

## Bell defends prosecution of FBI agent

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WASHINGTON (AP) — Atty. Gen. Griffin Bell declared Monday he is standing by his decision to prosecute an FBI man for allegedly illegal mail-opening and wiretapping.

Bell told reporters he has given no thought to the possibility of dropping the charges against former FBI supervisor John Kearney despite FBI Director Clarence M. Kelley's request that he reconsider the matter.

"What's at stake is the rule of law," Bell said. "If you break the law, ordinarily you suffer the consequences."

Bell made the remarks at an impromptu news conference after he met for 90 minutes with Kelley and 10 FBI agents from as many cities.

Kelley and the agents left the Justice Department building without talking to reporters.

Kelley had asked for the meeting

April 14 in a statement calling on Bell to reconsider the decision to prosecute in light of the Justice Department's earlier decision not to bring charges against Central Intelligence Agency men involved in illegal mail-opening.

Bell said the agents expressed concern that the indictment of Kearney and the expected indictments of other FBI men involved in allegedly illegal tactics have impaired bureau morale.

"They're very upset over the indictment of John Kearney. They expressed their dismay," Bell reported. "It has had what they consider to be a very bad effect on the morale of the bureau in their areas and other parts of the country."

The attorney general said he refused to discuss the merits of charges against Kearney or details of the continuing investigation, and the agents agreed that

it would be improper to discuss such matters.

He said he is not now reviewing the FBI case in light of the CIA decision but "in due course, I'm going to respond," to Kelley's request that he do so. He did not indicate what he would tell Kelley.

"Even though it happened at a time when the country was very different than it is now, if the law was broken the attorney general ought to take note of it," Bell said.

Describing his decision to prosecute as "a sad duty I had to perform," he said he was concerned about the effect of the indictment on bureau morale. But he said the law makes no provision for balancing morale against evidence of criminal conduct.

He said he asked the agents to meet with him again to give him detailed information about past and present investigative tactics.

"I want to find out once and for all what the past practice has been to set up a system for the future, a fail-safe system where no American citizen would ever lose any rights," Bell said.