

Mitchell Says Wiretaps Have Been Productive

10/6/70

By Ken W. Clawson
Washington Post Staff Writer

Calling electronic surveillance the best weapon in fighting organized crime, Attorney General John N. Mitchell said yesterday federal wiretaps were used 133 times during the first 18 months of the Nixon administration and resulted in 419 arrests and 325 indictments.

Mitchell said 80 per cent of the messages intercepted by federal agents and by police in states that also permit wiretapping contained incriminating evidence.

"I believe this shows conclusively that we have done our homework, that we are not on

fishing expeditions, that we were pretty sure of our ground when we asked for the court orders," the attorney general said in a speech before the International Association of Chiefs of Police in Atlantic City.

Mitchell characterized as unwarranted the fears that the 1968 federal wiretapping law would lead to an invasion of privacy and indiscriminate use of police power.

"I think you will agree that the only repression that has resulted is the repression of crime," he said.

See MITCHELL, A6, Col. 1

MITCHELL, From A1

Mitchell told the police chiefs that 30 federal wiretaps were authorized by courts in 1969 and 103 more through July 13 of this year. In most cases, he said, the wiretaps sought evidence in gambling, narcotics and extortion cases.

These wiretaps resulted in 419 arrests and 325 indictments, with only 12 of them failing to produce enough evidence to make arrests. Most of the messages intercepted by federal agents contained incriminating evidence, he added. In one wiretap, which was understood to involve a gambling operation, the attorney general said that of 17,690 calls intercepted, 17,513 of them were incriminating.

In addition, Mitchell said, police in the eight states where wiretapping was permitted last year used them 241 times. Most of the cases are pending in the courts.

States Report on Taps

States reporting wiretaps in 1969 were Arizona, Colorado, Florida, Georgia, Maryland, New Jersey, Rhode Island and New York. Since then, Massachusetts, Wisconsin, South Dakota, Nebraska and Minnesota have passed laws permitting wiretapping. Under the 1968 Omnibus Crime Control and

Safe Streets Act, the states are required to report instances of electronic surveillance at the end of each year.

Mitchell urged the increasing use of wiretapping where it can fit the criteria of the 1968 act.

"I believe that its use by federal authorities is not only a right, but a duty. And I believe the same is true for other authorities in those states where wiretap is not outlawed."

The wiretap law was enacted by Congress in June, 1968, but then Attorney General Ramsey Clark refused to use it during the last six months of his tenure except in national security cases. Clark told Sen. John L. McClellan (D-Ark.) at the time of the law's passage that he had never seen a wiretap case that was efficient.

Wiretapping in non-national security cases was used prior to enactment of the law, but under questionable authority. The 1968 law required the following conditions to be satisfied before wiretapping:

Securing a court order from a judge; specifying the offenses under investigation and

types of conversations to be overheard; limiting the time period of surveillance; ending the wiretap when the objective has been achieved; showing that normal investigative procedures had been tried and failed or were too dangerous to be used, and reporting the results of each wiretap.

Under new legislation proposed by President Nixon and expected to pass the House this week, wiretapping will be permitted in campus bombing cases. The proposed law would permit immediate federal intervention in bombings or threats of bombings.

The 1968 law specifically prohibited private use of wiretapping, and Mitchell said yesterday a person who tried to spy on the 1968 Democratic Platform Committee had been convicted under the law as

well as other private wiretap experts.

Complaints against private eavesdropping have been reduced to two-thirds, he said.

Acknowledging that the Johnson administration would not permit wiretaps under the 1968 law, Mitchell said President Nixon is committed to "use every legal weapon against organized crime. If lawmakers give you a tool for enforcement purposes, you should use it."

One of his first acts as At-

torney General was to wiretap an international narcotics smuggling operation. The result was the seizure of 124 pounds of heroin and the conviction of two defendants, he said.

In one recent wiretap in a narcotics investigation, the Attorney General said agents learned of a planned murder and bank robbery, both of which were prevented.

The most extensive use of federal wiretapping was in "Operation Eagle," a six-

month surveillance that led up to raids in 10 cities last June. These raids yielded large quantities of narcotics, guns, cars and cash as well as the arrest of 139 persons and the subsequent arrest of 27 more.

On the state level, Mitchell said that four state wiretaps in Essex County, N.J., resulted in 13 arrests; four counties in New York installed 109 wiretaps and arrested 166 persons, and that a single wiretap in Henry County, Ga., resulted in 27 arrests.