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Gray to Get

FBI Post

Permanently

L.A. Times Service

Key Biscayne, Fla.

President Nixon will nominate as FBI director L. Patrick Gray III, who already has introduced major changes in the tradition-bound bureau, it was learned yesterday.

Gray, 56, has been acting FBI chief since the death of J. Edgar Hoover, last May.

The nomination, expected to be announced within a few days, will complete the major appointments of Mr. Nixon's second term. The President made his decision on Gray, who left the Navy to serve on Mr. Nixon's staff in 1960 when he was vice president, within the past two days, it was said.

Gray met with President Nixon yesterday morning at the White House before the President left for Florida. Gray then flew to Milwaukee where he told the Wisconsin Bar Association that while style may change at the FBI, substance will not.

When Gray was designated acting director last May 3, White House press secretary Ronald Ziegler said Mr. Nixon did not want to submit a nomination in the middle of an election year because he wanted to keep it "from becoming involved in partisan debate."

But the passage of more

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than three months since the election gave rise to speculation that the White House was unhappy with Gray's performance.

Informed sources said they did not know the reasons for the delay, but they pointed out that Gray had been ill recently. He underwent abdominal surgery in November to correct an intestinal obstruction caused by adhesions remaining from a ruptured appendix suffered during World War II. But statements by Gray's doctors and his speedy recovery left little question of whether he would be strong enough for the job.

Administration officials also suggested earlier this week that the delay reflected a White House desire to avoid giving two Senate committees separate cracks at Gray on the FBI's Watergate investigation. These officials said they expected the President to wait until a hearing by a select Senate committee on the political espionage case was at least scheduled before nominating an FBI chief. *

DEMOCRATS

Now Gray will be open to questioning on Watergate during his confirmation hearings before the Senate Judiciary Committee, which includes the same four Democrats that pursued the administration during the ITT-Kleindienst hearing last year.

They are Senators Birch Bayh of Indiana, Philip Hart of Michigan, Edward M. Kennedy of Massachusetts and John V. Tunney of California.

Gray later will be questioned by members of the Select Senate Committee set up to probe the break-in of Democratic Headquarters at the Watergate by seven

men, two of whom worked for the committee for the re-election of the President.

Apart from the Watergate case, Gray is likely to be questioned at length by the Judiciary Committee because it will represent the first real opportunity the Senate has had to review FBI operations.

GENTLE

Hoover used to appear annually for House Appropriations hearings, but the questioning was gentle and the sessions were dominated by the late director's prepared statement. A 1968 law made the FBI directorship subject to Senate confirmation. This, plus the fact that Gray has commanded the FBI for the past nine months, made possible the first fullscale review of bureau operations.

In addition to bureau operations, Gray is likely to be questioned in these areas:

- His ties to President Nixon, whom he first met in 1947, and allegations that he has politicized the bureau, partly by giving speeches that supported the administration.

- Charges that he has made public disciplinary actions within the FBI. Under Mr. Hoover these were seldom disclosed.

- Criticism that as a 20-year Navy man and an assistant attorney general in charge of the Justice Department's civil division he lacks law enforcement experience.

* "Mr. Ervin said today [21 Feb] that it would be six weeks to two months before the committee will be in a position to open hearings." NYTimes, Crewdson, 22 Feb 73.