

New York and Jersey Prosecutors Urge Retaining Wiretap Law

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Prosecutors from New York and New Jersey urged today that Congress retain the law permitting court-ordered wiretaps by law enforcement officials.

Without wiretapping, "we could not have the kinds of busts we did," said Mario Merola, District Attorney of the Bronx.

Mr. Merola and prosecutors from Manhattan, Rochester and Newark testified that wiretaps were especially useful in narcotics prosecutions, but they differed sharply over the effective-

ness of wiretaps in gambling cases.

Their testimony came at a hearing of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance.

The commission, authorized by Congress as part of a 1968 law that made wiretapping and electronic eavesdropping lawful if approved in advance by a court order or warrant, will make recommendations on wiretap legislation by Jan. 31, 1975.

The commission has limited its mandate to seeking suggestions.

Crime and Safe Streets Act of 1968 should be changed.

So far, it has declined to delve into the controversial area of national-security wiretaps.

During the Nixon Administration, part of that law was relied on to justify the ordering of wiretaps without court orders where it believed that national security was endangered.

After Senator James Abourezk, Democrat of South Dakota and one of the commission's 15 members, argued that its work would be "worthless" without an examination of national-security wiretaps, the commission was scheduled for next month to reconsider its mandate.

Since the 1968 law took effect, most eavesdropping orders approved by state and Federal judges have come in New York and New Jersey, and most of these involved gambling cases.

"There's no question about it," Mr. Merola said. "Wiretapping is highly effective against gambling. But that must be weighed against the intrusion in a person's privacy and civil liberties."

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On balance, Mr. Merola concluded, the manpower and resources expended on wiretapping in gambling cases should be shifted to other areas of police activity, and gambling should be legalized "under strict and rigid control by the state."

He said that judges were "not too excited about gambling," and that efforts of the Police Department to purge its ranks of corruption "have been less successful in the units that are charged with responsibility to arrest and investigate illegal gambling operations."

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