

Law Officials Favor Legalized Wiretaps in State Police Work

FROM PAGE 1

never directly involved in buying, selling or transporting the merchandise."

Harris County Sheriff Jack Heard, acting Houston Police Chief R. J. "Joe" Clark and top officials of the district attorney's staff here agree with Speir about the need for such a law.

Enactment of such a legislation, however, must wait until 1977, when the Texas Legislature next convenes in regular session. "Pappy" Bond, however, hopes that a special session might be convened to deal with the problem.

A state wiretap law would not conflict with the federal wiretap regulations.

The federal law, in fact, allows state legislation, without specifying details,

that would parallel the federal wiretap laws.

The chief danger in wiretapping is, of course, the invasion of privacy of ordinary citizens during, for example, times when emotion-charged fears of political subversion, terrorism or racial turmoil may tempt police to abuses of wiretapping.

"Realizing that the issue of individual privacy has caused many people to oppose it," says Sam Robertson, first assistant district attorney in Harris County, "I feel we should have a statute permitting court-ordered electronic surveillance for such crimes only that are classified as organized crimes — meaning any crime where there is a group of people behind the commission of the crime."

Robertson would include narcotics cases, corruption of public officials, robbery and murder among the crimes susceptible to conspiratorial origin.

Sheriff Heard, who wants to see any such proposed legislation before endorsing it, is on record as favoring legalized wiretapping "so long as the proper safeguards are instituted."

Harris County Asst. Dist. Atty. Bob Bennett, chief of the DA's special crimes bureau, says a state wiretap law is urgently needed.

He noted that even before the passage of the 1968 Omnibus Crime Act, which contains the federal wiretap law, evidence obtained through electronic surveillance rarely turned up in criminal cases on the state level.

One reason was that the Federal Communications Commission (FCC) had rules that required a beeper to sound during telephone conversations that were being monitored, Bennett said.

It would be legally possible, however, for evidence obtained by wiretap under a proper state law to be used in court, Bennett said.

The question of wiretaps and wiretap laws has stirred deep emotion in the Houston police department and other local law enforcement agencies. Seventeen Houston officers or former officers have been indicted so far in the continuing investigation of alleged wiretap abuses. Two of them pleaded guilty to wiretap charges and have been assessed three-year prison terms. The others are awaiting arraignment or trial.