

U. S. AIDES REDUCE WIRETAPPING BIDS

But Local Officials Increase Requests to Courts for

Such Surveillance

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Federal investigators reportedly sought court-approved wiretaps and other electronic eavesdropping far less frequently in 1973 than they did the previous year, but the increased use of electronic surveillance by local prosecutors meant that the over-all number of such applications continued at the same level.

Despite a level of applications for wiretaps and bugs that remained about the same, however, there was a 32 per cent decline in the number of arrests and a 72.6 per cent decrease in the number of convictions resulting from evidence collected by electronic devices, a Federal report said.

Law enforcement officials could not immediately pinpoint the reasons for the decline in such arrests and convictions but speculated that one factor might be the tacit decision of Federal prosecutors to abandon pursuit of low-level gamblers under a program called Project Anvil.

Court Ring Awiated

Some officials said a second factor probably had been a case pending in the Supreme Court that may invalidate a large number of Federal wiretaps and bugs and thus has prompted defendants to postpone plea bargaining or trial until the Court has ruled.

The report on the use of court-authorized electronic surveillance by Federal and state prosecutors in 1973 was sent to Congress today by the Administrative Office of the United States Courts. The preparation and publication of this annual report was mandated by the Omnibus Crime Control Bill of 1968.

The report on the wiretapping of telephones and the bugging of offices, homes, automobiles, and even boats, does not include electronic surveillance activities for national security purposes, which have been carried out since the days of President Franklin D. Roosevelt.

The national security wiretaps such as those ordered by President Nixon for a number of newsmen and Government officials in 1969 are not subject

to any reporting requirement. But, according to the Senate minority leader, Hugh Scott of Pennsylvania, the number of these wiretaps have ranged from a high of 471 in 1949 to a low of 82 in 1968. One knowledgeable official said there were 83 such taps one day last August.

New York City Data

Concerning New York City, the report said that Maurice H. Nardjari, the state's special anticorruption prosecutor, had applied for 24 wiretaps and bugs. This represented only 13.5 per cent of the total of 178 such applications by local prosecutors within the city.

This compared with 27 such applications in the Bronx, 32 in Queens, 47 in Manhattan and 72 in Brooklyn.

The 72 court-authorized wiretaps and bugs in Brooklyn represented a 140 per cent increase over the 30 such surveillances sought in 1972. Eugene Gold, Brooklyn District Attorney, said the sharp increase was mostly related to a single investigation. He denied that it reflected a departure from his frequently stated distrust of electronic surveillance.

"I still believe that unless wiretapping is carefully circumscribed, it is a very dangerous tool in the hands of law enforcement," Mr. Gold said.

Conversations Intercepted

As a result of court-authorized surveillance, the report said, Mr. Nardjari indicated that 852 conversations were intercepted. This compared with 740 conversations in the Bronx, 255 in Manhattan, 1,558 in Brooklyn and 1,029 in Queens.

The report said the wiretaps and bugs authorized by New York judges represented 46 per cent of all those approved by state judges throughout the country, while those approved by state judges in New Jersey represented 29 per cent of all such cases.

For the entire United States, including both Federal and state activities, 864 applications to use wiretaps were approved in 1973 compared with 854 in 1972. Federal applications, however, dropped 37 per cent—to 130 in 1973 from 206 in 1972.

The report said local and Federal arrests that had resulted from evidence collected by electronic surveillance dropped 32 per cent, from 3,393 to 2,306, while convictions dropped 72.6 per cent, from 1,491 to 409.

Such experts as G. Robert Blakey, now professor at Cornell Law School and Sol Lindenbaum, a long-time assistant in the office of the United States Attorney General, said a declining use of wiretaps in easy-to-prosecute gambling cases and the delaying effect of the pending Supreme Court case were probably involved in the dramatic decline in arrests and convictions.