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White House Backs Gray, But Senate Support Ebbs

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WASHINGTON, March 23—The White House reaffirmed today its support for L. Patrick Gray 3d as director of the Federal Bureau of Investigation as indications mounted that

Mr. Gray's chances of Senate confirmation were ebbing.

At Key Biscayne, Fla., the deputy Presidential press secretary, Gerald L. Warren, said President Nixon had "no intention" of withdrawing Mr. Gray's nomination, as some Republican Senators and a handful of White House aides think he should.

"The President has submitted Mr. Gray's nomination," said Mr. Warren. "The President supports that nomination."

Mr. Warren refrained, however, from any new praise for Mr. Gray and stated the endorsement in language bereft of enthusiasm. Asked whether the President's backing was as strong as ever, he said only that he was "not changing" past declarations of support.

The spokesman's comments appeared to confirm—at least in the view of several Senators of both parties who have fol-

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But the longer the Gray fight continues, the more public attention is directed toward the break-in at Democratic National Committee headquarters in the Watergate Hotel on June 17, 1972, and toward alleged White House involvement in it.

Thus, in the view of many politicians both in Washington and out in the country, Mr. Nixon is driven toward the conclusion that he can only lose by sticking with Mr. Gray. As one of them said yesterday, the President "isn't going to make any points by calling the Senate anti-Connecticut." That is Mr. Gray's home state.

As evidence of Mr. Nixon's alleged disenchantment with his nominee, Congressmen and other politicians cited two developments, in addition to Mr. Warren's comments today.

They said, first, that a White House statement of last night ~~was only to be considered a slap~~ at Mr. Gray. Mr. Gray had said in response to questions from Senator Robert C. Byrd, Democrat of West Virginia, that Mr. Nixon's chief legal counsel had probably lied to F.B.I. agents investigating the Watergate episode last summer.

The White House replied with a statement calling the charge unfair and untrue.

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lowed the matter closely—the impression that the White House had lost its enthusiasm for Mr. Gray but had not yet decided how to deal with the problem.

"They're desperate to keep the Watergate off the floor," said one Republican. "Gray is hopelessly enmeshed with the Watergate, which means they have to find someone who isn't."

At least three options are available to the White House: The President could withdraw the nomination; Mr. Gray, with or without Presidential prompting, could ask to be excused; or events could be allowed to run their course.

In the case of two other nominations that once ran into trouble on Capitol Hill, those of Clement F. Haynsworth Jr. and G. Harrold Carswell to the Supreme Court, Mr. Nixon took the third option. Even though it became clear in the final days that both would probably fail, the President stood fast.

But in those cases, there was no sign of friction between the President and the nominee. In this case there is.

In those cases, furthermore, Mr. Nixon was able to turn the Senate's intransigence to his own political advantage. He pictured himself as a man eager to respond to alleged public impatience with lenient judges and legislators as either too permissive or prejudiced against all Southerners.

Pointed to 2 Issues

The more the Senate struggled against him, in other words, the more Mr. Nixon was able to highlight two of his favorite political issues: the need for action against crime and the new home for Southerners in the Republican party.

among other things. It laid the blame on Mr. Byrd, without naming Mr. Gray. But that was taken, by those in this city accustomed to reading between the lines of policy pronouncements, as an oblique expression of displeasure with the nominee.

A second and even more telling piece of evidence, these same politicians asserted, is the apparent lack of heavy White House pressure on Senators who are wavering on Mr. Gray. During the Supreme Court fights, such pressure was heavy—so heavy that former Senator Margaret Chase Smith, Republican of Maine, for example, complained bitterly about it in public.

Reports circulated at the White House today that Mr. Nixon had reminded Senator James O. Eastland, Democrat of Mississippi, that he had withheld support from Mr. Eastland's Republican opponent last year and expected reciprocity. Mr. Eastland is chairman of the Judiciary Committee, which is considering the Gray nomination.

On Capitol Hill, some aides said that Senator Charles McC. Mathias Jr. of Maryland, a Republican, had been told that he might have no White House backing for his re-election campaign next year if he did not go along, but a source close to Mr. Mathias denied this.

Mr. Mathias could be a key man. The best estimate at the moment is that eight members of the 16-member Judiciary Committee favor Mr. Gray and seven oppose him, with Mr. Mathias unsure. It will take nine votes to report the nomination to the full Senate.

The vote will not come soon. A committee spokesman said today that the hearings would not be resumed until April. One member of the committee said the delay was designed to enable Mr. Gray's supporters "to figure out where the White House stands and to give the President time to weigh his options."

Lists of "fallback" candidates have begun to circulate in Administration circles and on Capitol Hill. One such list included these names:

¶ Myles J. Ambrose, a special Assistant Attorney General concerned with narcotics.

¶ Police Chief Jerry V. Wilson of Washington, a Nixon favorite who is said, however, to suffer from the drawback of having no college education.

¶ Sheriff Peter Pitchess of Los Angeles County, who has had health problems.

¶ William C. Sullivan, former No. 3 man at the F.B.I. whose nomination might stir up old animosities.

Most Senate observers believe, although no head counts have been taken, that Mr. Gray would be beaten on the floor even if he squeaked by in the committee. For that reason, the Administration reportedly feels, alternative candidates must be found and screened even if Mr. Nixon sticks with Mr. Gray to the end.