

Hearings for Mr. Gray *dot 3/11/73*

The current hearings on L. Patrick Gray III's fitness formally to assume the duties of director of the FBI have produced some remarkable information. Most notably, they have told us that while the White House and the director of Mr. Nixon's re-election campaign and the chairman of the Republican National Committee were issuing heavily lawyered denials of news stories implicating the President's personal attorney and his appointments secretary in the operations of Donald Segretti—the FBI not only had confirmation of those stories but had probably already passed it on to the White House.

That and other revelations concerning the extraordinary FBI procedures followed and the Bureau's extreme concern for White House sensibilities go to the heart of the matter under discussion: namely, Mr. Gray's fitness to serve as director of the FBI. It should be obvious that there is much more to that question than Mr. Gray's handling of the Watergate investigation. When this phase of the inquiry is over, in other words, there was still much to do.

One of the first requirements of the job for which Mr. Nixon has proposed Mr. Gray would be, we expect, integrity. And one indicator of his integrity would necessarily be whether he tells the truth. Based on the current record, one has to wonder. On the first two days of his hearings, Mr. Gray told the Senate Judiciary Committee that he had received his own invitation to deliver what looked suspiciously like a surrogate's political campaign speech in Cleveland last summer and that he had made his own investigation of the matter and decided independently to deliver the speech. (Indeed, Mr. Nixon himself told the public the other day that the FBI director should not be involved in partisan politics, supporting one candidate or the other—adding:

"Mr. Gray, on the basis of what I have seen, had no intention of doing so.") On Tuesday, Mr. Gray confessed that he hadn't really had an independent invitation after all. The only invitation he ever got had come over from the White House with a memorandum telling him that the President could use help in Ohio, a "crucial" state. After that, Mr. Gray decided to make the speech.

So, in that instance, it looks as if Mr. Gray not only had trouble in finding the truth, but in following his leader's stated policy as well. Integrity, judgment and a sense of the fitness of the FBI director's even *appearing* to be involved in politics are so deeply intertwined in that story that it appears imperative that other seams in Mr. Gray's stewardship be explored.

For example, does his early assertion that the FBI retains no political files jibe with the subsequent revelation that the Bureau was collecting and retaining information on congressional candidates? Does Mr. Gray have the stature and stamina to resist political pressure? And how good is his judgment under fire? Is the order to shoot out the tires on a loaded passenger plane a true measure of that?

All of these questions are important because there has been no congressional oversight regarding the Bureau's operations for so long. How much do we want the Bureau to intrude on our national and private lives and what is the nature of the need for it to do so? Only after the Senate has reached its answers to those questions can it ask itself whether Mr. Gray is a fit man for the job. And the answer to that ultimate question, we would emphasize once again, should take into account aspects of Mr. Gray's qualifications and performance on the job which only begin with his role in the FBI's investigation of the so-called Watergate affair.