

The Philadelphia Inquirer

THURSDAY MORNING, AUGUST 6, 1970

SEE OTHER
SIDE FOR
GENERAL COMMENT
ON
SER. STRATTON

h* 3

Specter, State Attorney General Disagree on Legal Wiretapping

Gains Not Worth Loss of Liberty,

D. A. Tells Hearing

By VINCENT P. CAROCCI
Inquirer Harrisburg Bureau

HARRISBURG, Aug. 5. — Attorney General Fred Specker, the state's chief legal officer, and District Attorney Arlen Specter, of Philadelphia, the chief prosecutor in the nation's fourth largest city, wound up on opposite sides of the fence Wednesday over the value of wiretapping and electronic surveillance in the fight against syndicated crime.

"Without the right to the controlled use of the wiretap and other forms of electronic

surveillance, Pennsylvania law-enforcement officials are simply incapable of fighting and defeating organized crime," Speaker declared in testimony before the Senate State Government Committee.

THREAT OF ABUSES

Minutes later Specter told that same committee:

"It is my position that wire-tapping and eavesdropping . . . are not imperatives in the fight against organized crime; rather I submit to you that the abuses from wiretapping could become as dangerous a threat to our society as the threat from organized crime."

Speaker and Specter were the first two witnesses to present their views to the committee on a Shafer Administration bill to permit State Police to wiretap and snoop electronically with approval and supervision of an appropriate court of law.

About the only major point the two attorneys concurred on was that the question went to the very heart of the constitutional guarantee against an unjust invasion of a person's civil liberties.

SAFEGUARDS CITED

Speaker maintained the bill contained no less than 17 rigid and specific safeguards against abuse by police investigators, ranging from the attorney general's sole authority for use of a bug to strict judicial approval and review of the entire surveillance process.

He suggested the bill be expanded to give the attorney general authority to permit large municipal police departments such as Philadelphia to apply to the courts for electronic eavesdropping permission.

In addition, Speaker noted the bill would extend the state's 13-year outright prohibition of wiretapping to all other forms of electronic surveillance.

DUE PROCESS

"This bill imposes the strictest procedural safeguards," the attorney general told the committee. "No matter how important and effective a weapon it would be in the fight against organized crime, it would be indefensible if it violated fundamental due process. One doesn't protect freedom by tramping on individual liberties. And we don't propose that."

Specter, however, argued that wiretapping was dirty

business that was getting even dirtier with the development of more and more highly sophisticated snooping devices.

"The total effect of electronic surveillance would be a curb on originality and dissent, with a correlative emphasis on conformity and avoidance of candor," the district attorney testified. "This is too great a price to pay in the loss of personal liberty when compared with the gains made in the war on crime."

Specter called broadened grand jury powers for prosecuting attorneys, coupled with the state's two-year-old witness immunity statute, more effective and constitutional weapons than wiretapping.

Specter's opposition to the bill was joined in by Thomas M. Kerr, president of the American Civil Liberties Union of Pennsylvania.

INVASION OF PRIVACY

"Any wiretapping or eavesdropping . . . invades the privacy of any individuals who do not know that the police are make a tape of everything they say," Kerr maintained. "Police wiretapping is a hateful, dangerous and unnecessary invasion of privacy and should continue to be prohibited by law."

Philip H. Ward 3d, vice president of the Crime Commission of Philadelphia, however, called electronic eavesdropping a "20th century weapon" to be used by police "against 20th century crime."

He commented: "Nobody wants big brother listening in on everything but we don't want a society which won't protect itself. We believe court supervised eavesdropping safeguard the individual's privacy yet gives society a necessary weapon for its protection."

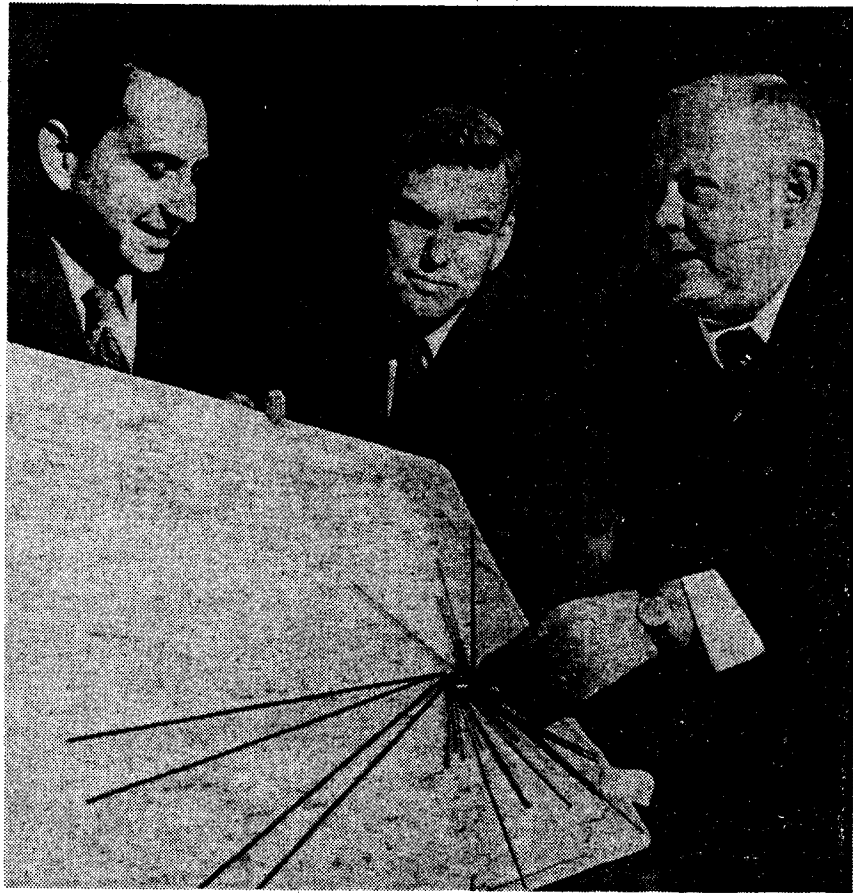
TAP 'NEEDED'

State Police Capt. Roy Tittler, head of the Division of

Organized Crime and Narcotics, appealed to the committee for approval of the legislation, saying the department needed the telephone tap, despite the other sources of electronic surveillance available to it under current law.

"With respect to narcotics, particularly, we can identify and arrest the pusher but we can't get to the supplier," he said. "Those contacts are made by telephone and we have exhausted all other methods."

David F. Maxwell of Philadelphia, chairman of the Pennsylvania Bar Association's committee on crime and juvenile delinquency, joined in stoutly advocating approval of the bill. He called it "sheer nonsense" and "absurd" to contend the legislation infringed on individual liberties.



AP Wirephoto

Opposing Views on Wiretap Proposals
*State Sen. Frame (right), District Attorney Specter (left) and
Attorney General Speaker at hearing*