

FBI Nominee Vows To Resist 'Pressure'

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Clarence M. Kelley, President Nixon's latest nominee to be director of the Federal Bureau of Investigation, vowed yesterday that if confirmed for the post he will resist "political pressure" in all its forms.

Citing his experience as police chief in Kansas City, Mo., for the past 12 years, Kelley told the Senate Judiciary Committee that "I have never bowed to such pressure, and I don't mean to start now."

In response to questions from Sen. Edward M. Kennedy (D-Mass.), the nominee promised he would not:

- Give speeches at the request of the White House, in order to enhance a president's chances for reelection;

- Gather information through FBI field offices on issues considered important in a political campaign;

- Provide FBI investigative reports to a White House counsel conducting his own investigation of criminal activity, such as the Watergate affair;

- Take charge of documents labelled "political dynamite" by presidential aides



CLARENCE M. KELLEY
... undergoes scrutiny

with instructions that they never "see the light of day."

All of those actions helped doom the nomination of Kelley's predecessor as FBI director-designate, L. Patrick Gray III. Gray's nomination was withdrawn, once it became clear that he would not be confirmed. He resigned

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after serving 51 weeks as acting FBI director when it was learned that he had burned sensitive documents passed to him by the White House.

The spectre of Gray's tenure at the bureau hung like a cloud over Kelley's confirmation hearings. The new nominee went to great lengths to emphasize that unlike Gray—a lifelong Republican and Nixon loyalist—he had never been involved in partisan politics.

Attorney General Elliot L. Richardson, appearing to endorse the nomination, stressed that during the selection process from which Kelley's name emerged, "no one even asked him what his political leanings are."

"It was clear from the out-

set yesterday morning that Kelley had been advised to avoid one of Gray's mistakes by discussing the FBI's internal operations as little as possible before the committee.

Although he had served as an FBI agent for 21 years before taking over the Kansas City police force in 1961, Kelley repeatedly asserted his unfamiliarity with bureau procedure and practice.

At one point, when asked whether he favors full public disclosure of details of the FBI's long-secret budget, he said he was "completely ignorant" on the subject.

Asked by Sen. John V. Tunney (D-Calif.) why the late J. Edgar Hoover, FBI director for nearly half a century, had rejected safeguards of confidentiality for the bureau's National Crime Information Center, Kelley replied, "Senator, I just simply don't know."

The nominee astonished some members of the committee when he said that he knows of no bureau surveillance in the area of "domestic intelligence" that is not connected with prosecution of specific criminal offenses. Such surveillance has been well-documented over the years by sources inside and outside the FBI.

He also stirred a titter in the hearing room when he said that he had "no thoughts" on the question of whether the FBI should employ "surreptitious entry"—in effect, breaking and entering—to gather information.

Kelley was stolid and unsmiling through most of the full day of questioning, answering with few words and sometimes in a barely audible voice.

On one issue, however, he drew criticism even from some Republicans on the Judiciary Committee who were expected to be his strongest supporters.

Quizzed by the committee's ranking GOP member, Sen. Roman Hruska of Nebraska, about the need to update computerized arrest records with the information about how criminal cases came out—noting, for example, whether a person was ever convicted of the crime charged—Kelley said that such a requirement is “unfair to the police.”

“It is practically impossible and extremely expensive” to update the arrest records, he insisted. Even when they are incomplete, he added, the arrest records are “very helpful . . . essential to police throughout the land.”

That answer drew a rebuke from Hruska that “it must be a complete record which is disclosed, or none at all . . . after all, an arrest is just an accusation of a crime. There is a presumption of innocence.”

Later, when the questioning returned to the same theme, Kelley said that “it is a good idea” to obtain data on the disposition of criminal cases and that it “would be better for the purity of the records.” But he continued to insist that “it is a tremendously difficult job.”

Because Kelley's Automated Law Enforcement Response Team (ALERT) in Kansas City has been a pioneer in the computerization of criminal records, the question of safeguards on the FBI's national crime center operation was a recurring theme during the hearing.

Kelley contended that the nation's growing web of data banks need not interfere with citizens' civil liberties, but agreed with Tunney that a review of the crime center should be one of his first priorities if he takes over the FBI.

Kelley defended ALERT as a system that had substantially aided law enforcement in Kansas City, but conceded that the computer there, like others, does not indicate the “reliability” of some of the information that it stores.

“At first, admittedly, we were pretty generous in the inclusion of certain categories” of information in the ALERT computer, he said—including “mentals,” “militants” and “activists.”

But Kelley added that after the visit of a “national security group from the East,” which he did not identify, many entries were “purged” from the computer. He said he was also convinced that abuses of the system had been brought under control through disciplinary action against offenders.

The nominee invited the Judiciary Committee to establish a congressional system of overseeing FBI activities for the first time in the bureau's history.

But Kelley warned that the oversight must be by a group that is “restricted, controlled, responsible and cognizant of the confidential nature of (the FBI's) work.”

Kelley's nomination was warmly endorsed by Missouri's Democratic senators, Stuart Symington and Thomas F. Eagleton, as well as by Rep. William J. Randall, a Democrat from Independence, Mo. The hearings continue this morning.