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'68 Wiretapping Act Held Constitutional By an Appeals Panel

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ST. LOUIS, June 8 (AP) — Four days after a Federal judge in Philadelphia ruled that the 1968 Federal law allowing wiretapping was unconstitutional, a Federal appeals court in St. Louis ruled that it was constitutional.

The Court of Appeals for the Eighth Circuit upheld the legality of wiretapping in affirming the convictions of four men charged with possessing and transporting illegally imported heroin.

In the ruling issued Monday,

the three-judge appeals court panel said that the United States Supreme Court had held that some forms of wiretapping were constitutional when accompanied by appropriate safeguards. The panel said that those safeguards had been assured in this case.

In appealing their convictions, the four men had contended that wiretapping was contrary to the First Amendment's guarantee of freedom of speech, the Fourth Amendment's protection from unreasonable search, the Fifth Amendment's protection from self-incrimination and guarantee of due process and the Sixth Amendment's right to counsel.

In replying to the contention of the four men that wiretapping violated their constitu-

tional rights, Judge Marion C. Mattes wrote:

"The short answer to this blunderbuss assertion is that the Supreme Court has expressly held that some forms of eavesdropping are constitutional when accompanied by appropriate procedural safeguards." He said that those safeguards had been provided in this case.

In Philadelphia on June 1, United States District Court Judge Joseph S. Lord 3d ruled that the 1968 Federal law allowing wiretapping was "unconstitutional on its face" because it violated the Fourth Amendment. His ruling came in approving a motion by seven defendants in a gambling case who had asked him to suppress evidence gathered by electronic surveillance.