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Patrick Gray: The Unwily Bureaucrat

Ex-FBI Chief Didn't Know Burn-Basket When He Saw It

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The White House spent a lot of time last year wondering what L. Patrick Gray and his FBI were up to in the Watergate investigation. The fears were probably unjustified. After all, what harm could come from a bureaucrat so unwily that he didn't know what a burn-basket looked like?

His ignorance of burn-baskets emerged yesterday as Gray, the former acting director of the FBI, tried to account for the biggest gap in his testimony before the Senate Watergate Committee:

Why did he wait six months to burn the supposedly "politically explosive" documents, that the White House had uncovered in the safe of E. Howard Hunt?

They were given to him last June by John D. Ehrlichman and John W. Dean III, with the admonition that they should "never see the light of day," Gray has said. He interpreted that as an order to destroy them. He also assumed the White House aides were speaking for President Nixon. Yet, Gray waited until he was cleaning out his Christmas trash to chuck them into a fire in his Stonington, Conn., home.

Why wait so long? Sen. Daniel Inouye (D-Hawaii) asked him yesterday.

Gray: "That is a very good question Sen. Inouye, and it is one that I have thought about a great deal, and my own thinking at the time

was that there was no hurry. I had these papers in my possession and I was going to burn those papers. That was firmly fixed in my mind. And I do not like to admit this, but I did not even know at that time that the two little red waste baskets under my desk in the office of the acting director of the FBI were burn baskets."

That is all the explanation there is, except for a subsequent admission that he didn't know whether the FBI had a paper-shredding machine. There was no further probing by the committee, which dealt gently with Gray all day long. The record stands with Gray seemingly convinced that the only place to destroy papers on orders from his commander-in-chief is in his Connecticut fireplace.

Gray's account of insubordination is all the more mysterious in the light of his other testimony, which shows him to have been such an obedient servant for the White House.

There were times when it seemed the White House organized his appointment schedule. One day they called and told him he was to meet quickly with Gen. Vernon Walters, deputy director of the Central Intelligence Agency. He promptly complied.

Another day Ehrlichman called and said he was not to keep his appointment with Walters and CIA Director Richard Helms. "Cancel your meeting with

Helms and Walters today, it is not necessary," Gray quotes Ehrlichman as saying. Gray promptly complied.

On June 28, Gray told his FBI subordinates to proceed with interview of two men involved in the "Mexican money chain," which produced funds used to pay the Watergate burglars. The next day, he recalls Dean is telling him to stop the interviews. Gray promptly complied.

Gray's own FBI counsel advised him that, if the White House wanted any files relating to Watergate he should not send them over directly but instead submit them through the Attorney General. But when the White House called and wanted his agents' interviews, Gray promptly sent them over.

"There's no doubt in my mind," Gray explained yesterday, "that when the counsel of the President of the United States asks me for some information I'm going to give it to him."

It was not until April that Gray, his nomination as FBI director stalled in the Senate, realized that all of his obedience to White House orders wasn't going to save him. News of his burning the documents had leaked out and he was summoned to an emergency meeting with Attorney General Richard G. Kleindienst and Assistant Attorney General Henry E. Petersen.

Kleindienst told him the White House had been on

the telephone and it didn't appear he could become FBI director. Kleindienst left the room to call the President. Gray recalled this conversation with Petersen:

"... Mr. Petersen was pacing up and down in the office, walking back and forth, and I remember him distinctly saying, 'Pat, I am scared.' And I said, 'Henry why?' And I am still sitting there in that chair. And he said, 'I am scared because it appears that you and I are expendable and Haldeman and Ehrlichman are not.' And I said, 'Henry, do you think I should get a lawyer?' And — this is the first time I had entertained the idea — and he said, 'Yes.' And I did. Later."

Perhaps the only reward for his scars in government service was the benevolent attitude with which the Senate select committee received him yesterday. The questioning was soft and gentle, as if Gray were a kind of charity case or orphan. The committee counsel who questioned him, Rufus Edmisten, assured Gray from the start that he did not intend to "browbeat" him.

Sen. Edward Gurney (R-Fla.) tried ever so softly to find out why the Watergate investigation hadn't gone further than it did. Why didn't it go beyond the immediate ringleaders, Hunt and G. Gordon Liddy? Was there some cover-up? "That certainly can be concluded at this point in time," said Gray. No one asked him why he felt that way.

The committee seemed to accept Gray's version that he was a babe in the woods, just following orders from his commander's men as he had accepted instructions on his submarine in the Navy. Life under the sea, in fact, seemed easier to Gray than life in the shadow of the White House.

"... In the service of my country I withstood hours and hours of depth charging, shelling, bombing," he recalled yesterday, "but I never expected to run into a Watergate in the service of a President of the United States and I ran into a buzz-saw, obviously."