

Gray Says He Destroyed Files From Hunt (8 col)
Given Him As He Met Ehrlichman and Dean

SESSION AFFIRMED

APR 27 1973

F.B.I. Head Asserts He Didn't Examine Data From Safe NYTimes

By WALTER RUGABER

Special to The New York Times

WASHINGTON, April 26 — L. Patrick Gray 3d, acting director of the Federal Bureau of Investigation, has told friends that he destroyed documents taken from a central figure in the Watergate case after it was suggested at a White House meeting that the papers "should never see the light of day."

Mr. Gray, who has been notified that he can expect to appear before a Federal grand jury, has said that he placed in his F.B.I. "burn bag" files handed to him at a session on June 28 with John D. Ehrlichman, assistant to the President for domestic affairs, and John W. Dean 3d, counsel to the President.

Mr. Ehrlichman confirmed this evening that the meeting had taken place and that documents had been given to Mr. Gray by Mr. Dean. But he insisted that he did not know the contents of the papers and had not ordered them destroyed. And when he learned "new facts" about the documents on April 15, he said, he reported them to President Nixon the same day.

Conversation Reported

The files were said to have been obtained from E. Howard Hunt Jr., a former consultant to the White House who was subsequently indicted for and pleaded guilty to conspiracy to spy on the Democratic opposition during last year's campaign. At the time the documents were handed over and destroyed, Hunt was under intensive F.B.I. investigation.

Five men had been arrested in the Watergate complex 11 days before the White House meeting. Their arrests led to the later implication of Hunt.

Mr. Gray recently learned, according to associates, that just before he arrived at the White House, Mr. Ehrlichman

asked Mr. Dean why it was necessary for the acting F.B.I. director to handle the papers. Mr. Ehrlichman was understood to have asked Mr. Dean: "You drive over the bridge every night, why don't you throw them over?"

The President's 34-year-old counsel resides in Alexandria, Va., a city across the Potomac River from his White House office.

Mr. Gray, under close questioning by friends, has insisted that neither Mr. Dean nor Mr. Ehrlichman informed him of what was in the Hunt files and that he destroyed them without examining their contents.

Fabricated Cables Claimed

The acting F.B.I. director, whose nomination to serve permanently was withdrawn by President Nixon after it ran into stiff resistance in the Senate last month, is said to have received a description of the contents only within the last few days.

Henry E. Petersen, the Assistant Attorney General now in charge of the Watergate investigation, is reported to have told Mr. Gray that Mr. Dean now contends that the Hunt files held fake diplomatic cables.

According to the White House counsel's recent statements as relayed to Mr. Gray, by Mr. Petersen, Hunt had "fabricated State Department cables relating to President Kennedy's com-

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plicity in Diem's assassination." The "complicity" of the Kennedy Administration in the overthrow of the Diem regime is established by the secret study of the Vietnam war, now known as the Pentagon papers. However, there has never been any evidence of United States complicity in the murder of President Diem after his seizure by a cabal of insurgent generals.

That description of the documents could not be confirmed independently. Ngo Dinh Diem, the South Vietnamese President, was assassinated in a coup d'etat in November, 1963.

As one of his White House duties, Hunt is known to have been compiling a dossier on Senator Edward M. Kennedy, the Massachusetts Democrat who is the late President's younger brother.

Senator Kennedy was for a time a possible opponent for President Nixon in last year's

election. Hunt's file is believed to have dealt principally with the automobile accident on Chappaquidick Island in 1969 in which a young secretary riding with the Senator was killed.

There have been reports that a number of sensitive papers were in Hunt's possession at the time of the Watergate break-in, including an "explosive" memorandum dealing with the investigation of the International Telephone and Telegraph Corporation.

Hunt, wearing an ill-fitting red wig, is believed to have interviewed Mrs. Dita Beard, an I.T. & T. lobbyist who tied a \$400,000 contribution to the Republicans with settlement of a major antitrust suit against I. T. & T.

The whereabouts of still other documents reported to have been in Hunt's possession, including two address books and classified materials, has never been definitely established.

Hunt, while not among the five conspirators arrested in the Watergate on June 17, had been inside and was nearby when the police arrived.

On Monday, June 19, Mr. Dean instructed a staff secretary to the President, Bruce Kehrli, to go to Hunt's office in the old Executive Office Building adjacent to the White House and collect anything there.

