

LEVI SAID TO BACK RETAINING KELLEY

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Attorney General Expected
to Ask the President to
Keep F.B.I. Director

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WASHINGTON, Sept. 2—Attorney General Edward H. Levi is expected to ask President Ford to retain Clarence M. Kelley as director of the Federal Bureau of Investigation despite disclosures that Mr. Kelley accepted gifts from subordinates and may have misused Government property, a source with access to details of the case said today.

The source said that he had been told by an official familiar with Mr. Levi's thinking that there was "no chance" of Mr. Kelley's "being asked to resign" because of the disclosures, and that the director had "no intention" of resigning voluntarily.

President Ford asked Mr. Levi yesterday for a full report on the Kelley matter. But other department sources said today that the document had not yet been submitted to the Attorney General and could not say when it might reach the White House.

The first source said he had been told that Mr. Levi was expected to recommend only that Mr. Kelley be publicly admon-

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ished for "poor judgment" in the matter, that the situation in which he found himself was at least partly unintentional and that it had involved no illegality.

Mr. Levi yesterday praised Mr. Kelley for the "excellent job" he had done in guiding the bureau during an extensive Justice Department investigation of its activities, but he declined to comment on what his ultimate recommendation to the President might be.

It is expected that Mr. Levi's report to the President will parallel a preliminary recommendation to him from Michael E. Shaheen, head of the Justice Department's office of professional responsibility, which is investigating possible improprieties in the F.B.I.

Department sources said yesterday that John W. Dowd, a lawyer working with Mr. Shaheen, had recommended that Mr. Kelley be dismissed after investigators learned of the gifts and that F.B.I. carpenters had constructed two window valences in his suburban apartment shortly after he took over the bureau in 1973.

But the sources said that Mr. Shaheen had overruled Mr. Dowd's recommendation in a report sent to Mr. Levi on Monday.

Prosecution Is Doubted

One Justice Department official said today that he believed it was almost certain that Mr. Kelley would not face prosecution over possible technical violations of Federal statutes that govern the acceptance of gifts by Government officials and the misuse of public property.

The construction of the window valences, the official said, was a minor matter, compared with other evidence of the misuse of the bureau's carpentry shop, known as the exhibits section, that had been uncovered by investigators.

Another official dismissed the Kelley case as inconsequential, and a third said he had detected "no great outrage" at the revelations.

Mr. Kelley said in a statement on Monday that he had not learned that the valences had been constructed by F.B.I. carpenters until after they had been installed in his apartment. Bureau officials have been quoted as saying that the construction was ordered without Mr. Kelley's knowledge after the director mentioned that his wife, who has since died, wanted the valences.

A bureau spokesman said today that Mr. Kelley had written

a \$335 check to the F.B.I. in repayment for the materials and labor involved in the construction.

The gifts, which include a clock and an armchair, were presented to Mr. Kelley by a group of senior F.B.I. officials. One of the officials said today that members of the group had visited Mr. Levi yesterday to advise him "that we totally supported Mr. Kelley" and that the gifts had been "totally unsolicited" and an expression of their admiration for him.

In a related development, a Justice Department spokesman said today that Mr. Levi had himself received a pair of cufflinks and a briefcase from the five bureau agents who serve as his personal security force.

Anniversary and Christmas

Robert Havel, the spokesman, said that the cufflinks had been an anniversary present and the briefcase a Christmas gift, and that Mr. Levi's personal staff had given him a bow tie and a set of glassware on the same occasions.

Mr. Havel could not fix the value of the gifts, but said that none of them were expensive. The code of Federal regulations prohibits a Government official from soliciting or receiving gifts from subordinates, except where they have a "nominal" value and are presented on a special occasion.

There was speculation in and out of the Government today over whether the disclosure of the Justice Department's evidence against Mr. Kelley had been prompted by the animosity he has engendered among some longtime bureau officials by his response to revelations of bureau misconduct.

Several high-ranking bureau executives have resigned or retired in recent weeks.

One Justice Department aide speculated that any possible campaign against Mr. Kelley's leadership might have had its "genesis at Fulton, Mo."

Mr. Kelley delivered a speech there last May in which he apologized for some of the bureau's intelligence programs and criticized the leadership of J. Edgar Hoover, the late F.B.I. director.

The speech was badly received by some of the past and present bureau officials who were close to Mr. Hoover or who believed that any reflection on him tarnished the bureau's image.

One associate of Mr. Kelley, in a comment that was echoed by others, expressed the hope that President Ford would allow him to remain, because "there's nobody in this country that's any more honest than him."