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Kelley Plans Review Of FBI Procedures

By Sanford J. Ungar
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The walls of the office are still bare, except for the hooks left behind by two recent temporary predecessors.

The row of rooms along the corridor, where key personal aides to the director of the Federal Bureau of Investigation normally sit, remains vacant, because the new occupants have not yet been selected.

When there is a ring from the special console that connects him to all FBI assistant directors, he still looks a bit startled and uncertain what to do.

In fact, says Clarence M. Kelley, the second permanent director in the FBI's history, "I haven't had an opportunity to do much, other than just talk" since taking over July 9.

At the same time, however, he insists that "I have



CLARENCE M. KELLEY
... leak plugger

in mind a review of the entire operations of this organization. I want to take into account its capabilities."

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KELLEY, From A1

But the thread that runs through Kelley's remarks is that he has found nothing "sinister or unsatisfactory" about the FBI since assuming office and therefore would proceed with extreme caution.

In his first private press interview since he was named by President Nixon to succeed the late J. Edgar Hoover, the FBI's first permanent director, Kelley met in his office last Tuesday with reporters from The Washington Post and The Washington Star-News to talk about his new job and the bureau's future.

Both papers agreed that Kelley's remarks would not be published until today.

Although he seemed more relaxed and forthcoming than he had during his confirmation hearings before the Senate Judiciary Committee, Kelley was still reluctant to specify the changes he has in mind for the FBI, whose budget has grown to \$366 million for fiscal 1974.

But he did say that the bureau, which barely varied its procedures and policies during Hoover's 48-year tenure, could now profitably make use of "some new concepts in the field of management."

He suggested, for example, that he would seek to adapt to the FBI recent studies conducted by the private Police Foundation, with which he worked closely in recent years as chief of police in Kansas City, Mo.

Kelley noted the studies had found that law enforce-

ment officials must develop new investigative techniques. "With the Supreme Court decisions" restricting police, he said, "the art of the interview has become less of a tool."

He said it was "a possibility" that he would invite the Police Foundation, which is funded by the Ford Foundation, to study the operations of the FBI itself.

Thus far, Kelley said, his reviews of bureau affairs have not convinced him that he should suspend any of the controversial uses of FBI agents.

For example, as for the 41 agents stationed overseas as "legal attaches" in American embassies, the director said he had "been informed at this stage that they have done mighty fine work" and that they do not overlap with the functions of overseas representatives of the Central Intelligence Agency.

Kelley made light of the alleged lack of cooperation—frequently cited by the Nixon administration in recent months—between the FBI and the CIA during Hoover's last years.

He suggested with a smile that recent "publicity" would help deter the CIA from making incursions into areas under the FBI's jurisdiction.

But if conflicts should arise, he added, "we can get together and iron out our difficulties . . . I have always been able to sit down and talk with people." He noted that L. Patrick Gray III, who served 51 weeks as the FBI's acting director after Hoover died, had restored formal liaison with other agencies, which Hoover had broken off.

Kelley said he "didn't know" that FBI agents work as investigators for the House Appropriations Committee until the reporters asked him about it. Quickly briefed by a press aide who sat in on the interview, he said, "I would see no reason at this point to stop" the practice.

On one point he was firm: that he will take "quick and decisive" action to punish any leaks of confidential information from bureau files, which he labeled a "breach of trust."

Although he did not name names, Kelley seemed to acknowledge that there had been substantial leaks to the press from within the FBI concerning the Watergate affair. He declined to con-

done those leaks, saying they were probably "self-serving."

If he is able to identify bureau officials who do leak information, Kelley said, his "inclination" would be to fire them on the spot. If he has trouble identifying them, he will "continue trying."

Asked how far he was willing to go in such investigations and whether he would consider wiretapping reporters' telephones, the director leaned back in his swivel chair, guffawed and said, "there'll be no tapping of reporters."

Later, he repeated that "I'm certainly not going to install any taps on you (reporters) or on bureau employees."

Speaking as he has several times of his desire for a close relationship with the press, Kelley observed that the "problem" of leaks often "comes from too much restriction" on the flow of information from inside an organization like the FBI.

With a Dick Tracy cartoon on his desk (the gift of a neighbor in Kansas City), Kelley proudly displayed to the reporters the Smith and Wesson .38-caliber snub-nose revolver that he carries at all times (a recent gift from his colleagues on the Kansas City police force).

"I'm an agent of the FBI and I carry a gun," he said. "Isn't it pretty?"

Because "I have always been subject to some threats," Kelley said he would have "no compunction" about using the bullet-proof armored Cadillac limousine that Hoover had built.

He quickly added, though, that when the Cadillac is no longer useful, he "would not be adverse to having a smaller car which is similarly equipped."

