

GRAY IS REPORTED WILLING TO WAIVE TRIAL IMMUNITY

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Ex-F.B.I. Official Is Said to
Be Ready to Testify on
Watergate Dealings

INQUIRY RESUMES TODAY

Dean's Lawyers Ask Judge
to Throw Out Subpoena or
Grant Him Immunity
NYTimes

By SEYMOUR M. HERSH

Special to The New York Times

WASHINGTON, June 11—L. Patrick Gray 3d, the former acting director of the Federal Bureau of Investigation, has agreed to testify without immunity in any Watergate criminal trials about his dealings with President Nixon and other top Administration officials after the June 17, 1972, episode, sources close to the case said today.

Mr. Gray thus would join Herbert W. Kalmbach, formerly Mr. Nixon's personal attorney, and Jeb Stuart Magruder, a former Republican re-election campaign official, as key witnesses for the Federal prosecutors.

Meanwhile, there were these other developments related to the Watergate case:

¶Lawyers for John W. Dean 3d, the ousted White House counsel, asked Federal District Judge John J. Sirica either to throw out a grand jury subpoena or to grant him immunity from prosecution in return for his testimony in the case, involving the break-in at the Democratic National Committee's headquarters.

¶Herbert L. Porter, a former Republican campaign official, is expected to testify, when the Senate Watergate committee's hearings resume tomorrow, that the Nixon re-election committee paid a taxi driver to photograph documents from Senator Edmund S. Muskie's Democratic Presidential campaign.

¶President José Figueres of Costa Rica suggested strongly that the United States might have a long wait before Costa Rican courts ordered the extradition of Robert L. Vesco, the fugitive financier.

'Going To Tell All'

A source close to Mr. Gray said that he had decided to testify without making any demands for immunity in the hope that he would not be indicted as a result of any high-level attempts to cover up the Watergate scandal.

Mr. Gray is going to tell all, the associate said. "There's no question of loyalty or non-loyalty involved," he added.

"Don't forget," the associate added, "it was he [Gray] who first raised the question of the cover-up when he talked to the President"—a reference to Mr. Gray's telephone talk with Mr. Nixon last July 6. At that time, it has since been learned, White House advisers urged Mr. Gray to set aside an F.B.I. inquiry into campaign funds being funneled through Mexico on the false ground that some covert Central Intelligence Agency operations would be compromised.

A Government source confirmed that Mr. Gray had been cooperating for the last month, but refused to say whether a final decision had been made re-

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garding future criminal charges against him. The former F.B.I. official, who resigned April 27 after the Senate delayed his confirmation to head the agency, has not yet appeared before the Federal grand jury, sources said.

Nonetheless, the Federal prosecutors have met privately with him and his attorney, Stephen H. Sachs of Baltimore, at least four times since early May.

"He doesn't want anything," the associate said of Mr. Gray. "He is seeking no deals of any kind."

Mr. Gray has told both the Senate Watergate committee and the Federal prosecutors, according to published accounts, of two alleged instances of cover-up involving John D. Ehrlichman, who resigned April 30 as the President's chief domestic adviser.

On June 28, 1972, 11 days after the Watergate break-in, Mr. Gray reportedly said, he was summoned to a White House meeting with Mr. Ehrlichman and Mr. Dean at which he was urged to destroy documents that had been taken from the safe of E. Howard Hunt Jr., a member of the break-in team.

As Mr. Gray is said to have recounted it, during that meeting Mr. Ehrlichman asked Mr. Dean why it was necessary for Mr. Gray to handle the papers, saying: "You drive over the bridge [across the Potomac River to Virginia] every night; why don't you throw them over?"

At the same time, both Mr. Ehrlichman and H. R. Halde- man, the White House chief of staff who also resigned April 30, allegedly were involved in an effort to convince Mr. Gray to hold off the F.B.I. inquiry into a check for \$89,000 that had been cleared through a Mexican bank — and ultimately was used to finance part of the Watergate operation — on the ground that it would compromise some C.I.A. operations.

The investigation was delayed from June 23 until July 6, according to published accounts, although high-ranking C.I.A. officials had told the White House on June 29 that the agency had no connection whatever with the crime.

Mr. Gray has acknowledged that he permitted the two-week lag in the initial Mexican inquiry to take place, but also said, during testimony last month to a Senate Appropriations subcommittee, that at its

end he warned Mr. Nixon that "people on your staff are trying to mortally wound you" by delaying the inquiry.

In his statement May 22 on Watergate, the President referred to that conversation, which had already been made public in part, and summarized in this way:

"During the conversation, Mr. Gray discussed with me the progress of the Watergate investigation, and I asked him whether he had talked to General Walters [Lieut. Gen. Vernon A. Walters, deputy director of the C.I.A.]. Mr. Gray said that he had, and that General Walters had assured him that the C.I.A. was not involved. In the discussion, Mr. Gray suggested that the matter of the Watergate might lead higher. I told him to press ahead with his investigation."

Both the Federal prosecutors and officials close to Archibald Cox, the special Watergate prosecutor who is still reviewing the vast files accumulated during the year-long investigation, are known to believe that naiveté and eagerness to please led Mr. Gray to become "a victim"—as one source put it—of senior White House aides. As such, these officials have said he could be considered less culpable than those aides who actually directed the cover-up.

Indictments Coming

On May 25, United States Attorney Harold H. Titus Jr. announced that indictments would be handed down in the Watergate scandal within 60 to 90 days. He also said that one of the key figures in the case—subsequently identified as Mr. Magruder—had agreed to plead guilty and serve as a prosecution witness at any trials.

In a statement, Mr. Titus added that "others who had also admitted their culpability" were engaged in discussions with the prosecutors in an effort to work out conditions for their cooperation.

Last week, The New York Times reported that Mr. Kalmbach, who had been an associate of Mr. Nixon's since 1960, had agreed to cooperate in the hope of avoiding indictment or, at the least, being charged with lesser crimes. The California lawyer has been linked to the raising of cash that was ultimately used as pay-off money for the Watergate defendants and their attorneys.

Government sources acknowledged that Mr. Gray and Mr. Kalmbach might not be charged in connection with the Watergate cover-up, but pointed out

that the two men were needed as witnesses against other persons who played more important roles in shaping the Nixon Administration initial reaction to the scandal.

There have been press reports and speculation that more than 20 defendants would be indicted by the grand jury at the end of its hearings. However, The Times's sources ruled out any mass indictments, noting that such trials often drag on for more than a year and bore the jurors.

"You've got to get a unanimous verdict to convict," one source said, "and we want to convict."

At least four top Administration officials are known to be among the key targets of the current grand jury problem. They are Mr. Dean, Mr. Halde- man, Mr. Ehrlichman and John N. Mitchell, former Attorney General and one-time director of the Committee for the Re- election of the President.

In a related development, Mr. Cox announced that the three Watergate prosecutors—Earl J. Silbert, Seymour Glanzer and Donald E. Campbell — would move early this week into his offices in downtown Wash- ington.

"The purpose of this move," Mr. Cox said in a statement released tonight, "is to enable their work with members of my staff to go forward more conveniently and effectively."