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Statement Released from the Office of U.S. Sen. Robert C. Byrd
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Watergate

The recent revelation that L. Patrick Gray last year destroyed documents belonging to Howard Hunt at the implied suggestion or the instruction of Presidential aides John Dean and John Ehrlichman is an incredible event. According to news sources, Mr. Gray destroyed the documents following a June 28, 1972, meeting with Mr. Ehrlichman and Mr. Dean at which the papers were reportedly described as "political dynamite". This action by Mr. Gray flies in the face of his sworn testimony of March 7, 1973, before the Committee on the Judiciary, when I asked Mr. Gray whether any one else was present when he met with Mr. Ehrlichman at the White House "on any occasion." Mr. Gray responded, "No, I believe not."

Mr. Gray submitted for the record a listing of meetings with Mr. Ehrlichman which included the June 28 meeting. Mr. Gray set forth the reason as, "Re: Safeguard Investigation Procedures Against Leaks". Also on March 7, Mr. Gray supplied for the record his meetings with John Dean. The June 28 meeting does not appear.

In light of these inconsistencies and since, as Mr. Gray stated during the hearings, this is an on-going investigation, I believe that Mr. Gray should resign immediately.

Mr. Gray not only turned over FBI files to John Dean without the knowledge of the Attorney General or anyone else in the Justice Department or the FBI; but Gray -- according to latest information, following his meeting with Mr. Dean and Mr. Ehrlichman -- also destroyed evidence, apparently out of blind and unquestioning obedience, that had been taken from Mr. Hunt's safe at the request of Dean and kept for six days by Mr. Dean while Hunt was a prime suspect in the Watergate case and under investigation by the FBI with respect thereto -- all of which proves that Gray is incapable of continuing to head the FBI investigation of the Watergate scandal.

I am also disturbed that Assistant Attorney General Henry Petersen has not followed in the footsteps of his superior, Mr. Kleindienst, and removed himself from the Watergate case. Mr. Petersen knew the same people that Mr. Kleindienst knew, and, by the statements of the Department of Justice in a press release of September 16, 1972, Mr. Petersen said: "This investigation has been conducted under my supervision. In no instance has there been any limitation of any kind by anyone on its conduct. Indeed, the investigation by both the FBI and the grand jury have been among the most exhaustive and far-reaching that I have seen in my 25 years in the Department." Later events have shown the so-called

Watergate investigation to be a great affront to the integrity of the American political system, an affront that the conscience of the American people will not allow to be compounded. Even Mr. Petersen's statement that there had been no limitation on the investigation is cast in doubt by Mr. Gray's testimony before the Judiciary Committee on February 28, when, in response to my question as to who determined the scope of the investigation, Mr. Gray stated that the determination to limit the investigation to the violation of the Intercepted Oral Communications statute was made by Mr. Gray "in conjunction with the Assistant Attorney General of the Criminal Division, and U.S. Attorney." This was, of course, Henry Petersen and Mr. Silbert.

Moreover, it is not a fact to be overlooked that the Watergate prosecutors have now reportedly been instructed by Assistant Attorney General Henry Petersen to furnish him with the minutes of all Grand Jury testimony in the Watergate affair. Even though Petersen has reportedly been directed not to supply contents of the minutes to the White House, in the light of past events in the Watergate case, the suspicion cannot be entirely avoided that sensitive information may again go to parties who are possibly implicated.

According to the news stories today, Mr. Gray first learned this past Tuesday, April 24, that Mr. Dean's request for the FBI files had been turned down by Mr. Petersen and Mr. Kleindienst, and yet Mr. Gray testified before the Judiciary Committee in March that he had turned over the FBI files to Mr. Dean. Why has Mr. Petersen remained silent so long about the fact that he and Mr. Kleindienst had previously been approached by Mr. Dean about the FBI documents? It would seem the wisest course for Mr. Petersen to step aside and that someone else conduct the Watergate investigation, both for the President and at the Department of Justice. All these events also reaffirm the statement that I have made before concerning Mr. Dean. He should resign or be dismissed immediately.

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