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Levi Assures

Warrants On Wiretap

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Attorney General Edward H. Levi issued a public assurance yesterday that no American is currently being wiretapped without a court warrant, but he said he is worried that a recent court decision might require warrants to keep electronic tabs even on foreign spies.

"There are no outstanding instances of warrantless wiretaps or electric surveillance directed against American citizens and none will be authorized by me except in cases where the target . . . is an agent or collaborator of a foreign power," Levi said.

Levi cited a recent decision of the U.S. Court of Appeals here and said four of the judges suggested in their opinions that the Constitution might require warrants even for surveillance of foreign agents or collaborators.

"These expressions are not authoritative because, as the opinions themselves emphasize, the issue was not involved in the cases," Levi said.

Levi said he is interested in

getting a definitive ruling from the Supreme Court on warrantless wiretaps involving foreign agents but indicated he may not use an appeal of that case, involving the Jewish Defense League, as a means of getting a Supreme Court ruling.

"These issues, however, are under active study in the department not only to determine how they may be authoritatively settled but also to determine what procedures will best serve the national interest, including, of course, the protection of constitutional rights," Levi said.

Only two weeks ago Levi had said he would use warrantless surveillance against persons believed working against a foreign power as well as those working for a foreign power.

He changed his position yesterday, apparently as a result of the appeals court ruling, which said that the FBI acted illegally in using warrantless wiretaps on members of the JDL protesting Soviet restrictions on emigration. The court pointed out that the JDL opposed the foreign power rather than collaborated with it.