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The Senate, the FBI and Mr. Gray

The Senate Judiciary Committee will soon be presented with the enormously important task of holding hearings on the nomination of L. Patrick Gray III to be director of the Federal Bureau of Investigation. The job did not require Senate confirmation when Mr. Hoover got it almost 50 years ago; he didn't relinquish it until his death last April. During Mr. Hoover's tenure, the Bureau amassed a monumental reputation and achieved a status as close to untouchability as it is possible to achieve in the American government. It is now time for a good hard look at both the institution and the man President Nixon has nominated to run it.

Some thoughtful Americans have developed deep and abiding questions about the extent to which the Bureau has intruded, for reasons of its own and under a cloak of secrecy, into the private lives of citizens, and these questions are made more troubling by the fact that there has been little or no congressional control over the agency for decades. Ordinary citizens and members of the Senate and the House fear that their phones have been tapped and that the Bureau is collecting and holding dossiers about them. They worry about the Bureau's use of informers such as the apparently unreliable and unstable Boyd Douglas who surfaced at the Berrigan trial last summer. They worry about incidents such as the arrest of Les Whitten and the Bureau's use of that arrest to subpoena the home and office telephone records of his employer, Jack Anderson. They worry about the political uses of the FBI, the political ideology of the organization and most of all, they worry about the Bureau's unaccountability.

Enough has seeped out from behind the veil of secrecy imposed by Mr. Hoover to suggest that those concerns have an authenticity and validity that cannot simply be swept under some rug. It is also clear that Mr. Gray, by relaxing the regulations on agents' apparel and on hiring women and more members of minority groups and by talking more openly to the press, has begun to sweep away some of the Hoover anachronisms. The question is,

however, how much more housecleaning remains to be done and whether Mr. Gray is the man to do it.

Despite much early promise, Mr. Gray's record in office over the last nine months is mixed at best. His qualifications for the job, lacking any prior law enforcement experience, seem mainly to have been that he was an extraordinarily effective executive assistant to President Nixon in his runs for the presidency in 1960 and in 1968. And he has not quite been able to shake the political connection: The Bureau, under his stewardship, sent out a request to its field offices for information which would be useful to the President in his speeches and during the campaign; it forwarded confidential information to the Committee for the Re-election of the President. Mr. Gray's speech-making schedule made him look suspiciously like a presidential surrogate. There thus appears to have been a politicization of the FBI to an extent both unknown and unimagined in Mr. Hoover's time.

Then there was the curious handling of the Watergate investigation. Although the Bureau was apparently on the scene within 24 hours of the break-in, it did not locate young Thomas Gregory—the student spy from Brigham Young—until December. While concentrating on the seven defendants, it seems not to have pursued with any vigor the rich leads to the operations of Donald Segretti or to the involvements in the whole affair of Herbert Kalmbach.

In sum, the Gray record is sufficiently mixed to warrant significant questioning by the Judiciary Committee and then by the Senate as a whole as to whether Mr. Gray is the man to make the FBI into the kind of institution that respects the rule of law and the bill of rights and which can command the respect of the people and be accountable to them. The record of Mr. Gray's performance in office and the operation of the Bureau over many years requires the most searching examination of this cluster of issues. That will not be an easy task, but there are few more important jobs for the nation that the Senate could undertake just now.