

Opening files cost Gray loyalty of Nixon: aides

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WASHINGTON, March 20—

Altho President Nixon has not yet decided what he will do in the dispute over Senate confirmation of L. Patrick Gray as Federal Bureau of Investigation director, there is an aura of doubt permeating the White House as to the outcome of the controversy.

The White House press secretary, Ronald L. Ziegler, says publicly that the President has "absolutely not abandoned" Gray, interviews with other White House officials make it clear the chief executive feels no compelling personal loyalty to Gray as his appointee.

White House sources say Gray forfeited the kind of Presidential loyalty that had sustained Atty. Gen. Richard Kleindienst in his nomination test last year, because Gray handed over raw FBI files on the Watergate bugging case to the Senate Judiciary Committee.

"IN ORDER TO ingratiate himself with the committee, he went a lot further than he would have had to have gone," said one Presidential adviser. Even FBI associates are disgusted with their director for being so quick to provide the raw files, the White House aide commented.

At a press conference last

week, Nixon himself made little effort to disguise his belief that the files should not have been released. That very day, Gray received orders from the White House setting strict limits on the promise he had already made to provide such files to the committee.

However, despite distress within the White House over the FBI files, there is no indication yet that Gray's nomination will be withdrawn. One source said he expected no White House action on the matter for at least two weeks.

THERE IS EVERY indication that the White House would welcome an "up or down" vote on the nomination of the kind Gray pleaded for in judiciary committee hearings today and that, if it were lost, would almost cheerfully blame partisan politics for the defeat.

What is feared most at the White House is that the Senate Judiciary Committee might delay final action on the Gray nomination until conclusion of the forthcoming Senate investigation of the Watergate break-in and bugging attempt last June.

Then, the President would be faced with a choice between leaving the FBI without a permanent director for another year, or "caving in" to a Senate committee by withdrawing the Gray nomination

and permitting what he fears would be a precedent for Congress to hold a Presidential appointee "hostage" over the question of the separation of powers between the executive and legislative branches.

THE PRESIDENT would find either decision distasteful, his aides say.

On the one hand, Nixon believes that the FBI could not function effectively with an interim director. But on the other hand, he is convinced that the Congress should not be permitted to get away with holding up the Gray nomination as "blackmail" to force Nixon to allow John W. Dean III, his counsel, to testify about Gray's handling of the Watergate investigation.

Which way the President will move in such a situation is unknown at this time.

"Before anybody can make a guess on this one, we have to see what the committee will do," said one Presidential aide.

But what darkens Gray's chances of eventual confirmation is the lack of personal loyalty now felt toward him by the White House staff and, apparently, by the President himself.