

**Page Denied**

# The Wiretappers

WILLIAM S. FAIRFIELD and CHARLES CLIFT

## I. Who's Listening —And to What?

**W**IRETAPPING, a furtive practice that recognizes no legal bounds, has become the uninvited, unsuspected third party to the private telephone conversations carried on by American citizens of all persuasions and beliefs from all walks of life.

In 1934 Congress passed a law providing severe penalties for wiretapping, but only one person has ever been prosecuted and convicted under it, and that was eleven years ago. Wiretapping today is actually the freest of free enterprises, highly expensive, but indulged in with virtual immunity from Federal prosecution by government agents, municipal police, political parties, business firms, witch hunters, divorce lawyers, private detectives, sharpers, freebooters, and blackmailers of all sorts—all of whom practice it in the serene conviction that there will never be any penalties.

This boldness stems from the knowledge that the Department of Justice is reluctant to press wiretapping cases to prosecution or even to gather evidence for them. Admittedly sensitive about the legality of tapping by its own agents, the Department of Justice hesitates to risk legal action that might focus attention on its own "extralegal" practices.

**A**S A RESULT of this lack of restriction, wiretapping is now a common practice in almost every troubled area of American life. Anywhere in this country anyone with a telephone who fits any of the following categories is fair game for wiretapping, most likely

for the specified purposes: a rich man for blackmail; a businessman for competitive information; a union leader for labor espionage; a politician for future attacks by opponents; a public administrator for advance tips on pending decisions; a philanderer for a favorable divorce settlement; a criminal for arrest and prosecution; a Communist or suspected Communist for a security check; a simple nonconformist for compilation of a dossier of his unpopular views; a member of the armed forces or a government employee for a check on personal associations and loose talk; any private employee for testing his efficiency and loyalty to the firm; a

taxpayer for information on possible evasions.

This, although it is quite a list, seemingly eliminates a good many Americans who don't belong in any of these categories. But so far as the treasured right to individual privacy is concerned, it eliminates none. For a wiretapper eavesdrops indiscriminately. He catches in his net, together with the intended victim, all those who happen to use or to call a telephone being tapped, however irrelevant the call to the purpose of the tapper. And with police today monitoring many public pay-station phones in search of gamblers or prostitutes, the most innocent



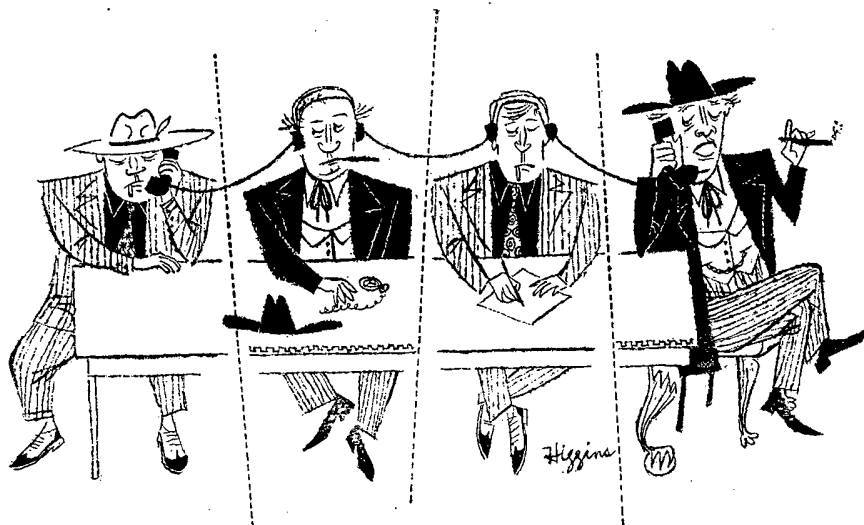
may find their private and sometimes very personal conversations recorded side by side with the business calls of a booker or a procurer.

The result is that many an unwary talker has thus provided enough information on his private affairs and troubles to make him prey to an unscrupulous listener. When police or government agents are doing the listening, any words that come over a phone, whether or not germane to the matter being investigated, become *ipso facto* evidence for incrimination or guilt. The words could be those of a real criminal, of course, and then again they could be those of the Red Cross canvassing for new contributors—and there *are* listeners to whom even the Red Cross might be suspect.

In connection with the statement that anyone with a telephone is fair game for a tapper, it should be pointed out that if a line is considered worth tapping, and if someone has the money (or the staff) in addition to the inclination, he can have a tap installed on that line within twenty-four hours, no matter where in the United States it is located, no matter what the private or official capacities of its users. And once the tap is installed, the chances against accidentally discovering it would be at least ten thousand to one.

The vast majority of wiretapping cases will never be proved. Most of them will never even be known, for generally only those cases involving well-known persons break into print. Those whose names have cropped up in recent wiretapping episodes range from Senator Joseph R. McCarthy to gangster Tony Bender; from Senator Owen Brewster to Vito Genovese, of Murder, Inc., fame; from labor mediator Cyrus Ching to Howard Hughes; from Thomas E. Dewey to Judith Coplon; from Rocky Graziano to Henry (Mystery Man) Grunewald; from Minot F. (Mickey) Jelke to former Governor of Rhode Island William H. Vanderbilt. The list includes many far less prominent citizens. And, of course, it is still far from complete.

