

Gray in Black and White

FUNERAL PROCEEDINGS FOR J. Edgar Hoover, the legendary director of the Federal Bureau of Investigation, had just ended and now, shortly after noon on May 4, 1972, Hoover's appointed successor, L. Patrick Gray III, and his demure wife, Bea, found themselves in the Oval Office, alone with the president of the United States.

Erect, balding, and pug-nosed, a self-described "hard-headed Irishman," Gray, like Richard Nixon, was a self-made member of the Greatest Generation: hardscrabble son of a Texas railroad worker, champion boxer at Annapolis, World War II veteran and high-ranking submarine officer, and strictly-by-the-book executive at the Departments of Health, Education, and Welfare and, most recently, Justice. Though he had known Nixon on and off since 1960, when Gray served as the vice president's military adviser, he was unprepared for the ensuing, rather unconventional pep talk from the president.

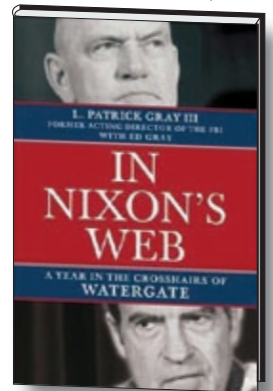
"You've got to remember, they're all enemies," Nixon warned of reporters, "but don't let them know that you're considering them that way. Hoover was a master at it. He hated the press....[H]is favorite words: 'They're scum.

Scum!'" When Gray made the mistake of mentioning CBS News White House correspondent Dan Rather, a loathed figure in these precincts, Nixon, as captured on his own taping system, went ballistic: "Rather's a son of a bitch. Don't ever see him. Don't ever, ever, ever see him.... Don't do anything for those sons of bitches at CBS. They hated [Hoover]. They

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maligned him. Another group: Time-Life. Never see anybody from Time-Life. Never. Never. Never.... They have total, total hatred of the Bureau. The *New York Times*: Never let 'em in the office. They must not be in that office. Have nothing to do with them."

The Grays left the Oval Office "amazed" by Nixon's "outburst." But by the end of Gray's new memoir, *In Nixon's Web*—which was co-authored with Gray's son, Ed, an accomplished journalist, and published almost three years after Pat Gray's death, in July 2005, at the age of 88—Nixon's advice, however unsettling in its delivery and at least on this occasion, appears wise indeed. For while Gray apparently had no run-ins with Dan Rather, the acting FBI director did come to despise



Time magazine ("inaccurate as usual," Gray would snap about its reporting) and the *Time* reporter who covered him, the late Sandy Smith ("I wouldn't even talk to that bastard about the weather" was Gray's response to Smith's final interview request). Likewise, Gray would eventually accuse a *New York Times* reporter, John Crewdson, of "blackmail" and "bribery" in his coverage of domestic wiretaps.

In Nixon's Web is one of the most careful and exhaustive exercises in media criticism—in the painstaking correction of false, if not outright libelous, news reporting—to emerge from the saturation-coverage Watergate era, and it trains especial focus on that era's most celebrated reporters, Bob Woodward and Carl Bernstein of the *Washington Post*. Also pointedly corrected here, using a wealth of previously unpublished documents, transcripts, and tapes, is the official account of the great scandal as it was proffered in sworn testimony by senior Nixon administration officials and in the final reports of

In Nixon's Web: A Year in the Crosshairs of Watergate

by L. Patrick Gray III with Ed Gray
(TIMES BOOKS, 352 PAGES, \$26)

Reviewed by James Rosen

the major investigative bodies. Gray's meticulous attention to facts and details—above all, his devotion to the truth—makes *In Nixon's Web* an indispensable contribution to the literature of Watergate, a righting, and supplementing, of the extant record that no scholar or student of the era can afford to ignore.

