Ducks, Drakes And Taps

By TOM WICKER

Once again, J. Edgar Hoover and Attorney General Mitchell have been playing ducks and drakes with the statistics they use to justify their reliance on wiretapping and bugging and their assertions that they are really doing something about the crime that plagues the country.

Mr. Hoover's most recent entry into the game of statistical con turned up in the annual F.B.I. report, every year one of Washington's more imaginative documents. "Most of the 1,200 arrests under the Organized Crime Control Act," Mr. Hoover said, were "made possible" by electronic surveillance devices. Furthermore, convictions in the field of organized crime rose from 468 in 1970 to more than 650 in 1971, and according to the Director, "Much of the credit for these gains should go to court-approved electronic surveillance devices."

Baloney. For openers, even if most of those 1,200 arrests were "made possible" by tapping and bugging, arrests are not convictions. More importantly, if organized crime convictions actually rose by nearly 200 in 1971, nothing in the historical record supports Mr. Hoover's claim that "much

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of the credit" was due to electronic surveillance.

For 1970, for instance, there is available a complete statistical study by Herman Schwartz of the State University of New York at Buffalo. It shows that Federal agents eavesdropped by court order on 10,260 people and 147,780 conversations, with the glorious result that they were able to arrest 613 people and convict 48; and of those convictions, *none* came in anything but gambling and drug cases.

In fact, in 1970, Federal officials eavesdropped on not a single murder or kidnap case, but rather on 119 gambling cases, 40 narcotics cases, 16 credit extortion incidents, and a few miscellaneous items. The state record was little better, and altogether state and Federal snoops overheard 25,652 people but were able to convict only 151, just over one-half of one per cent.

There is no reason whatever to suppose that the record for 1971 is substantially better, although there may have been an increase in the number of devices installed, and some delayed arrests or convictions from 1970 eavesdropping. Besides, careful reading of Mr. Hoover's testimony shows that he offered no statistical or other evidence.

Even his arrest figures, as it happens, are suspect. Time magazine, scarcely a radical publication, recently charged that Federal agents had been given quotas of arrests to make, in order to hype up the F.B.I. statistics.

But figure-juggling may ultimately backfire; if the Director's statistics can't be trusted in one instance, how can any real value be given to the claim in his annual report—for example—to have "handled 6,995 investigations regarding civil rights and other related matters" last year? What are "related matters"? Do they include the infiltration and surveillance of black organizations that the F.B.I. is known to engage in?

But when it comes to scrambling statistics, Mr. Hoover may have met his match in Attorney General Mitchell. Here is the most recent example: Senator Edward Kennedy—using information actually supplied by the Justice Department—reported a rising number of national security surveillances (94 in 1969 and 113 in 1970). These are bugs and wiretaps undertaken without court order against anyone whom the Justice Department regards as a threat to the national security.

Replying to Mr. Kennedy on Dec. 16, 1971, Mr. Mitchell's Justice Department issued a statement claiming that national-security eavesdropping was declining, not rising. "On Feb. 8, 1961, for instance," the statement said, "there were 145 electronic devices in operation, 78 taps and 67 microphones, according to a Department letter sent to Senator Ervin's committee. . . . By comparison there were 32 taps and 4 microphones in operation yesterday in connection with national security matters."

Again, the indefatigable Herman Schwartz charged into the breach. Exhuming the 1961 "Department letter" referred to, he found that its author, Herbert J. Miller Jr., then an Assistant Attorney General, actually had told Senator Ervin that there had been 78 taps on Feb. 8, 1960—not 1961—and that there were 67 microphones in place at the time of his letter, dated May 25, 1961.

Thus, the Justice Department, in its statement of Dec. 16, 1971, lumped together the taps of Feb. 8, 1960, and the bugs of May 25, 1961, and credited them all to Feb. 8, 1961. The comparison to 1971 would not have been valid even without this legerdemain, because the 32 wiretaps and 4 microphones reported in operation on Dec. 15, 1971, were all placed on national security grounds, without court orders; whereas all taps and bugs in 1960 and 1961 were undertaken without court orders, whether in criminal or security cases (court-ordered eavesdropping for criminal cases is the result of legislation not passed until 1968). In fact, the Miller letter actually informed Senator Ervin that some of the taps and bugs it reported were placed "with regard to organized crime."

Moral: Pay no attention to what we say; but watch what we do.