

WIRETAPS IN U.S. UP 37% IN YEAR; STATE HAS MOST

**Congress Is Told in Report
That Jersey Was Next
in Eavesdropping Use**

NYTimes

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Special to The New York Times

WASHINGTON, May 5 — A new report to Congress on court-approved wiretapping by the police has disclosed that the volume of police eavesdropping rose by 37 per cent last year across the country, with the heaviest activity concentrated in New York and New Jersey.

State prosecutors in New York and New Jersey together accounted for 83 per cent of the wiretapping done by state officials across the country.

Of 531 wiretap orders issued last year by state judges in the United States, 254 were granted to New York prosecutors, 187 to New Jersey officials, and 90 to officials in 11 other states.

Federal wiretaps were not so heavily concentrated in the New York and New Jersey area. Of 285 orders issued by Federal judges, 47 were in New York, 37 in New Jersey and the remainder were concentrated in major cities where Federal strike forces against organized crime have been active.

The report, which was compiled by the administrative office of the United States courts and filed with Congress last Monday, has not yet been officially released, but copies began to circulate on Capitol Hill today.

It disclosed that some New York judges were permitting devices to stay in operation for far longer periods than Federal or state laws appeared to anticipate.

While the statutes permit 30-

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day periods of surveillance, with 30-day extensions under certain circumstances, Supreme Court Justice John P. Cohalan Jr. let the District Attorney's office in Suffolk County wiretap two residences there for most of last year. In an investigation of widespread organized-crime activities, including gambling and extortion, one telephone was tapped for 300 days and another for 291 days.

Telephones were also tapped for longer than 100 days in Rockland, Queens, New York and Albany Counties. Elsewhere in the nation, a wiretap that stayed in effect for more than 20 days was rare, according to the report.

Experts on criminal justice attribute the extensive use of wiretapping by the New York police to the fact that court-approved eavesdropping has been authorized for decades by the state's laws and Constitution and, they say, some of the judges and the police have become casual about it. Many of these same authorities feel that when the higher courts review convictions growing out of such lengthy surveillance, they may declare it illegal.

Few states allowed police wiretapping until 1968, when Congress declared, in the Omnibus Crime Control Act, that state legislatures could pass laws permitting the police to wiretap with court approval. Twenty states have now done so, but the new report showed that wiretap orders were obtained by the police in only 13 states—Arizona, Colorado, Florida, Georgia, Kansas, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New York, Rhode Island and Wisconsin.

The rapid rise in police wiretapping in New Jersey is due largely to the creation of a unit to fight organized crime. The anticrime unit, in the office of the State Attorney General, planted 86 listening devices in Mercer County last year and turned up evidence for 225 arrests.

The report contained some evidence that police wiretapping was being used with increased care for individual privacy and with greater effectiveness. Last year, the average wiretap overheard 40 individuals making 643 calls, of which 60 per cent were described as incriminating. In the previous year, the average tap involved 44 persons and 656 calls, of which 45 per cent were incriminating.

One reason for the sharp increase in the percentage of incriminating calls overheard is the heavy use of wiretapping on illegal bookie's phones.

This is becoming a controversial feature of the wiretap program, as gambling is being legalized and taken over by state governments, and a growing number of persons are asking if the expense and invasions of privacy of police wiretapping are justified when so many of the targets are gamblers.

Last year, of the 816 taps authorized, 570 were aimed at gamblers. Narcotics was next, with 126 taps, followed by larceny, 31; homicide, 18; bribery, 16; robbery, 17; burglary, 7; loan sharking, 5, and miscellaneous offenses, 26.

All judges and prosecutors involved in court-approved eavesdropping must report the details annually to the administrative office of the United States courts. The new report is a compilation of those reports.

It does not include the wiretaps installed by the Federal Government without court authority in national security cases. These are believed to be fewer in number than the ones used by the Federal Government in ordinary criminal investigations, but the sketchy information available suggests that they are left in operation for much longer periods of time.