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John W. Mitchell

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Former Attorney General John Mitchell's signature was focus of court discussion.

Mitchell's Approval of Wiretaps In Narcotics Probe Ruled Proper

By Lawrence Feinberg
 Washington Post Staff Writer

After listening to five hours of testimony about the loops in John Mitchell's Js and other quirks in his handwriting, a federal judge ruled here yesterday that the former attorney general had properly approved telephone wiretaps in a major D.C. narcotics investigation in 1970.

Mitchell himself, now a defendant in the Watergate cover-up trial, told Judge Joseph Waddy on Friday that he personally initialled the three documents authorizing a federal prosecutor here to apply for court wiretap order.

Yesterday James T. Miller, a D.C. police handwriting expert, corroborated Mitchell's testimony, even though he acknowledged that on his first examination of the initials, he concluded that Mitchell probably did not write them.

Lawyers for the 10 defendants in the case asked Miller hundreds of questions about dozens of samples of Mitchell's handwriting that Miller used to decide that the initials really were written by Mitchell.

At one point Judge Waddy complained to a lawyer: "You are asking the same questions over and over and over again." When Miller and the lawyers were done, Waddy ruled quickly that there was "an abundance of evidence," showing that Mitchell had initialled the documents himself, as he was required to do under law.

The judge added that the evidence also showed that the former Attorney General had exercised "independent judgment" in authorizing the wiretaps and not simply rubber-stamped judgments of his subordinates.

Although yesterday's rul-

ing denied a defense motion to suppress the wiretap evidence on one ground, a decision made by Judge Waddy last month threw out the wiretaps for another reason—that investigators did not do enough to sharply limit the number of conversations they overheard which didn't deal with narcotics.

Prosecutors have indicated that they will appeal that ruling, because if they can't use the wiretaps they would not have a case against the defendants.

The taps were made in January and February, 1970. They resulted in 21 arrests that Feb. 24 and the seizure of a record \$500,000 worth of heroin. Among those charged was alleged narcotics dealer Frank Ricardo Scott, and police and prosecutors said at the time that "an entire network of narcotics distribution in Washington" had been disrupted.