

U.S. to Seek High Court Look at Wiretap Cases

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The Justice Department has decided to take its defense of three controversial cases involving allegedly illegal wiretaps by the Nixon administration to the Supreme Court.

Attorneys for the solicitor general's office at the department said the decision to ask for Supreme Court review came within the last few days. But they declined to explain the reasons for the move or identify the issues they will raise on appeal.

A panel for the U.S. Circuit Court of Appeals in Washington ruled, 3 to 0, in July that Nixon and his former top aides, including then secretary of state Henry A. Kissinger, could be liable for thousands of dollars in civil damages because they approved wiretaps on U.S. citizens.

The appeals court affirmed a lower court ruling that the actions against former Kissinger aide Morton Halperin, New York Times reporter Hedrick Smith and members of the Jewish Defense League were unconstitutional.

The government has argued in its defenses that the president and his

top advisers are immune from civil suits for actions while in office.

A Justice spokesman said the decision to continue the defense was made by Solicitor General Wade McCree with no policy input from the Carter White House.

Kenneth S. Geller, one of the Justice attorneys on the case, said the decision "shouldn't come as a shock be-

cause we represented them [the Nixon administration officials] in the lower courts . . . We looked at the legal issues without any consideration of who the parties are."

The wiretapping program was the basis for one of the impeachment articles against Nixon. The House Judiciary Committee decided that Nixon used the taps for political purposes.