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A Frequent Federal Practice

The Self-Bugging Agents

Washington

Federal agents covertly tape-record their own conversations with suspected criminals in more than 1000 cases a year, the Justice Department disclosed yesterday.

Investigators for various agencies rely on so-called "consensual monitoring" far more often than they employ court-authorized wiretaps and bugs to eavesdrop on a suspect's conversations with his associates and innocent callers, said Assistant Attorney General Henry E. Petersen.

Department guidelines require federal agencies to obtain the approval of Petersen or one of his deputies before undertaking such eaves-

dropping. Those guidelines were made public as Petersen and Attorney General William B. Saxbe testified before the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance.

The commission, established by Congress in 1973, includes members of Congress and private citizens.

Most previous inquiries into government wiretap policies have centered on court-authorized electronic surveillance, employed primarily in organized crime cases, and so-called national security taps authorized by the attorney general.

Little attention has been focused on cases in which an

agent records his own telephone conversation with a criminal suspect or wears a recording device hidden in his clothing while meeting suspects.

Petersen said he believes this type of eavesdropping is exempt from the federal law requiring a court warrant for wiretapping or bugging, because the agent or informer consents to the recording of his own conversation.

The law requires the court warrant only when one of the surveillance "targets" has consented, he said.

Petersen, head of the department's criminal division, called the practice absolutely indispensable to effective federal law enforcement" and urged the

commission to reject any effort to tighten legislative control over it.

The department for five years has imposed its own regulations governing the practice.

These rules require that all federal agencies obtain the approval of the assistant attorney general or one of his deputies before using any mechanical device to eavesdrop on conversations without the consent of all participants.

The agencies affected include the FBI, the Drug Enforcement Administration, Internal Revenue Service, Secret Service, Customs Service and other federal investigative units.



HENRY E. PETERSEN
He called it 'indispensable'

According to department statistics, there have been 5609 cases of agents recording conversations through devices concealed on themselves from Jan. 1, 1969, through August of this year.

By contrast, there were only about 900 court-authorized wiretaps during the same span.

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