

Levi Lauds Kelley in Report to Ford

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Attorney General Edward H. Levi has sent President Ford a report giving Clarence M. Kelley generally high marks for his performance as FBI director and making no recommendation that Kelley be fired, Justice Department sources said yesterday.

Mr. Ford requested the report Wednesday after Kelley became embroiled in allegations that he had improperly accepted gifts and personal services from FBI subordinates.

According to the sources,

Levi's report apparently makes no explicit recommendation about whether Kelley should be fired or reprimanded. The aim, the sources said, was to leave Mr. Ford a free hand in deciding Kelley's future.

But, the sources added, the report — described as a factual account of Kelley's three years in office and the circumstances of the current controversy—has a basically positive tone. One source characterized it as containing the "presumption" that Levi thinks Kelley should be retained.

The report was sent to the White House Thursday

night. Mr. Ford's spokesman, Ron Nessen, said yesterday morning that the President would not begin reading it until later in the day and that no White House comment could be expected until next week.

The uncertainty about Kelley's future was triggered by his admission Tuesday that he had accepted gifts from the FBI's top executive echelon and his office staff.

He also said that a pair of valances — wooden frames covering the tops of windows — had been constructed by the FBI's special exhibits section and in-

stalled in his Bethesda apartment shortly after he took office in July, 1973.

Kelley said he accepted the gifts in the belief that he was complying with federal regulations. The valances, he said, were made without his knowledge at a time when he was busy with his new job and had asked subordinates to assist his wife, who was ill with cancer, in preparing their apartment for occupancy.

On Thursday, Kelley gave the FBI a check for \$335 to pay for the valances. He also has said that he will "make

See FBI, A4, Col. 1

FBI, From A1

restitution" for the gifts, which include a mantel clock, a walnut table and a lounge chair, if it is decided that it was improper to accept them.

The Washington Post reported Wednesday that John W. Dowd, a Justice Department official heading an investigation into financial irregularities and "abuses of power" by some FBI officials, had recommended to Levi that Kelley be fired.

But, The Post report added, Dowd's superior, Michael E. Shaheen Jr., head of the Office of Professional Responsibility, disagreed and said that Kelley should be publicly reprimanded instead.

However, Justice Department sources said, Levi decided that the decision should be left to the President. One described his report as an attempt to give Mr. Ford guidance by avoiding "drowning in a sea of morality" and putting in perspective the problems of FBI reform and Kelley's ability to bring it about.

In Levi's view, the sources said, the overriding concern is to complete the job of purging from the FBI those tendencies toward abuse of power that grew up during the 48-year tenure of the late director, J. Edgar Hoover, who died in May, 1972, and to make the bureau responsive to the needs of contemporary federal law enforcement.

According to the sources, the Attorney General believes that Kelley, who came to the director's office from the Kansas City police department, has made good progress in such areas as making the bureau more respectful of civil liberties, reordering its priori-

ties to concentrate on the most serious crime and preparing younger agents for leadership positions.

These achievements have been overshadowed by the continuing disclosures of past scandals. They have come with such frequency that the Justice Department now is conducting the major investigations of the FBI—the "abuses of power" inquiry headed by Dowd and a separate probe into allegations that agents committed burglaries against suspected political radicals.

Still, the sources said, Levi believes that Kelley is gradually getting the bureau onto the proper track. And, they added, he thinks that to dump Kelley now — two months before a presidential election — would wipe out three years of work and leave the FBI drifting for months to come.

"Who could you get to take the job?" asked one source. "An outsider, assuming you could get one at this uncertain time, would have to start all over again. And an insider, who grew up in the old school, would be a completely regressive step."

Similarly, the sources said, Levi considers Kelley to be an honest man whose current personal difficulties resulted from error of judgment or, at worst, a failure to appreciate fully how sensitive the position of the bureau and its director are.

Some sources said Levi privately has characterized the allegations against Kelley as involving essentially "trivial" matters that, in other government agencies, would not have provoked anything like the current controversy and would have resulted in nothing more than a rap on the knuckles.