Friday, Feb. 25, 1972 THE WASHINGTON POST

Wiretap Usage **Argued Before Supreme Court**

By Jay Perkins Associated Press

Attempts by the Nixon ad-I cian the final decision over ministration to remove judi- who should be watched.

groups could lead to the politi- policy of consciously aiding cal persecution of anyone who and abetting the enemy. disagreed with the President,

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ney General seeks here would aiding and abetting legitimize a wide-spread drag. net of political opposition," attorney Arthur Kinoy told the high court. "That's what would "erase the Fourth they're asking for here-the power to suspend constitutional guarantees."

Both Kinoy and Justice Department attorney Robert C. Mardian appeared before the high court to debate whether federal agents may "bug" domestic groups suspected of subversion without first getting approval from a neutral judge.

The U.S. Circuit Court of Appeals in Cincinnati has ruled that the Fourth Amendment prohibits governmental surveillance of American citizens without prior court ap-proval. The Justice Department is appealing.

The department argued that the President can take whatever actions he deems necessary to accomplish his constitutional mandate to insure domestic tranquility and project the country from foreign and domestic enemies.

Both sides agree the government may use whatever surveillance it finds necessary against foreign enemies, but they split over whether this surveillance can be extended domestically without don, a White Panther accused violating the constitutional of bombing a Central Intelliban against searches and seizures.

Kinoy told the court that the televised remarks of presi- judge and the appeals court dential aide H. R. Haldeman ruled the wiretap unconstitu-

cial checks from electronic Haldeman accused oppo-eavesdropping of domestic nents of President Nixon's war

the Supreme Court was told yesterday. "The power which the Attor-"Would these critics be inthe

He said affirmation of the Amendment from the domestic life of this country," and would lead to a "stifling of the political freedoms guaranteed by the First Amendment."

Mardian earlier had told the court that the Attorney General best could decide who should be placed under surveillance because he had acgathering facilities of the government.

"We would suggest that the privacy of American citizens is better protected by limiting this authority to one man-the Attorney General-rather than to judges across the na-tion," Mardian said.

He said the government must use electronic surveillance if it is to stay informed

of its enemy's activities. "The Constitution is not a suicide pact," he said. "The President can't wait until the nation is facing armed insurrection before he starts to gather counter intelligence."

The case before the high court involves government wiretapping of a conversation involving Lawrence Plamununreasonable gence Agency office at Ann Arbor, Mich.

Both the U.S. District Court several weeks ago pointed up tional because it was not ap-a problem in giving a politi- proved by a court.