

WIRETAP EVIDENCE BARRED IN U.S. CASE

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MIAMI, March 24—A Federal judge here, in a ruling highly critical of the Justice Department's wiretap authorization procedures, has suppressed wiretap evidence in a narcotics case.

Judge William O. Mehrrens in United States District Court ruled on Friday that the wiretap order to gather information in the case, which involves five defendants, had been unlawfully obtained by the Justice Department, then run by Attorney General John N. Mitchell.

Judge Mehrrens said that the Justice Department had submitted to the court statements that were "patently misleading and untrue." Had private citizens been engaged in such actions, the judge continued, it would be "nothing less than contempt of court."

Under the Omnibus Crime Control Act of 1968, only the Attorney General or a specially designated assistant attorney may authorize a wiretap application to be submitted to a Federal judge, who then might approve it but only for 30 days at a time.

"At long last," Judge Mehrrens wrote, "the record is now clear that Sol Lindenbaum [Mr. Mitchell's executive assistant] made the authorization in this case. It is of more than passing significance that the Justice Department mastered a procedure which included ghost-written and false and misleading memoranda and data."

The ruling could have some bearing on another case in Judge Mehrrens's court in which 27 lawyers from all over the country are challenging the validity of five wiretap authorizations made by the Justice Department under Mr. Mitchell.