

Wiretap Bill Stalls Despite Rare Alliance

BY SIGRID BATHEN
RECORDER CAPITAL CORRESPONDENT

SACRAMENTO — Legislation to permit limited electronic surveillance in major narcotics investigations is stalled in the state Legislature, which has killed at least a dozen such bills in the past two decades.

But this year, an unlikely alliance has formed between dissident Democrats in the Assembly — the traditional graveyard for wiretap legislation passed in the Senate — and Republican Gov. George Deukmejian, who usually does not comment on pending legislation but last week angrily denounced the bill's opponents in the Assembly.

"It is inexcusable that the majority on the Assembly Public Safety Committee [where the bill is stalled] continues to refuse to give law enforcement the tools it needs to combat drug trafficking in California," Deukmejian said. "It also is inconceivable that this one committee, year after year, refuses to follow the lead of 32 other states in giving law enforcement the authority to use court-supervised electronic surveillance against drug traffickers."

"In case the committee hadn't noticed," the governor continued, "the incidence of drug trafficking in California is escalating, not declining. The committee should honor its name and pass this bill in the interest of the public safety of all Californians."

Sen. Robert Presley, D-Riverside, the former Riverside County undersheriff who sponsored the legislation, Senate Bill 83, said he will continue to press for passage of the controversial measure. Supported by Deukmejian, Democratic Attorney General John Van de Kamp, and

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statewide law enforcement and prosecutors' groups, Presley's bill would permit wiretapping under carefully controlled conditions.

SB 83, which was passed by the Senate 24 to 3, would limit wiretaps to drug investigations and require prior approval by the attorney general and the courts.

The measure is opposed by the American Civil Liberties Union, California Attorneys for Criminal Justice, the California Public Defenders Association, the state Bar's Criminal Law Section and the California Trial Lawyers Association. Opponents claim the measure would be ineffective, an intrusion on individual privacy, and too tempting for law enforcement agencies to resist abusing.

"Given the enormous increase in drug activity in California within the last two or three years, primarily drug smuggling from the South American countries, particularly Colombia, I think it is imperative that we give law enforcement authorities in this state the additional tool of being able to, under the supervised control of a court order, to listen in on the telephone conversations of suspected drug smugglers," Presley said. "The problem is very serious, much more serious than many people realize, and certainly serious enough to warrant this kind of activity by law enforcement agencies."

Presley said Florida was the narcotics "drop-off" point of choice for narcotics smugglers bringing in drugs from South America, until several years ago, when that state passed a wiretap bill.

"Now the drug smugglers have moved their operations to California," Presley

said, causing enormous problems for law enforcement authorities in Los Angeles and other parts of Southern California.

The wiretap bill is part of a package of anti-drug legislation supported by Deukmejian to halt what he calls a "staggering" increase in cocaine trafficking in California. Other bills in the package would impose longer sentences and create new laws easing police confiscation of drug dealers' personal property.

The original version of the wiretap bill, while targeting drug dealers, would have allowed wiretapping of suspected murderers and kidnappers as well. Presley has scaled the measure down somewhat, limiting it to drug trafficking, in an attempt to secure its passage.

Controversy surrounding the measure escalated in the Assembly last week when dissident Democrats — the so-called "Gang of Five" which is resisting the authority of Assembly Speaker Willie Brown, D-San Francisco — said they would attempt to circumvent the Assembly Public Safety Committee and place the wiretapping provisions into another bill awaiting a vote on the Assembly floor.

That action was halted, for the moment at least, when Presley requested more time. "I'd like to see the Gang of Five sit tight for now," Presley told the Los Angeles Times. "I think we can win this one."

The bill was stalled in the Assembly Public Safety Committee last week when Presley, a Democrat, was unable to convince a single Democrat on the committee to vote in favor of the bill.