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Levi Backs Kelley's Handling of Charges on F.B.I.

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ATLANTA, Aug. 9—Attorney General Edward H. Levi today defended Clarence M. Kelley's performance as director of the Federal Bureau of Investigation, including Mr. Kelley's handling of charges of wrong doing by bureau personnel.

"Director Kelley has had to meet revelations of what went on in the bureau over the last 30 years," Mr. Levi said. The director has "pushed" full investigations, he said, and the investigations "take time."

Mr. Levi, speaking to a group of lawyers at the American Bar Association convention here suggested that newspapers sometimes get the facts "turned around" and make it seem as if the newspapers, rather than the bureau, are doing the investigations. In fact, he said, "their director has been pushing these investigations, and they are investigations in depth."

Mr. Levi also made passing gibes at both the National Rifle Association and the American Civil Liberties Union. He remarked: "A society which cannot discuss gun control without having the National Rifle Association go crazy," and that cannot discuss procedures for wiretapping "without the counterpart of the N.R.A., namely the American Civil Liberties Union, going crazy," is a society that is having difficulty looking at issues in a "candid" way.

In other developments at the A.B.A. meeting here, Chief Justice Warren E. Burger again decried the failure of legislatures to provide the resources and judges that he said were needed if state and Federal courts were to deal with the "litigation explosion" of recent years.

He warned in particular that

the legislation that requires speedy trials in Federal criminal cases—the Speedy Trial Act, which he said was passed over the "vigorous" opposition of the Federal judiciary—"may lead to a moratorium on all noncriminal cases" in some Federal courts.

Justice William H. Rehnquist warned that the Federal and state courts may become increasingly less able to do their work for another reason as well: the work of both state and Federal judges is becoming less interesting and more burdensome, because of both increased work loads and increased numbers of cases that could best be settled in other tribunals, he said. Thus, he contended, it will be harder and harder to attract enough talented people to become judges.

"More and more judges," he said, "are experiencing growing disappointment with their roles in our legal system and in society in general."

Yesterday, on a national television program, Mr. Kelley said that he had been deliberately "deceived" by aides who had withheld from him the knowledge of a number of illegal burglaries by agents in recent years. Mr. Kelley said at a news conference in 1975 that there had been no such burglaries. He rescinded these assurances only last June 30.

It was the latest in a series of disclosures and allegations regarding illegal break-ins that have embarrassed and shaken the bureau for many months. In recent months, there have also been allegations of a more prosaic kind of wrongdoing by bureau personnel, of corruption involving money. Some of the disclosures have come from official reports; others have become public knowledge through press reports.

Mr. Levi defended Mr. Kelley in response to a reporter's question after the breakfast program at which he had just given a brief talk was opened to questions from the floor.

In defending Mr. Kelley, he interjected a defense of the bureau itself, calling it "a very important part of the protection of our rights" and the "security of our country."

Of Mr. Kelley, Mr. Levi: "I think director Kelley has recognized a very large part of what was the problem of the bureau." He said that the investigations that Mr. Kelley was conducting were criminal investigations, and thus differed from writing a "history," in a criminal investigation, he said, "you either indict or you don't," and if the decision is not to indict, the investigator should not make public accusations.

The general message of Justice Burger and Justice Rehn-

quist: in their speeches today was an increasingly common theme at legal meetings: that the courts are simply unable to deliver "justice" in the way they should, because of a variety of factors such as the great increase in cases, the lack of adequate resources, and the growth over the years of new types of cases that may be brought to court.

Justice Burger's speech, especially, repeated many of the complaints and recommendations he has made since becoming Chief Justice.

One recommendation, for example, was that "Congress require each of its committees reporting out a bill to provide an impact statement analyzing the effect of the proposed bill on the work of the court." The Chief Justice noted that he had made this recommendation in 1972, and said: "I discovered somewhat later that some thought I meant this as a figure of speech. It was not."