

SUPREME COURT OF NEW JERSEY



JOSEPH WEINTRAUB
CHIEF JUSTICE

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TO THE HONORABLE WILLIAM T. CAHILL, GOVERNOR
AND THE LEGISLATURE OF THE STATE OF NEW JERSEY

Section 23 of the New Jersey Wiretapping and Electronic Surveillance Control Act (Chapter 409 of the Laws of 1968, approved January 14, 1969) requires that the Chief Justice submit an annual report to the Governor and the Legislature. In accordance with this section, this report is submitted to inform you of the operation of the act during 1972.

Pursuant to section 2(i) of the statute (N.J.S.A. 2A:156-2(i)), six judges of the Superior Court are presently authorized by directive of the Chief Justice dated September 11, 1972, to issue orders authorizing interception of wire and oral communications. They are Judges Leon Gerofsky, James R. Giuliano, Herbert Horn, Frank J. Kingfield, Morris Pashman, and Charles A. Rizzi.

Section 22 of the statute (N.J.S.A. 2A:156A-22) requires that reports granting or denying orders be reported to the Administrative Director of the Courts.

During the reporting year 1972, the Administrative Office of the Courts received 228 reports on wiretapping or electronic surveillance representing 228 orders and 27 extensions. No requests for orders were denied. Two applications were withdrawn. Of the 228 orders, 218 submitted interception of only wire communications, 8 permitted only oral interceptions, and 3 involved both wire and oral intercepts. Of the initial orders, four granted interceptions for a period of 48 hours to five days, 7 were for a period of five to ten days, 149 were for ten to twenty days, and 67 granted interceptions for a period of more than 20 days. As to the 27 requests for extensions, 25 involved extensions of more than 10 days and 2 involved extensions of less than 10 days.

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The distribution of orders and extensions among the judges authorized to issue orders during 1972 is as follows:

Leon Gerofsky	-	1 order and 1 extension
James R. Giuliano	-	72 orders and 6 extensions
Herbert Horn	-	0 orders and 0 extensions
Frank J. Kingfield	-	135 orders and 20 extensions
Morris Pashman	-	13 orders and 1 extension
W. Orvyl Schalick	-	6 orders and 0 extensions
Charles A. Rizzi	-	0 orders and 0 extensions

Judge Schalick retired in July 1972 and was succeeded by Judge Rizzi.

Section 8 of the statute (N.J.S.A. 2A:156A-8) specifies the officials who may authorize an application to a judge.

The breakdown of orders by officials authorizing them is as follows:

Attorney General George F. Kugler, Jr.	63
Acting Attorney General Marilyn Loftus Schauer	4
A. Donald Bigley, Camden County Prosecutor	4
Joseph P. Lordi, Essex County Prosecutor	59
Leonard D. Ronco, Acting Essex County Prosecutor	5
Joseph P. Miele, First Assistant Essex Co. Prosecutor	1
Geoffrey Gaulkin, Hudson County Prosecutor	10
Edwin H. Stern, First Assistant Hudson Co. Prosecutor	1
Bruce Schragger, Mercer County Prosecutor	20
John S. Kuhlthau, Middlesex County Prosecutor	5
Donald Colleston, Morris County Prosecutor	8
Martin B. Anton, Jr., Ocean County Prosecutor	2
Leonard Arnold, Acting Somerset County Prosecutor	1
Karl Asch, Union County Prosecutor	34
John H. Stamler, Acting Union County Prosecutor	1
Alfred Frigola, Acting Union County Prosecutor	10

Applications for orders under section 9 of N.J.S.A. 2A:156A were instituted by the following law enforcement agencies:

New Jersey State Police	65
Detectives, Bergen County Prosecutor's Office	2
Detectives, Camden County Prosecutor's Office	4
Detectives, Essex County Prosecutor's Office	49

Detectives, Hudson County Prosecutor's Office	11
Detectives, Mercer County Prosecutor's Office	20
Detectives, Middlesex County Prosecutor's Office	3
Detectives, Morris County Prosecutor's Office	8
Detectives, Ocean County Prosecutor's Office	2
Detectives, Somerset County Prosecutor's Office	1
Detectives, Union County Prosecutor's Office	46
City-County Strike Force (Essex)	10
Newark Police Department	5

Section 8 of the statute (N.J.S.A. 2A:156A-8) specifies 19 different crimes for which an order may be entered for interception of wire or oral communications. Orders were granted in connection with investigations of 15 different crimes. Some orders cover more than one crime. The distribution of criminal offenses for which orders were issued is as follows:


Murder	3
Gambling	70
Bookmaking	48
Lottery	57
Robbery	1
Bribery	1
Loansharking	3
Dealing in Narcotics	36
Dealing in Marijuana	7
Dealing in other dangerous drugs	51
Burglary	3
Embezzlement	1
Forgery	1
Receiving stolen property	12
Escape	2
Larceny	7
Conspiracy	15

Section 11 of the statute (N.J.S.A. 2A:156A-11) provides that in certain instances a showing of special need is required before an order for interception of wire and oral communications is possible. Such a finding is necessary where the facilities involved are public, or commonly used by a doctor, lawyer, or clergyman, or used as a place of habitation by a husband and wife. Forty-seven (47) orders issued during 1972 involved findings of special need.

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During 1972, two oral applications were made in emergency situations for orders authorizing the interception of wire and oral communications under section 13 of the act (N.J.S.A. 2A: 156A-13).

Respectfully submitted,


Joseph Weintraub
Chief Justice

Dated: March 22, 1973