

Wiretap Ruling on Americans Abroad

Washington

The Army can not wiretap American civilians overseas without first getting approval from an American judge, a federal court ruled here yesterday.

The ruling by U.S. District Chief Judge William Jones is believed to be the first federal court decision on the issue of wiretapping American citizens abroad.

But Jones said the requirement for a prior judicial approval for the overseas wiretaps would be waived if the Army has evidence that the person to be wiretapped is collaborating with a foreign power, or if the Army deems it an emergency situation where a tap must be placed immediately.

In the later case, Judge Jones said the Army must seek judicial authorization "within a reasonable time" after the tap is placed — a period he defined as approximately

48 hours.

The ruling was made in a suit filed in February, 1974 by the American Civil Liberties Union on behalf of American citizens who were actively opposed to the U.S.'s Vietnam war policy while they were living in Germany in the early 1970s.

They claim in the suit that they were illegally wiretapped and infiltrated and that the Army information gathered in the surveillance to block them from jobs and other legitimate activities.

ACLU attorney John Shattuck said the ruling was "a very significant recognition of the application of the U.S. Constitution as it protects the rights of Americans overseas against abuses of the intelligence process."

Judge Jones' 30-page opinion did not end the case but was an interim order that cleared the way

for the ACLU to further investigate the Army's activities in connection with the surveillance of the 23 plaintiffs named in the case.

Washington Post