

White Panther Wiretaps Ruled Illegal

From News Dispatches

DETROIT, Jan. 26 — A federal judge has ruled that the government may not, on its own authority, conduct wiretaps of domestic groups to gain information in internal security cases.

District Judge Damon Keith gave the government 48 hours to decide how to proceed after he ordered the government to turn over to the defense all records of electronic surveillance on one of three members of the radical White

Panther Party accused of conducting an Ann Arbor, Mich., office of the Central Intelligence Agency.

In anticipation of a possible adverse ruling by Keith, the government asked the judge to delay his order pending a decision by Attorney General John N. Mitchell on how to proceed.

Last night, Justice Department spokesman in Washington said that no decision had been reached.

In his ruling, Keith said the

authority to conduct electronic surveillance without court permission to obtain foreign intelligence essential to the security of the United States does not extend to domestic organizations.

In Los Angeles Jan. 12, Judge Warren J. Ferguson also ruled that the attorney general did not have the right, without court permission, to order wiretaps in domestic cases. Ferguson did not order wiretap evidence turned over immediately to the defense, as

did Keith in Detroit, but gave the government 30 days to appeal the ruling.

In a memo to federal District Court in Detroit, the Justice Department said it would prejudice the national interest to deny the government the right to wiretap without court permission in domestic cases. The department listed eight pages of such acts that were authorized, it said, by various presidents since Franklin D. Roosevelt.

The government can appeal Keith's ruling or it can drop the charges against Lawrence Plamondon, 25, one of the defendants.

The government's argument, Keith said Monday in his ruling, is "that the President, acting through the Attorney General, has the authority to conduct electronic surveillance in national security cases and to determine unilaterally what comes within its own definition of national security.

"An idea which seems to permeate much of the government's argument is that a dissident domestic organization is akin to an unfriendly foreign power and must be dealt with in the same fashion," Keith said.

"There is great danger in an argument of this nature for it strikes at the very constitutional privileges and immunities that are inherent in United States citizenship."

An attempt by dissidents, Keith said, to "attack and subvert the existing structure of government . . . becomes criminal only where it can be shown that such activity was accomplished through unlawful means, such as invasion of the rights of others, namely through force or violence."