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Courts Still Routinely Grant Wiretap Requests, Report Says

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Federal and state prosecutors continue to get court permission to tap telephones and plant microphones nearly every time they ask for it in criminal cases, the Administrative Office of the U.S. Courts reported yesterday.

In its sixth annual report to Congress on the workings of federal and state wiretap laws, 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 court-order wiretap procedure established by the 1968 Safe Streets Act. State prosecutors have failed in olny a handful of cases.

The report by the administrative office, bookkeeper for the federal judiciary, is required by the 1968 law and is frequently cited in debates 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.

Federal wiretaps declined by 37 per cent to a total of 130, the report said, but state wiretaps, led as usual by New York and New Jersey, increased by 13 per cent to 734, making the total number of taps about the same as for 1972.

Wiretap experts attributed the falloff in federal warrants to a reduced emphasis on eavesdropping in gambling cases. Only 81 gambling wiretap warrants were sought in 1973, down from 146 in 1972 and 251 in 1971.

Thus gambling was still the No. 1 crime investigated by electronic eavesdropping, followed 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 supervise wiretap procedures.

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 department under former Attorney General John N. Mitchell violated the 1968 law's requirement that the Attorney General or his high-ranking designate give personal approval to the warrant requests.

The costliest recorded wiretap of 1973 was the 30-day surveillance of a Los Angeles residence at an estimated expense of $153,000. Prosecutors said the investigation broke a major heroin ring and produced the convictions of 29 individuals.

Average cost of a wiretap was reported at $5,632 during 1973. The average length of a tap installation was 24 days.

The report, based on statistics supplied by judges and prosecutors who dealt with wiretap warrants, claimed that about one-half of the intercepted 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 said.

The only other Washington-area wiretap was a $9,620, 15-day 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 1968, federal and state court-approved wiretaps have cost a total of $16.4 million in manpower and equipment.