

Mitchell Excused in S.F. Wiretap Suit

U.S. District Judge Robert H. Schnacke excused former Attorney General John Mitchell yesterday from the illegal wiretapping charge brought in a civil suit 18 months ago by San Francisco attorney Terence (Kayo) Hallinan.

Hallinan claimed that the wiretap on his phone, in effect in 1969 and 1970, was placed for domestic national security and, because it was done without a warrant, violated his constitutional rights.

Judge Schnacke agreed, but noted that the decision that first established the particular point of law was not rendered until 1972, and said it would be "grossly unfair" to apply that decision retroactively.

Therefore he awarded summary judgment to Mitchell.

Hallinan, son of attorney Vincent Hallinan, was seeking \$20,000 in damages plus \$100 for each day it could be shown the wiretap was in effect.