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Activists' Suit

On Wiretaps Is Dismissed

U.S. District Court Judge Oliver Gasch yesterday dismissed a suit by a group of antiwar activists charging two former Attorneys General with illegally tapping their telephones.

The antiwar activists had been overheard on national security wiretaps that had been installed on the orders of Attorneys General John N. Mitchell and Richard G. Kleindienst without court approval. The Supreme Court ruled three years ago the taps were illegal and transcripts must be turned over to the activists who had been charged with conspiring to bomb a Central Intelligence Agency office in Ann Arbor, Mich. The government dismissed the conspiracy charges rather than disclose the transcripts.

After that dismissal, the defendants filed a civil suit here charging Kleindienst and Mitchell with illegally tapping their phones.

Gasch, in dismissing the suit, ruled the two former Attorneys General acted in good faith in placing the taps because they followed three decades of similar practice by previous Attorneys General.

"The court therefore regards it as beyond doubt that there was a well-founded and reasonable ground for belief in the lawfulness of the actions undertaken here" prior to the Supreme Court ruling that such taps were illegal, Judge Gasch said.