

Mitchell Cites 'Foreign Interests' To Defend Wiretaps on Radicals

6/12/71

By John P. MacKenzie
Washington Post Staff Writer

Attorney General John N. Mitchell said last night that "never in our history has this country been confronted with so many revolutionary elements determined to destroy by force the government and the society it stands for."

Mitchell told the Virginia State Bar Association in Roanoke that domestic radical groups whose telephones are being tapped without court order "are ideologically and in many instances directly connected with foreign interests."

The speech was Mitchell's strongest statement to date in defense of the Nixon adminis-

tration's contention that the President and Attorney General have the right to wiretap domestic subversive groups without judicial supervision.

"Are we, then, to trust the courts to fulfill their oath of office without abusing it but not trust the President in fulfilling his oath?" Mitchell asked, and continued:

"To withhold such basic powers from the President on the ground that might be abused is to argue, in a paraphrase of (Alexander) Hamilton's words, 'that there ought to be no President.'"

The Sixth U.S. Circuit Court of Appeals has disagreed with Mitchell and held that there is,

no exemption for national security cases from the Constitution's requirement of court warrants before federal agents may conduct electronic eavesdropping. The Justice Department is asking the Supreme Court to review and reverse the ruling.

The lower court said court permission was required to wiretap against so-called domestic suspected subversives even if the President has the right, pursuant to his foreign relations power, to conduct unsupervised surveillance to gather "foreign intelligence."

See MITCHELL, A4, Col. 4

MITCHELL, From A1

Mitchell's reference to the overseas links of some U.S. radical groups was made in connection with his argument—the same argument he is making in the courts—that there is no valid distinction between foreign and domestic power.

"There is no dividing line between hostile foreign forces seeking to undermine our internal security and hostile domestic groups seeking the overthrow of our government by any means necessary," Mitchell said. "I don't see how we can separate the two, but if it were possible, I would say that history has shown greater danger from the domestic variety."

Mitchell said the United States would have two options "if the authority to issue a warrant in national security cases is to be vested in magistrates only"—either to become the only nation in the world unable to conduct necessary surveillance or "to make disclosure to any one or more of over 600 members of the federal judiciary" of information they lack the background to appreciate.

"The nature of the sensitive information involved in national security cases," Mitchell said, "is not susceptible to evaluation by persons untrained in national security

matters or to wide dissemination to persons not authorized to receive such information."

He added, "We submit that the President, by virtue of his office and sources of information, is in a far better position than any magistrate to determine the need to initiate surveillance where the national security is at stake."

The Sixth Circuit opinion said the Justice Department's view of the surveillance power was "both eloquent and breathtaking" and contained "no suggestion of limitations on such power nor, indeed, any recognition that the sovereign power of this nation is by Constitution distribute among three coordinate branches of government."

Reagan Signs Bill For Nonsmoker Seats

SACRAMENTO, Calif. June 11 (UPI)—A bill requiring airlines, railroads and buslines to set aside special seating areas for nonsmokers was signed Thursday by Gov. Ronald Reagan.

Reagan, a nonsmoker, said he signed the bill despite being "a little worried about how far does government go in its infringement upon personal rights?" The law will take effect Jan. 1.