

Hill Access to FBI Data Upsets White House

By John P. MacKenzie 3/9/73
Washington Post Staff Writer

The White House joined the American Civil Liberties Union yesterday in expressing concern over Senate access to FBI files on the Watergate investigation.

Presidential press secretary Ronald L. Ziegler said he hoped the Senate Judiciary Committee would "reconsider" its policy toward FBI files and adopt safeguards recommended by the ACLU for protecting the privacy rights of innocent individuals.

Ziegler made the observation while refusing all comment on committee disclosures for FBI records that President Nixon's personal attorney and his former appointments secretary arranged to pay more than \$30,000 in campaign funds to Donald H. Segretti, an alleged political saboteur.

The disclosures were made by President Nixon's nominee to head the FBI, acting director L. Patrick Gray III, who offered every senator access to the voluminous Watergate

files to prove that the FBI's investigation was complete and free from White House interference.

One senator, Roman L. Hruska (R-Neb.), has voiced alarm at Gray's offer but told the committee that his six-hour inspection of the files satisfied him that Gray should be confirmed speedily.

But Sen. John V. Tunney (D-Calif.) said yesterday he intends to inspect four key items in the files to fortify his contention that White House counsel John W. Dean III must be summoned to testify at Gray's confirmation hearing.

Tunney said he was satisfied with Gray's personal integrity but was deeply disturbed at indications that Gray yielded to White House pressure in an investigation which involved persons at the highest levels of the Nixon administration.

He said Gray should have checked carefully before send-

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ing to Dean, who himself had a role in the chain of events leading to the bugging and burglary of the Democratic Party's Watergate offices, some of the most sensitive

data in the FBI's files.

Gray, who left the witness stand yesterday after five days of testifying told the Judiciary Committee he had no basis for distrusting Dean but on the contrary still applies "a presumption of regularity" when dealing with top presidential aides.

Tunney noted that Gray began sending raw FBI data to Dean last July 21, one day after agents questioned Jeb Magruder, No. 2 man at the Committee for the Re-election of the President. At that time, Tunney said, the bureau should have learned of Dean's close contact with G. Gordon Liddy, former campaign finance counsel who is awaiting sentence for the Watergate bugging and burglary. Liddy?

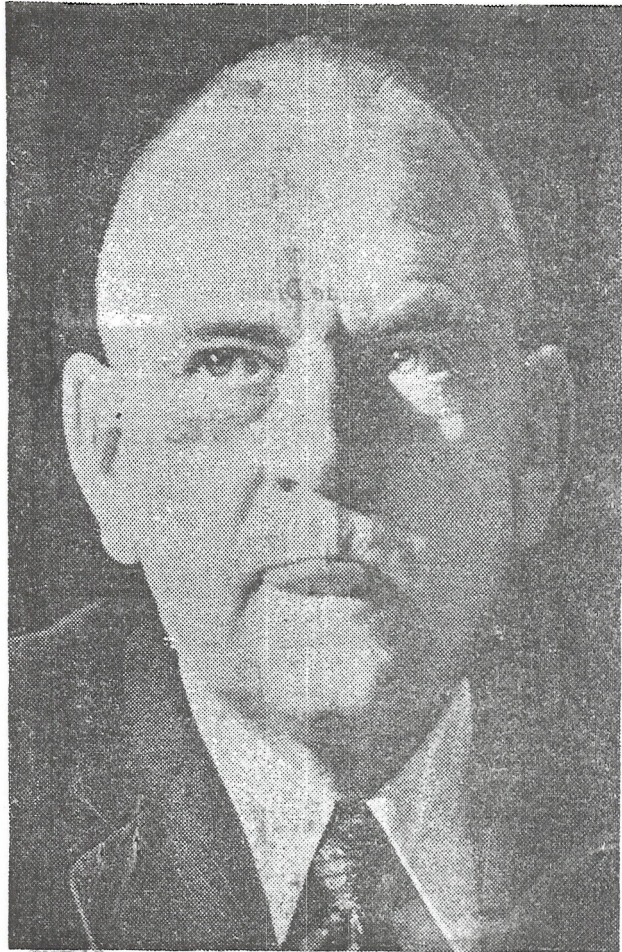
Citing Magruder's testimony at the January trial of Magruder and James W. McCord, Tunney recalled that it was Dean who brought Liddy to the re-election campaign committee where he was promptly hired late in 1971 partly on the basis of his experience with "intelligence gathering problems."

Tunney said this information from Magruder, which may have been related to the FBI back in July, "would have disqualified Dean" as the man to receive investigative data.

Gray has testified that he delivered to Dean all 82 interview reports he read—including those of three GOP campaign workers who went outside of campaign committee channels to provide helpful information—along with a reporting on names, dates and the "substance" of telephone conversations illegally intercepted by individuals who wiretapped and bugged the Democrats.

Adding to the Democrats' list of reasons for calling Dean as a witness, Sen. Edward M. Kennedy (D-Mass.) cited a story in yesterday's Washington Post that E. Howard Hunt Jr., who has pleaded guilty to the Watergate charges, sought through an intermediary to get legal assistance from Dean last June when the FBI was looking for him.

Gray said he was "sur-



By James E. W. Atherton—The Washington Post

Gray ends five days' testimony on FBI director nomination.

prised" to read the story because he had no such information about Dean and still did not. "I just must believe this is not correct," Gray testified.

As to charges that Dean or someone else in the White House compromised FBI data in conversations with Segretti last August at the Republican National Convention, Gray said he continued to have confidence in Dean.

"The President would not have appointed him" to investigate current White House employees for involvement in Watergate if Dean was capable of such a breach of trust, said Gray.

"Perhaps the President did not know," Kennedy suggested. "That's a possibility but a very remote one," Gray replied.

At the White House news briefing Ziegler was asked whether the administration considered it an invasion of the privacy and sanctity of FBI files for Gray to turn raw interview data over to Dean.

Ziegler replied that the White House counsel has "an ongoing relationship with the FBI and that the data were "not to go out of Mr. Dean's office."

Gray has testified, however, that he never attached conditions on use of the data he gave to Dean because of the trust he placed in Mr. Nixon's aide.

Ziegler said he did not know whether administration officials have conveyed their concern over the use of FBI data to Gray or to the committee. Gray testified that he did not consult Attorney General Richard G. Kleindienst before offering the files.

The files already are accessible to the seven-member Senate select committee headed by Sen. Sam J. Ervin Jr. (D-N.C.) for its probe of wider implications, such as alleged widespread political espionage and sabotage, which grew out of investigations of the Watergate episode. But the ACLU voiced fears that wider access to all senators would be subject to fewer safeguards.

The Judiciary Committee meets again today, calling a list of public witnesses, most of them hostile to Gray. The nominee is expected back as a rebuttal witness and to face further cross-examination.