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Independent F. B. I. Asked in Senate Bill By a Critic of Gray

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By JOHN M. CREWDSON

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WASHINGTON, April 6—Senator Robert C. Byrd, Democrat of West Virginia, who has repeatedly criticized what he views as the "politicization" of the Federal Bureau of Investigation under L. Patrick Gray 3d, introduced legislation today that would make the bureau an independent agency.

Senator Byrd said that his bill, which would limit the F.B.I. director's term to seven years and make him independent of the Attorney General, was intended to "stimulate discussion of the bureau's role in law enforcement.

Although there have been widespread expressions of interest in making the bureau an independent agency, there were no indications at this early stage of the extent of support for Senator Byrd's bill.

The bill is co-sponsored by two other Democratic Senators, Mike Mansfield of Montana, the majority leader, and Lloyd M. Bentsen of Texas. Senator Henry M. Jackson of Washington, also a Democrat, told the Senate today he would propose legislation to increase the director's term from seven to 15 years, with no possibility of reappointment.

Mr. Gray asked President

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Nixon yesterday to withdraw his nomination to become the F.B.I.'s permanent director shortly after Senator Byrd offered a motion in committee that would have postponed his confirmation "indefinitely."

The President "regretfully agreed" to the request a short time later, and asked Mr. Gray to remain as the bureau's acting director until a new nominee could be confirmed. Mr. Gray's office said today that he would stay on.

Richard G. Kleindienst, the Attorney General, who was a strong supporter of Mr. Gray for the F.B.I. post, said his decision to withdraw had been unexpected, and that the process of selecting a new nominee would have to begin again from scratch.

Mr. Kleindienst said in a telephone interview today that, in

his opinion, Mr. Gray was "one of the finest men you could consider" to head the F.B.I., and he lamented that he had become "the innocent victim of the Watergate tragedy."

Criticized on Using Files

Mr. Byrd and other Democratic members of the Senate Judiciary Committee criticized Mr. Gray during hearings on his nomination for his willingness to send sensitive files on the F.B.I.'s Watergate investigation directly to the White House.

A number of names, including two of Mr. Kleindienst's top Justice Department aides, are being mentioned by Nixon Administration and Senate sources as possible successors to Mr. Gray. But the Attorney General indicated today that the President had not yet settled on a candidate.

The two leading candidates were reported to be Henry E. Petersen, the head of the Justice Department's Criminal Division, and William Matthew Byrne Jr., a Federal district judge in Los Angeles.

Mr. Kleindienst referred to Mr. Petersen today as "the finest career lawyer the Government ever had," but noted that he, too, was associated with the Watergate investigation that proved to be Mr. Gray's undoing.

It was Mr. Petersen who determined the ultimate scope of the F.B.I.'s inquiry into the bugging and break-in at the Democratic National Committee's offices last June, and who directed the successful prosecution of the seven men who were indicted in the matter.

Would Be Questioned

Senate sources affirmed today that, if nominated, Mr. Petersen would be certain to be questioned on aspects of the Watergate case, and Mr. Kleindienst said he would "hate to see Henry involved" with the Senate in any way that would "bring him into public disrepute."

Another source in the Administration said that neither Mr. Petersen nor Jerry V. Wilson, the District of Columbia's chief of police, would be given the nomination. Mr. Wilson's name was first mentioned in connection with the post after he met privately with Mr. Nixon a few weeks ago.

The source also suggested that the White House would be especially cautious in the se-

lection of a new nominee to avoid a recurrence of the Senate's rejection in 1969 of two successive Nixon nominees for the Supreme Court, Clement F. Haynsworth Jr. and G. Harrold Carswell.

A Justice department source noted new speculation today that John E. Ingersoll, the head of the department's Bureau of Narcotics and Dangerous Drugs, was being considered as a possible replacement for Mr. Gray.

No Link to Watergate

He said that Mr. Ingersoll, like Mr. Petersen a career official, had no connection with the Watergate case and that he was "about as political as Mickey Mouse."

The source added that Judge Byrne, who served as a United States attorney in Los Angeles under the Johnson and Nixon Administrations, had won "an excellent reputation" in legal circles since his appointment to the Federal bench there two years ago.

Asked why the Administration would allow reports that Judge Byrne was under consideration to filter out while he was presiding over the sensitive Pentagon papers trial, the official replied:

"How would it look if [Daniel] Ellsberg is convicted and then they announce that they're giving him [Judge Byrne] the job?"

Asked what sort of nominee he would like to see Mr. Nixon propose, Senator Byrd replied, "One who would not bring to the Hill the aura of Watergate suspicion."

The sending of F.B.I. files to John W. Dean 3d, White House counsel, he said, had gone "a long way toward destroying the presumption of confidentiality" the bureau has traditionally enjoyed.

"I can't imagine that was happening under Mr. [J. Edgar] Hoover," the Senator said. "I don't think we can afford to trust to chance that future directors will be so disinclined to serve political masters as was Mr. Hoover."