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Acting F.B.I Director, Unlike Hoover, Is Speaking in Support of White House

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WASHINGTON, Sept. 7—L. Patrick Gray 3d, the acting director of the Federal Bureau of Investigation, has departed from the nonpolitical practices of his predecessor, J. Edgar Hoover, by making a series of speeches that follow key points in the political line of the incumbent Administration.

For example, by de-emphasizing the significance of rising crime statistics, he has adopted a Nixon Administration line that conflicts with the interpretation that Mr. Hoover put on the figures.

In another instance, he asserted in a speech today that the Federal Government was not spending too much on national defense as against domestic programs. He thus backed the Nixon Administration's position on an issue that has little to do with his role at the F.B.I.

Few Hoover Speeches

Mr. Hoover made few speeches and almost never spoke publicly during political campaigns, apparently to avoid the implication that he intended to aid one side or the other.

He usually announced his views through F.B.I. publications or published Congressional testimony, commenting usually upon subjects directed specifically to law enforcement personnel.

But Mr. Gray, an outspoken former naval officer who is a long-time supporter of President Nixon, has accepted speaking engagements at an increasing pace since Mr. Nixon made him acting director of the bureau last May.

His tendency to speak in support of Administration policies has become increasingly evident as the political campaign has heated up, and it became more pronounced today when Mr. Gray spoke in Butte, Mont., and Spokane, Wash.

Echoes Kleindienst

In Spokane, he took a line similar to that currently being advanced in speeches by Attorney General Richard G. Kleindienst and other Justice Department spokesmen, who are calling for a relaxation of



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L. Patrick Gray 3d

the Supreme Court's rule that excludes illegally seized evidence.

Speaking to the Washington State Bar Association, Mr. Gray, according to speech texts released here, said, "Many court decisions often go to unreasonable lengths to protect the accused."

He illustrated this by citing instances in which the Supreme Court's "exclusionary rule" had been invoked to throw out evidence obtained by the police in violation of the Fourth Amendment prohibition against unreasonable searches and seizures.

Mr. Gray suggested that the rule should be changed to exclude evidence only when the constitutional violation was "willful." This is the approach generally taken by Justice Department spokesmen.

It is unusual for a high law

enforcement official to make such a comment on a case that is before the Supreme Court. The court will consider the "exclusionary rule" issue in its coming term.

In the appeal, California v. Krivda, state prosecutors are asking the Supreme Court to hold that only serious violations of the Fourth Amendment should result in the exclusion of evidence and that the police

should be free to search suspects' garbage cans without warrants.

Mr. Gray said, "Human experience indicates that our garbage is the one thing all of us willfully, intentionally and absolutely abandon." He did not mention that the issue is now before the Supreme Court.

Discussing the crime rate, he told his Spokane audience, "There is growing cause for hope — and even sober optimism." Last week, the F.B.I. announced that serious crime rose 7 per cent in 1971.

Optimism on Crime

Mr. Gray's optimism was based on an approach widely used by Nixon Administration officials, who cite the percentage increase in crime from year to year, which has declined in many categories in recent years, rather than the annual number of serious crimes, which was almost 30 per cent higher last year than when the Nixon Administration took office.

Mr. Gray did not give the incumbent Administration credit for the statistical improvement

that he said began in 1970. He attributed it to the combined efforts of the police, courts, prosecutors, corrections officers and people "who are just plain fed up with the rampages of the criminal."

In viewing the crime statistics with optimism rather than concern, Mr. Gray departed drastically from a policy of Mr. Hoover's.

The late director's gloomy statistical releases were rewritten by the Justice Department in the final months of his life to present a brighter picture of the crime problem.

In his speech last night before the Rotary Club of Butte, Mr. Gray assailed "Those who claim that our national priorities are distorted away from the individual."

He said that there had been an annual increase in Federal outlays "for supporting and developing human resources" and that "in the current fiscal year 45 per cent of the Federal budget is for human resources and only 32 per cent for national defense."

"But the calamity howlers who say that the little man is forgotten do not talk about it," he said.

He did not mention the Democratic Presidential candidate, Senator George McGovern of South Dakota, who is campaigning heavily on the charge that too much of the national income is going to the Pentagon.

Tempo Increases

As the tempo of Mr. Gray's speaking schedule has increased in recent months, so have the number of his statements that coincide with positions taken by the Nixon Administration.

In a June 30 speech in San Diego, he took issue with a law-and-order statement by Ramsey Clark, the former Democratic Attorney General, and defended the mass arrests of 1971 May Day demonstrators in the District of Columbia.

Last month he complimented the Veterans of Foreign Wars convention for demanding "a strong defense posture" and criticized protesters who "mocked and ridiculed" soldiers' valor in Vietnam.

Mr. Gray has said that he would like to be appointed permanently to the F.B.I. post if Mr. Nixon is re-elected.

Until today, none of his speeches has contained the usual quotations of the President's words that are expected of Administration officials during a political season. But in Butte Mr. Gray recalled that President Nixon had labeled drug abuse "public enemy No. 1."