

6 Oppose Gray As Permanent FBI Director

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The Senate Judiciary Committee heard six witnesses yesterday testify in opposition to the confirmation of L. Patrick Gray III as FBI director.

As the hearings went into their sixth day, criticism focused on Gray's political connections with the President and Gray's handling of confidential FBI files, the Watergate bugging investigation and the arrest of a reporter in connection with documents stolen from the Bureau of Indian Affairs.

Syndicated columnist Jack Anderson, one of the witnesses, charged that Gray "has proven himself to be a political hatchetman for Richard Nixon" and that Senate confirmation would turn the FBI directorship into "a political plum."

Rep. Edward I. Koch (D-N.Y.), another witness, told the senators, "My opposition stems from what I consider Mr. Gray's insensitivity to the value of privacy in America today." Koch said that he asked to see his own FBI file—a file that only includes public information such as news clippings, according to Gray—but that Gray refused.

Koch submitted a letter from Gray saying that the file "is not available for inspection except for authorized purposes and then only on a need-to-know basis."

"Don't members of Congress need to know?" Koch asked.

Sen. John V. Tunney (D-Calif.) announced to the committee that yesterday he inspected four raw FBI files from the Watergate investigation and feels it is absolutely essential for presidential counsel John W. Dean III to testify on his role in the White House inquiry into the Watergate affair.

Gray earlier this week told the committee that he gave Dean 82 of the 186 basic FBI files on the Watergate probe.

Tunney and several other liberal Democratic senators on the committee have questioned the propriety of this action because of Dean's relationship with one of the Watergate bugging conspirators, G. Gordon Liddy.

Dean recommended Liddy for his job as general counsel at the President's re-election committee and emphasized that Liddy, a former FBI agent, could help the re-election committee with "intelligence-gathering problems," according to testimony at the Watergate trial.

This connection between Dean and Liddy should have effectively disqualified Dean from receiving the raw FBI Watergate data, Tunney said.

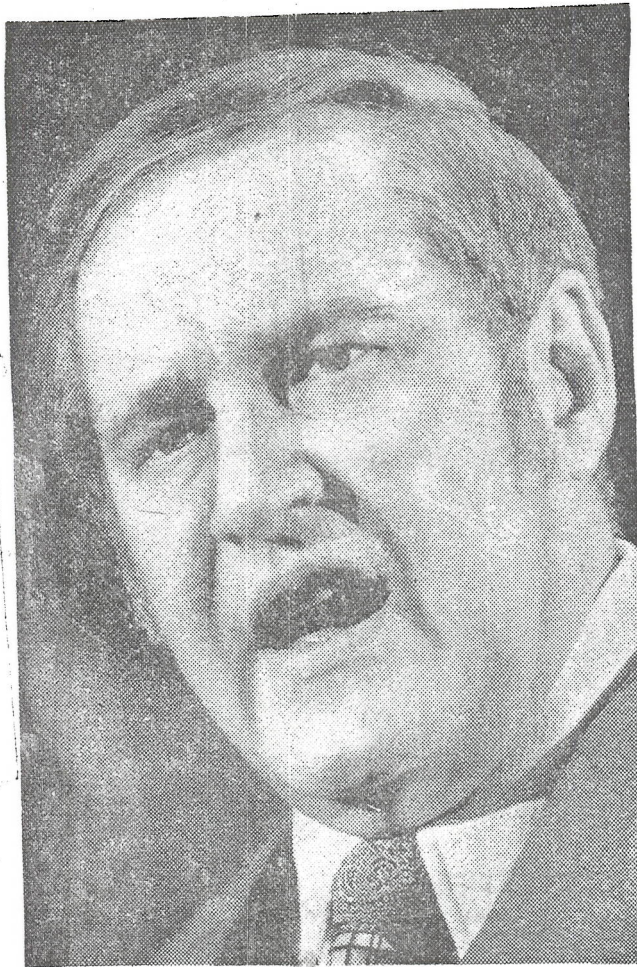
Some staff members to liberal Democratic senators believe that Tunney has the necessary votes on the committee to order Dean to testify. An informal poll of senators does not yet have the necessary nine votes, though he may have eight. There are 16 members on the judiciary committee.

In an interview yesterday, Sen. James O. Eastland (D-Miss.), Judiciary Committee chairman, said that in his opinion the committee "can't subpoena" Dean to testify even if it so desires.

Because of the separation of powers written into the Constitution, Eastland said, a close adviser to the President has an executive privilege not to appear before Congress. Eastland indicated that Dean could appear voluntarily, but could not be forced by subpoena.

"I believe in the Constitution of the United States," Eastland said.

Sen. Sam J. Ervin Jr. (D-N.C.), another committee member, has said that he favors calling Dean and believes that the Judiciary Committee can subpoena the President's close aides to testify on matters not directly involving a



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Columnist Jack Anderson calls Gray a "political hatchetman" for the President at Senate hearing

confidential communication with the President himself.

Eastland also predicted that both the Judiciary Committee and the Senate would vote to confirm Gray as FBI director.

Tunney, Sen. Edward M. Kennedy (D-Mass.) and Sen. Robert C. Byrd (D-W.Va.)—all of whom have voiced reservations or opposition to Gray—have indicated that no vote should take place until Dean testifies.

Testimony continues next week, with additional hostile witnesses on Monday. Eastland said that Gray would be recalled to testify at some point.

Yesterday, Joseph L. Rauh Jr., vice chairman of the Americans for Democratic Action, a liberal group, charged that "what is at stake in Mr. Gray's nomination is at least the integrity of the FBI and at the most the integrity of our political system."

Les Whitten, the principal assistant to columnist Jack Anderson, presented a detailed, eight-page criticism of his Jan. 31 arrest by the FBI while covering a story of the return of documents stolen by others from the Bureau of In-

dian Affairs.

A Washington federal grand jury later refused to indict Whitten. His chief criticism was that the FBI persisted in the case even though it learned that the documents were to be returned.

Whitten said that his detailed information represented

the facts, "as opposed to the false information supplied to you under oath by Mr. Gray."

Sen. Roman L. Hruska (R-Neb.) said Gray was almost certainly providing the committee information that he had received from his agents

and was not knowingly giving inaccurate data.

Indian leader Hank Adams, who was also arrested in the documents case, criticized the FBI arrests as a reflection that Gray has little concern for the rights of Indians.