

MONTREAL, Aug. 4 (AP)—Judges and lawmakers should consider more liberal use of wiretapping and other electronic eavesdropping devices in the wake of Supreme Court decisions restricting confessions, a leading Federal judge said today.

Chief Judge J. Edward Lumbard of the 2d U.S. Circuit Court of Appeals made the suggestion to the Conference of State Chief Justices.

Lumbard, who heads an American Bar Association committee on criminal justice standards, told the top state judges, "If we take away the means of the possible solution of many crimes by confession, is it not then logical that these other means be made available?"

Lumbard agreed with former New York prosecutor Richard H. Kuh that the bar "ought not to shrink" from "re-examining our entire position with respect to the Fifth Amendment."

On June 13 the Supreme Court held that the Fifth Amendment's privilege against self-incrimination requires police to warn suspects of their rights if any damaging statements are to be used against them.

Judge Lumbard has supported efforts within the American Law Institute to enact a model code of police practice that would liberalize confession rules. He told the Conference that the Supreme Court decision will require "radical changes" in the proposed code.

Meanwhile, Conference leaders, anxious to avoid unseemly criticism of the Supreme Court, refused to clear a resolution calling on the Court to reconsider the confessions decision. Several Conference members who were critical of the decision itself expressed private fear that the criticism might get out of hand.

Kuh called on the jurists to lead a "great dialogue" over whether the self-incrimination privilege should be scrapped or modified. He said an amendment to the Fifth Amendment might establish a suspect's duty to answer police questions under penalty of contempt.

Perhaps, Kuh added, the bar

should also consider amending its ethical canons to require lawyers to encourage their clients to talk to police.

Defending the Supreme Court ruling was Prof. Yale Kamisar of Michigan Law School. He said any change in the Bill of Rights should embrace trial rules, such as the defendant's right not to testify, as well as police practice.

Kamisar predicted that the Court will stop short of throwing out identification evidence such as that gained from a police lineup in the absence of a lawyer. The issue raised in a case set for argument next term.

Amendment Proposed On Police Questioning

United Press International

Rep. James H. Morrison (D-La.), filed a constitutional amendment yesterday providing for law enforcement officers to use discretionary powers in questioning criminal suspects at time of arrest.

Morrison said that in many cases it is "impossible to solve crimes without immediate interrogation." Such interrogation, he added, frequently absolves an innocent suspect and allows the police to look elsewhere for the guilty party.

More Liberal Use Of Bugging Urged To Solve Crimes

By John P. MacKenzie
Washington Post Staff Writer

8/6/66