

With Judge's Permission

Fairfax 'Bug' Use Defended

Fairfax County Police Chief William L. Durrer yesterday defended the use of wiretaps as an "investigative aid," but told a Senate subcommittee they should be permitted only with a judge's approval.

Durrer acknowledged to the Senate Judiciary subcommittee on administrative practice and procedure that his department presently taps phones with the approval of Commonwealth's Attorney Ralph G. Louk.

This safeguard was ordered by the Fairfax Board of Supervisors six years ago, the chief said. Virginia law does not forbid wiretaps, although Federal law makes it a crime to divulge the contents of someone else's phone call.

Sen. Edward V. Long (D-Mo.), the subcommittee's chairman, suggested that Chief Durrer might be violating Federal law when people within the department discuss the contents of a wiretap. Durrer said he didn't think so because his men keep the contents of any wiretaps among themselves.

Long called this "a fine-spun theory of law" favored by the Justice Department to justify its wiretapping activities.

Durrer said wires are tapped most often after complaints of obscene telephone calls. Nine obscene telephone calls were reported to his department on Monday, he said.

In a case last May, the chief said, a 14-year-old boy was convicted with the aid of wiretaps of making 270 obscene phone calls to 62 persons in two days. In another case Durrer cited, a 19-year-old girl was convicted last August of making 51 obscene calls to a McLean business.

Wiretaps also led to the con-

viction of a 51-year-old man who last November called a beauty salon repeatedly to ask if any of its customers needed abortions.

"These are cases where the people know their phones are being tapped," Durrer said.

In gambling cases, Durrer said, wiretaps are placed on telephone poles without the knowledge of those whose conversations are intercepted.

But he and Louk emphasized they never place such a tap unless they have solid information of illegal activity. And information gained from wiretaps is never divulged in court—even during requests for search warrants, they said.

The subcommittee's chief counsel, Bernard Fensterwald Jr., read a memorandum telling which local police department used wiretapping as of February, 1962. The memo was from Arlington Police Chief William G. Fawver to A. T. Lundberg, then Arlington County manager.

According to the memo, Fairfax is the only department in the Virginia suburbs with wiretapping equipment. In Maryland, Prince George's and Montgomery Counties use equipment under State law that requires an order from a Circuit Court judge. D.C. Metropolitan Police told Fawver no wiretap equipment is used because Washington is under Federal law.