

## FBI Director can be fired

WASHINGTON (AP) — FBI Director Clarence M. Kelley, despite a law giving him a 10-year term, can be fired at any time by President Carter, Senate Democratic Leader Robert C. Byrd said Wednesday.

Kelley, named to the post in July 1973 by President Richard M. Nixon, has said he would not voluntarily resign with the change in presidential administrations because such a move could make the FBI subject to political influences.

The issue of Kelley's tenure as FBI head also came up during the Senate confirmation hearings of Griffin Bell to be Carter's attorney general. The FBI is part of the Justice Department.

Bell indicated at first that he was going to replace Kelley, but later acknowledged that the attorney general lacked the authority to do so.

Byrd on Wednesday made clear his view, as the chief sponsor of the new law governing the tenure of the FBI director, that the President can dismiss the FBI director, even though the attorney general might not have that authority.

Kelley, 65, the former police chief of Kansas City, said earlier this week that he has written a letter to Bell saying "I intend to remain as FBI director until Jan. 1, 1978, at which time I will retire."

Sen. Bob Dole, R-Kan., said he believed Bell's testimony before the Judiciary Committee may have forced Kelley's "early departure.."

"It is known as the squeeze play," Dole said. "Whether they have given him one year to pack, I do not know. Whether it was an independent decision of Clarence Kelley, I do not know. But the point was that Judge Bell made the statement in public hearings that Clarence Kelley would be removed."

Byrd told newsmen that the situation will work itself out. He said that Kelley wants to get out after assisting in the transition.

The law provides for a single 10-year term for the FBI director and, as worded, applies to Kelley as well as any future FBI directors.

Byrd noted that the law could not deprive a President of his constitutional power to dismiss an executive branch employe. But he said providing for a 10-year term would serve as a safeguard against arbitrary dismissal because a President would have to win Senate confirmation of a new FBI director.

Byrd said the legislation had the dual purpose of protecting an FBI director from political pressures and of preventing him from becoming too independent or autocratic.