

Gray Defends Watergate Data-Sharing

FBI Files Open to Dean

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L. Patrick Gray III said yesterday that as long as he is head of the Federal Bureau of Investigation, he will comply with all requests by White House counsel John W. Dean III for information from FBI files.

"Mr. Dean serves in the capacity of counsel to the President of the United States," Gray told the Senate Judiciary Committee, which is reviewing his nomination for a full term as FBI director. "I'm going to cooperate . . . that is my duty."

Defending his decision to give Dean material on the bureau's investigation of the Watergate bugging affair, the nominee said he will provide more of the same if it is requested in the future.

Under questioning by Sen. Edward M. Kennedy (D-Mass.), Gray said that judgment would extend to FBI files on Robert L. Vesco, who has been charged by the Securities and Exchange Commission with misappropriating millions of dollars from mutual funds managed by IOS, Ltd., and who gave a secret contribution of \$200,000 (subsequently returned) to President Nixon's re-election campaign last year.

But the acting FBI director insisted that he would never yield to political pressures in his law enforcement work.

If such pressures arose, Gray said, "my first reaction would be to resist . . . and then, if I can't live with (the situation), to depart."

Although his testimony continued to be restricted by orders from Attorney General Richard G. Kleindienst not to give the senators additional information from the FBI's confidential files, Gray provided new details yesterday of his dealings with Dean.

Last July 28, he said, Dean came personally to Gray's office at FBI headquarters to pick up copies of agent interviews with persons questioned during the Watergate investigation.

Gray said he handed the ma-

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terial over to Dean from his own office safe and did not discuss the transaction with his personal staff or report it to Kleindienst.

The unusual procedure was followed, Gray explained, be-

cause "I thought this was a matter of sufficient importance to the President of the United States — to know whether any member of his staff was involved in the Watergate."

Only eight days earlier, Gray had received an advisory memorandum from the FBI's legal counsel, Dwight J. Dalbey, saying that "all information in the possession of the Department of Justice, including the FBI, is in the custody of the Attorney General and, technically, may not be released from the department without his consent.

"Our legal responsibility and duty is to keep the Attorney General fully informed and there it ends," the memo went on. "Whether, and to what extent, the White House should be informed is a matter for the Attorney General. . . . The authority and the obligation of the FBI are to keep the Attorney General fully informed and to leave the rest to him."

Gray pencilled at the bottom of the memorandum: "Do so in this particular case and in all future cases." At that time Gray was confronted with the first of Dean's three

requests for Watergate material from the FBI, and he followed his legal adviser's recommendation by routing it through Kleindienst on that occasion.

But the acting FBI director explained yesterday that he eventually came to draw a distinction between the bureau's "LHMs" (letterhead memoranda, which are summaries of investigative material) and "FD 302s," undigested investigative reports based mostly on agent interviews.

The summaries, he said, should be routed via the Attorney General, whereas the

raw data in this case could be provided directly to Dean without Kleindienst's knowledge.

Kennedy, who questioned the nominee for several hours yesterday, professed bewilderment over why he gave Dean another batch of FBI Watergate material last October, when President Nixon had already announced at an Aug. 29 press conference that Dean's internal investigation of the affair was complete and had shown that no one "presently employed" in the administration was involved.

But Gray said he continued

to provide the material because "I assumed he (Dean) was continuing his investigation, and that's why he asked."

"I don't know to this day if his inquiry is open or closed," Gray added later.

He also said that the FBI had made no move to investigate Dean himself after learning that the White House counsel was involved in recommending G. Gordon Liddy for a job with the Committee for the Re-election of the President. Liddy was later convicted as a Watergate conspirator.

"We have no information,

no evidentiary pattern that he (Dean) had got any relationship with this situation," Gray said. "The President wouldn't appoint him to investigate, if he thought he were involved."

Asked whether he had ever sought to contact Mr. Nixon directly about Watergate, Gray replied, "That didn't strike my mind."

Several Democrats on the Judiciary Committee told the nominee again yesterday that his confirmation may be in trouble because of the President's refusal to permit Dean to testify at the hearings.

Sen. Sam J. Ervin Jr. (D-

N.C.) produced a letter written by Dean on April 20, 1972, to Jeremy J. Stone, director of the Federation of American Scientists, asserting that "no recent President has ever claimed a 'blanket immunity' that would prevent his assistants from testifying before the Congress on any subject."

But Kennedy, talking with reporters, disagreed with Ervin's earlier proposal that the Gray nomination be held up until Ervin's special Watergate investigating committee has completed its work next year. "I think Mr. Gray is entitled to a vote up-or-down," Kennedy said.