

# Traits That Aided Gray's

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LOS ANGELES, April 6—Pat Gray's star was so high 14 months ago that he was the leading contender for both the job of deputy attorney general and an opening on the U.S. Court of Appeals for the Second Circuit.

He was named to the Justice Department post, but never really got to serve, because before the Senate had a chance to confirm him yet another laurel was thrown his way—he became acting director of the Federal Bureau of Investigation.

Now, Gray has been backed into an embarrassing withdrawal of his name from the FBI nomination. Sen. Lowell Weicker of Connecticut, his home-state Republican senator, announced recently that after holding out for a year, he had proposed someone else for the appellate judgeship. And the deputy attorney generalship has been held by two others since Gray almost took office there.

Within months after someone else has moved into his FBI job, L. Patrick Gray III will probably be back practicing law with the firm of Suisman, Shapiro, Wool, Brennan and Gray in New London, Conn.

Pat Gray is very much a self-made man in the all-American mold.

He grew up as the son of a railroad worker in St. Louis and Houston, first attending Rice University and then winning an appointment to the Naval Academy in Annapolis.

For 20 years, the Navy was his life; it sent him to law school, gave him submarine commands and placed him as an aide to some of the nation's highest military officers in the late 1950s.

But upon retiring as a captain in 1960, he moved toward politics and went to work for a man he very much admired, then-unsuccessful Republican presidential candidate Richard M. Nixon.

During the early 1960s Gray practiced law in New London, but kept his political ties alive. After Mr. Nixon was elected in 1968, he was a logical choice to become executive assistant to his old campaign friend Robert Finch, then the new Secretary of Health, Education and Welfare.

Gray was not and is not a political stereotype. He's not to be found in smoke-filled rooms, because he doesn't smoke; or lingering at cocktail parties, because he doesn't drink, or at late-night meetings, because he gets up early every morning to jog and do calisthenics.

Those who know him well say that his main attributes are loyalty to his superiors, unbending patriotism and almost compulsive efficiency.

Such qualities served him well in helping Finch organize and run the sometimes recalcitrant HEW bureaucracy.

But his lack of political savvy sometimes led him to do things that would later become embarrassing, such as writing down or saying aloud things that might be better communicated more subtly.

One incident that would later come back to haunt him was an early speech to HEW employees, in which he said that "we are a chosen few, an elite group. We must be dedicated and devoted to the concept that our Republican President will be a great President and that he will be re-elected."

Gray left HEW after a year, but he was soon back in Washington, working in the White House for a Cabinet committee charged with helping Southern states desegregate their school systems.

In late 1970, during a reshuffling of the sub-Cabinet posts at the Justice Department, he became assistant attorney general in charge of its Civil Division.

At the Civil Division, Gray was enormously popular. As he would later do at the FBI, he flattered career employees by regularly asking and following their advice.

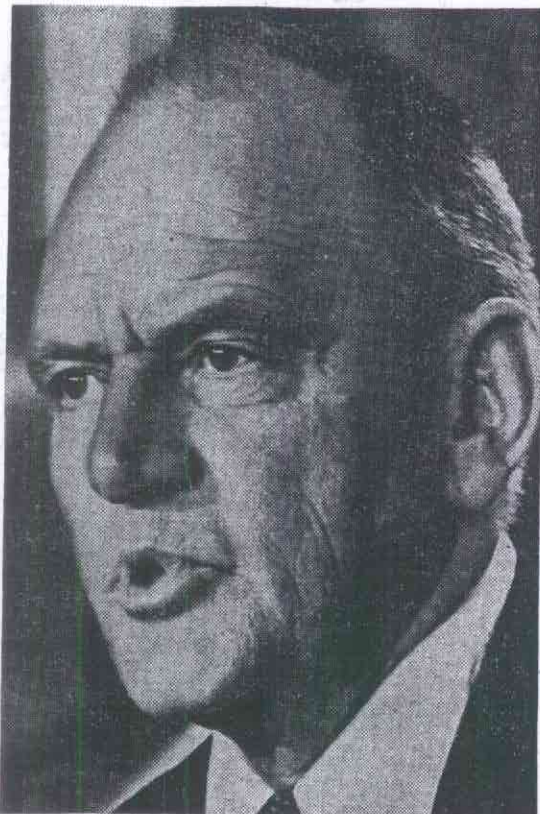
In a move that provoked some resentment, however, he also surrounded himself with a corps of recent law school graduates as his closest assistants. They were as loyal to him as he was to his superiors, and — it would later be claimed — they sometimes told him what he wanted to hear, rather than offering more objective advice.

Then-Attorney General John N. Mitchell trusted Gray implicitly and gave him some tough assignments.