GRAY RAN THE BUREAU FOR less than a year before withdrawing his nomination. His swift enactment of vital reforms—hiring the first female special agents, relaxing Hoover's strict dress and disciplinary codes, forcing out some very bad apples—have mostly been forgotten amid the welter of scandals that arose six weeks after Gray took the reins. The defining event, of course, was the arrest, in the early morning hours of June 17, 1972, of a team of covert operatives linked to the Nixon re-election campaign and the Central Intelligence Agency, caught with eavesdropping devices inside the Democratic National Committee headquarters at the Watergate office complex. Gray oversaw the FBI's Watergate break-in investigation, the largest since the assassination of President Kennedy, and in all respects—save one—he conducted it in a fashion above reproach.

The exception was Gray's obedience to what he perceived to be an order from two senior White House aides, John D. Ehrlichman and John W. Dean III, to destroy national security files retrieved from the White House safe of E. Howard Hunt, one of the break-in's masterminds. The documents—crude forgeries of Vietnam-era State Department cables which Gray scanned only briefly before destroying, six months after he had stashed them under a pile of shirts and forgotten about them—had no connection whatsoever to the Watergate break-in. Still, the staff lawyers on the Watergate Special Prosecution Force (WSPF), another crew of villains in Gray's memoir, pursued him for years on this case, only to conclude, in September 1975, that there was "substantial doubt" any federal statutes had been broken, and to decline, accordingly, to press charges against him.

Gray's undoing in this instance was his "total faith and belief in the government of the United States and in the office of the presidency." He was all too willing, for example, to accept at face value the repeated assurances of John Dean that he was acting on behalf of, and dealing directly with, President Nixon. For this reason, Gray also solicitously supplied Dean, the youthful White House counsel and

manager of its Watergate cover-up, with 83 investigative FBI reports, two thick folders of Bureau teletypes, and other documents compiled by the Washington Field Office. These files enabled Dean to track, according to a subsequent internal FBI review, "what information had been developed which would

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be of value in devising a strategy to cover up this case." "[W]hen you are working closely with the office of the presidency," Gray testified in 1973, "the presumption is one of regularity in the conduct of the nation's business." Only later, after the depth of White House involvement in Watergate became clear, did Gray realize "this unusual transmittal of files... was a dead giveaway and I should have ordered my agents to interview Dean.... I had permitted myself to be sucked into a whirlpool."

The war between Gray and the prosecutors lasted until 1980. The second front: Gray's testimony denying he knew about 17 wiretaps the Nixon White House ordered the FBI to place on newsmen and National Security Council aides suspected of leaking classified documents to them. These so-called "Kissinger wiretaps," which remained in place from 1969 to 1971, predated Gray's tenure at the Bureau; yet the WSPF again investigated Gray at length, and considerable expense, only to conclude in October 1975 that the "evidence developed... is insufficient to prove beyond a reasonable doubt that Mr. Gray in fact committed perjury." The third front: Gray was indicted—but never tried, and ultimately cleared—on charges he and two FBI assistant directors, W. Mark Felt and Edward S. Miller, had illegally approved surreptitious break-ins, or "black bag jobs," targeting individuals linked to the radical antiwar group the Weather Underground. What enabled Gray to prevail on all three fronts, apart from his intrinsic innocence—never a guaran-

tee of liberty in struggle against a special prosecutor—was his retention of some 45 boxes of personal and FBI records. Still in storage today, the Gray files represent a largely unexplored treasure trove, perhaps the largest collection of Watergate evidence in private hands. Scholars should be clamoring for access to them.

The Weather Underground trial likewise deserves its own book. Held in federal district court in Washington and now largely forgotten, the proceedings marked a unique event in postwar America, a referendum, of sorts, on the titanic struggle between anarchic antiwar radicals and their *bêtes noires* in the law enforcement community. Among those who testified were former attorney general John Mitchell, freshly released from his unprecedented prison sentence (after a particularly vicious denial of parole), and ex-President Nixon. Gray's case was severed while he dangled in limbo, awaiting eventual exoneration. The jury, meanwhile, convicted the other two defendants, Felt and Miller—but President Reagan, citing the tenor of the times, pardoned them: "America was at war in 1972.... [T]housands of draft evaders and others who violated the Selective Service laws were unconditionally pardoned by my predecessor.... We can be no less generous to two men who acted on high principle to bring an end to the terrorism that was threatening our nation."

