

FBI Chief Kelley Again Insists He Won't Resign

Washington

FBI Director Clarence M. Kelley said yesterday that he wants to keep his job even though President-elect Jimmy Carter has suggested he would like to appoint a new FBI chief.

"I am not going to resign," Kelley told a reporter. He noted that he has made that statement "many times" and said he's sticking with it.

Later yesterday, Kelley issued a written statement repeating that he has no intention of resigning.

"As a matter of principle," he continued, "I believe the director of the FBI — any FBI director — must be an apolitical appointee in addition to being a professional law officer. I am not in any way attempting to be contentious by maintaining that I do not intend to voluntarily submit my resignation.

"To take any action which could politicize the office of director would violate that which I consider to be a matter of principle," he said.

But Kelley acknowledged, "I realize full well that I serve at the pleasure of the President."

Carter had said in a weekend interview that "as a general principle," he believes the directors of the FBI and Central Intelligence Agency should



AP Wirephoto

CLARENCE KELLEY
'Matter of principle'

change with the administration. The CIA's George Bush, a Republican appointee, has announced he will resign.

But Carter did not say whether he intends to replace Kelley and he indicated he is not certain he would have legal authority to do so.

The legal questions arise from a statute that took effect October 15. It provides that the FBI director's term "shall be ten

years."

The director is nominated by the President and must be confirmed by the Senate.

Kelley took office in July 1973, before the new law was passed. But the law contains a provision applying it to any director serving after June 1, 1973, so it covers Kelley.

Justice Department officials said, however, that they view the ten-year term as a maximum. This would suggest that a director could be fired or asked to resign at any time during the ten years, but he could not serve longer than that.

At one point during the presidential campaign, Carter criticized President Ford for refusing to fire Kelley for accepting gifts from senior FBI officials and allowing FBI employees to build items for his home at government expense.

The items included drapery valances and a small cabinet Kelley said he used for FBI work at home.

The director said at the time that he didn't know the FBI was installing valances until the work was complete. He reimbursed the FBI for the cost of the labor and materials for the decorative wooden frames atop the windows.

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