

Gray's FBI Nomination

Withdrawn by Nixon

President's Choice Bows Out

United Press

San Clemente

President Nixon withdrew the nomination of L. Patrick Gray III as FBI director yesterday at Gray's request.

Mr. Nixon said the acting director had been the victim of "totally unfair innuendo and suspicion" in the Watergate controversy.

Shortly after Gray telephoned the President from Washington asking that his name be withdrawn, Mr. Nixon issued a statement saying it was obvious that Gray would not be confirmed by the Senate.

"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," he said.

YEAR

Gray, who has been acting FBI director for nearly a year, made his decision a few hours after the Senate Judiciary Committee at a hastily called private session, temporarily blocked a move by Senate Democratic whip Robert C. Byrd of West Virginia to kill the nomination by indefinitely postponing a committee vote.

Although that action put the issue off for a week, even republicans on the committee agreed with Byrd and other Democratic critics of Gray that his rejection seemed inevitable.

When Gray learned of the committee's action, he issued a statement saying he had asked Mr. Nixon to withdraw his nomination because the FBI is "entitled to permanent leadership at the earliest possible time."

Mr. Nixon said he has asked Gray to remain as acting director until a new nominee is confirmed. The

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White House did not immediately announce who the new nominee would be.

The New York Times said the list of possible successors reportedly contains only two names: Henry E. Peterson, a career Justice Department lawyer who is now in charge of its criminal division, and William Matthew Byrne Jr., a U.S. District judge who is presiding over the Pentagon Papers trial in Los Angeles.

Others previously mentioned as possible choices include Myles J. Ambrose, a special assistant attorney general for drug law enforcement; John E. Ingersoll, director of the Justice Department Bureau of narcotics and dangerous drugs, and District of Columbia Police Chief Jerry Wilson.

WORKER

Gray, 57, a former Navy submarine commander, Nixon campaign worker and assistant attorney general, was in trouble in the Senate almost from the time he was formally nominated nearly two months ago to become permanent successor to J. Edgar Hoover.

Gray was severely criticized for his admitted practice of furnishing White House counsel John W. Dean III with raw FBI files on its Watergate investigation in the weeks after the June 17 break-in and bugging of Democratic headquarters.

Byrd and other opponents charged that this was evidence of a tendency by Gray



AP Wirephoto

L. PATRICK GRAY
Mr. Nixon defended him

to knuckle under to political pressures, and they demanded that Dean testify as a condition for action on the Gray nomination. Dean — backed by President Nixon — refused.

COMPLIED

Mr. Nixon said Gray had merely complied with a "completely proper and necessary request" in furnishing Dean with the confidential FBI files, because the president had asked Dean to "conduct a thorough investigation of alleged involvement in the Watergate episode."

But Mr. Nixon said Gray's compliance with this request had exposed Gray "to totally unfair innuendo and suspicion and thereby seriously tarnished his fine record as

acting director and promising future at the bureau."

Byrd said he hoped the President would nominate someone with national stature in law enforcement, and "assuredly someone who has had no connection with the Watergate investigation." This would seem to rule out Peterson, who has been personally involved in the government's handling of the case.

Senator Lowell P. Weicker (Rep-Conn.) said the decision left him in "deep anger."

"The White House has cut the wrong man adrift, and I think it is a sad commentary on the times when men like Pat Gray are let go and men of considerably lesser caliber stay on in high places," Weicker said.

Senator Marlow Cook (Rep-Ky.), a member of the judiciary committee, acknowledged that "It would have been very, very difficult to get his (Gray's) name out of the committee. I think Pat knew it, and we on the committee knew it."

Senate Republican Leader Hugh Scott said: "It's obvious that only one man could make the decision, and Mr. Gray made that decision in the best interests of the professional service of the FBI."

Senator John V. Tunney (Dem-Calif.) another committee member, said he hopes Mr. Nixon's next nominee would "pass that key test—the test of administering this sensitive agency independent of any partisan pressures."