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would succeed the aged Hoover. Indeed, *In Nixon's Web* might easily have been titled *In Felt's Web*, so many and varied are the lies the silver-haired lawyer told to, and about, Gray, his putative boss.

Among the book's revelations is how early on in the game—October 1972—Nixon and his men, particularly John Mitchell, recognized that Felt (as Woodward and Bernstein would confirm three

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decades later) was secretly funneling FBI information to the *Washington Post*, and other news organizations, during the Watergate investigation.

In their bestselling book *All the President's Men*, and in the hugely successful film based on it, Woodward used the code name "Deep Throat" to identify Felt. But through a careful examination of Woodward and Bernstein's archival papers, which the University of Texas paid \$5 million to acquire—the Gray collection should fetch three times that—Ed Gray, in a brilliantly researched coda, demolishes forever the notion that Deep Throat was Mark Felt alone. Others have already made inroads on this subject, but the use of Woodward's own typed notes makes the judgment final. Indeed, Ed Gray even identified one of the other sources Woodward has been protecting with the Deep Throat umbrella for all these years—and got that individual to admit as much, on the record. Only Woodward, who cooperated with the Gray project until the questions became uncomfortable, is left clinging to the fictions of *All the President's Men*.

NO ONE WHO SERVED IN POWER in the Nixon era fares that well in Pat Gray's stern, retributive reckoning. Richard Helms and Vernon Walters, the director and deputy director of the CIA, respectively, who are generally credited with having *resisted* the White House's attempt to derail the Watergate investigation, are here denounced, with ample evidentiary support, as liars and perjurers who in fact *aided and abetted* that effort. Virtually all of Nixon's top officials; the lawmakers on the Senate Judiciary and Watergate committees; the staff lawyers at WSPF; the news media—all are portrayed here as shamefully partisan or opportunist, callous or careerist, amoral or wicked. Rarely does a man as vilified as Gray was—the only one of the 10 Nixon aides depicted on the cover of *All the President's Men* who never pleaded guilty to, or was convicted of, a crime—live long enough, and keep such careful records, to rebut his slanderers with such thoroughness and name-naming specificity. →

With the possible exception of Mark Felt, no one is painted more sinister in Gray's book than Richard Nixon himself, who withheld from Gray his own role in the White House effort to get the CIA to block the FBI's Watergate investigation on national security grounds. These damning Oval Office conversations between Nixon and chief of staff H.R. Haldeman were captured on the famous "smoking gun" tapes of June 23, 1972; their public disclosure, in the summer of 1974, forced Nixon's resignation within 72 hours. This book's most memorable scene, what Gray termed "the most disquieting half hour in my thirty years of government service," features Nixon railing at Gray in February 1973, with the disclosures of Watergate mounting, about disloyal bureaucrats and insufficient ruthlessness in the men tasked with ferreting them out. As the tapes whirred, the president spoke with reverence for how the Germans, during World War II, imposed collective punishment to deter sniper attacks; at one point, Nixon literally started frothing at the mouth.

Yet Gray's portrait of Nixon—with whom the acting FBI director had surprisingly few one-on-one meetings—supports the conclusion that the president, for all his deceptions and love of intrigue, never really mastered the arcane details of Watergate. Nixon exhibits here, as throughout his first term, a dithering management style and scattered pattern of speech and thought, all of which served him especially badly when scandal engulfed him. "The president was wild, running his train of thought past his ability to articulate," Gray recalled. "He was starting to stutter, almost beyond coherence....He started several sentences, and then stopped, in a cryptic shorthand fashion....It made little sense to me..."

The only people who come off well in Gray's tale are his stalwart attorneys and family. His own upright moral code, the product of two decades in the Navy, spares no one else, including himself. Gray acknowledges, for example, that he deceived close friends about the circumstances under which he destroyed the Hunt files. Above all, he acknowledges a failing on his part not of intelligence, *per se*, but of shrewdness, a proneness to the very gullibility that crippled him when he agreed to destroy the Hunt cables, or when he repeatedly accepted Mark Felt's assurances, face to face, man to man, that he was *not* leaking to reporters. As Gray himself puts it, 28 pages in: "I never did learn how to ask the right questions." ❧

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