

Levi Would Set FBI Surveillance Rules

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By Lawrence Meyer
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Attorney General-designate Edward H. Levi said yesterday that he would consider it his "obligation" to try to draft guidelines governing the FBI's surveillance of congressmen, senators and private citizens.

Testifying at his confirmation hearings before the Senate Judiciary Committee, Levi said that drafting such guidelines would not be easy and might not be feasible at all, but the attempt should be made. Levi said he would work with the FBI director, the Judiciary Committee and the FBI oversight committee in preparing the guidelines.

Although he encountered opposition from Senate conservatives, when his nomination was announced, his toughest questioning yesterday came from liber-

als, who pressed him on FBI surveillance, wiretapping, gun control, restoration of the death penalty and anti-trust matters.

Although he said the data are incomplete and no one can say with certainty, Levi told the committee that he believed "the death penalty, if enforced in a limited area, would have a deterrent effect."

He said skyjacking, murder committed by a penitentiary convict and the murder of a police officer "under certain circumstances" might be areas where the death penalty could serve as a deterrent. "I think there is a place for the death penalty, which I think has to be very carefully worked out, but it is a legislative matter," he testified.

Levi said he would give "very high

priority" to crime control in urban centers, with an emphasis on improving prosecutions, police work and handgun controls. Under questioning, he said he would give "priority" to legislation dealing with "Saturday night specials," an inaccurate, inexpensive handgun often used in armed robberies.

The Voting Rights Act should be extended in its present form without modification, Levi said.

Committee conservatives asked relatively few questions. Ranking Republican Roman L. Hruska (Neb.) announced his intention, barring revelation of damaging information, to vote for confirmation. Hruska was joined by Sen. William L. Scott (R-Va.) in the endorsement. Sen. Strom Thurmond

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(R-S.C.) told Levi that he had at first been "disturbed" by the nomination, "but I've been investigating some and the more I investigate, the better you look."

Questioned closely by Sens. Philip A. Hart (D-Mich.) and Edward M. Kennedy (D-Mass.) about wiretapping, Levi said certain kinds of surveillance, including wiretapping, "have to be clothed with very important safeguards so that it is clear this is a very unusual situation and one deemed necessary under the circumstances."

In addition to seeking the required warrant for wiretaps on purely domestic cases, Levi said some "responsible official who knows this is an unusual act and takes it seriously" should review wiretap requests.

Levi declined, however, to commit himself to any firm position regarding

judicial approval of foreign intelligence wiretaps. The Supreme Court has left the issue open, while ruling that warrants must be obtained for wiretaps in investigations of a domestic nature.

Although Levi said before a lunch break that he did not know whether judicial approval was required or was adequate protection in foreign intelligence wiretaps, after lunch he told the committee he did not see "why it should not be required to obtain the judge's approval."

He said, however, that he could not take a position until hearing from lawyers in the Justice Department, and that if the committee were concerned about the matter it should pass legislation further controlling government wiretaps.

Levi also told the committee that it had been a "mistake" to record the de-

liberations of six federal juries without their knowledge in the early 1950s, even though the judge, chief judge and lawyers on both sides of the cases involved had given their permission. The recordings, made as part of a project Levi directed when dean of the University of Chicago law school, were intended to be only a small part of a larger study of how juries perform their job, he said.

Levi told the committee he would not take part in departmental decisions involving IBM, apparently because he owns stock in the company. He said his son, associated with a Chicago law firm representing AT&T, has been removed from all cases involving the Justice Department. Levi said he would have to weigh carefully disqualifying himself from matters involving AT&T.

The hearing resumes today.