Courts Still Routinely Grant Wiretap Requests, Report Says

By John P. MacKenzie Washington Post Staff Writer

tors continue to get court permission to tap telephones and 1972. plant microphones nearly criminal cases, the Administrative Office of the U.S. Courts reported yesterday.

In its sixth annual report to federal and state wiretap laws, and 251 in 1971. the administrative office said federal judges granted all 130 wiretap warrants sought by the Justice Department in 1973 and state prosecutors were successful in all but two of 866 applications.

Previous reports have shown that a federal judge has turned down a Justice Department wiretap request only once since the Nixon administration began using the courtorder wiretap procedure established by the 1968 Safe Streets Act. State prosecutors have failed in olny a handful of

The report by the administrative office, bookkeeper for the federal judiciary, is required by the 1968 law and is frequently cited in debates pervise wiretap procedures. over the frequency, effectiveness and cost of wiretapping.

Not included in the reports is the constantly shifting number of 'national security" wiretaps which the administration contends do not require court permission.

York and New Jersey, in- eral or his high-ranking desigcreased by 13 per cent to 734, nate give personal approval to Federal and state prosecu- making the total number of the warrant requests. taps about the same as for

every time they ask for it in the falloff in federal warrants idence at an estimated exto a reduced emphasis on pense of \$153,000. Prosecutors eavesdropping in gambling said the investigation broke a tap warrants were sought in uced the convictions of 29 in-Congress on the workings of 1973, down from 146 in 1972 dividuals.

> electronic eavesdropping, fol- tap installation was 24 days lowed by narcotics, but Justice Department attorneys increasingly focused on gambling investigations as part of organized crime probes aimed at individual mobsters rather than drives designed merely to clean up gambling stself.

Justice Department officials attribute their high success rate in obtaining warrants to careful screening in Washington of requests from 93 U.S. attorneys across the country. Civil libertarians contend that judges are permissive in granting the warrants partly because they are unable to su-

The adequacy of Justice Department screening and warrant application procedure is currently under Supreme Court review in two cases testing the validity of hundreds of wiretap orders. Several lower courts have ruled that the de-

The costliest recorded wire-tap of 1973 was the 30-day sur-Wiretap experts attributed veillance of a Los Angeles rescases. Only 81 gambling wire- major heroin ring and prod-

Average cost of a wiretap Thus gambling was still the was reported at \$5,632 during No. 1 crime investigated by 1973. The average length of a

> The report, based on statis-tics supplied by judges and prosecutors who dealt with wiretap warrants, claimed that about one-half of the inter-cepted conversations were "incriminating" while the other half involved innocent use of the monitired telephones.

Wiretapping in Washington was more expensive than the national average. Seven taps during 1973 cost an average of \$14,483 per tap, the report

The only other Washingtonarea wiretap was a \$9,620, 15day surveillance of a Prince George's County dwelling obtained by States Attorney Arthur Marshall in February, 1973. Although Virginia has a state wiretap law, there were no reported state or federal warrants in Northern Virginia,

A summary chart in the latest report disclosed that since Federal wiretaps declined partment under former Attor- 1968, federal and state court-130, the report said, but state violated the 1968 law's requiretotal of \$16.4 million in manwiretaps, led as usual by New ment that the Attorney Gen-