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High Court To Rule on Wiretapping

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The supreme court agreed yesterday to decide whether the government may engage in electronic surveillance of people and groups it suspects of being subversive without first getting the approval of the courts.

The issue is crucial both to the administration and to political dissidents.

Contending that "never in our history has this country been confronted with so many revolutionary elements," Attorney General John N. Mitchell has argued that denying the government the right to spy electronically on these groups would make the Constitution "a suicide pact."

Civil libertarians have argued, on the other hand, that giving the government a free hand to engage in such surveillance — unrestrained by the courts — would violate the Fourth Amendment's injunction against "unreasonable searches and seizures."

In their brief to the court, the lawyers arguing against the government asserted that they saw "unmistakable indications (indications) of a nation in the beginning throes of a catastrophic transition from freedom to bondage."

In the case the court agreed to hear yesterday, Federal District Judge Damon J. Keith of the Eastern District of Michigan ordered

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the Justice Department to turn wiretap transcripts over to Lawrence R. Plamondon, a member of the White Panther party who has been accused of conspiracy in the bombing of a Central Intelligence Agency office in Ann Arbor, Mich.

ILLEGAL

The judge made his ruling on the ground that conversations made by Plamondon were illegally intercepted. The U.S. Court of Appeals for the Sixth Circuit upheld that ruling, noting that "disclosure may well prove to be the only effective protection against illegal wiretapping available to defend the Fourth Amendment rights of the American public."

Solicitor General Erwin N. Griswold then appealed on behalf of the government.

Electronic surveillance is a term that includes both the tapping of telephones and the use of "bugs" or hidden microphones.

The attorney general has argued that the President must have the authority to order that suspected domestic subversives be placed under surveillance, just as he may have foreign spies eavesdropped on, because the first are "ideologically and in many instances directly, connected with foreign interests. If the two could be separated," he has said, "history has shown greater danger from the domestic variety."

RULINGS

The court, hopeful of adjourning for the summer next Monday, also:

- Declared 6-3 it is not mandatory for states to provide jury trials for juvenile offenses which require jury for an adult.