

Gray Resigns as Nominee to FBI

President Quickly Consents

Showdown Vote Was Scheduled By Hill Unit

By George Lardner Jr.
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L. Patrick Gray III asked President Nixon to withdraw his nomination as director of the FBI yesterday evening after a hastily-called meeting of the Senate Judiciary Committee seemed to foreshadow his rejection.

The acting FBI director said the basis for his decision was his "deep conviction that the FBI, a great and unique American institution of vital service to the President and to the American people, is entitled to permanent leadership at the earliest possible time."

(Two high-ranking Justice Department lawyers, Assistant Attorney General Henry E. Peterson and John Ingersoll, head of the Bureau of Narcotics and Dangerous Drugs, are considered leading candidates for the FBI appointment. Details on Page A14.)

Gray's announcement came just a few hours after the Senate Judiciary Committee set the stage for a showdown vote on his nomination next week with opponents flatly predicting that it was all but dead.

"He read the tea leaves," Sen. Charles McC. Mathias (R-Md.) said later. He expressed surprise, however, that "the message was taken so quickly."

The White House quickly accepted Gray's request, but gave no hint of who might be proposed as his successor.

In a statement released in San Clemente, President Nixon said:

"In fairness to Mr. Gray, and out of my overriding concern for the effective conduct of the vitally important business of the FBI, I have regretfully agreed to withdraw Mr. Gray's nomination."

Mr. Nixon said he had asked Gray to stay on as acting FBI director until another nom-

inee is confirmed.

The President spoke with Gray by telephone for five to 10 minutes around 6 p.m. (EST). Citing the Judiciary Committee's meeting, Mr. Nixon said he concluded that

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GRAY, From A1

"it is obvious that Mr. Gray's nomination will not be confirmed by the Senate."

Gray, 57, ran into deep trouble at Senate hearings last month when he disclosed that he had given the White House raw FBI files compiled during the FBI's investigation of the Watergate scandal.

The acting FBI director said he continued the practice even after concluding that White House counsel John W. Dean III, as Gray put it under Senate questioning, "probably" lied to FBI agents last summer.

That session on March 22, as it turned out, was the Senate Judiciary Committee's last public hearing on Gray's nomination, although a follow-up session had been widely expected.

Instead, committee chairman James O. Eastland early yesterday afternoon abruptly scheduled an executive session to "take action" on the Gray nomination without further ado.

The most favorable motion offered on Gray's behalf was a GOP proposal by Sen. Ro-

man L. Hruska (R-Neb.) to postpone a vote until completion of the Senate's investigation of the Watergate case.

Sen. Robert C. Byrd (D-W.Va.) finessed that move by raising a point of order that left his proposal to postpone action on Gray's nomination indefinitely—and thus, as Byrd said later, to kill it—the only pending business.

The committee then agreed to a final vote next week, either on Tuesday or Thursday, and adjourned, leaving the next step to the administration.

Attorney General Richard G. Kleindienst, who turned up in San Clemente unexpectedly last Saturday to confer with Mr. Nixon, said he was deeply disappointed by the outcome. Calling Gray "one of the most loyal Americans I know," Kleindienst said through a spokesman that "he (Gray) was an excellent choice to be permanent director and should have been confirmed."

President Nixon voiced the same sentiment and suggested that Gray was simply an unfortunate victim of the Watergate controversy.

"Pat Gray is an able, honest and dedicated American," Mr. Nixon said. "Because I asked my counsel, John Dean, to conduct a thorough investigation of alleged involvement in the Watergate episode, Director Gray was asked to make FBI reports available to Mr. Dean.

"His compliance with this

completely proper and necessary request exposed Mr. Gray to totally unfair innuendo and suspicion," the President continued, "and thereby seriously tarnished his fine record as acting director and (his) promising future at the bureau."

The FBI has been without a permanent director since J. Edgar Hoover's death last May 2.

Gray was named acting director on May 3, but President Nixon did not formally propose his appointment to Congress until Feb. 17. White House press secretary Ronald L. Ziegler said at the time that he was "confident" Gray would be confirmed.

In general, his testimony before the Senate Judiciary Committee damaged the White House position on the Watergate case as well as Gray's own prospects for confirmation.

Operating on what he called a "presumption of regularity," Gray told the senators that he turned over 82 of the FBI's basic files in the investigation to Dean. The White House counsel continued to receive them, Gray acknowledged at the hearings, even after Gray learned that Watergate conspirator G. Gordon Liddy had been hired on Dean's recommendation by the President's re-election committee to assist, in part, with "intelligence-gathering problems."