

One of the more conservative Senate Democrats is Robert C. Byrd of West Virginia. He is the ~~anti~~ Democratic "whip", or assistant leader. Byrd took a lead in exposing the participation of the FBI in partisan politics as soon as Nixon appointed him acting Director of the Bureau. Gray actually had the files of the FBI collecting personal information about Democratic candidates for office for Republican use. When the Senate held hearings on the confirmation of Gray to be Director, Gray examined him with skill and vigor. The result is that Nixon and Gray were forced to withdraw Gray's nomination, such ~~was~~ was the extent of Gray's misconduct during the brief period he ran the FBI.

In commenting on this February 28, 1973, Byrd said, "The politicization of the FBI is tantamount to setting up an American Gestapo."

Coming from so conservative a Senator as Byrd, this was an astounding indictment.

If the secret-police workings of the FBI were not really that new and had actually been the secret reality under Hoover, never before had any member of the national legislature dared say this openly. None had ever compared the FBI with Hitler's dreaded Gestapo.

(Despite the uproar over the politicization of the FBI and the by then scandalous proportions of The Watergate affair, Nixon's then chief adviser on domestic affairs, John D. Ehrlichman, blandly acknowledge on June 2 that the White House had put the FBI to political use and had the temerity to claim that the FBI must be "responsive to the political system.")

Three liberal members of the Senate Judiciary Committee were particularly opposed to Gray's confirmation as permanent FBI director. However, because they are liberals and because it looked as though Gray would have little trouble being confirmed, they were wise to let the conservative Byrd do the real examining of Gray. Generally, the Senate takes the position that whether or not it likes a nominee, the President is entitled to have his own man in each key post.

Gray, however, was an essential part of the Nixon cover-up. Gray had also resorted to the Hoover device, the one he had used so effectively when he was charged with the investigation of the assassination of President John F. Kennedy, of equating statistics with performance. Hoover cited more than 15,000 FBI interviews to prove he had conducted a thorough investigation, whereas he had not, had not conducted the essential interviews, had not reported the results of the essential laboratory tests, some of which he even hid and pretended hadn't been ~~made~~ unnecessary. I have interviewed countless witnesses the FBI ignored, such as the chief criminal deputy sheriff in Dallas, when Kennedy was assassinated. I have elicited from countless others the information the FBI ignored, preferring not to ask for what it didn't want to know.

Gray, parroted often by Attorney General Richard Kleindienst and the White House, cited the number of agents and the hours they had worked as proof that he and his FBI had made a real Watergate investigation. The truth, as in the Kennedy assassination investigation, is that they had not interviewed essential witnesses and had delayed too long the interviewing of many others and then, again, had not sought the needed information. Later some of this was to emerge ~~before~~ in the ~~XXXX~~ Ervin committee's testimony.

Whether or not Byrd and his liberal Judiciary committee colleagues were aware of this, they let Byrd carry the burden of questioning Gray. Byrd apparently prepared himself well. (Among the evidence he had was my correspondence with John Dean.) The result was that Gray came apart under examination, admitting the most serious transgressions, ranging from doing political jobs for Nixon to the destruction of vital Watergate evidence, his personal destruction of the "dynamite", as Dean described it, from the White House safe of E. Howard Hunt. The impact of these astounding disclosures was even greater because the conservative Byrd was a long-time FBI supporter in the Senate.