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## Politics, Griffin Bell-Style

ONE OF THE THINGS some senators say is bothering them about the nomination of Griffin Bell to be Attorney General is that Mr. Bell has been too deeply involved in politics. After hearing Mr. Bell testify in recent days, we have begun to wonder whether the real problem may not be his lack of political savvy.

Take the flap over FBI Director Clarence M. Kelley. Mr. Bell first said (much too casually, considering the politically sensitive nature of the matter) that Mr. Kelley will be leaving "before too long." It didn't take even that long for the protests from various congressmen to reach Mr. Bell. So two days later he was trying to explain that he didn't mean he would fire Mr. Kelley—which, as we understand it, he couldn't do anyway. Or take Mr. Bell's hopes of putting the U. S. Attorneys under a merit selection plan. As an article by Bruce E. Babbitt on the opposite page today points out, merit has never meant much in that selection process, and political connections have meant everything. These jobs certainly ought to be much less political in nature and it is always possible that Mr. Bell could pull it off. But there was something rather ingenuous about the way he explained his hopes to the Senate Judiciary Committee.

Mr. Bell is quite right, of course, is giving a high priority to continuing the wave of change that has been sweeping the FBI and crime-fighting in general in the Department of Justice. Besides wanting the President to appoint a new director of the FBI, Mr. Bell wants the Bureau to devote more of its efforts to organized crime, white collar crime and corruption in government—and substantially less looking for stolen cars, one of those things the old FBI did by way of making its annual statistics look good. He wants the merit selection plan for U.S. Attorneys in order to make them stronger prosecutors. And he wants to reorganize parts of the Department of Justice to provide a better focus on its crime-fighting role. But wanting to make these changes and getting them made are two quite different things. How many

times in the past have other men in Mr. Bell's position said much the same?

Mr. Bell does have one advantage. Because of retirements, much of the top echelon of the FBI is going to change within the next few months. In that context, his statements about Mr. Kelley make sense. A complete sweep, including the naming of a new director, seems in order if the FBI is to be fully rehabilitated. Indeed, we have the distinct impression that Mr. Kelly would have been going "before too long" even if Mr. Carter had not won the election. With a new set of leaders, the FBI may be able to dispense with the kind of constant supervision that it has required recently. If it does not, however, Mr. Bell may have to do what he told the Senate Committee he is prepared to do: have a second office, this one in that fortress named after Mr. Hoover across Pennsylvania Avenue from the Department of Justice. We hope that is not necessary. But to make it unnecessary and to accomplish changes of the magnitude he has outlined, Mr. Bell is going to have to become much more sensitive than he has been so far to the political overtones of anything that touches the FBI or crime fighting.

In one area, however, Mr. Bell showed such sensitivity by neatly side-stepping a question that has been troubling Congress for several years. He told the Senate committee that he hasn't made up his mind about the constitutionality of the claim asserted consistently by Presidents in recent years that they have inherent power to order wire-taps and other kinds of surveillance in national security cases without regard to the Fourth Amendment. But he said the constitutionality of that claim would be irrelevant if he were Attorney General. He promised that there be no surveillance of any kind without judicially-issued warrants as long as he was in office. Not only does this suggest that Mr. Bell holds a high regard for individual liberties, it also shows he can get around sticky questions when they touch on his area of expertise. He will need to demonstrate plenty of the same kind of finesse on other subjects if he is to be a success as Attorney General.