

# The Gray Hearings

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L. Patrick Gray 3d, acting director of the Federal Bureau of Investigation, finds himself in a vulnerable position in his Senate confirmation hearings as a result of the Administration's decision to shut off further testimony about the Watergate case. Attorney General Richard G. Kleindienst, acting presumably on White House orders, directed Mr. Gray to withdraw his previously expressed willingness to answer all questions and make available all F.B.I. files concerning the bureau's investigation of the Watergate scandal.

That reversal of policy leaves Mr. Gray a hostage. As long as the White House refuses to make available John W. Dean, the President's counsel, to testify about his intervention in the Watergate investigation, the Senate Judiciary Committee is understandably reluctant to reach a final judgment about Mr. Gray's conduct of the inquiry.

The Administration's latest position makes a mockery of President Nixon's repeated assurances that he would not invoke the doctrine of executive privilege merely to cover up embarrassing information. There are no matters of national security or high public policy involved in this matter. What is involved are political embarrassment and possible violations of law. Properly construed, the concept of executive privilege only covers advice which an assistant gives to the President; it does not cover discussions between the assistant and third parties. The Judiciary Committee is on sound ground in insisting that Mr. Dean appear and testify.

Mr. Gray has reason to feel that the White House is sacrificing him to shield itself. It is evident that the Administration values a blackout of information on White House involvement in the Watergate scandal more highly than it does his confirmation as F.B.I. director.

But, whatever sympathy may be due him on this count, Mr. Gray's over-all record in his ten months as acting director does not inspire confidence. He showed poor judgment in making political speeches during the Presidential campaign and in allowing one of his top aides to circularize F.B.I. field offices in search of politically useful information for the White House. In disavowing responsibility for that staff blunder, he failed to give his subordinates the loyalty they had a right to expect. In yielding the F.B.I.'s raw files to Mr. Dean, he shouldered a responsibility which properly belonged to the Attorney General. He would not be in his present squeeze if he had insisted that it was up to his superior, Mr. Kleindienst, to decide whether the files should leave the confines of the Justice Department.

In these various ways, Mr. Gray has shown himself a political and bureaucratic neophyte. The F.B.I. directorship is no job for a neophyte or for a man with marked political bias. Mr. Gray, lacking in law-enforcement experience, rose to the acting directorship only because of his White House connections. Since those connections no longer look as good as they once did, the opportunity exists for the President to select a new director from within the ranks of the F.B.I. or some other law-enforcement agency. The Senate, having properly insisted on confirmation of J. Edgar Hoover's successor, should now go further and impose a five-year time limit on service in this job. As the Gray hearings have abundantly demonstrated, the directorship of the F.B.I. is too sensitive and too powerful an office for inexperienced or unlimited tenure.