

Part 4/28/73 The FBI: Pipe Dreams or Nightmares?

Nothing underscores the importance of the task the Senate Judiciary Committee is to undertake today in considering L. Patrick Gray's nomination to be FBI director than the story in the current issue of Time magazine reporting on an eavesdropping plan conceived in the White House and carried out by the FBI. According to Time, four different sources have reported that about three years ago, the White House, concerned about leaks to newsmen, ordered the FBI to tap the phones of six or seven suspected newsmen and those of an unspecified number of White House staff members who could have been sources of the leaks. According to the magazine, J. Edgar Hoover's objections to the plan were overridden and it was put into effect and carried out first under Mr. Hoover and then under Mr. Gray, with Mr. Gray's approval, until the Supreme Court overturned former Attorney General Mitchell's domestic wiretap policy.

There have been denials. John Mitchell has called the story "a pipe dream." The current Attorney General, Mr. Kleindienst, says he never heard of such a thing and a White House spokesman said, "No one at the White House asked for or ordered any such taps."

Maybe not. But then again, maybe so. Members of Congress have charged that their phones have been tapped and that they have been surveilled. Bureaucrats from Cabinet officers down to pink-cheeked special assistants pick up social nickels and dimes at cocktail parties by telling of the erratic behavior of their telephones. Their wives fervently hope that some poor agent has been assigned the deadly chore of monitoring their endless strings of arrangements for nursery school car pools, baby sitters, housekeepers, shopkeepers and other homey stuff designed to turn the eavesdropper's mind to mush.

Just the breadth and the depth of those suspicions are enough to severely erode the quality of our national life and thus, enough to make the Senate consider seriously what it wants the FBI to be; what controls should be placed upon it; and what activities should be proscribed. But, the Time story is considerably more chilling. Everyone even faintly aware of the Bureau's operations during Mr. Hoover's tenure knew that he had a particularly rigid view of the world and that his agents were pretty well aware of that view and conducted themselves accordingly. But, when it came to partisan politics or to doing dirty chores for a particular administration, Mr. Hoover was known to be pretty scrupulous. He figured, and correctly, we think, that as a practical matter partisanship on one side would—among other things—deprive him access to information from the other.

Yet, if the Time story is correct, this administration was able to bend even Mr. Hoover to its will. What then, can be expected of Mr. Gray, who has been a close political associate of Mr. Nixon and had held several political appointments in his administration before being named acting director of the Bureau last May. Without demeaning him—or intending to do so—it can safely be said that he has no stature other than that he has derived from the President. He has no stature as a law man nor as a man committed to serving the rule of law with fortitude and integrity. He is Mr. Nixon's man, pure and simple. Even if the Time story is a pipe dream as Mr. Mitchell suggests, there is something a little nightmarish about the notion of a President's—any President's—personal friend and political ally in the director's seat. This is something for the Senate to examine with care as it proceeds to deliberate the qualifications of Mr. Gray to be only the second director in history of the FBI.