He was responsible, for example, for the Justice Department's attempt in April, 1971, to prevent the Vietnam Veterans Against the War from camping out on the Mall in front of the Capitol during an antiwar demonstration.

That was an occasion when Gray became a bit carried away. During one session of the U.S. Court of Appeals in Washington, while attorneys for the veterans and a panel of judges worried about interpreting the First Amendment, Gray railed against the protesters for flying the American flag up-

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L. Patrick Gray III: his loyalty worked against him.

side down under a "Vietcong flag."

(The VVAS later pointed out that the flag in question was actually the old one of the California Republic, brought along by that state's delegation of protesters.)

In the end, the Supreme Court reinstated an injunction against the veterans, but the Justice Department chose not to enforce it, but rather to accept the protester's defiance of the court order.

One court appearance that Gray will never forget was his subsequent sheepish request that U.S. District Court Judge George L. Hart Jr. lift the injunction. Hart excoriated Gray for "degrading the judiciary," and out of the incident the previously obscure VVAW became a nationally known organization.

In the summer of 1971 he was assigned the sensitive task of directing court enforcement of President Nix-

on's wage-and-price freeze, and his star continued rising as he worked tirelessly, obediently and largely in obscurity.

When Mitchell resigned to direct Mr. Nixon's re-election effort and then-Deputy Attorney General Richard G. Kleindienst was named to head the Justice Department, Gray was promoted to replace Kleindienst as second-in-command at Justice.

While the Kleindienst nomination became mired in months of Senate hearings focusing on the settlement of antitrust suits against the International Telephone and Telegraph Corp., Gray's provoked no controversy at all and he was nearly forgotten.

During that period of adversity, he and Kleindienst became close friends. When J. Edgar Hoover died last May, Gray—to his own shock and bewildered delight—was appointed acting director of the FBI the next day.

Gray's arrival at the bureau was, in the words of one long-time agent, "like letting a typhoon in the front door."

Within weeks, he took one FBI tradition after another, relaxing dress codes and weight restrictions, announcing he would welcome agent applications from women, re-examining the agency's preoccupation with its domestic intelligence functions.

Using military aircraft, he set out to visit every one of the bureau's 51 field offices, and launched marathon speaking tours, delighting some of the people in the field but infuriating many of the old hands at headquarters in Washington and bringing scorn upon himself inside the Justice Department.

A number of Hoover's

# Career, Ended It

most trusted lieutenants were forced out of office or left on their own accord, but there was confidence in some FBI circles that Gray would be a dynamic and effective administrator.

Some changes Gray made while trying to put the FBI's long-chaotic house in order and to deal with Hoover's precarious legacy were widely hailed. To counteract longstanding charges of bias and prejudice, he ordered that delicate civil rights investigations be handled by out-of-town agents rather than by resident staffs with ties to the local police. To appease disgruntled parts of the federal bureaucracy, he re-established liaison with the Central Intelligence Agency and other law-enforcement units.

But before long, political loyalty, that quality which had elevated Gray into power and influence, became his own worst enemy. It was that quality, which when tested in the approaching 1972 presidential election and the arrest of Nixon reelection committee operatives in the bugging of Democratic Party headquarters, ultimately brought about the end of the four-year Washington career of L. Patrick Gray III.

While Gray still insists that he did not intend to make political speeches, he has recently acknowledged that some of his remarks before large audiences across the country could be interpreted as sounding like electioneering.

Time after time, he sounded Nixon administration themes. He never participated in political strategy sessions, but seemed almost unwittingly to be doing the White House's work.

Although it has never been definitely established

that Gray ran direct political interference for the President in the FBI's Watergate probe, some investigators charged that he narrowly restricted their mandate.

And when White House Counsel John W. Dean III asked for them, Gray sent over detailed reports on the Watergate inquiry, including records of interviews with White House staffers.

After a long delay, caused in part by his enemies within the White House, Gray was finally given the nod as permanent FBI director in February.

Despite the fact that many key Justice Department aides still regarded him as politically naive, he insisted that he and his young staff could carry the ball themselves in his confirmation hearings before the Senate Judiciary Committee.

But then, in a move that horrified Kleindienst and the White House, he offered to open the Watergate files to the full committee.

The first looks inside the files were full of embarrassing revelations, including the fact that Mr. Nixon's personal attorney and fundraiser, Herbert Kalmbach of Los Angeles, had paid a political saboteur. Adding insult to injury, Gray testified that Dean had "probably" lied to an FBI agent last summer.

Almost overnight, Gray was labeled a political liability and abandoned by his own sponsors. His appeals for last-minute help went unheeded and when the Judiciary Committee gave the White House two weeks to marshal support for the nominee, nothing happened.