

Douglas' Surprising Wiretap Disclosures

Washington

Supreme Court Justice William O. Douglas declared yesterday that he had once been told by Lyndon Johnson that the late President's telephone had been tapped.

Douglas expressed his own belief that "the conference room of this court has been 'bugged.'"

The surprise disclosures were delivered without elaboration in an opinion attacking the Nixon administration as "a regime where the 'dirty business' of wiretapping runs rampant."

Douglas, who is 75 today, made his unusually strong remarks in a dissent from the court's decision to deny the release on bail of a woman defendant in a criminal case who maintained that

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her attorneys had been subjected to electronic surveillance by the government.

Margaret Anne Heustche had refused to answer questions from a grand jury about a series of break-ins in 1972 at draft board offices in Evanston, Ill.

Miss Heustche claimed she or her lawyers had been overheard by the government.

DENIAL

The Justice Department asserted that she was not subject to electronic surveillance. Lower courts refused to order a search of records to determine if her lawyers had been overheard.

The assertions by Douglas were contained in a single sentence in his seven-page opinion. "I am indeed morally certain," it read, "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."

It was unclear whether Douglas had understood Mr. Johnson to mean that his

telephone was monitored before he came to the White House or while he was president, and there was no indication of whom Johnson believed was responsible.

FBI

However, one former high government official with detailed knowledge of the FBI's operations under J. Edgar Hoover provided a few clues about the probable genesis of Douglas' remarks.

"Johnson periodically would indicate his suspicion that his phone had been tapped," the former official said, recalling that the matter came up several times in conversations between the President and Hoover.

"The truth of the matter," he continued, "is that we never did — God almighty, no. That suspicion was ill-founded. But some people get that idea into their heads and they just can't get it out."

SENATE

The late President's concern, he said, was one of, "Did you have a wiretap on me when I was in the Senate?"

The source of the information also raised the possibility that Hoover might have told Mr. Johnson that his telephone had been tapped anyway to satisfy his incessant curiosity, something that would account for the remark Douglas reported.

As for the Supreme Court's conference room, the former official declared that "if we did bug it, I wouldn't tell you, but the fact is we did not.

"Why would we run such an enormous risk?" he asked, noting that advance information on how the court planned to decide a case would be of no use to a president or attorney general, who by that point would be able to do nothing to alter the court's decision.

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