

Fight on Gray Stirs Fears for

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About 10 days ago, the word on Capitol Hill was that "Pat Gray is entitled to an up-or-down vote."

But now the focus is shifting from sympathy for President Nixon's embattled nominee for director of the Federal Bureau of Investigation, L. Patrick Gray III, to genuine concern about the effects of the fights over his confirmation on the future of the FBI.

Increasingly, senators, Justice Department officials and others in official Washington were saying last week that "the bureau is entitled to an up-or-down vote" on the Gray nomination.

Whatever Gray's fate may be—and few people still believe that he has a reasonable chance of being confirmed—it is clear that the first-ever public congressional review of FBI affairs and the Watergate case have been a traumatic combination for the agency.

At FBI headquarters here, some oldtimers suggest that confidence in the bureau has been eroded and that as a result, it may lose some of its informants and be unable in the future to count on getting the "full story" in some investigations.

They cite especially the reluctance of convicted Watergate conspirator James W. McCord Jr. to talk with the FBI or other Justice Department officials when he decided he was ready to give new details of illegal wiretapping and political espionage.

McCord apparently was concerned over the fact that Gray had forwarded reports on the Watergate investigation to White House Counsel John W. Dean III.

Members of the Senate Judiciary Committee are angry with Gray for not giving them more details on the Watergate probe, but the acting FBI director has come in for at least as much trouble over what he has already revealed.

One 25-year bureau veteran posed the problem this way:

"I always used to say to people I interviewed, 'There's only one promise I can make to you—anything you have to say to me will be kept in absolute confidence.'

"This has been true of thousands upon thousands of interviews over the years, and now some of the guys feel that the tradition has been wiped out in one fell swoop."

Other insiders feel that the problem has been exaggerated and that the FBI will survive this crisis as it has many others over the years. "This won't ruin us," said one.

A top Justice Department official insists that crises of confidence in government agencies always seem worse in Washington than "out there in the country," where the FBI image is still one of fearless crime fighters.

The special-agent-in-charge of a Western field office confirms that view: "All of that stuff that goes on back there (in Washington)," he said, "you think it's world-shaking—until you get 100 miles away and discover that nobody cares."

But even those who do not take a cataclysmic view of recent events believe that the FBI is facing hard times,

and invariably they blame the problems on Gray.

When he first took over the bureau on the death of J. Edgar Hoover 11 months ago, Gray amazed his skeptics by attracting the loyalty and reluctant admiration of many in the FBI rank-and-file.

They not only approved of his liberalization of old-fashioned dress codes and other harsh rules, but they were also impressed by his apparent willingness to learn about bureau traditions and tactics.

Now, according to one former assistant FBI director who has maintained close ties to the agency, "the men don't think he's going to be confirmed, and so they are deserting him. They don't even want him to be confirmed anymore."

Gray is blamed, for exam-

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ple, for his unprecedented offer to open the FBI's Watergate files to the Senate committee considering him.

"This whole damn thing would have been so simple," says one critic, "If he had just said, 'our files are confidential and that's it.' The Senate probably would have understood and accepted this."

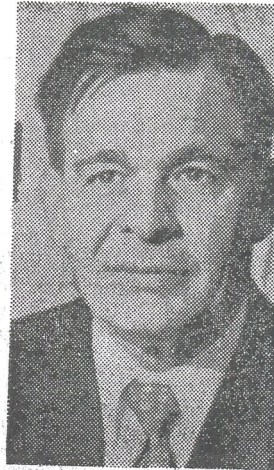
In the meantime, Gray has been so thoroughly written off by some of the old FBI hands that they have turned their attention to worrying about how the agency will recover from what one calls "this unfortunate mess."

Another ex-agent says he sympathizes not only with Gray—who he feels has been put in a precarious position by the White House—but even more so with "whoever it is" who gets nominated after Gray.

"It's going to be a battle to get things running smoothly again," he predicts. "It will be the original agonizing reappraisal."

Part of the trouble for Gray and the bureau undoubtedly stems from the fact that this is the first time the Senate has ever had an opportunity to confirm an FBI director and ask difficult questions in the process.

The requirement of Senate confirmation was instituted by Congress in 1970, as a result of bipartisan concern that there not be "another Hoover" and Republican worries that if there were, he might be appointed by a Democratic president.



HENRY E. PETERSEN

... Gray switch denied

Sen. Robert C. Byrd (D-W. Va.), the assistant Senate majority leader, had offered a bill earlier this year to provide for mandatory reconfirmation of the FBI director every four years, and the legislation immediately attracted a number of cosponsors.

But now Byrd, leader of the opposition to Gray, says he has changed his mind because a strict four-year term might force a director to "run for reappointment."

There is sentiment in the Senate and within the Justice Department to amend Byrd's bill to provide for a longer term—perhaps seven or nine years—which would be more likely to keep the FBI out of politics.

Ironically, some of those who most feared "another Hoover" now say they would like to see "a symbol like him" take over the job if Gray is not confirmed.

"What we need now is somebody who will be able to say no to John Dean," said a former ranking FBI official. After the Gray affair, he observed, the right person "might find it easier to do that."