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Illegal Wiretaps of Radical Lawyer

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New York

The federal government acknowledged yesterday that it overheard a prominent radical lawyer 23 times from 1955 to 1970 on wiretaps apparently made without court consent.

The lawyer is Arthur Kinoy, an associate of William M. Kunstler at the Center for Constitutional Rights, one of the most active "movement" law groups.

It was Kinoy who successfully argued the case in which the U.S. Supreme Court declared last June that warrantless wiretapping of radicals on domestic matters was unconstitutional.

"While I was leading the case against illegal wiretapping, they were wiretapping

me," Kinoy said in an interview yesterday.

The Justice Department had originally denied that there had been electronic surveillance of Kinoy when the issue was brought up in 1970 in connection with a grand jury investigation of radicals who had allegedly taken part in bank bombings.

However, officials from the office of Whitney North Seymour, U.S. attorney, pointed out yesterday that the Justice Department official questioned on the matter had at that time denied only that there was information on surveillance of Kinoy in the file on that particular investigation.

He had made the denial, they said, after a quick check of just that one file and said that a full check

would take months.

In an affidavit filed in U.S. District Court yesterday that official, John H. Davitt, said a complete check showed that Kinoy's own phone had not been tapped before March 16, 1971.

But he had been "incidentally overheard" in conversation with unnamed other persons 14 times on taps by the FBI made "to gather information" to "protect the United States against the overthrow of the government" and nine times on taps involving "foreign affairs," the affidavit said.

The affidavit was filed in response to a complaint by Kinoy in which he accused the government of placing illegal taps on his phone.

Kinoy linked the affidavit to the Watergate scandal and said it constituted the government's most extensive admission yet of illegal wiretapping.

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