

Justice Denounces 'Dirty Business'

LBJ, Court Bugged—Douglas

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Associate Justice William O. Douglas charged yesterday that the Supreme Court's secret conference room had been "bugged" and said former President Johnson once complained that his own phone had been tapped.

Douglas's charges were made without elaboration in the course of a seven-page dissent from the high court's refusal to grant bail to a prisoner who had accused the government of illegal electronic surveillance.

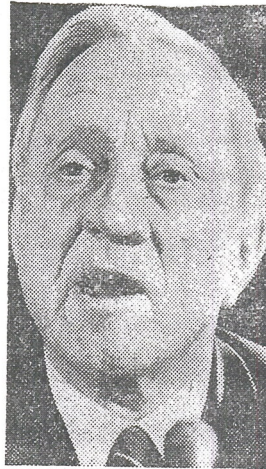
The 73-year-old justice, long an advocate of the right to privacy and critic of government eavesdropping, refused to

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speak further about his charges.

Former Attorney General Nicholas deB. Katzenbach said it seemed "highly unlikely" that any White House telephone had been tapped, since the Secret Service regularly sweeps the executive mansion to keep the phones secure. He said he was sure no such surveillance of Mr. Johnson could have occurred during his six years in the Justice Department.

Joseph A. Califano Jr., a former aide to Mr. Johnson, said he had never heard of such a

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JUSTICE DOUGLAS
... upholds privacy

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complaint by the late president. He recalled his boss's well-known distaste for wiretapping.

Douglas was the lone dissenter as the court refused to grant bail to Margaret Anne Heutsche, 30, of Sharon, Pa., who has been imprisoned since June 12 for refusing to testify before a Chicago grand jury investigating thefts from Illinois draft boards.

Miss Heutsche, who contends that federal agents have tapped her phones and her lawyers' phones, probably will not be released until December when the grand jury's term expires. The government has denied tapping her conversations, but has not admitted or denied eavesdropping on the lawyers.

In his dissent, Douglas condemned wiretapping as "dirty business" and said that phrase, coined by Justice Oliver Wendell Holmes in 1928, "has become the apt phrase describing the regime under which we now live."

He added:

"We who live in the District of Columbia know that electronic surveillance is commonplace. I am indeed morally certain that the conference room of this court has been 'bugged,' and President Johnson during his term in the White House asserted to me

that even his phone was tapped."

The conference room is the small chamber at the Supreme Court where the justices hold their weekly conferences to discuss and vote on the cases before them. Leaks from the conference are rare, partly because members of the court are the only ones allowed in the room.

Douglas's opinion did not name any suspects in the eavesdropping nor did it suggest when the bugging at the court or the tapping of Mr. Johnson's phones were supposed to have occurred.

President Johnson shared Douglas's aversion to wiretapping. In 1965 he ordered federal agencies to stop the practice in all but national security matters.

In June, 1969, he reluctantly signed the crime control and safe streets act despite its provisions for court-ordered wiretapping, and instructed the Justice Department not to use the congressional authority to obtain eavesdropping warrants.

"If we are not very careful and cautious," he said, "these legislative provisions could result in producing a nation of snoopers bending through the keyholes of the homes and offices in America, spying on our neighbors. No conversation in the sanctity of the bedroom or relayed over a copper telephone wire would be free of eavesdropping by those who say they want to ferret out crime."