

# Justice Says It Heard Disclaimed Wiretaps

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NEW YORK, May 31 (AP)—The Justice Department has admitted in court papers filed here that it overheard conversations on FBI wiretaps of a defense lawyer in the Chicago conspiracy trial.

It had originally denied hearing the conversations.

In an affidavit signed by department official John H. Davitt, the agency said it "incidentally overheard" 23 conversations involving Arthur Kinoy between 1955 and 1970.

The national security wiretaps were apparently made without court consent and, according to the affidavit filed Wednesday, did not involve Kinoy's own telephone.

A defense lawyer in the Chicago conspiracy trial stemming from disorders during the 1968 Democratic National Convention, Kinoy won a U.S. Supreme Court decision last June that warrantless wiretapping of alleged radicals on domestic matters is unconstitutional.

Kinoy had complained that

his telephone was tapped, and the Justice Department affidavit was a response to that court action.

"While I was leading the case against illegal wiretapping, they were wiretapping me," Kinoy said.

The Justice Department originally had denied there had been electronic surveillance of Kinoy when the question arose in 1970 during a grand jury investigation into alleged radical bombings.

The denial, however, was issued after only a cursory check of wiretap records, according to the office of U.S. Attorney Whitney North Seymour Jr.

Davitt said in the court affidavit that Kinoy had been "incidentally overheard" in conversations with unidentified other persons 14 times on FBI wiretaps intended to help "protect the United States against the overthrow of the government" and nine times on taps involving "foreign affairs."