

Report of Conflict In Tap Testimony

Washington

A confidential FBI report apparently contradicts the testimony of L. Patrick Gray III last March that he had no knowledge of nearly 20 "national security" wiretaps that President Nixon had ordered on newsmen and officials of his administration.

Following the first published report of the wiretap effort, Gray told the Senate Judiciary Committee, which was holding hearings on his nomination to become director of the FBI, that he had made an inquiry and found "no record of any such business."

However, a copy of the confidential FBI report, obtained by the New York Times, indicates that Gray, while the bureau's acting director, had been advised in advance of his testimony of the by-then defunct surveillance operation.

A recent telephone message left at Gray's law offices in New London, Conn., went unreturned, and efforts to reach him yesterday at his home in Stonington, Conn., were unsuccessful.

The existence of the wiretaps, which, between May, 1969, and February, 1971, involved at least four newsmen and 13 government officials, was first reported in Time magazine February 26, shortly before Gray began testifying in support of his nomination.

Three days later, Senator Edward M. Kennedy of Massachusetts, one of the committee's nine Democrats, asked the acting FBI head to respond to the report, which both the White House and the Justice Department had rejected as without substance.

Gray replied under oath that he had examined the FBI's wiretap surveillance records and found no evidence of any such program, adding that "Mr. Hoover (J. Edgar Hoover, the late FBI director and Gray's predecessor) is not going to do something like this in the first place."

Mr. Nixon later acknowledged, however, that he had approved the wiretaps as part of an effort to halt leaks of classified information to the press.

Gray's assertions that he had found nothing in the FBI

files to support the existence of the wiretaps was apparently technically correct. As the FBI report on the matter relates, records on the wiretaps were sent to the White House before Gray took over the bureau, the result of an internecine struggle between Hoover and one of his disenchanted assistants.

But the report, compiled after an internal inquiry ordered by William D. Ruckelshaus, the next to take over the FBI's top post, shows a memo on February 26, the day the Time article appeared, that related the known details of the disappearance of the wiretap records.

The report also notes that Gray had been advised before that date of the circumstances surrounding the disappearance of the records, which included authorizations for the wiretaps and summaries and logs of the overheard conversations.

New York Times