

Gray Says Nixon Counsel Attended Raid Interviews

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Acting F.B.I. Director L. Patrick Gray 3d said today that John W. Dean 3d, a Presidential counsel, had been present when White House employees were interviewed about the Watergate bugging case. He called Mr. Dean's attendance "not normal procedure" and said that it had occurred against his personal wishes.

"I could have said, 'We will not conduct any investigation of White House personnel,'" Mr. Gray told the Senate Judiciary Committee, "and I jolly well could not make that decision, so I said, 'We will conduct the investigation with Mr. Dean sitting in.'"

Asked by Senator Edward M. Kennedy, Democrat of Massachusetts, whether he had communicated his displeasure to Mr. Dean, Mr. Gray replied that he was not certain, "but the probability is that I did."

Mr. Gray said that although "our preference is to interview individuals without an attorney present," the bureau consents to such interviews when they are requested.

Senator Kennedy then asked whether Mr. Dean had been present as attorney for those being questioned by Federal investigators, and Mr. Gray replied, "I was informed that he was here in his official capacity as counsel to the President of the United States."

Gerald L. Warren, the deputy White House press secretary, acknowledged today that Mr. Dean sat in on all of the interviews with White House officials during the F.B.I.'s investigation of the bugging of

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the Democratic party's Watergate offices last June. He said, however, that "there was absolutely no action by anyone at the White House to hinder the investigation."

He said that, in fact, Mr. Dean had been "very helpful to the F.B.I." in arranging the interviews and denied that White House employees might have been intimidated by Mr. Dean's presence.

"There was no feeling of inhibition whatsoever," Mr. Warren said.

Among those at the White House questioned by agents of the Federal Bureau of Investigation, according to documents provide today by Mr. Gray, were John D. Ehrlichman, Mr. Nixon's chief adviser for domestic affairs; Dwight Chapin, the President's appointments secretary, and Charles W. Colson, a special counsel to the President.

Two Plan to Resign

Both Mr. Colson and Mr. Chapin have since announced that they plan to leave the White House, and there have been reports in Mr. Chapin's case that he was told to resign because of news accounts linking him with an alleged political sabotage operation run by the Republicans during last year's campaign.

Mr. Gray, testifying on the third day of Senate hearings on his nomination as successor to late J. Edgar Hoover, added that he had "asked if he [Dean] had interfered with the questioning of our agents, and I was advised that he did not."

He also disclosed that a memorandum requested by Mr. Dean last July "summarizing the status of the [Watergate] investigation to date," had been prepared and sent to Attorney General Richard G. Kleindienst rather than directly to the White House.

"Did you ever hear that it was received by Mr. Dean?" asked Senator Kennedy.

"I believe it was. I must assume that it did [reach Mr. Dean]," Mr. Gray replied, adding that he would check on it.

'Hasn't Been Turned Up'

Pressed by Mr. Kennedy on whether a copy of the 12-page, single-spaced memorandum could have somehow been sent to officials of President Nixon's re-election organization, where the two men convicted in the recent Watergate criminal trial were employed until last June, Mr. Gray answered, "That hasn't been turned up in anything we've uncovered."

In the trial in January, G. Gordon Liddy, a former counsel to the Nixon campaign's Finance Committee, and James W. McCord Jr., the Republican party security chief, were found guilty of conspiring to tap telephones, plant eavesdropping devices and steal documents from the Democratic party's national headquarters at the Watergate.

Five other men, including E. Howard Hunt Jr., a former White House consultant, pleaded guilty to the same charges.

In the memorandum requested by Mr. Dean, who was in charge of a separate investigation ordered by Mr. Nixon to establish whether there had been any involvement in the Watergate affair by White House employees, the F.B.I. said that its interviews of members

of the Nixon re-election committee had been hampered by the "insistence" that a committee attorney be present.

"Several persons subsequent to interviews conducted at the committee contacted the F.B.I. Washington field office and requested to be further interviewed away from committee headquarters and without the knowledge of committee officials," according to the document.

But it contained no indication that Mr. Dean's presence during questioning of White House personnel had been similarly inhibiting.

Pledge Is Repeated

Earlier, Mr. Gray repeated his pledge of last week to permit any Senator to examine the F.B.I.'s complete Watergate files, which he said contained 182 investigative reports and "any number of memoranda."

He said that a "risk" was involved in making such highly confidential material available but said that doing so was "the only way that the credibility

of a national institution, the F.B.I., could be preserved."

"There was no other way," he added.

But, Mr. Gray said, while the bureau's performance in the Watergate investigation, and his direction of it, were "fair game" for public hearings, "the substantive record of the Watergate investigation raises very different questions."

"People will talk to the F.B.I.," he said. "The proof is here in this investigation; they will and they did furnish information, but they will not continue to do so if we continue to spread this information on the public record."

He asked for the committee's "guidance" in insuring that nothing was discussed publicly that would affect national security, motions or appeals growing out of the criminal trial or "the right to privacy of those innocent persons whose names and activities are contained in our raw interview reports."

Mr. Kennedy asked Mr. Gray

"How long it would take members of the Senate to read" the F.B.I.'s files on the case, and he replied, "Oh, certainly a week's time."

"Full time?" the Senator asked.

"At least that," Mr. Gray said, adding with a smile, "We'd like to hit the highlights for you. We have a lot of stuff in there we're very proud of."

The committee chairman, Senator James O. Eastland, Democrat of Mississippi, opened the hearings by reading a letter from the Washington office of the American Civil Liberties Union echoing Mr. Gray's concern.

In the letter, the organization said that the raw F.B.I. files "undoubtedly contain information about individuals which should not be disclosed without careful consideration of their rights" and asked Mr. Eastland to make sure that no prejudicial or otherwise legally damaging information was made public as a result of the Senate inquiry.