

Gray Hearing Calls Nixon Aide

3/14/73

By Carl Bernstein
and Bob Woodward
Washington Post Staff Writers

The Senate Judiciary Committee voted unanimously yesterday to invite President Nixon's White House counsel, John Wesley Dean III, to testify at confirmation hearings on the nomination of L. Patrick Gray III to be permanent director of the FBI.

The vote followed the collapse of Republican efforts to attach limits to the invitation and it set the stage for a showdown between the committee and President Nixon, who had already said he would refuse to allow Dean to appear.

The two principal leaders of the movement to call Dean, Senate Majority Whip Robert C. Byrd (D-Va.) and Sen. John V. Tunney (D-Calif.), said after the vote that they believe they can force the White House to withdraw Gray's nomination if Dean refuses to testify.

A central issue that has developed in Gray's confirmation hearings has been the FBI's handling of the Watergate investigation and, particularly, the propriety of Gray's agreement to turn over investigative reports to Dean. Members of the Judiciary Committee want to determine if Dean misused the information he received from the FBI.

There appeared to be a growing feeling among senators of both parties yesterday that Gray's nomination is in serious jeopardy unless Dean testifies.

One Republican senator predicted last night that Democrats have sufficient votes in the Judiciary Committee to block Gray's nomination if Dean doesn't testify and said: "It looks like the balloon is going up on this one. It looks like more opposition is building against Gray" than developed in last year's battle over the confirmation of Attorney General Richard G. Kleindienst.

Gray has been acting director of the FBI since May 3. Senate Majority Leader Mike Mansfield, who had previously announced his support of the Gray nomination, was asked yesterday if he believes action should be postponed until after a special Senate committee completed its investigation of the Watergate case.



JOHN W. DEAN III
... his testimony sought

and related allegations of political spying and sabotage. "I would think so," replied Mansfield, "but that's a question for the Judiciary Committee to decide." The Majority Leader added that he believes Dean should appear before the committee.

Meanwhile, the powerful chairman of the committee, Sen. James O. Eastland (D-Miss.), reiterated his belief that Gray will be confirmed regardless of whether Dean testifies.

Democrats on the Judiciary Committee have questioned whether Gray has generally been too political during his tenure as acting FBI director and have suggested that he bowed to White House pressures in conducting the Watergate inquiry.

They repeatedly have questioned Gray about his frequent contact with Dean, who had recommended that one of the men subsequently conspired, of the G. Gordon Liddy, be hired as counsel of the Committee for the Re-election of the President.

Dean conducted an investigation of the Watergate case for President Nixon that absolved current members of the

See GRAY, A12, Col. 1

John Dean is considered a sharp and completely loyal Nixon aide (over Page A12)

GRAY, From A1

administration from any involvement in the bugging of Democratic headquarters. The White House has said it was necessary that Dean receive FBI information in conducting his inquiry and has denied,

that Dean leaked any of the FBI's reports to the Committee for the Re-election of the President or elsewhere.

Yesterday's unanimous vote to ask that Dean appear before the Judiciary Committee was taken during an executive session in which Democrats were reportedly in no mood to compromise.

According to sources present at the meeting, Republican members contended that the invitation to Dean should include an agreement that he be questioned only about his dealings with Gray and the use of FBI data.

However, in the midst of the discussion Sen. John McClellan (D-Ark.), who is considered a key swing vote in the committee, announced that he favored an unrestricted invitation and the Republicans' argument was abandoned, the sources said. Democrats command a 9-7 majority of the committee, but votes seldom follow strict party lines in its deliberations.

Significantly, the sources reported that Sen. Charles McC. Mathias (R-Md.) did not join other GOP members of the committee in urging that conditions be attached to the Dean invitation, and remained silent during the discussion. Democrats opposing the Gray nomination are hopeful of winning Mathias' support in a showdown confirmation vote if Dean does not testify.

Following the vote to invite Dean to testify, Sen. Philip Hart (D-Mich.) successfully moved to invite three other witnesses whose names have figured in the Gray confirmation hearings: Judith Hoback, the former assistant to the treasurer of the Committee for the Re-election of the President; Thomas Lumbard, a Washington lawyer who worked with Dean and Liddy on a Nixon campaign project; and Thomas Bishop, former deputy director of the FBI.

The vote to call Bishop passed 14 to 1; Mrs. Hoback was unanimously requested to appear and Lumbard's invitation cleared on an 8-7 vote, with Mathias voting with the Democrats and Eastland with the Republicans. McClellan had by then left the meeting.

Of the three, only Lumbard accepted the invitation, and his testimony was scheduled for 2 p.m. today. Lumbard, a former assistant U.S. attorney here, has said that Dean and Watergate conspirator Liddy worked closely together on campaign finance matters.



L. PATRICK GRAY III
... his nomination debated

Bishop recently retired from the FBI after reportedly disagreeing with Gray's management. Gray has said Bishop was involved in sending a teletype message—over Gray's name—to FBI field offices asking for information that would aid the White House in President Nixon's campaign. Gray has maintained he did not know about the message until after it was sent and would not have approved it.

Mrs. Hoback, who declined her invitation yesterday afternoon, has signed an affidavit saying that within 48 hours of a supposedly confidential FBI interview, she was questioned about the interview by officials of President Nixon's re-election committee.

Senators have said they particularly want to question Dean about whether he told the Nixon campaign organization about Mrs. Hoback's interview. They also want to discuss another alleged breach of the confidentiality of FBI files, this one dealing with Donald H. Segretti.

Segretti, an alleged political saboteur working on behalf of the Nixon re-election effort, reportedly was shown copies of his own FBI reports by Nixon campaign aides during the Republican National Convention in Miami Beach. The White House has denied suggestions that Dean showed them to Segretti.

In another matter relating to Dean, Common Cause obtained a subpoena yesterday for Dean and six presidential campaign aides in an attempt to get information about the collection of funds by the President's re-election committee.

The White House is expected to resist the subpoena of Dean. Common Cause, a citizens' lobbying organization, has sued to force disclosure of the names of Nixon campaign contributors who gave prior to April 7, 1972, when the new election finance law took effect.

Attorneys for Common Cause maintain that the old law also required full disclosure. As a result of the suit, the Nixon committee previously agreed to disclose the names of some donors who contributed about \$5 million prior to April 7. There is at

least another \$5 million in undisclosed contributions.

The six other persons subpoenaed are Nixon campaign aides Jeb Stuart Magruder, Robert C. Odle Jr., DeVan L. Shumway, Murray M. Chotiner, High W. Sloan Jr. and Harry S. Fleming. The subpoenas call for "all letters, corre-

spondence, documents, records, memoranda, and other writings" that relate to virtually every aspect of the President's campaign finance operation.