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JULY 27 1968

THE NEW YORK TIMES, SATURDAY, JULY 27, 1968

WICKED F.B.I. Clerk Wins Jury Trial in Morals Case

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By FRED P. GRAHAM

WASHINGTON, July 26

A bachelor clerk for the Federal Bureau of Investigation who lost his job because he kept a young woman overnight in his apartment, has won the right to a jury trial over whether his behavior was "conduct unbecoming an employee" of the Federal Bureau of Investigation.

Mr. Carter, then 25 years old and freshly discharged from an Air Force stint in Japan, protested that nothing had transpired but "necking or spooning." But he admitted that he and the young woman had slept together in the same bed.

He brought suit, asserting that the F.B.I. could not legally discharge him for engaging in "perfectly normal sexual activ-

ity." He argued, under the Civil Service Act, from "disconduct" charges, except for "cause" during his first year back in the Federal Service.

Mr. Carter's lawyer, William H. Judge Leventhal, contended that the "budding" conduct in Puritan New England was not immoral enough to justify discharge.

Reversing that holding, Judge Harold Leventhal ruled today that the F.B.I. had not made it clear that its employees stood to be discharged for conduct such as Mr. Carter's.

As a returning veteran, Mr. Carter was protected by the Universal Military Training

and Service Act from "disconduct" charges, except for "cause" during his first year back in the Federal Service.

According to Mr. Carter's lawyer, he did nothing more than the "budding" conduct in Puritan New England, Judge Leventhal said. Thus the jury must consider whether a reasonable person would have thought that he could be discharged for doing what he did, the judge said.

Judge Spottswood W. Robinson 3d joined in the majority opinion, but Judge John A. Danaher dissented. He said that whether or not Mr. Carter's

conduct was to be expected of a "red-blooded" American male as he alleged, it was "ample cause" for discharge.

Mr. Carter was represented by Mary M. Burnett, a Washington lawyer who has handled several cases for Government employees dismissed for what was called immoral conduct.

Asked if the F.B.I. would continue to resist Mr. Carter's claim in the face of the jury trial, a spokesman for the bureau declined comment.

A friend of Mr. Carter's said he had returned to his native Kentucky, where he is enrolled in college, majoring in psychology.

Students in Istanbul Clash With Police 2d Day in Row

Dispatch of The Times, London
ANKARA, Turkey, July 25—

Policemen and students clashed Thursday for the second successive day in Istanbul in disturbances that began last week with a visit by a unit of the United States Sixth Fleet.

About 2,000 students marched on the office of the Governor of Istanbul demanding "justice

against police brutality" during a memorial service for a colleague who died of head injuries received during a clash with the police last week during demonstrations against the American naval visit.

Policemen intervened with clubs to drive the students away and the students replied with volleys of rocks. About 40 persons were injured, and an assistant police chief was hospitalized with head injuries.

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