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J.D.L. SUING U.S. ON WIRETAPPING

Novel Move Seeks Damages
for 'Illegal' Surveillance

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WASHINGTON, Oct. 7—In an unusual civil suit, 16 officers and associates of the Jewish Defense League charged the Department of Justice today with illegal wiretapping and asked for a minimum of \$732,800 in damages.

The suit, filed in United States District Court here, was a class action brought on behalf of all persons whose calls to and from the league's office were tapped by the Government.

Attorney General John N. Mitchell and nine agents of the Federal Bureau of Investigation were named as defendants.

The fact of Federal wiretapping is not an issue in the case. The complaint filed today cited Government acknowledgement that phones at the J.D.L. headquarters, at 440 West 42d Street, in Manhattan, had been tapped for 208 days in 1970 and 1971.

The issue raised by the suit is whether the J.D.L. taps had been legitimately authorized.

One authority for Federal taps is the Omnibus Crime Control Act of 1968, which permits taps if they are court-approved. No such court approval was sought in the J.D.L. case, the suit charged.

A second authority for Federal taps is the executive responsibility to protect national security. Whether this authority applies to domestic as well as foreign situations is at issue in several pending court cases.

Danger Is Denied

In any event, the complaint asserted, none of the intercepted communications related to any foreign attack or other danger to the Government.

The tapped calls, the complaint asserted, were personal or related to such lawful business "as arrangements for public protests against the persecution of Soviet jewry."

Each plaintiff is thus eligible, the complaint claimed, for damages provided for in another section of the 1968 crime act. The suit asked \$20,000—\$100 a day times 208 days—plus \$25,000 punitive damages for each of the 16 plaintiffs.

These include Rabbi Meir Kahane, president of the J.D.L., who is now in Israel. The same tap became an issue in a criminal case against him and other league figures last summer. He and two others received suspended five-year sentences after pleading guilty to charges involving illegal possession of explosives and firearms.

The new damage suit parallels one brought in 1969—and still pending here—by the American Civil Liberties Union in behalf of antiwar groups and others. The league suit was filed by Nathan Lewin, a former Department of Justice official now practicing law here.