

'PLUMBERS' DATA REPORTEDLY KEPT FROM F.B.I. IN 1972

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Gray and Peterson Are Said to Have Withheld C.I.A.'s Reports of Assistance NYTimes

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WASHINGTON, July 9—For many months, two high Justice Department officials withheld information from Federal Bureau of Investigation agents that would have led the agents much earlier to the White House group set up to scrutinize Government leaks to newsmen, according to sources close to the F.B.I. Watergate investigation.

In early July of last year, less than a month after the Watergate break-in at Democratic national headquarters on June 17, the Central Intelligence Agency furnished the former acting director of the F.B.I., L. Patrick Gray 3d, with documentation of the aid provided by the C.I.A. to the cadre of White House operatives known as the "plumbers," the source said.

The three Federal prosecutors and F.B.I. field agents assigned to the Watergate case and related matters did not know that Mr. Gray had this material until it was discovered in his office safe after he resigned as head of the bureau on April 27.

Petersen Got Data

Last October, Henry E. Petersen, an Assistant Attorney General, obtained this information from the C.I.A. and, at the same time, learned that Mr. Gray had been in possession of the material for more than three months, according to the sources.

Mr. Petersen, then in charge of the Watergate investigation, did not pass on the material to the F.B.I. agents working on the case, nor did he make it known that Mr. Gray had concealed the material, even when President Nixon nominated Mr. Gray in February, 1973, to be permanent director of the bureau.

Mr. Gray was not available for comment. When Mr. Peter-

sen was reached through a public information officer at the Justice Department, he said he had "no comment."

This information was pieced together by the New York Times after interviews with a number of persons familiar with the Watergate investigation and all its ramifications and from various public documents relating to the C.I.A.'s involvement with the Watergate conspirators.

The full scope of C.I.A. support of the "plumbers" was not known to the F.B.I. agents in the case until early in May.

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when it came to light independently of them, during the late stages of the trial of Dr. Daniel Ellsberg on charges growing out of his role in publicizing the Pentagon papers.

The agents are known to be angry that Mr. Gray and Mr. Petersen did not share the C.I.A. material with them, and contend that if they had had the information, much of what is now known about the "plumbers," including their burglary of Dr. Ellsberg's former psychiatrist's office, would possibly have emerged sooner.

A key element in the rancor of the agents is that part of the material that Mr. Petersen and Mr. Gray had, they believe, might have led them to knowledge of the burglary months before it was learned by Federal prosecutors in interviewing John W. Dean 3d, former counsel to the President, in April.

Included in the material turned over to Mr. Petersen by the C.I.A. on Oct. 24 was a photograph of G. Gordon Liddy, convicted Watergate conspirator, standing in front of the building in Beverly Hills, Calif., that houses the office of the psychiatrist, Dr. Lewis J. Fielding. Sources who have seen the picture said that a reserved parking space marked for Dr. Fielding could be seen in the background.

Both Mr. Petersen and Mr. Gray had information that E. Howard Hunt Jr., one of the Watergate conspirators who pleaded guilty, had requested that the C.I.A. have someone meet him upon his return from California on the morning of Aug. 27, 1971, to receive some film from him that he wanted processed and returned.

Developments in April and May of this year disclosed that Liddy and Hunt, both part of the "plumbers" group at the time, had engineered the burglary of Dr. Fielding's office on Sept. 3, 1971, as part of a search for information about Dr. Ellsberg. Hunt told the Watergate grand jury here in May that he and Liddy went to

California in August, 1971, "to make a preliminary vulnerability and feasibility study" of Dr. Fielding's office.

Tells of Photographs

He said that they "passed through" the building in which Dr. Fielding had his office and took some photographs "with a very special camera."

Mr. Gray had known since July, 1972, and Mr. Petersen since October, 1972, that the C.I.A. had in the summer of 1971 provided Hunt with, among other things, a commercial Tessina camera disguised in a tobacco pouch.

Records of the Beverly Hills Police Department show that the burglary was reported on Sept. 4, 1971, that a man arrested on Oct. 7, 1971, in connection with a theft from a woman's purse, confessed to the burglary and that on Nov. 12, 1971, the man renounced the confession.

