

Washington Post

Mitchell Testifies at Hearing On Legality of U.S. Wiretaps

3/20/73 PDA

MIAMI, March 19 (AP)—Former U.S. Attorney General John N. Mitchell testified today at a hearing on a lawsuit challenging more than 500 Justice Department wiretaps that all bugs he and his staff authorized were legal.

At issue was whether Congress allowed only Mitchell and eight assistants to seek wiretaps from federal judges or whether Mitchell could authorize other persons to request wiretaps.

In the hearing before U.S. District Court Judge William O. Mehtrens, Mitchell said he personally authorized all wiretap requests when he was in Washington, D.C. When out of the city, he said his executive assistant, Saul Lindenbaum, telephoned him and received permission to request wiretap authorizations.

Asked if anyone else were authorized to sign requests, Mitchell responded, "Not to my knowledge, although I have since been informed there may have been one or two cases in which someone else signed the documents."

Mitchell repeatedly said he did not remember any docu-

ments shown him at the hearing by defense attorneys. The documents included memoranda from his staff and the FBI regarding wiretap requests.

In the courtroom were 27 attorneys representing numerous persons arrested across the country in narcotics, gambling, extortion, racketeering and tax cases based on wiretap evidence. Many were charged in "Operation Eagle," a major federal narcotics sweep in 1969.

The cases were assigned to Mehtrens' court for consolidation, since several already were before the judge.

James Hogan of Miami, an attorney representing a man charged with gambling violations, asked Mitchell if he examined documents presented to him to insure that the need for a wiretap was evident.

"I'm sure that the matter of need was inherent in the picture of all the applications I examined. Otherwise, the applications would not have been sent up to me," Mitchell answered.

Hogan referred to one wiretap authorization signed Aug.

7, 1970, by Richard G. Kleindienst, Mitchell's successor as Attorney General and at that time one of Mitchell's assistants.

Asked if he authorized Kleindienst to sign the wiretap request, Mitchell replied, "I did not give Mr. Kleindienst specific authorization."