

ks

1 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

2 - - - - - x

3 IN RE: POSSIBLE VIOLATIONS :

4 18 USC 2511 and :

5 18 USC 2512 :

6 - - - - - x

213

7 United States District Courthouse
8 3rd & Constitution Avenue, N. W.
9 Washington, D. C.

10 ~~June~~ July 20, 1973

11 The testimony of L. PATRICK GRAY was taken in the
12 presence of a full quorum of the Grand Jury.

13
14 BEFORE:

15 GERALD GOLDMAN, ESQ.
16 Assistant Special Prosecutor
17 United States Department of Justice

18 MRS. JILL W. VOLNER,
19 Assistant Special Prosecutor
20 United States Department of Justice

21
22
23
24
25

REPORTING CO., INC.
Massachusetts Avenue, N.E.
Washington, D.C. 20002
5-6666

1 office, right out in front of my desk, like this (indicating),
2 catercornered, right out in front of it, and I was sitting in
3 my chair, back here (indicating).

4 Q Did he, in any way, indicate surprise at your ad-
5 mission, shock?

6 A Oh, I think he was sick. I could gather that from
7 him, but, you know, he didn't say to me, "Pat, I'm sorry for
8 you," or, you know, anything like that. There weren't any
9 words to that effect.

10 I mean, he could see me. He knew how badly I felt.
11 He didn't have to say anything about it, I don't think.

12 BY MR. GOLDMAN:

13 Q Is there anything that you gave you the impression
14 as to whether he knew previous to your admission the true
15 facts?

16 A No, not at all.

17 Q Nothing said about that?

18 A Not at all, no.

19 Q Now, you mentioned some phone calls on the evening
20 of Sunday, I guess it was, the 15th of April?

21 A That is correct, Mr. Goldman.

22 Q Could you tell us about those, please?

23 A Yes, I'll tell you about those to the best of my
24 memory.

25 My wife and I had driven back from Connecticut that

1 night and we got to our apartment about 8:45, and got our
2 things upstairs at about 9:00 o'clock. And as I walked into
3 the apartment, I saw, on a little telephone table, the white
4 light was on on my Bureau telephone. This is a special tele-
5 phone I had directly to the Bureau switchboard, and when that
6 white light's on, it indicates that the Bureau had a call for
7 me.

8 So, as I came in, I picked up the telephone and I
9 asked the operator, I said, "Operator, do you have a call for
10 me?" And she said, "Yes. Mr. Ehrlichman called." And I
11 said, "Did he indicate whether or not he wanted me to call
12 him back?" And she said, "No. He did not indicate that."

13 So I hung up the phone, and then we sat around the
14 table and had some tea, and then my wife put our things away
15 and I began to go to work on some of the Bureau papers that
16 I had in the briefcase, and about, oh, I guess almost 45
17 minutes to an hour went by. And I picked up the phone again
18 and I asked the Bureau operator again, and said, "Operator,
19 are you sure that Mr. Ehrlichman didn't want me to return his
20 call?" And she said, "Yes, I'm sure."

21 So then I put my papers together and my wife, in the
22 meantime, had opened up the sofa fold-a-way bed type thing
23 we had and gotten in bed, and then I got in bed, and I guess
24 I got in bed about 10:00 or ten minutes after 10:00, and it
25 was about 10:30 when the Bureau phone rang and the operator

1 said, "Mr. Ehrlichman wants to speak to you." And my best
2 memory of that conversation is that -- gee, I guess I got to
3 say, "Hi, John," but he started right in talking and said,
4 "We just want you to know that John Dean has been talking to
5 the prosecutors for quite some time now."

6 And I could have asked him, although I don't remem-
7 ber -- I could have asked him, "Do you know whether or not
8 he's told the prosecutors about the two files?" And this is
9 all I remember about that conversation. It was a very short
10 conversation, in my memory.

