegations that he had destroyed key documents following the Watergate arrests.

Mr. Gray told the Senators that Mr. Mardian had refused to answer questions, telling the agents that he had given legal advice to G. Gordon Liddy, who was arrested after the Watergate burglary; Maurice H. Stans, President Nixon's chief fundraiser, and Hugh W. Sloan Jr., treasurer of the Nixon Finance Committee.

Mr. Gray said that Mr. Ehrlichman had been interviewed during the Watergate investigation but that agents had not questioned Mr. Haldeman because there were no leads pointing to him. Mr. Gray was asked if there were leads implicating Mr. Ehrlichman.