

FBI Chief's Nixon Line

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L. Patrick Gray III, the acting director of the Federal Bureau of Investigation, has departed from the nonpolitical tradition of his predecessor, J. Edgar Hoover, by making a series of speeches that follow key points in the political line of the incumbent administration.

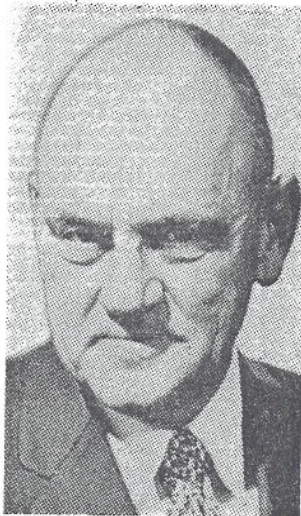
On at least one subject, by downplaying the significance of rising crime statistics, he has adopted a Nixon administration line that conflicts with the interpretation that Hoover put on the figures.

In at least one other address — an assertion in a speech yesterday that the federal government is not spending too much on national defense as compared to domestic programs — he is backing the Nixon administration's position on an issue that has little to do with his role at the FBI.

The trend, which has become increasingly evident as the political campaign has heated up in recent weeks, became more pronounced yesterday when Gray made speeches in Butte, Mont., and Spokane, Wash.

SPOKESMEN

In Spokane, he took a line similar to that currently being advanced in speeches by attorney general Richard G. Kleindienst and other Justice Department spokesmen, who are calling for a



L. PATRICK GRAY III
He's speaking out

relaxation of the Supreme Court's rule that excludes illegally - seized evidence.

Speaking to the Washington State Bar Association, Gray said, according to speech texts released here, that "many court decisions often go to unreasonable lengths to protect the accused."

He illustrated this by citing instances in which the Supreme Court's "exclusionary rule" had been invoked to throw out evidence obtained by police in violation of the Fourth Amendment's prohibition against unreasonable searches and seizures. Gray suggested that the rule should be changed to exclude evidence only when the constitutional violation was "willful," the approach generally taken by spokesmen for the Justice

Department.

It was an unusual statement for a high law enforcement official to make in commenting on a case that the Supreme Court will decide during its coming term when it considers the "exclusionary rule" issue.

In the appeal, *California v. Krivda*, state prosecutors are asking the Supreme Court to hold that only serious violations of the Fourth Amendment should result in the exclusion of evidence, and that police should be free to search suspects' garage cans without warrants.

Gray said "human experience indicates that our garage is the one thing all of us willfully, intentionally, and absolutely abandon." He did not mention that the issue is now before the Supreme Court.

FIGURES

Discussing the crime rate, he told his Spokane audience, "there is growing cause for hope — and even sober optimism." To support this he took an approach widely used by Nixon administration officials who cite the percentage increase in crime from year to year — which has declined in many categories in recent years — rather than the annual number of serious crimes, which was almost 30 per cent higher last year than when the Nixon administration took office.

Gray did not give the incumbent administration credit for the statistical improvement that he said began in 1970. He attributed it to the combined efforts of the police, courts, prosecutors, corrections officers and people "who are just plain fed up with the rampages of the criminal."

In viewing the crime statistics with optimism rather than concern, Gray departed most drastically from Hoover, whose gloomy statistical releases were rewritten by the Justice Department in the final months of his life, to reflect a brighter picture of the crime problem.