

2 Customs Officers Charged in Bugging

Two federal Customs officers were indicted yesterday on charges of conspiracy and illegally attempting to eavesdrop electronically on a private home in El Paso, Tex.

The Justice Department said the indictment marks the first time that federal law enforcement officers have been formally charged with attempting an illegal bug, during a drug-smuggling investigation.

The two-count indictment was returned in U.S. District Court in El Paso against Michael A. Kelly, 28, of South Hempstead, N.Y., and Henry B. Wade, 26, of El Paso.

Both were Customs Patrol officers stationed in El Paso at the time of the alleged offense, between December, 1974, and January, 1975. Kelly has since resigned from the Customs Service.

Another El Paso man, Terry L. Kirkendall, 29, also was indicated on both counts.

A former Customs Patrol officer, George E. Hough, was named an unindicted co-conspirator. Hough has officer, George E. Hough, pleaded guilty to a federal narcotics charge and is awaiting sentencing, the department said.

The indictment said the defendants conspired to eavesdrop on conversations at an undisclosed residence by using an electronic sensor that had been modified to act as a radio transmitter.

Federal law authorizes federal law enforcement agencies to use wiretaps and bugs only after the Attorney General has approved and a federal court has issued a warrant. That law applies to most domestic criminal investigations.