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# U.S. WIRETAPPING RESTRAINED IN '69

Mitchell Says It Was Used 31 Times in 15 Cities

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Special to The New York Times

WASHINGTON, Jan. 29—The first public accounting of the Justice Department's wiretapping activities against organized crime, made public today, shows that electronic eavesdropping under the Nixon Administration's law and order regime has been limited and restrained.

In his report on the Federal Government's use of eavesdropping in anti racketeering investigations in 1969, Attorney General John N. Mitchell disclosed that only 31 electronic surveillances were used last year in 15 cities.

Most of them were in investigation of illegal gambling. Six were installed in Newark, where they were instrumental in the arrests of 35 persons on Dec. 18 on gambling conspiracy charges.

The report contained several indications that Mr. Mitchell

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despite his frequent public statements about the benefits of electronic surveillance, has been using it sparingly and with care. He stated that he "personally approved each of the reported applications" to judges for authority to use listening devices.

Under the Omnibus Crime Control Act of 1968, the Federal Government was given the authority for the first time to use electronic eavesdropping in criminal investigations. The law requires an annual report of all eavesdropping, which Mr. Mitchell filed yesterday with the administrator of the United States courts.

Copies were sent to legislative leaders on Capitol Hill and were made available there.

One indication of efforts to avoid invasion of privacy was the high number of wiretaps and the relatively few "bugs"—hidden microphones that usually prove more violative of privacy because they can be planted in unexpected places and overhear all that goes on.

Of the 31 surveillances, 30 involved wiretaps. In two of these, "bugs" were also planted. Only once was a "bug" used without a wiretap.

According to the records, most of the wires tapped were in homes or apartments, where they were being used for book-making. The report shows a high percentage of incriminating interceptions, compared to innocent calls.

## One Tap, 57 Arrests

One wiretap on a narcotics wholesaler in Washington, D. C., picked up 5,889 calls over 39 days. Of these, 5,594 were said

to be incriminating. The device resulted in the arrest of 57 people, one of the most massive roundups of narcotics violators on record.

That wiretap also indicated one reason why wiretapping is used more sparingly than many people have assumed. The cost of manning the listening posts around the clock and transcribing the conversations can be high. The Washington wiretap cost the Government \$45,554, indicating that the Government is probably precluded by finances from attempting pervasive electronic surveillance.

The report shows that wiretapping by the Federal Government was concentrated in the major cities, mostly in the North and East. Aside from the Newark taps, the number of listening devices used was: New York, Cleveland, Philadelphia and District of Columbia, three each; Buffalo, Miami and Chicago, two each; and Detroit, Pittsburgh, Albany, New Haven, Kansas City, Camden, N. J., and Muskogee, Okla., one each.

So far, these surveillances have resulted in 137 arrests, but the report says that more are expected. Under the law, judges may authorize eavesdropping for up to 30 days. Often the Government asked for 15 days or less, and frequently its agents said they removed the devices early.

The law went into effect in June, 1968, but the Federal Government reported no wiretapping for 1968. The Johnson Administration refused to use the new law on the ground that it could lead to a widespread fear of governmental snooping.

However, the states that use court-approved wiretapping filed reports for their activities in the last six months of 1968. In New York alone, state prosecutors obtained 167 court orders to permit electronic surveillance.

Mr. Mitchell's report shows that the Federal Government's

wiretapping in criminal cases was much more restrained. However, the report does not include wiretapping in national security investigations, which can be done under the statute without court approval and without subsequent reporting.

Mr. Mitchell has asserted that this "national security" authority includes the authority to eavesdrop at his own discretion on domestic groups that he considers dangerous. The Government is believed to be eavesdropping on black militant groups, extreme right-wing organizations and far left groups, but no one has been able to say how widespread this eavesdropping might be.