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Solicitor-General Irwin Griswold told the Supreme Court on Friday that the Justice Department no longer automatically reviews its files to check for illegal electronic surveillance of defendants in criminal cases. Mr. Griswold said, "The government will now conduct such review only when a claim is raised by a defendant." This decision reverses the policy established in 1966 after former President Lyndon Johnson prohibited electronic surveillance by federal agencies in all cases except those involving national security. Under the old policy the Justice Department would review its electronic surveillance files to determine whether a defendant ever had been secretly recorded by government agents. If the review revealed such recording, Department officials were to notify the court.

Mr. Griswold said the new policy follows the requirements of a provision of the Organized Crime Control Act of 1970. He said that under the law, "The Government is required to affirm or deny the existence of an illegal electronic surveillance only if the defendant first raises a claim that the case against him has been affected by such illegal activity." Mr. Griswold said that the searching of files in each case is no longer warranted "in light of the changes in circumstances since the former review practice was instituted." He cited the Omnibus Safe Streets and Crime Control Act of 1968 which requires court authorization for electronic surveillance in all but national security cases. Mr. Griswold said, "The procedures have greatly reduced in recent years the instances in which arguably illegal electronic surveillance has occurred."