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Griswold to Appeal Decision Curbing Wiretaps

WASHINGTON, April 27 (AP)—The Justice Department said today that it would appeal to the Supreme Court the ruling by the United States Court of Appeals for the Sixth Circuit that the Government may not wire tap domestic groups suspected of subversion without advance approval by a court.

The decision to appeal, announced by Solicitor General Erwin N. Griswold, was not unexpected. If left standing, the appeals court's ruling would undermine one of the basic policies of the Nixon Administration on wire tapping.

The appeals court in Cincinnati upheld the ruling of Federal District Court Judge Damon Keith of Detroit, who had rejected the Government's argument that the President and his Attorney General had the authority without a court warrant to use electronic surveillance against citizens in so-called national security cases.

Judge Keith made the ruling in a case where the Government admitted conducting electronic surveillance of a member of the now defunct White Panther party who is accused of bombing an office of the Central Intelligence Agency at Ann Arbor, Mich.

Mitchell's Viewpoint

The judge ordered the Government to turn over transcripts of its wire taps to attorneys for Lawrence Plamondon, the defendant. The Government appealed that ruling to the Court of Appeals and lost.

The Government's claim to a right to use electronic surveillance in national security cases, with no checks by the judiciary, was defended this weekend by Attorney General John N. Mitchell.

He said in a speech to the Kentucky State Bar Association meeting in Cincinnati that national security wiretapping had been used under every President since Franklin D. Roosevelt.

He stressed that the purpose of national security wiretaps was to prevent subversion, not

collect evidence for prosecution.

Judge Keith, in his ruling, made a distinction between electronic surveillance of foreign spies and domestic organ-

izations suspected of subversion. As citizens, he said, domestic groups should receive the same protection of a court review as criminals receive.