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## Saving the FBI From Politics

Considering all that L. Patrick Gray III, the acting director of the Federal Bureau of Investigation, has done to help Mr. Nixon politically, it would have been base ingratitude for the President not to have named his friend the permanent head of the FBI. Even so, the appointment, in the words of one senator, is hardly a tribute to the memory of the late J. Edgar Hoover.

The sainted Hoover had his faults, some of which became glaring in the last years of his near 50-year reign, but in the eyes of Congress he had one supreme virtue: He took the FBI out of sleazy politics and kept it out. On Capitol Hill, the fear is that Mr. Gray will do the reverse, which alone is enough to jeopardize his confirmation.

The acting head of the FBI, who had no previous experience in law enforcement, also suffers from comparison with Hoover's supernatural reputation as an expert on crime, yet that might be overlooked if it weren't for the political factor.

Until Hoover took over the FBI, it had no public standing owing to its involvement in politics. Hoover turned it into the most respected law enforcement agency in the world. He served loyally under both Republican and Democratic Presidents. He had his private likes and dislikes among the Presidents he worked for, and, as he got older, his conservative bias began to show. Nevertheless, he ran his own show independent of the White House. Over the years he never campaigned for any presidential candidate, nor did

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he ever make a partisan political speech. The Gray record is just the opposite.

The concern of Congress over this is not put on. While the vaunted efficiency of the FBI is a national asset, its ever-growing power is also a problem. In less than scrupulous hands, it could be a national threat. Congressmen are well aware that they, too, could be subjected to investigation, wiretapping, bugging and secret surveillance.

The desire to keep the FBI above politics is shared by Republicans and Democrats alike, as was shown when the Senate decided in 1968 to make the future directors subject to confirmation. The vote was 72 to 0. Some of the most conservative men in the Senate sponsored this change, including Sen. Harry Byrd (Indep.-Va.), who said "I doubt that there is any more important position in our government. I doubt that any office in our government can have such a great effect on the lives of individual citizens as that of the FBI director."

The present opposition to Gray is being led by another prominent conservative, Sen. Robert Byrd (D-W.Va.), the assistant majority leader. His hostility, like that of others, is impersonal. He has, in fact, never met Gray, but he does not think he is a "proper nominee" because of his "political partisanship."

The appointment of a director who is "openly partisan," Sen. Byrd says, "is certain to damage FBI professionalism and morale and will impair public confidence in the bureau's competency, effectiveness and objectivity."

He adds: "Considering the vast intelligence network that is under the control of the FBI, with its thousands of computerized dossiers, it is obvious that the FBI can reach so far into the lives of all Americans that no administration—Democratic or Republican—should have direct political control of that agency through a compliant and politicized director."

Sen. Byrd cited Mr. Gray's long political association with the President, his pro-Nixon speeches during last year's election campaign and his handling of the Watergate investigation, which did not turn out to be the FBI's finest hour.

The assistant majority leader also says he will vote against Mr. Gray's confirmation. Meanwhile, he thinks a vote on Mr. Gray should be postponed until the Senate has had time to complete its own investigation of the Watergate scandal. Not a bad idea.

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