

# F.B.I. Said to Have Ignored Illegal Police Wiretaps

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WASHINGTON, Oct. 9—A former United States attorney told the House Select Committee on Intelligence today that the Federal Bureau of Investigation had failed, despite repeated requests from his office, to investigate adequately allegations of widespread illegal wiretapping by members of the Houston Police Department.

The former official, Anthony J. P. Farris, who served until last year as the Federal Government's chief prosecutor in Houston, testified that when indications of illegal police wiretapping first became public late in the summer of 1973, he and his assistants began to press the F.B.I. office there to investigate the matter.

After a formal, written request was finally sent in April of last year to the head of the Bureau's Houston field office, Mr. Farris said, the F.B.I.'s response was "to assign one agent to this complex investigation of the country's fifth-largest police department."

The resulting investigative reports, he added, "were notable only in their lack of substance [and] depth, and consisted largely of Xeroxed newspaper articles."

## Intelligence Risks

Mr. Farris made his assertions as the House committee began a new series of hearings into what its chairman, Representative Otis G. Pike, has termed the "risks" posed to national and domestic security by the intelligence-gathering practices of Federal agencies.

Mr. Pike, a Long Island Democrat, said that this phase of his committee's investigation would touch on electronic surveillance and would examine "the risk of average people having their personal communications intercepted by government and private agencies."

Asked to account for the F.B.I.'s purported failure to undertake a through investigation of the Houston Police Department's alleged wiretapping activity, Mr. Farris said he believed the Bureau's Houston office was simply reluctant to investigate members of a law enforcement agency "that they deal with on a day-to-day basis."

He and four other United States attorneys, he said, had once suggested in a meeting with a high F.B.I. official that Bureau agents from other cities be brought in to investigate the allegations, but that the suggestion had been received "as an affront to the integrity of the F.B.I."

## 'Considerable Attention'

An F.B.I. spokesman said in response to Mr. Farris's testimony that the Houston field office had "devoted considerable manpower and attention" to the wiretapping investigation, which "at times" involved as many as 14 agents.

Nine members of the Houston Police Department were indicted by a Federal grand jury in early 1974 on charges of illegal wiretapping, but Mr. Farris said today that those charges had been based mainly on a limited investigation undertaken by the Internal Revenue Service in 1971.

One of the officers later convicted was Anthony V. Zavala, a former member of the department's narcotics division, who pleaded guilty this year to one count of illegal wiretapping.

Mr. Zavala, who also appeared before the Pike committee today, told the Congressmen that he was scheduled to begin serving a three-year Federal sentence later this month, but that he hoped his testimony might prevent other police officers "from falling into the same trap that I did—learning to break laws, and winding up on my way to prison."

## 35 Wiretaps

Mr. Zavala said that between 1968 and 1972, he was involved in installing or monitoring some 35 wiretaps, all in violation of Federal laws that prohibit such activity by state and local police in the absence of authorizing state legislation, which does not exist in Texas.

During that four-year period, the former policeman said, his division alone installed between 700 and 1,000 illegal wiretaps, and other divisions in the Houston department also employed such devices.

The illegal practice, he said, was "discussed freely" by the Houston officers with local agents of the F.B.I. and the now-defunct Bureau of Narco-

tics and Dangerous Drugs, and it eventually "became second nature to us all."

All of the illegal police wiretaps were initiated, according to Mr. Zavala, with the acquiescence and assistance of the Southwestern Bell Telephone Company, which supplied technical information necessary for the installations.

Mr. Zavala provided the House committee with several instances in which he had either monitored an illegal wiretap in the presence of Federal agents or supplied the information gleaned from such a tap to a Federal agent.

On one occasion, he continued, when he was assigned temporarily to the Justice Department's old Office of Drug Abuse Law Enforcement, he

did attempt to obtain a legal Federal wiretap authorization but was told by his superiors that the procedures "were too much of a hassle" and that he should "do it another way." Mr. Zavala said he interpreted this to mean that the Federal officials had encouraged him to employ an illegal wiretap and that he did so.