11 And then I went back to bed and it was after 11:00
12 o'clock -- shortly after 11:00 o'clock -- that the phone next
13 rang and my remembrance of it is that John Ehrlichman said to
14 me that, he said, "Dean has told the prosecutors of the two
15 files." And I said, "John, I destroyed those long ago."

16 Now, that's my best recollection of those two tele-
17 phone calls.

18 Q Was that all?

19 A I don't recall, because those two conversations were
20 really short conversations. There may have been.

21 BY MRS. VOLNER:

22 Q Well, did he yell at you and say, "My God, what have
23 you done?"

24 A No, he did not.

25 BY MR. GOLDMAN:

1 Q Well, would you recall if he had done that?

2 A Oh, yes, I would have recalled if he'd stormed or
3 ranted or raved. Oh, I know, I forgot the one thing that I
4 should tell you. He said, "John Dean has told the prosecutors
5 about those two files. Check your hole card." That's what
6 I remember.

7 BY MRS. VOLMER:

8 Q What is a hold card?

9 A Check your hole card. That comes from playing poker,
10 when you're sitting there and you've got to check your hole
11 card before you bet. That's h-o-l-e card.

12 He said, "Check your hole card." And, at the time,
13 you know, it didn't mean anything to me but, you know, thinking
14 back on it now, I think what Mr. Ehrlichman was saying to me
15 was, "Check your hole card," and I translated it right away
16 to mean the files. And I said, "John, you know those were
17 destroyed long ago," or "John, I have destroyed them long ago."

18 BY MR. GOLDMAN:

19 Q You just said that sometime afterwards you got an
20 impression of what he really meant by that expression. What
21 was that impression?

22 A To check your hole card, and were you still holding
23 those files, you know, to use as a lever.

24 BY MRS. VOLNER:

25 Q That means he thought ~~that~~ you perhaps still had

1 those files?

2 A That's right.

3 Q And after that comment, you said, "I have destroyed
4 them"?

5 A That's right.

6 Q Did he indicate surprise that you'd destroyed them
7 and that you were no longer holding them?

8 A No. He didn't indicate, as I remember, surprise or
9 horror or anything else.

10 Q Did he say, "I never said that"?

11 A No, I don't recall him saying that.

12 Q Did he say, "Where did you get the idea to destroy
13 those documents"?

14 A I don't remember that at all, because these were
15 very short telephone conversations.

16 Q Did he say, "Well, that's a good thing to do. I'm
17 glad you destroyed them. That's following my orders"?

18 A No. No.

19 Q Did he give you any response?

20 A Not, that I remember, Mrs. Volner. I set down, on
21 yellow tablet paper, on the following morning, my recollection
22 of that telephone call and then I only added one thing to it,
23 later on, and I think I made that addition when he made his
24 statement, as I saw it in the New York Times, I think, or it
25 was after I had resigned on Friday, April the 27th.

1 In think on that Sunday, in the New York Times, he
2 made a statement to the effect that he had not known that the
3 files were destroyed until I told him that in the conversation
4 of April 15, and then I added that to my notes.

5 BY MR. GOLDMAN:

6 Q Do you have that note with you?

7 A I think I do, yes.

8 Q May we see it, please?

9 A Yes. I think I have it. If not, I'd be happy to
10 produce it for you, deliver it to you.

11 Q When he said, "Check your hole card," did he mean
12 see whether you still had it because you might need it as a
13 lever, or did he mean, "Well, perhaps you better destroy it
14 now," or what did he mean?

15 A All of these are possibilities, Mr. Goldman, you
16 know, but I don't know what Mr. Ehrlichman really meant by
17 that except, you know, you can conclude, "Look to your defenses."

18 That's what, you know, you could conclude, and I
19 really don't know, because I didn't ask him. This was the,
20 you know, the kind of Ehrlichman conversation that you had
21 with John Ehrlichman. They're short, they're to the point,
22 and they're brittle, and these are the kinds that I've had
23 with him.

24 Q Did you have any other conversations that you haven't
25 related to us with Mr. Dean, Mr. Ehrlichman or Mr. Petersen