According to court papers filed by Government prosecutors, Mr. Kehrli searched the room in the late afternoon or early evening. June 19 and found nothing but unused office supplies and a locked safe.

Employees of the General Services Administration were summoned to open the safe, according to the papers, and while it was alleged that an agent of the Secret Service had been present, no representatives of the F.B.I. were on hand.

Fred Fielding, Mr. Dean's principal assistant, arrived after the safe had been opened, according to the court records, helped put the safe's contents in cartons, and took the boxes to Mr. Kehrli's office in the West Wing of the White House for safekeeping overnight.

On Tuesday, June 20, the cartons were taken to Mr. Dean and he searched through them "to determine whether there was any classified material therein." There was, the prosecutors pleading reported.

He [Mr. Dean] placed the classified material and the attaché case in file cabinets where they would be safer," the Government narrative continued. "All the material seized . . . was subsequently turned over to the Federal Bureau of Investigation."

It was not until June 26, seven days after the Hunt safe had been opened, that the contents came into the investiga-

tors' hands. A certain amount of it was never introduced as evidence during last January's conspiracy trial.

Mr. Gray has told friends that two days later, on June 28, he went to the White House for a meeting with Mr. Ehrlichman on leaks to newspapers about investigative information on the Watergate plot.

When the acting F.B.I. director arrived in the office of the Presidential assistant, he found Mr. Dean there—a development that is said to have "surprised" Mr. Gray.

"Pat," Mr. Ehrlichman is recalled to have remarked, "John [Dean] has some papers he wants to turn over to you." At that point, Mr. Dean gave Mr. Gray two file folders, each about an eighth of an inch thick.

Mr. Gray's account to friends continued as follows:

Mr. Dean then made a number of general statements about the files—that they did not deal with the bugging, that they would "serve to obfuscate" the investigation, but that they

were "political dynamite."

Mr. Gray has said that he cannot testify that either Mr. Dean or Mr. Ehrlichman "ordered" him to destroy the papers, but he has said that he believes Mr. Dean cautioned him, "These papers should never see the light of day."

Mr. Dean is also said to have told Mr. Gray that the files contained papers "that Howard Hunt was working on." While it is assumed that they came from the safe, this was not specified.

The investigative interest in Hunt was clear by the time of the meeting. The Government prosecutors have said in court papers that Mr. Dean himself, in ordering the safe opened nine days before the meeting, did so because of "Hunt's possible implications in the Watergate break-in."

In addition, Hunt had left Washington after the break-in and F.B.I. agents had been searching for him widely but unsuccessfully for more than a week.

MR. Gray has told friends that after he took the Hunt files from Mr. Dean at the June 28 meeting, Mr. Dean left. Mr. Gray's scheduled discussion with Mr. Ehrlichman of leaks from the investigation then took place.

Mr. Gray put the two files into a manila envelope, took them home, and left them in a closet while he went on a field trip to San Diego during the latter part of the week. He spent the weekend at home and took the envelope to F.B.I. headquarters on Monday morning, July 3.

Tore Up Envelope

There, according to the account he has given associates,

he tore up the envelope without opening it and dropped the remains into a container whose contents are burned or shredded at the end of each day.

Months later, on April 16, the day before President Nixon announced "major developments" in the affair, Mr. Gray was informed by Mr. Petersen, the Assistant Attorney General that Mr. Dean had described the meeting that occurred in Mr. Ehrlichman's office.

Mr. Petersen is understood to have told Mr. Gray that he could be called before the Federal grand jury here that had renewed its investigation of the Watergate case.

Mr. Gray has indicated that in grand jury testimony he is prepared to confirm Mr. Dean's story, except for the Presidential counsel's description of the file contents and his report about Mr. Ehrlichman's comment before the meeting.

The associates to whom he has talked said that Mr. Gray was somewhat vague about his reasons for accepting the documents under the circumstances in which they were offered and for destroying them unexamined.

One source said that apparently the acting F.B.I. director had acted on "blind faith," on the fact that he "couldn't believe" that the men in the White House would mislead him.

One of Mr. Gray's associates who appeared to be badly shaken by the disclosures, outlined several possible explanations for the handling of the documents.

