Judge Bars Evidence on Wiretaps

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RICHMOND, Oct. 3 (AP)—A federal judge has granted a defense motion to suppress government wiretap evidence in a Petersburg area gambling case after twice refusing government motions to quash a subpoena for former U.S. Attorney General John N. Mitchell.

U.S. District Court Judge Robert R. Merhige Jr. said in granting the motion Monday that the government had failed to establish the authority by which the wiretap evidence was gathered.

Merhige's ruling led to the withdrawal, for the time being at least, of a subpoena for the appearance of Mitchell in connection with the disputed wiretap.

The gambling case centers on the alleged placing of telephone bets on sporting events. The suppression of wiretap evidence would damage the efforts of government prosecutors.

Murray Janus, attorney for two of the 18 defendants in the gambling case, argued Monday that the wiretap authority was improperly granted by an acting assistant attorney general.

Government attorneys contended that Mitchell personally had authorized the wiretap through the use of his initials. But Merhige said this had no direct bearing on the invalid authorization approval.

Merhige said the government had failed to identify properly the source of the authorization when seeking federal court approval as required by law.