

Chicago 8 Granted Inquiry On Suit Against Wiretap

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The defendants in the Chicago Eight conspiracy trial are entitled to a court inquiry into whether the FBI illegally wiretapped their phones, the U.S. Court of Appeals ruled yesterday.

Such an inquiry—on the basis of a civil suit they filed in June, 1969—may begin immediately, without waiting for final disposition of the charges against them arising out of demonstrations during the 1968 Democratic National Convention, a three-judge panel of the court said.

A previous ruling in U.S. District Court here had placed an indefinite stay on the Chicago Eight's lawsuit and thus restricted their effort to prove that the charges against them had been unconstitutionally developed.

Five of the defendants in the trial were convicted in Chicago last year, and the case is now scheduled for argument before the Seventh Circuit Court of Appeals in the spring.

Final determination, however, including possible ap-

peals to the U.S. Supreme Court, could take years.

Judge Harold Leventhal of the Appeals Court, in a 16-page opinion, complained that the stay granted by the District Court had been "immoderate in extent and hence invalid."

The court action clears the way for the Chicago Eight and nine civil rights and radical political organizations which joined their lawsuit to question FBI-directed electronic surveillance against them.

In the pretrial maneuvering preceding the Chicago trial, the government acknowledged that some of the defendants had been wiretapped although no warrant or judicial order had been issued for that purpose.

That action, the defendants said, was illegal.

But the Justice Department asserted in Chicago that such surveillance was lawful if "deemed vital to national security" or used "to gather intelligence information concerning domestic organizations which seek to attack and subvert the government by unlawful means."

In the suit ordered reactivated by the Court of Appeals

yesterday, the defendants seek a court order prohibiting such wiretapping in the future.

Leventhal wrote that the District Court stay had been especially "improvident" because it extended to people who had been acquitted in the Chicago trial and organizations which were not involved there at all.

Activities In Congress

Senate

Meets at noon on filibuster rule.

Committees:
Government Operations Subcommittee on Investigations—Military nonappropriated funds—10 a.m. Open, 3302 New Building.

Labor and Public Welfare Subcommittee—Emergency employment, National Association of Counties; Farmers union—10 a.m. Open, 4232 New Building.

Rules Committee—Monday resolution—10 a.m. Open, 301 Old Building.

Joint Economy—President's economic report, HUD Secretary Romney; Commerce Secretary Stans—10 a.m. Open, 308 Auditorium, New Building.

House

Meets at noon on routine business.

Appropriations—Labor-HEW subcommittee—1972 budget hearings, HEW Secretary Richardson—2 p.m. Closed, H-164, Capitol.
Standards of Official Conduct—Org. meeting—2 p.m. Closed, 2360 Rayburn Building.

Ways and Means—Increase public debt ceiling, and remove 4 1/2 per cent interest ceiling on U.S. bonds, Treasury Secretary Connally & OMB Director Shultz—10 a.m. Open, Committee Room, Longworth Building.