

L. PATRICK GRAY III AT CONFIRMATION HEARING



JOHN W. DEAN III



HERBERT KALMBACH



DWIGHT CHAPIN



DONALD H. SEGRETTI

WAYNE OTT

STEVE NORTHUP

DIRCK HALSTED

CBS NEWS PHOTO

THE ADMINISTRATION

Deepening Doubts About the Top Cop

THE Senate confirmation hearings for L. Patrick Gray III, President Nixon's choice to succeed J. Edgar Hoover as director of the FBI, assumed new and dark dimensions last week. They not only demonstrated that Gray, the acting director since last May, might well be Nixon's least defensible appointment so far. They also revealed among high officials of the Nixon Administration and the President's re-election committee a disturbing callousness toward the law, toward proper investigative procedure and toward the truth.

Once again an aura of deception and a chummy kind of mutual self-protection emanated from the all too familiar Watergate wiretapping and bugging conspiracy of last June. But now it was not so much the fact that seven paid agents of the Committee for the Re-Election of the President had carried out that political espionage operation against Democratic National Headquarters, although their conviction for doing so was serious in itself. The hearings on Gray disclosed that he took at face value almost every denial of White House involvement, even though many Washington observers at least speculated that the responsibility might rest there. Gray, it turns out, had obediently turned over to the White House more than 80 FBI reports on its Watergate investigation.

Gray defended this practice on the grounds that he was just "part of the chain of command" that leads to the White House. That is an appallingly limited vision of the role of the FBI, which under Hoover had proudly maintained its independence from eight Presidents and served as a nonpartisan in-

vestigative agency to aid evenhanded justice. Indeed, the Gray nomination has led some liberals to yearn almost nostalgically for the days of Hoover, despite all their previous complaints about the cantankerous FBI chief.

Quiz. The possibility of White House connections to the Watergate scandal was obvious the moment the names of the arrested men were revealed. They included G. Gordon Liddy and E. Howard Hunt Jr., both of whom had worked for the White House before transferring to the Nixon re-election committee. FBI agents did quiz 14 White House officials, but the questioning took place only in the presence of John W. Dean III, a White House attorney asked by the President to conduct an "in-house" investigation of the case. It should have been apparent to Gray that the presence of a White House attorney could well discourage other presidential aides from telling the full story. Gray also permitted attorneys for the Nixon committee to be present when the FBI interviewed 58 employees of the committee. When three of them later asked to see agents again outside the presence of committee lawyers, this was done—but Gray, incredibly, then turned transcripts of these interviews over to Dean at the White House.

Gray also revealed that he had given Dean transcripts of telephone calls to and from Democratic headquarters that had been intercepted by the wiretappers. Thus whatever information they had illegally obtained was made available to the White House.

In addition, said Gray under questioning, he gave Dean a transcript of interviews that the FBI had with Donald

H. Segretti. He is the California lawyer who was cited in FBI reports as having been hired by the Nixon committee to try to disrupt the campaigns of Democratic candidates. The *Washington Post* claimed that White House aides showed the transcript to Segretti and used it to help coach him prior to his appearance before the Watergate grand jury. Asked about this by Gray, Dean denied that he or anyone else at the White House had shown the reports to Segretti, and Gray did not press him.

These actions by Gray were all the more remarkable for a particular reason: in the Watergate trial, testimony by Jeb Magruder, deputy director of the Nixon committee, indicated that it was Dean who had first recommended that Liddy be hired by the committee because of his background in "investigative and intelligence" activity. To Senators' questions, Gray insisted: "We never had any reason to conjecture that he [Dean] was compromised by Watergate...He was the counsel to the President."

Gray began shifting ground on various aspects of his increasingly shaky testimony. Some examples:

► Two weeks ago, Gray had insisted that the White House and Republican political considerations had played no part in his decision to speak to the Cleveland City Club at the height of Nixon's campaign. He went, he said, because he had been directly invited by the club. Last week he reversed himself and conceded that he had never received a direct invitation. In fact, the invitation had gone to the White House, not directly to Gray, and he had agreed to go—after reading a White House

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memo saying that "Ohio is crucial to our hopes." Referring to his earlier testimony, he said: "I misspoke myself—some may say I lied."

► Gray at first testified that his agents had wanted to question Martha Mitchell, wife of the former Attorney General and head of the Nixon committee, regarding anything she might know about the Watergate affair. But John Mitchell, Gray said, did not want her quizzed, and "as a courtesy," Gray did not pursue the matter. Last week he changed his explanation, contending that Mitchell had later agreed to such an interview but said that Martha had no relevant information on Watergate—and so Gray dropped it. Last June—just five days after the Watergate bugging—Mrs. Mitchell claimed that she had been kicked and held down by a Nixon committee security agent in a California motel while a doctor gave her an injection, all in an attempt to keep her quiet about what she called the "dirty business" going on in Washington.

