Disclosure On Wiretaps Is Ordered

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U.S. District Court Judge Aubrey E. Robinson Jr. yesterday ruled that the federal government must disclose the nature and extent of wiretaps and electronic surveillance of several antiwar leaders and groups.

The government had contended that it was not compelled to disclose such information on national security grounds.

Although such orders are not unusual in criminal cases, Judge Robinson's decision marked the first time the government has been ordered to disclose such wiretap information in connection with a civil suit, according to an attorney familiar with wiretap cases.

The order cannot be appealed, but the government could file a motion asking the judge to reconsider his order or asking that the information be placed under seal once it is given to the plaintiff, according to the attorney.

Leon Friedman, an American Civil Liberties Union attorney in New York, termed the order a "significant victory" on disclosure of wiretap information. Government attorneys could not be reached for comment.

The ruling came in a suit filed 4½ years ago by eight persons charged with attempting to disrupt the 1968 Democratic National Convention in Chicago and nine groups active in the antiwar movement.

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Wiretap Disclosure Is Ordered by Judge

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The suit was delayed while criminal charges against the eight were being litigated.

In his ruling filed yesterday, Judge Robinson resisted an attempt by the government to submit information concerning the taps for his private examination so he could determine the merits of the complaint.

That proposal was "highly irregular and is nowhere contemplated or authorized by the Federal Rules of Civil Procedure," Robinson said in a two-page order.

He said the plaintiffs are entitled to a "liberal discovery policy" under those rules unless there is a specific showing of legal privilege that was "not made here."

It was also inappropriate for the Justice Department to attempt to assert a national security defense and other legal claims on the merits at this stage in the proceedings, he added.

The government had submitted a 43-page brief in defense of its refusal to answer interrogatories, which are written questions submitted by the plaintiffs.

Those interrogatories — which the government must now answer within 30 days — ask for detailed information as to which plaintiffs were tapped, when they were tapped, how long the taps remained, who authorized the taps and the reasons such taps were deemed necessary.

In support of its refusal, the government referred to an affidavit by then Attorney General John N. Mitchell that was filed during the 1969 Chicago criminal trial saying that some of the defendants had been overheard on wiretaps. In the affidavit, Michtell said certain defendants:

"... Took part in conversations which were overheard by government agents who were monitoring wiretaps which are being employed to gather foreign intelligence information concerning domestic organizations which seek to use force and other unlawful means to attack and subvert the exisiting structure of the government."

At the time the civil suit was filed, it was described as a constitutional challenge against the Justice Department's then-new doctrine that wiretapping of certain domestic groups without judicial approval could be justified on grounds of "national security."

According to one report at the time, the Chicago case was the first time the Justice Department had labeled domestic political groups with the "national security" tag that had traditionally been used to justify counter-intelligence against foreign powers.

At least two other civil cases, filed by Pentagon Papers defendant Daniel Ellsberg and former National Security Council aide Morton Halperin, alleging illegal government wiretaps, are pending in U.S. District Court here.

The plaintiffs in all the cases are suing under sections of the Omnibus Crime Act of 1968, which provides for payments to tapped persons of $100 per day for the duration of each illegal tap.

Five of the original nine groups in the suit ruled on yesterday subsequently dropped out of the complaint, leaving as plaintiffs the Chicago Eight, the Black Panthers Party, Southern Conference Education Fund, Catholic Priests Fellowship and War Resisters League, according to court papers.

The eight persons plaintiffs in the case are David Dellinger, Rennie Davis, Tom Hayden, Jerry Rubin, Abbie Hoffman, Bobby Seale, John Froines and Lee Weiner.

Socialists Tapped During 1945-1963

NEW YORK, Jan. 11 (AP)— The federal government has said in court papers that it conducted electronic surveillance of members of the Socialist Workers Party from 1945 to 1963.

It also acknowledged that from 1961 to 1969 the FBI had a program to disrupt the party.

The papers were filed Monday in U.S. District Court in reply to a suit by the Socialist Workers asking $27 million damages because of alleged violations of party members' constitutional rights. The suit was filed last July 18.