

Levi Bars G.A.O. Access to F.B.I. Files; Battle Seen

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WASHINGTON, May 12—Attorney General Edward H. Levi has refused to let a study team from the General Accounting Office view the F.B.I.'s investigative files, apparently setting the stage for his response to similar requests expected later this year from the House and Senate select committees examining intelligence agencies.

Negotiations on the question of access between the Federal Bureau of Investigation and the G.A.O., which is conducting its investigation on behalf of a House Judiciary subcommittee, were described by Justice Department officials as having reached "an impasse."

One F.B.I. official said today that the dispute had taken on the proportions of "a constitutional question" that the bureau was prepared to argue "all the way to the Supreme Court." The F.B.I. official said that his agency had not yet received requests from either of the select committees for so-called "raw" files, but he said he believed that, if and when they came, the bureau's response would remain the same.

Aides to the Senate Select Committee on Intelligence Activities, headed by Senator Frank Church, Democrat of Idaho, have said that they expect to present requests for investigative files to the F.B.I. before the end of the summer, and perhaps earlier.

"We intend to go into specific cases," on Senate committee official said when asked about the panel's prospective need for such documents in examining the F.B.I.'s intelligence-gathering activities.

Mr. Levi's position which reportedly coincides with the stand taken by Clarence M. Kelley, the F.B.I. director, may thus presage a summer of Con-

gressional subpoenas and lawsuits reminiscent of the Senate Watergate Committee's battle with the White House to gain access to the Watergate tapes.

In a recent interview, the Attorney General said that while he was convinced of the necessity of "accountability" and a "sense of candor" where the F.B.I.'s activities were concerned, he was also disturbed by the consequences that might follow from permitting Congress to examine the files of an executive department.

Mr. Levi declined, however, to say precisely what course he would follow when faced with requests for specific documents. He said, though, that "I would want, where we can, to give them materials."

But he said that it would be "unfortunate" for the Justice Department to establish a precedent, "even on a sample basis, that one can examine raw files."

He referred to the G.A.O. inquiry which, at the behest of Representative Don Edwards, the California Democrat who heads the House Judiciary Subcommittee on Civil and Constitutional Rights, has been looking into the operations of the F.B.I.'s intelligence division.

The F.B.I. has reportedly been providing the G.A.O., the investigative arm of Congress, with summaries of the materials contained in its files. But Mr. Levi has declined the auditors' request to compare the summaries with randomly selected raw files to gauge their accuracy.

An F.B.I. official said that, as far as he knew, no Committee of Congress had ever been permitted to view the bureau's raw files.

Mr. Levi expressed the belief that, while his position would not mean that "improper governmental practices will be covered up," it took account

of the conflicting values raised by the oversight function of Congress and the need to keep Federal investigative reports confidential.

His remarks in the interview reflected the position he adopted last month in a speech before the New York City Bar Association. The Attorney General said then that although "the very concept of confidentiality in government has been increasingly challenged as contrary to our democratic ideals," he believed that such confidentiality of records was "a prerequisite to the enjoyment of many freedoms we value most."

The right of individuals to privacy and of the public to know how its government

operates, Mr. Levi continued, "are not always consistent or fully compatible."

The thrust of his remarks seemed aimed at countering such future demands from Congress. He also seemed to indicate a particular concern over the ability of a committee to keep such materials confidential.

"Such demands," he said, "emphasize the point that the preservation of confidentiality where really necessary requires special modes of responsibility, as it indeed does in the executive branch."

"The risk that the confidentiality of information" provided to Congress "may be breached, even by inadvertence, is of course ever present," he said.