Wiretaps Probably Not Approved By Mitchell, Police Expert Says

By Timothy S. Robinson Washington Post Staff Writer

The D.C. police depart-ment's top handwriting expert said this week it is "highly probable" that former Attor. ney General John N. Mitchell did not personally authorize fice here has had a difficult here four years ago.

sibility of a dismissal of nar-pects. Prosecutors said it rep-cotics charges against 12 sus-resented the disruption of one pects arrested in what prosecu- of the largest networks of nartors have described as a major cotics distribution in Washinginterestate dope ring. Court rulings have required the attorney general's personal au-florization of such wiretaps. Mitchell, currently on trial the Watergate cover-up, filed a sworn affidavit with narcotics wholesale operations District Judge Joseph Waddy two weeks ago in tected." which he said he did person- Howe ally approve the taps.

uments analyst James T. Miller, Waddy scheduled a hearing for Nov. 23 at which Mitchell and his former ad-criminal conversation they lisministrative assistant at the Justice Department, Sol Lin-denbaum, are expected to be called as witnesses.

Mitchell did not personally ap- week and compared them to

As it is, the prosecutor's of-

telephone wiretaps used in a time in proceeding with the major narcotics investigation four-year-old case, which was announced with fanfare at the The findings raises the poston.

At the time, prosecutors claimed that the wiretaps were the biggest single factor "In smashing such interstate which cannot otherwise be de-

However, Judge . Waddy ruled in early 1971 that none After receiving the hand of the evidence on the wirewriting analysis by police doc taps could be used because government agents operating tened to while eavesdropping

The government appealed If Judge Waddy rules that that decision, saying its case was worthless without the taps as evidence.

> The appeals court here, meanwhile, waited for a Supreme Court ruling on the question of minimizing the overhearing of conversations before deciding the appeal in the local case.

In June of this year, the appeals court said that Waddy should hold further hearings on the wiretap issue in the local case to make sure he had enough details of the over-hearing to rule that all of the evidence should be suppressed.

Waddy again ruled last week in the case, which now in-volves alleged narcotics dealer Frank R. Scott and 11 others, that the evidence could not be used. The government has ind'cated it will appeal the new ing.

Meanwhile, the issue of Mitchell's approval of the taps came up during the recent hearings before Waddy.

Defense attorneys suggested that a handwriting analysis be prepared, and Judge Waddy ordered Miller to take on the job. Miller took handwriting samples from Mitchell last

prove the taps, the case could the handwriting on the author-

Although Miller said that Mitchell's initials on the authorizations weren't enough "to give a definite opinion," he said that "none of the known specimens . . . had the same characteristics as are found in the three sets of questioned initials."

"As a result of a detailed comparison of all of the questioned and known writings, it, is my opinion that it is highly probably that John N. Mitchell did not write the JNM initials on any of the three questioned documents," Miller wrote in his report.

Mitchells' attorneys have said that they expect Mitchell to stand by his sworn affidavit that he wrote his initials on the authorizations, adding that there is legal precedent that initials alone are not enough to make a definite handwriting analysis.