

WXPost

JUN 24 1973

Despite Probe Kelley Is Still Mystery Man

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"Has anybody here seen
Kelly?"

K E double L Y

Has anybody here seen
Kelly?"

Have you seen him smile?

Sure his hair is red, his eyes
He's Irish through and thro
are blue, and He's Irish
through and through.

Has anybody here seen
Kelly?"

Kelly from the Emerald Isle.

—from "The Jolly Bachelors," 1909

The Kelly of the show tune,
just over from Ireland, was
lost in Manhattan, and his
sweetheart was looking des-
perately for him in a St.
Patrick's Day crowd.

The Kelley who arrived in
Washington last week was
from Kansas City and he
didn't smile much.

But he did look a bit lost
as he faced the Senate Judi-
ciary Committee for confir-

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mation hearings on his nom-
ination to become perma-
nent director of the Federal
Bureau of Investigation.

And although they didn't
sing out about it, the mem-
bers of the committee
seemed a little desperate
themselves at times, when
they tried to find out what
he will do with the FBI if he
takes it over.

Try though they might,
the senators found out
rather little about the man
—except that he is a compe-
tent, experienced police
chief who had a good time
during his own 21 years of
service in the golden age of
J. Edgar Hoover's FBI.

Clarence Marion Kelley,
stocky and poker-faced, just
sat there. He listened much
more than he talked.

He had no notes in front
of him to consult, nor any
aides beside him to whom
he could turn for advice in
classic congressional-hearing
style. He did not hesitate,
even for a moment, to say "I
don't know" or "I haven't
thought about that," if he
didn't or hadn't, which was
most of the time.

It was an altogether low-
key affair.

On the first day, commit-

tee Democrats who have
given other Nixon Adminis-
tration appointees a hard
time—including Sens. Ed-
ward M. Kennedy (Mass.),
Birch Bayh (Ind.) and John
V. Tunney (Calif.)—ham-
mered away, themselves sel-
dom pausing to hear out an
answer from Kelley before
posing the next question.

When, on the second day,
Sen. Robert C. Byrd (D-W.
Va.) engaged in perhaps the
most thorough congressional
probing about FBI policy in
the bureau's history, the
others did not even bother
to drop in and listen.

Sometimes there was not
a single Republican seated
at the committee bench to
stand guard for the Admin-
istration.

The choice of a new FBI
director is, of course, a ma-
jor policy decision, espe-
cially at a time when the
morale and prestige of the
nation's leading law enforce-
ment agency have suffered
during the Watergate affair.

But there is virtually no
doubt on Capitol Hill that,
after further perfunctory
hearings, Kelley will be con-
firmed, perhaps unani-
mously and in time to be
sworn in for the new fiscal
year that begins July 1.

Some Senate sources sug-
gest that the "Blackmun
syndrome" is in operation—
a reference to the fact that
the Senate took less than a
month three years ago to
confirm the Supreme Court
nomination of Justice Harry
A. Blackmun, an uncontro-
versial figure, after rejecting
the President's more contro-
versial choices, Clement F.
Haynsworth Jr. and G. Har-
rold Carswell.

The general explanation
at the time was that the sen-
ators, having exhausted
their energy and political
capital on Haynsworth and
Carswell, were simply re-
lieved to settle for Black-
mun.

Kelley is the beneficiary
this time of the parallel aft-
ermath of the much-dis-
puted nomination of L. Pat-
rick Gray III as the original
successor to Hoover.

Gray's nomination was
withdrawn in early April,
when it seemed doomed to
certain rejection; a few
weeks later, he resigned af-
ter serving 51 weeks as act-
ing FBI director, when it
was learned that he had de-
stroyed sensitive documents
connected with the Water-
gate scandal.

There are a few poten-
tially troublesome aspects of
Kelley's career—unpopu-
larity in Kansas City's black
community, a police com-
puter system that has some-
times been abused, no man-
agement experience at FBI
headquarters here—but they
have attracted little atten-
tion.

Several members of the
Judiciary Committee con-
cede that, these issues not-
withstanding, they are pre-
pared to accept Kelley on
the basis of his record and
postpone intensive scrutiny
until he has been in the FBI
job for a while.

FBI professionals, many
of whom were skeptical of
Gray and his past involve-
ment in politics rather than
law enforcement, feel the
same way.

"Kelley's experienced in
the business, and that's good
enough for me," said one
veteran agent who has run
several major FBI field of-
fices. "What we need now is
to achieve stability."

But the fact remains that
the bureau's director-desig-
nate is a mystery man.

No one, not even key Jus-
tice Department officials,
knows whom he will choose
for major FBI management
jobs below him. (The FBI as-
sociate directorship also fell
vacant last week, when W.
Mark Felt, who had stayed
on with Gray, took advan-
tage of a civil-service early
retirement bonus.)

Nor is it clear what poli-
cies Kelley will follow in
the crucial fields of domes-
tic intelligence, wiretapping,
the use of informants and in-
filtrators, and dissemination
of incomplete computerized
"criminal history" files.

Initially, some congres-
sional observers believed
that Kelley might be delib-
erately fudging or hiding be-
hind his 12-year absence
from the FBI in order to
avoid discussing the rele-
vant issues before the com-
mittee.

But Justice Department
sources insist that he is as
out of touch and unbriefed
as he seems to be.

His only visits to bureau
headquarters here since
President Nixon named hm
on June 7 were for a lunch
with William D. Ruckel-
shaus, the caretaker acting
director who replaced Gray
two months ago, and for a
meeting with assistant FBI
directors that one source de-
scribed as "a bull session"

rather than a policy discus-
sion.

The Justice Department
sent briefing material to
him in Kansas City, but he
was apparently so busy
winding up affairs there
that he never had time to
read it, or to review the
laws under which the FBI
operates, before the hear-
ings.

As a result, there have
been so many "I don't
knows" in his testimony that
some officials at Justice and
the FBI confess to mild em-
barrassment over his per-
formance.

But one official quickly
added that "the object of
the hearings is to get him
confirmed, not to hold a
constitutional law class."

The major puzzle, ulti-
mately, is whether Kelley
will be subject to
"manipulation," as some
contend that Gray was, be
stubbornly independent to
the extent that he unilater-
ally establishes criminal jus-
tice priorities, as Hoover
usually was, or be some-
where in between.

Only Kelley knows for
sure.