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Legal Wiretaps Up 43% in Two Years

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WASHINGTON, May 5—Court-authorized wiretapping by law enforcement officials rose 43 per cent from 1970 to 1972, despite a recent decline in antigambling activity for which electronic surveillance has proved particularly effective.

According to figures compiled by the Administrative Office of the United States Courts, 855 orders for wiretaps were approved by judges last year, 206 by Federal judges and 649 by state ones, resulting together in 2,861 arrests that have so far produced 402 convictions. In 1971, the number of legal interceptions was 816, up from 596 in 1970.

By far the greatest activity took place in the New York metropolitan area, with 294 of the state orders, or 45 per cent, issued in New York, and 235, or 36 per cent, in New Jersey. This left only 19 per cent of the state-permitted wiretapping for the rest of the country.

Electronic surveillance is not inexpensive. The figures show that the average Federal interception cost $9,795 while the comparable state figure was $5,435. In one case, the cost of a single tap ran to $82,629.

McClellan Is Pleased

Senator John L. McClellan, disclosing the figures in a Senate speech, said that such statistics "should do a great dea to relieve the fears of some citizens of an excessive use of these techniques by legitimate law enforcement agents."

"Most police departments including the Federal law enforcement agencies, simply do not have the manpower and other resources to conduct widespread or indiscriminate surveillance," said the Arkansas Democrat, who is chairman of the Senate Subcommittee on Criminal Laws.

In two and a half years' experience under the Omnibus Crime Control Act of 1968, ended last December, a total of 2,742 widetapping orders approved by judges produced 5,956 arrests and 2,495 convictions, according to the court statistics.

"These are indeed impressive figures," Senator McClellan declared, "and certainly should put to rest any suggsetion that wiretapping is ineffective in combating crime."

Each of the authorized interceptions in 1972 involved agents' overhearing about 600 calls, on the average, over a period of about two weeks. Compared with a national figure of 159-billion calls, Mr. McClellan said, the surveillance percentage "is almost too small to calculate—less than .0000039 per cent."

"The privacy of the average citizen, in short, is not threatened by court-ordered surveillance," he concluded.

Federal activity in the wiretapping area declined in 1972, from 285 authorized interceptions the year before to 206, which was attributed to a shift by the Department of Justice from gambling cases to those involving narcotics.

"Experience has shown," Senator McClellan observed, "that it is relatively easier to focus on incriminating telephone calls in the gambling area, while in the narcotics field it is necessary to conduct surveillance over an increased number of conversations to obtain incriminating evidence.

The great majority of the authorized eavesdropping was done by wiretaps. Of 841 devices installed during 1972, the court report shows, 779 involved telephone interception compared with 29 involving eavesdropping microphones and 28 using both.

During the year, the average surveillance involved 600 calls among 51 persons, and just over half of the conversations were judged by agents to be incriminating. The year before, when the emphasis had been on catching gamblers who tend to use the phone a good deal, the percentage of incriminating calls intercepted had been 60.