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Kelley Says He Would Give Secret F.B.I. Data Only to President

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WASHINGTON, June 20—Police Chief Clarence M. Kelley of Kansas City, Mo., said today that he would not, under any circumstances, make confidential F.B.I. information available to anyone at the White House except the President.

Mr. Kelley's pledge came during the morning portion of three and a half hours of questioning on his nomination as director of the Federal Bureau of Investigation from Senator Robert C. Byrd, Democrat of West Virginia, who was the only member of the Senate Judiciary Committee to question the 61-year-old police chief today — and, for much of the time, the only member present.

Senator Byrd, who was a caustic critic and persistent interogator of L. Patrick Gray 3d during the abortive hearings earlier this year on Mr. Gray's nomiation to the same post, questioned Mr. Kelley in close detail on F.B.I. procedures — particularly those involving domestic intelligence-gathering — and Mr. Kelley's attitude toward those procedures.

But, at the noon recess, Senator Byrd said in reply to reporters' questions that, on the basis of what he knew of Mr. Kelley thus far, "I would vote for his confirmation."

When the hearings recessed about 4 P.M. today, the Senator said he hoped the committee would vote on Mr. Kelley's nomination next week and that "I would like to see it confirmed [by the full Senate] before the [Fourth of July] Holiday."

Many of Senator Byrd's questions concerned current F.B.I. practice. Mr. Kelley left the bureau for his $32,000-a-year Kansas City post in 1961, after 21 years' service. Thus, the nominee's reply to a considerable number of the Senator's question was, "I don't know."

This reply, in addition to Mr. Kelley's apparent lack of familiarity with certain areas of questioning, prompted a reporter to ask Senator Byrd about Mr. Kelley possibly being "too unsophisticated" to handle the top F.B.I. post.

"I don't get that impression at all," Mr. Byrd said.

Senator Byrd, who has introduced legislation that would make the F.B.I. an independent agency rather than a component of the Justice Department, as it is now, and would limit the director's term to seven years, questioned Mr. Kelley twice about the matter of making F.B.I. material—either in "raw" file form or as memorandum digests—available to the White House. On both occasions, the Senator elicited an absolute commitment from Mr. Kelley that he would not "under any circumstances" supply such data to anyone except the President.

With a reference to his own legislation, Senator Byrd also questioned Mr. Kelley about the matter of a director's term—Mr. Kelley expressed a preference for nine-year term—and of making the F.B.I. a separate agency, with some statutory definition of its authority and responsibility.