

SECURITY TAPPING MAY BE EXAMINED

LEGS

New Unit Expected to Look
Into Possible Abuses

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WASHINGTON, Dec. 16—A new national commission that was created to review Federal and state wiretapping practices is expected to begin looking into the Nixon Administration's use of so-called national security wiretaps, some of which have become a focal point of the Watergate scandals.

The commission, authorized by Congress as part of a 1968 law that first permitted court-ordered wiretaps by law enforcement officers, was initially conceived as an overseeing body that would assess the first five years of such electronic surveillance by state and Federal officials in criminal cases.

But one official familiar with the newly created panel, noting that "national security is a big deal right now," predicted that the question of whether the Administration had abused the use of such wiretaps would come up after the commission begins holding hearings, probably in February.

The Administration has relied on a portion of the 1968 law, the omnibus Crime and Safe Streets Act, as a partial justification for ordering wiretaps without court orders in cases where it believes the national security is endangered.

Disclosed in Inquiry

Some of the so-called "national security" wiretaps, including those on at least 13 Administration officials and five newsmen, have been disclosed in the Senate and Justice Department investigations into the Watergate case.

Although the legislation establishing the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance took effect in June, Congress did not approve funding for its inquiry until last month. President Nixon did not appoint the public member until nine days ago.

The names of the seven Presidential appointees, including William H. Erickson, the Colorado State Supreme Court Justice who will serve as the commission's chairman, were announced by the White House press office on Dec. 7, the day that it gave to newsmen the long report of President Nixon's personal finances. As a result, the announcement did not receive widespread notice.

Four Senators have also been named to the commission, including John L. McClellan of Arkansas, the Democratic chairman of the Senate subcommittee that drafted the omnibus crime act, and Roman L. Hruska of Nebraska, the subcommittee's ranking member.

Representatives Not Named

Senators James Abourezk, Democrat of South Dakota, and Robert Taft Jr., Republican of Ohio, were appointed by the president of the Senate. Carl Albert, the Speaker of the House, has not yet named the four Representatives who will fill out the 15-member commission.

Before the omnibus crime bill became law in 1968, wiretap evidence gathered by the Federal Bureau of Investigation and state and local police officers was excluded from use in criminal prosecutions under existing Federal laws and court decisions that held that the installation of taps in certain cases amounted to unlawful search and seizure.

Title III of that act, however, made wiretapping and electronic eavesdropping lawful if approved in advance by a court order or warrant, in accordance with the Fourth Amendment, and permitted the use of such evidence in criminal prosecutions.

Other Members

In addition to Mr. Erickson, the other public members of the commission appointed by President Nixon are:

G. Robert Blakey, a professor at the Cornell University Law School who served as chief counsel to the McClellan subcommittee while the omnibus crime bill was being drafted. Richard R. Andersen, chief of police, Omaha.

Frank J. Remington, a professor of criminal law at the University of Wisconsin Law School.

Florence P. Shientag, a former family court judge now in private law practice in New York.

Alan F. Westin, a professor of public law and government at Columbia University.

Samuel R. Pierce Jr., a lawyer who has been an assistant United States Attorney for the Southern District of New York and a judge of the Court of General Sessions, now part of the Supreme Court of New York.

At the Federal level, the broadest use of court-ordered wiretaps over the last five years has been in investigations of suspected organized-crime figures.