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WIRETAPS CALLED INEFFECTIVE TOOL

Professor Says the Results
Don't Justify the Costs

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WASHINGTON, Dec. 14—A law professor has written a report for the American Civil Liberties Union contending that governmental eavesdropping, though bringing hundreds of thousands of conversations within its net, is ineffective and expensive.

Herman Schwartz of the State University of New York at Buffalo said in an interview here that "people don't understand how much eavesdropping the Government is doing." He says in his paper, "Summary of the Findings on the Amount, Benefits and Costs of Official Electronic Surveillance," that in 1970 a total of 597 court orders resulted in Federal and state agents overhearing 381,865 conversations involving 25,652 people.

In 1969, according to his paper, which is based on court reports, 302 judicial orders resulted in governmental wiretapping or bugging of 173,711 conversations involving 31,436 people.

Possibility of Duplication

Mr. Schwartz says that the number of individuals overheard may be less because of the possibility of duplication. But he says that this is not likely to be a high percentage "since the overlap would occur primarily where one is somehow involved with the subject of several investigations."

Mr. Schwartz's paper will be issued shortly as a report by the A.C.L.U. In it, he argues that governmental eavesdropping results in relatively few convictions; that the money costs of eavesdropping are "grossly understated," even though Federal and state reports put them at \$3-million in 1970; and that the social costs make electronic eavesdropping undesirable.

"The figures show," according to Mr. Schwartz, "an enormous amount of surveillance affecting many people, at great expense, and with uncertain to meager results."

Administration's View

The Administration has said it regards electronic surveillance as a major law-enforcement tool. In October Attorney General John N. Mitchell said that "in less than three years, approximately 350 court-authorized wiretaps resulted in more than 1,500 arrests" and "more than 170 convictions."

He added, however, that because of the "long time before many courts can hear these cases, we have no true correlation as yet between wiretaps and convictions."

Mr. Schwartz says that Federal eavesdropping in 1970 has so far produced 48 convictions and 613 arrests out of 10,260 people and 147,780 conversations overheard. "An interesting breakdown," he says, "is that for the 21 nongambling and nondrug cases, the results were no convictions."

"Since it seems clear that gambling and drugs cannot either be stamped out or freed from criminal entanglement merely by law enforcement techniques," Mr. Schwartz asks, "is it worth allowing such a gross invasion of privacy?"

Cost Figures Questioned

The professor questions the cost figures for electronic surveillance officially provided—\$2-million for the Federal Government and \$1-million for the states in 1970—because they omit "the enormous amount of man-hours by lawyers, judges and investigators to prepare applications, to keep records and to handle court challenges" and because "there are unexplained cost differences between similar types of eavesdropping."

According to Mr. Schwartz, "F.B.I. and Strike Force cost figures are much lower than Narcotics Bureau figures."

Summing up, he says: "It would, of course, be foolish to contend that electronic surveillance is of no value [but] the privacy of at least tens of thousands of people has been invaded [and] many millions of dollars are being spent at a time when social services, which might help to get at the roots of the forces that breed crime, are being starved."