

F.B.I. APOLOGIZED TO PLACATE FOES

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Kelley Asserts He Assailed Past Abuses in Bid to Halt Restrictive Legislation NYTimes

By JOHN M. CREWDSON

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Clarence M. Kelley, the director of the Federal Bureau of Investigation, has said privately that his recent apology for the bureau's past abuses of its power was made in hopes that it "might well prevent or at least somewhat retard the proliferation of highly restrictive legislation" directed at the bureau by Congress.

The apology, in which Mr. Kelley termed some of the F.B.I.'s past intelligence activities "clearly wrong and quite indefensible," was incorporated in a speech delivered last May 8 at Westminster College in Missouri, Mr. Kelley's home state.

The director did not specify the actions to which he referred, saying only that the bureau was "truly sorry we were responsible for instances which now are subject to such criticism," and pointing out that they had occurred not under his own administration, but during the 48-year tenure of the late J. Edgar Hoover, his predecessor.

Letter to Ex-Agent

Mr. Kelley's comment that he had hoped the speech, which came at the close of a year-long Congressional investigation of the bureau and other intelligence agencies, might deter tough new legislative controls on the bureau's operations, was made in a May 13 letter to Ralph H. Jones, president of the Society of Former Special Agents of the bureau.

Mr. Jones reproduced Mr. Kelley's letter of explanation, which he said had followed his "personal inquiry to Director Kelley for clarification" of the speech, and distributed it to the society's several thousand members. A copy of the letter was obtained by The New York Times.

In it, Mr. Kelley noted that the bureau had been the subject of "considerable attention" by Congress and the press and that recent news accounts had been "most damaging" because they "imply we are unwilling to recognize and admit when we err."

"Of course," the letter continued, "we all cannot agree on what can or should be said. Someone, however, must make

a decision at such times. I made it because I believe this action might well prevent or at least somewhat retard the proliferation of highly restrictive legislation."

Three days after the Westminster speech, Senate leaders reached agreement on the creation of a permanent committee that will oversee the Central Intelligence Agency, but which will share its jurisdiction over the F.B.I. with existing committees that have had that responsibility for years. The sharing of bureau oversight among the new and older existing committees was seen at the time by some senators as a concession to powerful conservative interests within that body.

TEXT OF LETTER

Following is the text of Mr. Kelley's letter to Mr. Jones:

Dear Ralph: there has been some apprehension expressed about my speech at Fulton, Missouri, May 8, 1976. I want to tell you about it.

"As well you know, the bureau has been receiving considerable attention by the Congress and the news media for several months. Lately the news accounts have been more frequent, more probative and most damaging to our position, because they imply we are unwilling to recognize and admit when we err. Congress continues to demonstrate an inclination to seriously consider legislation which would be restrictive to us. Frankly, our credibility is, in my estimation, in jeopardy.

"It might well be said this feeling does not reflect that of the rest of the country. That may be so but here is where Congress resides and it is here that their opinions are largely formed. We have friends in Congress and appreciate them. I only wish we had more.

"I therefore carefully reviewed the situation and decided the time had come to make certain admissions. They were not specific nor directed at any individuals. I think the issue has now been resolved. Of course, we all cannot agree on what can or should be said. Someone, however, must make a decision at such times. I made it because I believe this action might well prevent or at least somewhat retard the proliferation of highly restrictive legislation.

"I realize such a speech would invoke some criticism. I can only say I have tried to be fair at all times. Time will determine the wisdom of my action. I am sure you join me in the hope the future is a more pleasant one.

"I want to renew my pledge to all the ex-agents to do my best to maintain the position of pre-eminence for the bureau."