

Gray Days Ahead for

197-24/73
By Tom Wicker

No wonder the Administration and so many Americans hold Congress in low esteem; why should they not, in view of such an ill-prepared and inconclusive performance as the so-called "confirmation hearing" conducted last week in the Senate on the nomination of Patrick Gray to be director of the F.B.I.?

"I'm 100 per cent for him," said Chairperson James O. Eastland of the Judiciary Committee, which is not surprising; but why should such men as John Tunney, Birch Bayh and Edward Kennedy be complimenting Mr. Gray and failing to bore in on this unqualified nominee for one of the most important positions in American life?

The fact is that in the hearings so far, Mr. Gray has been getting away with testimonial murder. Why, for only one example, has no Senator really followed up the fact that in the recently concluded Watergate trial, the testimony clearly showed that James McCord Jr., security chief of the Committee to Re-elect the President and one of the men convicted for

breaking and entering the Democratic National Committee, was "plugged in" to the F.B.I.? That is the direct testimony of Robert Odle, the committee's administrative director.

What right did a political committee have to be "plugged in" to the F.B.I.? Who authorized or permitted it? What right does the Senate Judiciary Committee have to let this matter pass without finding out whether Mr. Gray knew about it (in which case the charge of political partisanship is proven) or didn't know about it (in which case the charge of incompetence takes on great weight).

Some of Mr. Gray's answers in the smelly area of the Watergate and Donald Segretti investigations were totally unsatisfactory. He never really said, for example, whether anyone on the White House or Nixon re-election staffs had shown Mr. Segretti his own F.B.I. dossier, as has been charged; he merely said that John Dean, counsel to the President, had denied doing so. Mr. Gray apparently took Mr. Dean at his word, and the Senators apparently took Mr. Gray at his, which is not good enough in either case.

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Then Mr. Gray's offer to open the Watergate investigation record to any Senator turned out to be an offer to let any Senator on the Judiciary Committee look at the record for a half-hour a day, under controlled conditions that make sustained study all but impossible. If the record itself is anything more than a joke, this mockery of candor is not.

In their polite quizzing of Mr. Gray about his political campaigning for Mr. Nixon last fall, the Senators seemed not to grasp that it is as unacceptable for this nominee to plead that he did not mean it that way as it would be if he had confessed his partisanship.

If the director of the F.B.I. does not understand the impropriety of his traveling about the country in Government aircraft, at taxpayers' expense estimated to be nearly a half-million dollars, during a Presidential campaign, in order to make speeches that

the F.B.I.

clearly supported the policies of the incumbent President, he is as unfit for a nonpartisan law-enforcement position as if he were on the Republican party payroll. It is not merely that the director should avoid partisanship but that he should avoid even the appearance of partisanship—not for any do-gooder's reason but for the sake of the F.B.I.'s morale, effectiveness and credibility.

If the director of the F.B.I. is to be suspected of political sponsorship and activities, moreover, how is he to restrain his thousands of subordinates from the same kind of dealings? When J. Edgar Hoover took over the bureau during the Coolidge Administration, he found it corrupt and partisan, and he changed all that primarily by his own example of incorruptibility and nonpartisanship (it was not until years later that his ideological views and inflexible character began to cause a different kind of trouble for the F.B.I.). Not even Pat Gray's gift of gab can convince anyone that he has provided, or can provide, that kind of irreplaceable personal example.

Besides, it cannot be said too often

that Mr. Gray's personal tenure, however short or long, is not the primary question. If, as seems clear, he is the kind of political appointee whom the next Democratic President will forthwith replace, the disastrous politicization of the F.B.I. will be completed. That is a process to be avoided at all costs, because the directorship of the F.B.I., with its immense power to affect the life of every American, ought not to be shunted about between parties like some minor embassy or a special assistant's job in the White House basement.

As for the Senate, it has a clear responsibility to reject the nomination to such a vital office of a man without great public standing, who lacks law enforcement experience, whose political background is a matter of record, and whose discretion and restraint on the job have been highly questionable. If the Senate cannot or will not meet such an elementary responsibility as that, it need not complain to the public that Mr. Nixon does not respect its wishes in budgetary matters. Nobody respects a pushover.