

U.S. Probes Agents' Role In Wiretaps

By Ronald Kessler
Washington Post Staff Writer

HOUSTON—U.S. prosecutors are investigating charges that federal agents participated with Houston police in illegal wiretapping.

Houston Police Chief Carol M. Lynn and former U.S. Attorney Anthony J. P. Farris said in separate interviews that the charges have been made by present and former Houston police officers, some of whom admitted they had personally conducted the illegal activities with the assistance of the telephone company.

The allegations of federal participation, made in investigations conducted by Lynn and Farris, involve the Drug Enforcement Administration, both men said.

To a lesser extent, Farris said, the FBI is alleged to have conducted its own illegal wiretaps.

The facts concerning this charge are hazy, Farris said. Other sources said the FBI is also alleged on at least one occasion to have participated with police in illegal wiretapping and to have been aware of the illegal practices by police without taking any action to stop them.

The allegations are being investigated by the U.S. attorney's office here. Farris, who left that office last December to enter private practice, said the probe has depended on the FBI to investigate fellow law enforcement agencies—including itself—and the bureau has reacted with a "lack of enthusiasm."

Farris, who was U.S. attorney for six years, said the FBI said it lacked manpower, and assigned two agents to work on the case part-time, although as many as 50 Houston police officers allegedly were involved.

The agents' reports were

"ridiculous," Farris said. "Some covered one page—others covered 10. They were repetitious, skeletal, and included Xerox copies of newspaper articles. Well, hell, I had read all those."

Farris said he complained last November to then Attorney General William B. Saxbe about what he termed the Justice Department's lack of concern about the case.

The complaint, a six-page letter with exhibits, pointed out that some of the allegations being investigated involved the FBI and said the FBI effort in the case was "not there," Farris said.

Farris said he received no reply.

Spokesmen for the Justice Department and FBI declined to comment because the matter is being investigated by a grand jury. A DEA official said the charges involving the drug agency are "not true."

The federal investigation in Houston began after the Internal Revenue Service obtained indications that Houston narcotics officers who were selling heroin seized during police investigations were also using illegal wiretaps to obtain arrests.

Nine present or former officers were indicted last year for tax evasion or wiretapping as a result of the investigation.

The Houston investigation began receiving national attention late last year after the telephone company executive in charge of Texas operations charged in a suicide note that the company was conducting illegal wiretapping.

In recent interviews, Farris and Lynn said officers who have admitted to wiretapping have alleged they were given information necessary to install each wiretap from the security office of the local American Telephone & Telegraph Co. subsidiary, Southwestern Bell Telephone Co.

In some instances, Lynn said, the security office allegedly returned illegal wiretap devices found on telephone lines to the police department.

One of the nine indicated police officers said in an interview that he personally obtained wiretap information from the telephone

company security office about half a dozen times. He said the security office also provided him with records of long-distance toll calls.

Jerry L. Slaughter, a former FBI agent who heads the security office, did not return telephone calls. However, a company spokesman said he has previously denied the charges.

The spokesman said the company cannot deny that someone in the company might have helped police wiretapping, because the company cannot speak for each of its 14,000 employees. But he said such actions are against company policy, and

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would result in dismissal if substantiated.

The Southwestern Bell allegations have been under investigation by a number of federal authorities, including the National Wiretap Commission and the House Judiciary's Subcommittee on Administration of Justice, headed by Rep. Robert W. Kastenmeier (D-Wis.).

Kastenmeier's subcommittee last week obtained some of the evidence being used in the federal investigation in Houston. The evidence consists of transcripts and tape recordings of informal conversations between Chief Lynn and some of his aides and officers shortly after he took over as police chief early last year.

According to a source who has read the transcripts, the officers freely discussed the illegal practices, unaware that Lynn was secretly taping recording them.

Although federal law permits police officers in most states to wiretap if they can prove to a judge that they

have probable cause to believe a crime is being committed, Texas has no state law that would permit such wiretapping. Under the federal law, a state must enact such legislation before police can wiretap legally, according to Michael J. Hersman, chief investigator of the National Wiretap Commission.

In the transcripts, the officers suggested that Lynn should not worry about the federal investigation of the police department because federal agents had participated in the practices or were at least aware of them, the source said.

"The flavor was we had this bunch of boys who did anything they wanted to," the source said.

In court hearings that have not been reported by the press, lawyers representing wiretappers have charged that the alleged federal involvement in the wiretapping has impeded the investigation.

One of the lawyers, Dick DeGuerin, a partner with well known criminal lawyer Percy Foreman, said recently that two Houston policemen who were willing to implicate federal agents were indicted by the federal prosecutors after they admitted wiretapping in exchange for immunity on the local level.

DeGuerin said the federal prosecutors said they had valid, legal reasons for not granting the officers immunity in exchange for their testimony.

"My opinion is that they are covering up and don't want to know what went on," he said.

Former U.S. Attorney Farris defended the decision not to grant immunity to the two officers as proper.

However, Farris acknowledged that concern has been expressed in local law enforcement circles that if the full story came out, lawyers could allege in hundreds of cases that their clients were sent to jail on the basis of evidence obtained illegally.