

Nominee to Head F.B.I.

Clarence Marion Kelley

By WARREN WEAVER Jr.

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WASHINGTON, June 7—If Clarence Marion Kelley were ever to appear in civilian clothes in a line-up with a handful of other unidentified men, the authorities would have little difficulty in spotting him for what he is—a police chief—and always has been—a lawman. At least, that was the view in the White House today as the President introduced the man who, the Senate, willing,

will be the new director of the Federal Bureau of Investigation, highlighting a career of 21 years with the agency and a dozen more as police chief of Kansas City, Mo. Mr. Kelley is a 6-foot, 200-pounder, with thick hands, bull neck and slicked-back silver hair.

Reflecting the President's political dedication to law and order, the nominee got a warmer than average White House greeting. First Mr. Nixon posed for pictures with the 61-year-old chief in his Oval Office, then a formal announcement was distributed, and finally Attorney General Elliot L. Richardson took him to the press room for a greeting.

Throughout, Mr. Kelley was just like his old friends and admirers had pictured him: affable but close-mouthed, unemotional and noncommittal. He said he would save any discussion of his "plans or philosophy" for the Senate Judiciary Committee that will hold confirmation hearings.

Balance in His Life

Mr. Kelley's professional life has been featured by caution and political balance.

Witness this sample from a Kansas City interview:

"I don't believe in such activities as police round-ups or vigilantes. I do subscribe to the theory that society has to place some restrictions on the police. Police, after all, are constantly depriving people of their liberty.

"But the pendulum can swing too far the other way, and there is no question that police activity can be hampered by too severe an interpretation of constitutional rights. Sometimes this has made the job difficult."

A strong advocate of modern technological assistance for the police, Chief Kelley pioneered in the use of computers to provide instant access to law enforcement files and is credited with starting the first round-the-clock helicopter patrol in

any American city.

The single controversial event of his Kansas City service remains police supervision during the riots that followed the assassination of the Rev. Dr. Martin Luther King Jr. in 1968, in which six blacks were killed.

David R. Hardy, an attorney who headed the commission that investigated the disturbances later, said today that no evidence derogatory to Chief Kelley had been uncovered and that he regarded the career law enforcement officer as "the highest type of man you could find."

Standards Not Lowered

Mr. Hardy conceded that there was still "a shortage of black police officers" in Kansas City but said that Chief Kelley had hired most of those there were. He said the chief had maintained high standards in the department and had refused to give special consideration to black applicants.

Over the years Mr. Kelley has maintained a nonpartisan political posture. In Kansas City, where the police board is appointed by the Governor, he has worked under three Democrats and one Republican without incident. In 1972, he headed the security advisory board for the national conventions in Miami Beach of both political parties.

When a reporter asked Chief Kelley at the White House today whether he was a Democrat or Republican, the President interjected: "We haven't even asked him his political affiliation," turned to his latest appointee and added: "Don't tell them."

One Kansas City Democrat said he didn't know whether Mr. Kelley had any political identity, "but if he does, I'd guess he was a Republican."

Law School Graduate

The new F.B.I. director-designate is a graduate of the University of Kansas and the University of Kansas City Law School, now a part of the University of Missouri.

Except for a World War II tour of duty in the Navy, he has only had two employers: the F.B.I. from 1940 to 1961, and the city of Kansas City since then. The second job was a homecoming for Mr. Kelley was born in Kansas City and went to high school there.

He is married to the former

Clarence M. Kelley is an experienced, competent and thoroughly qualified expert in law enforcement. Because of his work over the last dozen years in Kansas City, he would probably be on any list of the best police chiefs in the nation. Having earlier served for twenty-one years in the F.B.I., he is also familiar with the work and the problems of the agency. His nomination as F.B.I. Director deserves sympathetic consideration by the Senate.

This is an appropriate time for Congress to consider a limitation on the term of the Director (who would be subject to reappointment) and a compulsory retirement age. No one in the future should hold this post for as long or at such an advanced age as did the late J. Edgar Hoover. The opportunities to accumulate excessive and inherently irresponsible personal power are too great.

The appointment of Mr. Kelley cannot be considered in isolation. The F.B.I. needs much more than a new director. It needs internal reorganization, a definition of its functions, and a new relationship with other units of government including the Justice Department and the White House.

The F.B.I. is now the Federal Government's principal criminal investigative agency but it is also charged with collecting internal security intelligence on potentially violent and illegal activities by individuals and groups as well as by foreign agents in this country. It also investigates personal backgrounds of individuals in Federal Civil Service as well as those nominated for high Federal office.

On stepping down a few days ago after very distinguished service as United States Attorney for the Southern District of New York, Whitney North Seymour Jr. observed that there is "a built-in conflict of interest" between criminal investigative work and the collection of political intelligence. The former can be conducted wholly independently of the Administration in power. But when the F.B.I. gathers information on nominees for office or on threats of disruption of Government activities, it is inevitably in danger of becoming involved in a more intimate and dependent relationship with a President and his advisers.

Mr. Seymour suggests a split in the two functions: political and criminal. The F.B.I.'s criminal investigative work would be merged with that now being done by other Federal agencies in such areas as narcotics and organized crime. A "wholly independent" Federal Criminal Investigative Agency would be established, while political intelligence would be assigned elsewhere.

Furthermore, the F.B.I. in recent years has grown increasingly rigid in its internal procedures and in its approaches to law enforcement. There has to be a considerable shakeup in the bureau's top echelon if the deadening effects of the Hoover regime are to be overcome.

It would be desirable for Attorney General Richardson to appoint a panel of distinguished lawyers to review the record and organization of the F.B.I. and make a report to Congress and the country on how its performance could be improved and how the dangers of irresponsible police power could be reduced.

Ruby Pickett, and they have two grown children and two grandchildren. Friends say that his only activity beyond his job has been as a Sunday school teacher and now an elder in the Country Club Christian Church, which is affiliated with the Disciples of Christ.

Calling Chief Kelley "the

best man in the country for the position," President Nixon said he had been picked from a field of 27 candidates. Insiders reported, however, that Mr. Kelley had been so well received at the White House and the F.B.I. that no one else had really been under serious consideration since his name first came up.