

Judge Upholds U.S. Wiretaps On Jewish Defense League

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Wiretaps placed by the FBI on telephones of the Jewish Defense League New York headquarters in 1970 and 1971 without prior court authorization were "lawful and constitutional," a federal judge ruled yesterday in dismissing a court action by the JDL against the Justice Department.

U. S. District Court Judge John H. Pratt said electronic surveillance authorized by then-Attorney General John N. Mitchell, was a "proper exercise of the President's constitutional authority to conduct the nation's foreign relations and his power to protect the national security."

The taps were first approved in October, 1970, after FBI director J. Edgar Hoover advised Mitchell that JDL activities "might cause international embarrassment" to the U. S. during the United Nations General Assembly meeting that month in New York.

Pratt ruled that because the JDL "posed a threat to the continuance of our peaceful

foreign relations with the Soviet Union," the taps were "reasonable within the meaning of the Fourth Amendment and were therefore lawful," even though they had not been approved in advance by a judge.

In defending its action, the Justice Department submitted numerous documents that recited protests from the Soviet government about harassment, demonstrations and threats of damage to Russian officials attributed to the JDL.

Property damage to the Aeroflot (Russian airline) office in New York, Soviet residences on Long Island and the Tass (Russian news agency) office in Washington, and resulting "allusions" of repercussions on U.S.-Soviet relations" were included in defense of the surveillance.

The U.S. State Department also cited threats of "the possibility of retaliation" to American diplomats in a request for "appropriate action" by the FBI.

A total of 16 members of the New York-based JDL, including its fiery spokesman, Rabbi Meir Kahane, had sought dam-

ages from Mitchell and FBI employees for alleged unlawful overhearings of their conversations.

7/21/73
WPS