

congress

# Gray Out as FBI Chief

A 57-year-old former Navy submarine commander, Nixon campaign worker and assistant attorney general, Louis Patrick Gray III had been in trouble with the Senate almost from the time he was formally nominated, two months ago, to become permanent successor to J. Edgar Hoover.

As acting director of the Federal Bureau of Investigation ever since Hoover died last May, Gray quickly stirred the resentment of old FBI hands by shaking up the agency.

Nevertheless, he seemed virtually assured of confirmation — until he shook up the Senate, by acknowledging that he had turned over raw FBI files on the Watergate bugging case to White House counsel John Dean III, whose own impartiality was in grave doubt.

Senate Democratic whip Robert Byrd of West Virginia, who led the opposition to Gray's nomination, charged that this was evidence of a tendency by Gray to knuckle under to political pressure. And the Senate Judiciary Committee demanded that Dean testify as a prerequisite for action on the Gray nomination. Dean — backed by President Nixon — refused.

**'Completely Proper'**

The President insisted that Gray had merely complied with a "completely proper and necessary request" in furnishing Dean with the confidential files, because the President had asked Dean to "conduct a thorough investigation of alleged involvement in the Watergate episode."

But as the hearings progressed, it had become

increasingly clear that Dean's own involvement with the Watergate affair was itself highly suspect — thereby severely compromising Gray.

Last weekend, after a meeting of the Judiciary Committee showed that Gray had no chance of confirmation, he requested that his nomination be withdrawn — a request with which President Nixon promptly complied.

**Another Search**

Attorney General Richard Kleindienst, a strong supporter of Gray for the FBI post, said his withdrawal would now force the selec-

**'One of the finest men you could consider'**

tion process to start all over again from scratch. Gray was "one of the finest men you could consider" to head the FBI, said Kleindienst, lamenting the fact that he had become the "innocent victim of the Watergate tragedy."

Senator Lowell Weicker (Rep-Conn.), one of the most outspoken critics of the entire Watergate affair, was equally perturbed — but for different reasons. Gray's dumping, he declared, had filled him with "deep anger."

"The White House has cut the wrong man adrift," said Weicker, "and I think it is a sad commentary on the times when men like Pat Gray are let go and men of considerably lesser caliber stay on in high places."

Beyond the job fortunes of one man, however, lay much

larger issues — involving the implications of political espionage and the independence of the FBI itself. Stressing the need for a careful look at the Agency's role after 48 years under J. Edgar Hoover, Senator Byrd warned that the directorship was now in danger of becoming a "revolving door of political patronage."

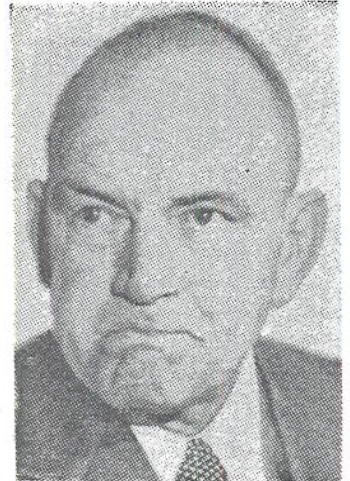
And last week, Byrd introduced a bill designed to insulate the agency from outside political pressure and influence by taking the FBI out of the Justice Department and giving its director a fixed term — which Byrd called "a first step toward a truly non-political Federal Bureau of Investigation."

A number of names, including two of Kleindienst's top Justice Department aides — Henry Petersen and John Ingersoll — were being mentioned by Nixon Administration and Senate sources as possible successors to Gray.

Petersen, the head of the Justice Department's Criminal Division, and Ingersoll, the head of the Bureau of Narcotics and Dangerous Drugs, were described by Justice Department spokesmen as "about as political as Mickey Mouse."

Nevertheless, the Department's own involvement with the Watergate investigation was considered an obstacle to the appointment of either man — thereby leaving the field open to a third candidate, who was rumored to be William Matthew Byrne Jr., a Federal district judge in Los Angeles.

Judge Byrne, who served as a United States attorney in Los Angeles under the Johnson and Nixon Administrations reportedly had



AP Wirephoto

GRAY

won "an excellent reputation" in legal circles since his appointment to the Federal bench two years ago.

Meantime, there was far more noise than light shed on the whole Watergate case last week.

Convicted conspirator James McCord Jr. announced that he was "anxious" to tell the full story of the Democratic headquarters break-in and that he would talk to newsmen before he appeared again at a Senate hearing late last week.

But the most startling testimony of the week came not from McCord but from Attorney General Richard Kleindienst who, in a sweeping assertion of executive prerogatives, declared that the President had the power to forbid all federal employees from testifying before Congress under any circumstances — including impeachment.

**Executive Privilege**

Testifying before an unusual joint session of three Senate subcommittees, Kleindienst maintained that the doctrine of executive privilege could properly be invoked even in the face of congressional investigations of alleged wrongdoing by White House aides.

"This is a power relegated to the President of the

United States alone," Kleindienst said of executive privilege. Under it, he declared, the President "logically" has the authority to block congressional demands for any document within the executive branch as well as testimony of any of its 2½ million employees.

Senator Edmund Muskie (Dem-Maine), chairman of the Senate subcommittee on intergovernmental relations, called the Attorney General's claims "frightening."

Then at midweek former

Republican standard-bearer Senator Barry Goldwater of Arizona, told the Christian Science Monitor, "Watergate is beginning to be like Teapot Dome. I mean, there's a smell to it. Let's get rid of the smell." It might hurt GOP candidates in 1974, Goldwater said, and might mean no Republican President in 1976.