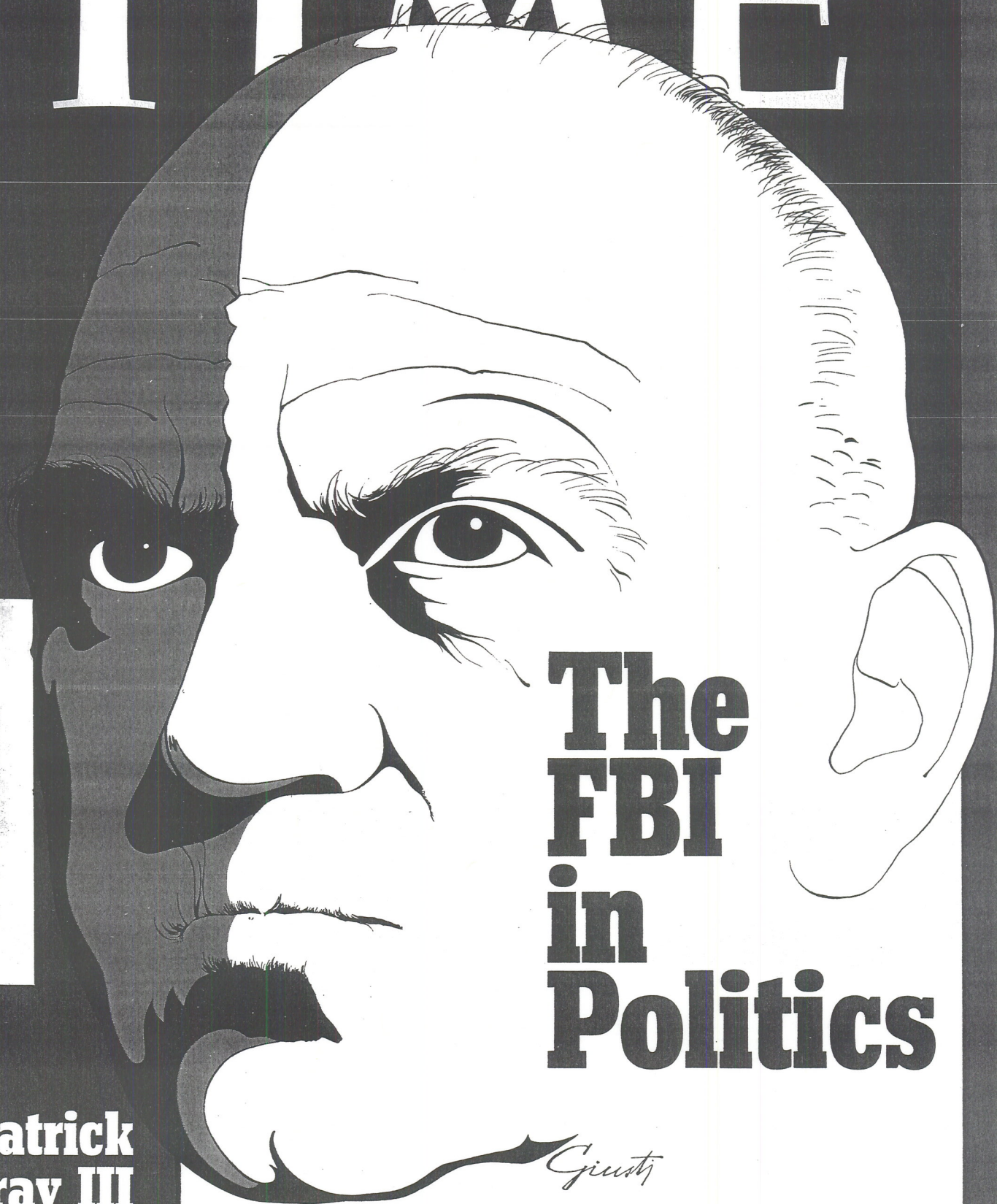
Perhaps sensing that the hearings were hurting him, Gray pleaded with the Judiciary Committee to report his nomination promptly to the full Senate. "I have attempted to answer every question," he said. "You are not buying a pig in a poke." Almost abjectly, he described himself as innocently caught in a crossfire: "Now in the middle stands your humble and obedient servant, Pat Gray." Under heavy questioning by California Democrat John

Tunney, Gray said wistfully at one point: "I enjoyed my visit to your office, and I thought there was some affinity there." Claiming that "the FBI needs a leader," Gray urged speedy action. This led Massachusetts Democrat Edward Kennedy to observe aloud that Nixon had taken a long time to present Gray's nomination.

Some Senators said that they will recall Gray to testify further this week. They will also ask White House Counsel Dean to appear, though Nixon has already said that he would plead the right of Executive privilege to keep him from testifying.

The fate of Gray's nomination remains in doubt, but it has become increasingly clear that he holds no notable qualifications for the post. After a 20-year career as an officer in the Navy, Gray practiced law in Connecticut, dealing primarily in wills, taxes and estates rather than crime. He joined the Nixon Administration in 1969, first as an executive assistant at HEW, later as an Assistant Attorney General under John Mitchell. Moreover, his subservience to the Nixon Administration is so complete that it is all but certain that if he is approved, any future Democratic Administration would replace him. That would turn the FBI directorship into the kind of political-patronage post that would seriously damage its reputation for impartial law enforcement. The politicization of the FBI is something that J. Edgar Hoover—to his lasting credit—never permitted.

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The FBI in Politics

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