

Post
9/4/76

Curtains for Mr. Kelley?

TO SOMEONE who reads only headlines, it may have seemed this week that FBI Director Clarence M. Kelley had been found guilty of some heinous crime. One Justice Department investigator recommended that the director be fired; another called for a public reprimand; the President asked the Attorney General for an immediate report. All this suggested that yet another shocking scandal had erupted at the FBI, and that the director who was supposed to clean up that agency had been found to have dirty hands himself.

And what was all the fuss about? One charge was that in 1973 the FBI's special exhibits section built a pair of window valances for Mr. Kelley's apartment, in violation of the law against private use of public property. This did have more than the usual import because last month Mr. Kelley fired the veteran director of the exhibits section, John P. Dunphy, who pleaded guilty to a misdemeanor charge of using government wood to build a birdhouse at his home. The two cases differ, however, in at least one crucial respect. Mr. Dunphy acknowledged deliberate wrongdoing. Mr. Kelley has said that the valances were made "without my knowledge" and has reimbursed the government for the \$335 cost. Indeed, it is easy to see how one of Mr. Kelley's subordinates could have taken it on himself to order up the carpentry out of an eagerness to help the new director and his cancer-stricken wife get settled here. Mr. Kelley could easily have gotten too busy to inquire about just how the valances had been made.

The second charge is that the director accepted expensive gifts from his subordinates in violation of a federal rule. The gifts involved—including an \$83.48 clock, a \$105 easy chair and a walnut table—do sound substantial, until one learns that they were purchased by a group of FBI executives, each of whom chipped in \$10 or \$15, and were given to the boss at Christmas or an anniversary. The officials involved have told the Attorney General that they regarded the presents as nominal and permissible under the rules.

When these details are spelled out, the incidents are revealed as quite common and trivial, involving problems of judgment and sensitivity rather than criminal intent. These matters are worth reporting, but they hardly justify the huge headlines and front-page treatment which have been lavished on the Kelley case—and which have unfairly cast shadows over the director's integrity. At almost any other time, with almost any other agency, the story would have

been kept in better perspective. But in the wake of Watergate, every hint of official misconduct is doubly suspect, especially when it involves the scandal-ridden FBI—and no reporter or editor wants to risk underplaying any story that might turn out to be a piece of something big. Thus normal news judgment and discrimination got suspended; the result was overkill. The only point that might have merited such coverage was the Justice Department investigator's recommendation that Mr. Kelley be fired. But that, too, stemmed from excessive zeal and indiscriminating righteousness. Attorney General Levi's more temperate reaction is far more mature and appropriate.

This is not to say that the case has no importance. Besides serving as a barometer of pressures on the media, the affair provides additional evidence on two important points about the FBI. The first is that the old habits of paying court to the director have persisted past J. Edgar Hoover's reign. Mr. Hoover demanded absolute obedience and deference for so long that such actions became reflexive and routine. The way to deal with the director, veterans at FBI headquarters learned, was to give him whatever he wanted, no matter how outrageous that might seem—and to anticipate his wishes and whims whenever possible. Although the new director was not autocratic in style, he was treated much the same way. He was given valances for his curtains, and an easy chair to rest his ailing back—and he was given firm assurances that illegal break-ins had been stopped, and was not told about other offenses that have gradually come to light.

That leads to the second, sad point. It is that Mr. Kelley has simply been unable to bring the bureau under control. He has asserted himself sporadically, as in firing Mr. Dunphy. He has reorganized the intelligence sections and tightened the retirement rules. But he has been too inconsistent, far too gentle, far too trusting, and not nearly sensitive enough to the impact of small matters like valances and clocks in the atmosphere of public mistrust that envelops the FBI. He is a good, sturdy police officer, but the mess at the Hoover building is simply too much for him.

Perhaps it took the compromising of Mr. Kelley to show beyond a doubt that compromise solutions are not enough. The FBI needs more vigorous corrective leadership and a thorough house-cleaning. This cannot be achieved in the middle of a presidential campaign. But it should be a matter of high priority for either Mr. Ford or Mr. Carter next year.