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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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IN RE: POSSIBLE VIOLATIONS :  
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OF 18 USC 2511 and 2512 :  
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Grand Jury Room No. 3  
United States District Courthouse  
3rd & Constitution Avenue, N. W.  
Washington, D. C.

February 5, 1974

The testimony of HENRY E. PETERSEN was presented to  
a full quorum of the Grand Jury.

BEFORE:

RICHARD BEN-VENISTE, ESQ.  
Assistant Special Prosecutor  
U. S. Department of Justice

GEORGE T. FRAMPTON, JR., ESQ.  
Assistant Special Prosecutor  
U. S. Department of Justice

JILL VOLNER  
Assistant Special Prosecutor  
U. S. Department of Justice

ELIZABETH ANN TIPTON  
11225 Dewey Court  
Kensington, Maryland 20795  
(301) 946-4436

1           A     Yes, I had several. A couple, three -- something  
2 like that.

3           Q     During the course of one or more of them, did the  
4 President tell you that Gray claimed to have destroyed certain  
5 material coming from Howard Hunt's safe?

6           A     I don't recall that in a telephone conversation of  
7 April 15th. It may have been. There came a time when in my  
8 discussions with the President I eluded to that fact, you  
9 know, that I had a problem with Gray and I told him that I  
10 had inquired of Gray once, casually, to be sure and that Gray  
11 had denied it.

12                     And my recollection is, "Well, you better ask him  
13 again," or, "You better ask Ehrlichman about that." So my  
14 recollection is then I went to Gray and asked him and, again,  
15 he denied it, and then I told the President, but that was in  
16 the President's office and he said, "You ought to go see  
17 Ehrlichman about that."

18                     Well, I didn't want especially to talk to Ehrlich-  
19 man. I thought I'd better ask him about this. And I went  
20 over to his office and when I went to his office they said  
21 he was with the President, whom I'd just left. So I never  
22 did go back.

23                     But I don't recall it in a telephone conversation.  
24 It may have been.

25           Q     Is it something that you first related to the

1 President or did he first relate it to you, that there was  
2 some possibility that Gray had destroyed something?

3 A I can't answer that. I would guess that I related  
4 it to him, but --

5 Q You knew it much earlier than April? From Dean,  
6 I take it? I'm sorry?

7 A No. No.

8 Q You knew in December --

9 A I knew in December that Dean -- that Ehrlichman  
10 and Dean had given Gray something. I didn't know that that  
11 was, in any way, related to the case. Indeed, I was assured  
12 by John Dean that it wasn't.

13 And, secondly, I had told Dean on that occasion  
14 that he better discuss it with Gray, and I might be willing  
15 to take his word for it. It was going to come up his sup-  
16 pression hearing and then it would have to be produced. But  
17 I never did discuss with Pat Gray until during the course of  
18 Pat Gray's confirmation hearings, and then I discussed with  
19 Gray, on the telephone -- asked Gray the question on the  
20 telephone and he said, "No."

21 It did not come up again until Dean was being de-  
22 briefed and I may very well have told the President about it.  
23 I'm certain I did and there was discussion about it. And  
24 that discussion went on right up until the evening before  
25 Gray's resignation. But I don't recall in the telephone

1 conversation. It may have been.

2 BY MR. FRAMPTON:

3 Q Mr. Petersen, when was the first time you learned  
4 that Gray had destroyed the material that he had received?

5 A Not until very, very late in the investigation,  
6 and that was --

7 Q It was well after April 15th, was it?

8 A Well, well after. It was a week after. When I  
9 went to Gray -- the second time, I went to Gray in person,  
10 and I think that was on, maybe, the 17th of April, and he  
11 denied it. We had a general discussion about it.

12 Q He denied he'd even got the material?

13 A That's right. He just said that Dean was not telling  
14 the truth. And then I told Silbert to go back, and then I  
15 reported to the President that Gray had said this wasn't true  
16 and the President said, "Well, talk to Ehrlichman."

17 In the meantime, Silbert had gone back to Dean and  
18 he came back and said, "Dean's firm on it." And then my  
19 recollection is that a week had expired and it was the succeed-  
20 ing week -- maybe Tuesday or Wednesday -- and I went to Gray  
21 again and, at that time, Gray said, you know, "Yes, that's  
22 true. They making a patsy out of me. I've been taken. I've  
23 been had." Or words to that effect. "I destroyed the docu-  
24 ments and tore them up and threw them in my burn basket."

25 Q So you first learned about the destruction, itself,

1 from Gray?

2 A That's right.

3 Q Not from the President or from Ehrlichman?

4 A No. No. The discussion, though, I think was  
5 whether or not Gray had been instructed to destroy them. And  
6 my recollection of the President's position was that Ehrlich-  
7 man said that he had not. That's my recollection of the  
8 discussion.