At the same time, however, Kelley said that unlike Hoover and Gray, he has no hesitation about flying on commercial aircraft and continues to use them regularly.

[Gray stirred considerable controversy by using military aircraft for his frequent trips around the country.]

Throughout the interview, Kelley often displayed flashes of humor.

When his console lit up, for example, an unidentified official told him, "I have some news that I think you will be vitally interested in." Kelley said he would have to call back after the interview. Then he turned to the reporters and said, "they probably just want to tell me that my pay check is ready."

The director said he feels strongly that it is "the wrong way to proceed" for FBI officials to pass confidential files to White House staffers, as Gray did to former presidential counsel John W. Dean III during the

original Watergate investigation.

But he added that "I can't impute wrongdoing to Mr. Gray, because he probably thought he was doing the right thing."

Kelley warned that if he catches any bureau official surreptitiously passing files to the White House, he "will take administrative action."

He declined, however, to discuss the merits of the ongoing Watergate investigation, saying only "that is a matter that will be dealt with in due course."

Kelley also debunked widespread reports of factionalism and low morale within the FBI as a result of the temporary leadership of Gray and the man who succeeded him briefly, William D. Ruckelshaus.

"The nebulous leadership may have caused problems," he said, but added that his own appointment as a permanent director had improved the situation.

If Kelley was vague in his plans for the FBI, Attorney General Elliot L. Richardson was somewhat more specific in interview the same day with *The Washington Post*.

The attorney general said that he had assigned Ruckel-

shaus, now deputy attorney general-designate, to have "special responsibility" for working with Kelley on "the review of a series of questions" concerning the relationship between the FBI and the Department of Justice.

Among those issues, Richardson said, are:

- "Whether there ought to be a more specific statutory basis for the intelligence functions" of the FBI and other federal law enforcement agencies.
- "The possible desirability of publishing clear governing principles for the utilization of electronic surveillance."
- "Whether there should be a separation between the investigative and intelligence gathering roles" of the FBI.

The attorney general stressed that his review of the FBI was just one part of his concern for "policy planning" in the Justice Department.

Both Kelley and Richardson indicated that they are satisfied with their working relationship.

Rep. Rooney Backs Use Of Agents by Hill Unit

By Morton Mintz
Washington Post Staff Writer

Rep. John J. Rooney (D-N.Y.), the legislator most responsible for seeing to it that the FBI gets the funds it wants, says he sees no infringement on the separation of powers in the use of

FBI agents as investigators for the House Appropriations Committee.

Rooney cited this use of FBI agents—and of Secret Service, Office of Naval Intelligence and other executive branch investigators, as well—as an example of "good judgment" because it achieves economies for the taxpayers.

All but three such investigators are borrowed as needed, Rooney said in a recent phone interview. The alternative—hiring a large, permanent staff of committee investigators—would be wasteful, he contended.

Rooney said the committee's regular practice of using FBI agents, which is said to be unique on Capitol Hill, began 30 years ago. Other committees along with appropriations—draw on the General Accounting Office, Congress' investigating arm, for special investigators.

Rooney, chairman of the House, State, Justice, Commerce and Judiciary Appropriations Subcommittee, and asserted that critics of the use of executive branch personnel don't understand how the system works.

The FBI provides three agents to the committee fulltime, Rooney said. When an investigation is undertaken, more agents are brought in on special loan from the FBI and other agencies, Rooney said.

In almost 25 years of personal experience with the system, Rooney said, he has never found an investigated agency that has been "able to controvert a single report."

For the committee to have its own staff would be "too expensive," Rooney said.

Committee Chairman George Mahon (D-Tex.), who could not be reached for comment, said in 1971 that "we use people who really know what's going on." At the time the committee was using three permanent FBI agents and 25 for special case work.

"These men are real pros," Mahon told Congressional Quarterly. "We've never had the slightest difficulty. This helps assure non-partisan investigations. With professional staff handling investigations, there is the problem of investigations becoming a witch-hunt with investigators knowing what they want to find before they begin investigations."

"How can we use the FBI to perform an oversight function?" former Rep. Abner Mikva (D-Ill.) asked. "Part of the problem is the FBI's role as a scared cow. This makes it the sacred cow not only of the executive branch but the legislative branch as well," Mikva told Congressional Quarterly.

Rooney, in *The Post* interview, insisted that he did not deserve the general rep-

utation he has for having given the late J. Edgar Hoover all the funds he wanted and turning supposedly critical subcommittee meetings on FBI funding into love fests.

"Hoover had to justify everything he asked for," Rooney insisted. "The meetings never took less than four hours."

Would his treatment of Hoover's successor, as permanent director, Clarence J. Kelley, be any different? "I'm going to do the same as I do with everybody—be fair," Rooney said.