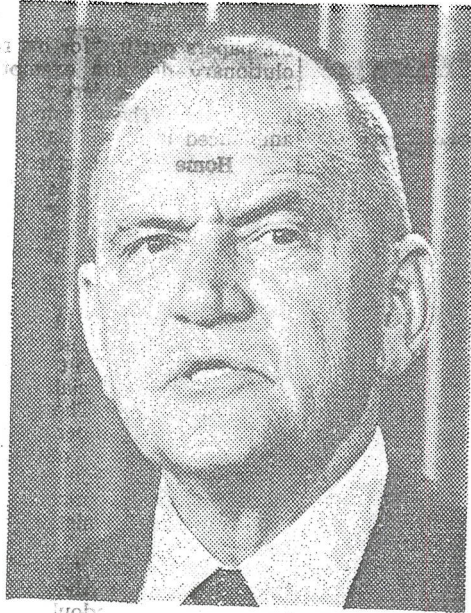
One, he said, was that Mr. Gray had been "stupid and loyal." Another was that Mr. Gray had been a willing participant in an effort to cover up the conspiracy.

The third, the associate said, was that the White House had used Mr. Gray as a "patsy," giving him the sensitive files so that it could later be said that everything in the case had been turned over to the F.B.I.

Criticized in Senate

Mr. Gray's nomination to be permanent director ran into difficulties in the Senate Judiciary Committee primarily because of his handling of the Watergate investigation, a task that began barely a month after he went to the F.B.I.

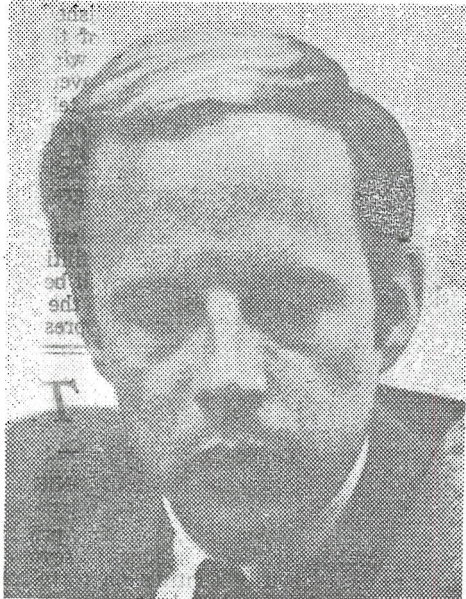
The successor to the late J. Edgar Hoover was sharply crit-



United Press International
L. Patrick Gray 3d



The New York Times
John D. Ehrlichman



Fred J. Maroon
John W. Dean 3d



Associated Press
E. Howard Hunt Jr.

icized for making available to Mr. Dean more than 80 of his agency's raw reports on the investigation.

Mr. Gray has told friends that he learned only a few days ago that Mr. Dean had also asked the Attorney General, Richard G. Kleindienst, and Mr. Petersen, to see the files and that these officials had turned down the request.

On the one hand, neither Mr. Dean nor Mr. Gray informed Mr. Kleindienst or Mr. Petersen that the files had been sent to the White House. On the other hand, neither Mr. Kleindienst nor Mr. Petersen told Mr. Gray that they had rejected similar requests — even when Mr. Gray was being criticized in the Senate for having made them available.

In the Judiciary Committee on March 7, Mr. Gray said that Mr. Dean had been questioned

about whether everything in Hunt's safe had been sent to the F.B.I. and Mr. Gray added that he was "unalterably convinced" that there was no effort to conceal anything.

F.B.I. agents had sought to interview Hunt on June 1, but Hunt is said to have said that he did not have to talk with them. He went to New York, then to Los Angeles and then, from June 26 to June 29, the Government was unable to trace his movements.

EHRlichman TEXT

Following is the text of the statement issued tonight by Mr. Ehrlichman:

Mr. Gray received some of the contents of the Hunt safe at my office from Mr. Dean in June 1972. Mr. Dean had previously sealed them in a large envelope. Mr. Gray was told by Mr. Dean that the

contents of the safe were materials that in any way related to the Watergate case. I was present, but neither then nor at any other time, did I give Mr. Gray any request, suggestion, or instruction regarding what should be done with the contents.

I do not know the nature of the contents.

Up until April 15, I assumed the F.B.I. director still had the contents.

I learned certain new facts concerning the disposition of the contents of the Hunt safe on April 15, 1973. I promptly reported my findings to the President the same day and they were relayed to Mr. Petersen, the Assistant Attorney General. The matter has been under investigation by him since then.