

# Attorney General-Designate Asserts Death Penalty, if Enforced, Is Deterrent

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WASHINGTON, Jan. 27—Attorney General-designate Edward H. Levi said today he believed that the death penalty, if enforced and applied to a limited category of offenses, would be a deterrent, and that its imposition ought to be left to individual states.

The 63-year-old president of the University of Chicago and the former dean of its Law School, during the first day of hearings on his confirmation by the Senate Judiciary Committee stressed that the death penalty must be "quickly enforced and acceptable to the community." But he said, "My belief is that the death penalty, if it is enforced, in a limited area, is a deterrent."

In response to a follow-up

question from Senator James Abourezk, a South Dakota Democrat, Mr. Levi tentatively suggested that the penalty might be applied for skyjacking, murder of police officers or murder in penitentiaries by persons already sentenced for crimes for which the death penalty might be appropriate.

He emphasized that he believed the list of eligible crimes should be "very limited." Capital punishment, as then practiced was outlawed by the Supreme Court in 1972; new laws enacted by some states are now being challenged in the courts.

During a day of questioning, Mr. Levi also responded to questions in the following areas:

¶He said that he could not say whether he was a Republic-

can or a Democrat, since he did not vote in either party's primaries, although he does vote in general elections.

¶He said that a 1954 research project in which he was engaged that involved bugging jury rooms in half a dozen civil cases "was a mistake."

¶He made an absolute commitment to protect the independence the Watergate special prosecutor, but said he did not see the need to "create special prosecutors all over the place" for other special areas of investigation.

¶He said he would resist pressure, from Congress or from the White House, to take a particular action unless he felt it justified, saying, "I'm going to call them as I see them. I don't really care where the call comes from."

Questioning of Mr. Levi, a slight, baldish man in a gray pinstriped suit and black and white bow tie, occupied most of today's five-hour session. Mr. Levi's two Senators—Charles H. Percy, a Republican, and Adlai E. Stevenson 3d, a Democrat, made brief introductory statements praising his abilities and integrity, and remained at the witness table with him during the morning session.

At the end of the afternoon, his testimony was interrupted to allow testimony, also favorable to Mr. Levi, from Lawrence Walsh of New York, former president-elect of the American Bar Association. Mr. Walsh, in a statement submitted to the committee, described Mr. Levi as "singularly well qualified" to serve and as "a person of the highest integrity,

repute and independence." He also submitted the recommendation of the A.B.A.'s board of governors that Mr. Levi be confirmed as Attorney General.

Testimony from Mr. Levi will resume tomorrow, and representatives of several other groups, including some unfavorable to his nomination, are scheduled to appear.

Mr. Levi, who seemed at ease during the long questioning, answered in lawyerlike fashion. That is, he was precise and careful to dissect any ambiguities, as well as appearing careful to avoid general commitments.

The subject pursued at great length by several committee members was that of Government surveillance of the citizenry. "My general view is," he

said, "Government surveillance is required in connection with certain areas."

He listed these as the detection of crime of cases where there was probably cause to believe a crime was likely to be committed; the collection of information during routine security checks on persons appointed to high governmental positions, and some "very delicate foreign security matters."

He added that "I think we do need protection against undue use of Government surveillance," and said he would work with the director of the Federal Bureau of Investigation and with Congress to develop guidelines as safeguards against undue Government surveillance. He said he hoped the guidelines would be made pub-