

FBI Conduct in Wiretap Probed

By Bill McAllister

Washington Post Staff Writer

A federal grand jury Monday will begin considering whether FBI agents obstructed justice in failing to confiscate an illegal wiretapping device they discovered Richmond police using earlier this year, sources said yesterday.

A Justice Department official would confirm only that the department is conducting an investigation into allegations that the agents acted improperly.

Both an FBI spokesman and U. S. Attorney William B. Cummings, whose office is conducting the inquiry, declined comment. Cummings

called the matter "particularly sensitive" and referred to the Justice Department for any comment.

However, it was learned that Cummings' office called for the investigation after it received an FBI report on discovery of the listening device. One source described it as "less than complete."

Under Justice Department procedure, the agents who discovered the wiretap should have immediately confiscated the device and reported the wiretap to Cummings' office as a violation of federal law. Instead they removed it from a telephone line and gave the device back to the policemen, the source said.

Wiretapping is permissible

under Virginia law, but the wiretaps must have the approval of state courts, the attorney general's office and be conducted by the state police. The wiretap that the FBI agents uncovered was being operated by Richmond detectives and clearly was illegal, sources said.

No Richmond police officers have been charged in connection with the wiretap, although some officers are among the six persons who have been subpoenaed for the Richmond grand jury.

James Decker, special agent in charge of the Richmond FBI office, was not available for comment yesterday, but his assistant, L. G. Brockman, said the Bureau had investi-

gated the matter "and made all the facts known to the U. S. attorney." He declined to discuss the matter further.

Richmond Police Chief Frank Duling said no disciplinary action had been taken against any members of his force reportedly involved in the wiretapping incident "and non will until after the grand jury." He refused to confirm that the wiretapping occurred and said, if it did, it was without the department's approval.

"We don't engage in that and would not without the proper authority," he said. Duling said he planned to appear before the grand jury to stress the department's disapproval of any illegal wiretapping.