Some Justice Department officials feel it is "convenient hindsight" for agents to say they might have uncovered the participation of Hunt and Liddy in the burglary with the photograph and other information held by Mr. Petersen and Mr. Gray.

"They [the agents] never had a chance," a source close to the F.B.I. investigation said. "How can you say they wouldn't have gotten to the burglary, when the best leads in the Government's possession were concealed from them?"

In testimony before the Senate Watergate committee two weeks ago, Mr. Dean said that Mr. Petersen once had showed him the C.I.A. material and told him that Mr. Gray had the same material.

"The fact that this material was in the possession of the Department of Justice meant to me that it was inevitable that the burglary of Ellsberg's psychiatrist's office would be discovered," Mr. Dean said. "I felt that any investigator worth his salt would certainly be able to look at the pictures in the files at the Department of Justice and immediately determine the location and from there discover the fact that there had been a burglary at the office that was in the picture."

Seek to Prove Identities

Included in the material given to Mr. Gray last July was a rundown on how the C.I.A. had furnished alias documents to Hunt in July, 1971, in the name of Edward Joseph Warren, and in the name of Edward Y. Hamilton during the more than 20 years Hunt served as a C.I.A. agent. It was also recounted in the documents turned over to Mr. Gray how the C.I.A. had furnished Liddy with alias documents in the summer of 1971 in the name of George F. Leonard.

For six weeks to two months following the June 17 break-in,

F.B.I. agents all over the country worked to prove to the satisfaction of the prosecutors the true identities of the persons who had obviously traveled widely under those aliases. This required the laborious comparison of handwriting samples and fingerprints from hotel and airline records and the identification of pictures of Hunt and Liddy by hotel and airline employees.

During much of this time, Mr. Gray had evidence that would have immediately satisfied the prosecutors—the C.I.A.'s own record of the help it gave to the "plumbers." Mr. Petersen learned in October that the acting F.B.I. director had remained silent while supervising his agents' tedious efforts on the aliases.

When Mr. Petersen received the material from the C.I.A., it included transmittals to Mr. Gray dated July 5 and July 7, 1972.

However, when the prosecutors were finally allowed to review the C.I.A. material 33 days after Mr. Petersen obtained it, there was nothing in the documents they saw to indicate that Mr. Gray had the same material, and Mr. Petersen did not mention that fact to the prosecutors, even though he had given Mr. Dean, the Presidential counsel, that information around the same time, according to Mr. Dean.

The C.I.A. documentation was turned over to Mr. Petersen in response to a series of questions submitted to the agency by Earl J. Silbert, principal Assistant United States Attorney in the District of Columbia who was then the chief prosecutor in the Watergate case. Richard Helms, then director of the C.I.A., arranged to turn over the material to Richard G. Kleindienst, then Attorney General.

In a telephone interview, Mr. Kleindienst said that the material was delivered to him in a manila envelope and that he delivered it to Mr. Petersen without opening it. He said that he never knew what was in the envelope.

Mr. Kleindienst strongly urged the President to nominate Mr. Gray to head the F.B.I. on a permanent basis.

Kleindienst Comments

The former Attorney General, who stepped down rather than involve himself in a Watergate investigation that led repeatedly to his personal friends and political associates, indicated he was not aware of Mr. Gray's possession of the C.I.A. material.

Asked why Mr. Petersen did not give the material to the F.B.I. agents in the case, Mr. Kleindienst said:

"Mr. Petersen would have shown it to anybody, I'm sure, who he felt should have seen it in connection with any legitimate investigation. He wouldn't have shown it to anybody who

he didn't feel needed to see it. "Henry didn't secrete anything for devious reasons, nor did he in any way impede the investigation. I know Henry well, and I know that his only interest was to have a fair, intensive investigation. He wasn't involved in a witch hunt, but he was interested in anything that bore on the investigation."

Mr. Gray was apparently given the C.I.A. information as a result of his liaison with Lieut. Gen. Vernon A. Walters, deputy director of the intelligence agency.