**N**EITHER Democrats nor Republicans have a monopoly on wiretapping. Past experience has shown that no matter which party is in power in Washington, Federal and Congressional leaders have a tendency to use their authority and the govern-



ment's resources, including wiretapping, to pursue political feuds and personal advantage. Democratically controlled Congressional committees have been discovered employing wiretappers. During the Eightieth Congress, when the Republicans became chair-

men of the Congressional committees, the wiretappers found themselves working for new employers, and subsequently there were revelations about the telephonic activities of one Lieutenant Joseph W. Shimon, who had links to Henry Grunewald and the strange far-flung interests of Republican Senator Owen Brewster. Democrats have tapped Republicans and Republicans have tapped Democrats as if they were members of the underworld rather than leaders of a democracy. Now, with the Eisenhower Administration about to take over, it is important to see whether such tactics will still prevail. It is even more important to ascertain what, if anything, the new Administration will do about curbing wiretapping. Among the new men of consequence are several whose sensibilities, to judge from their past records, would not be at all offended by the practice.

#### Q. AND A. ON WIRETAPPING

(Answers by a telephone company official to questions from a staff member of The Reporter.)

**Q.** What does the telephone company do if it discovers that a subscriber's line is tapped? Does it remove the tap? Does it notify the customer?

**A.** Unless the tap is legal, it is removed. The customer may be notified in some cases.

**Q.** If a customer asks a line check and the company discovers a tap on it, does the company notify the customer of that fact?

**A.** Where an illegal tap is found and removed, the customer is often advised.

**Q.** Is there any way to provide tap-proof service?

**A.** While there are techniques in the art which minimize possibilities of a tap by direct connection or induction we do not know of any practicable method of assuring tap-proof service. While an individual telephone line between the customer's telephone and the central office can be made reasonably tap-proof, such safeguarding measures do not care for the line and telephone instrument at the other end of the conversation.

**W**IRETAPPING, in any form, creates a basic American conflict. On one side are the ideals of freedom and individual privacy, on the other the arguments favoring the use of modern techniques to fight crime and to protect national security. Somewhere a line of demarcation must be drawn.

These articles will take up the various phases of the practice of wiretapping—its history, its legal aspects, its technique, its use by the FBI and other government agencies and by police departments, its use in political feuds, its exploitation by all kinds of private interests. But we begin with an explanation of the basic facts of tapping, both historical and technical.

## II. Some Law-Evading Enforcement Agencies

**I**N 1916, the people of New York City were surprised to learn that their mayor, John Purroy Mitchel, had approved an investigation of local Catholic charities on the ground that these groups were out to destroy the public Charity Commission. Surprise turned to shock when New Yorkers read newspaper accounts of the investigative methods being used. With the co-operation of the New York Telephone Company, it was revealed, the Mayor had allowed the tapping of a Catholic priest's telephone.

The telephone company, in answering the charges leveled against it, pointed out that it had co-operated with city officials in this manner ever since 1895, when the police first conceived of the value of tapping telephone wires to obtain evidence. In the intervening years, the New York press had carried stories on a dozen-odd wiretapping cases. Some reported the conviction of criminals by the use of wiretap evidence, others private tapping in divorce cases and in setting up certain swindles. None had evoked more than passing public interest.

The tapping of a priest's phone, however, was too much. Overnight, wiretapping became a subject of popular interest and indignation. A Congressman from New York, George Loft, called for a Congressional investigation of "this gigantic scandal," and a bill outlawing wiretapping was introduced in the New York State legislature. Positive action was delayed, however, by America's entry into the First World War, when the Federal government took over operation of the telephone companies. But in 1918 Congress put an absolute ban on wiretapping for the duration of the emergency.

### Prohibition's Role

After the war, with the telephone companies back in private hands and the Congressional ban lifted, wiretapping quickly came back into its own. The first great anti-Red drive was on, and

Attorney General A. Mitchell Palmer ordered wiretaps regularly in preparation for his raids. In 1920, when the Eighteenth Amendment went into effect, Treasury Department prohibition agents also began employing wiretapping as a primary weapon.

Soon public reaction set in on a national scale. Citizens who had never considered wiretapping objectionable when used to catch criminals found it repulsive when applied to checking on fellow citizens who held unpopular beliefs. Other citizens objected violently to the use of tapping in prohibition enforcement—a few because they didn't want to see their private bootleggers jailed, many more because they feared that their own telephone orders for supplies might be recorded.

The protests reached Washington, and in 1924 Attorney General Harlan



F. Stone, in a directive to the newly formed Federal Bureau of Investigation, proclaimed, under the heading "Unethical Tactics," that "Wiretapping . . . will not be tolerated . . ."

**U**NFORTUNATELY, Attorney General Stone's orders applied only to the FBI. Prohibition agents continued tapping without pause. In 1928, a repercussion from their efforts finally reached the Supreme Court. In the case of *Olmstead v. United States*, defense lawyers pleaded for a reversal of a client's conviction for bootlegging on the ground that the wiretapping used to gain evidence violated the Fourth Amendment restriction on search and seizure. In its 5-4 decision, however, the Court ruled that the Fourth Amendment applied only to "actual physical invasions" of privacy, and not to "projected voices." The four dissenters were Justices Brandeis, Holmes, Butler, and Stone.

The *Olmstead* decision only served to intensify public demand for legislation to outlaw wiretapping. In 1929, the first wave of a flood of anti-wiretapping bills engulfed Congress, despite J. Edgar Hoover's concurrent assurance to a House committee that "any employee engaging in wiretapping will be dismissed from the service of the bureau."

"While it may not be illegal," said the FBI Director, "I think it is unethical, and it is not permitted under the regulations of the Attorney General."

Two years later, in 1931, the Prohibition Bureau—still busily tapping away—was transferred from the Treasury to the Justice Department and Attorney General William D. Mitchell found himself forced to settle the internal conflict between FBI and Prohibition Bureau wiretapping policies. Disregarding J. Edgar Hoover's moral scruples, Mitchell decided in favor of wiretapping, subject to "authorization" of the Director of the Bureau.

### The FCC and 605

Between the *Olmstead* decision in 1928 and the first session of the first Roosevelt Congress, numerous bills to outlaw wiretapping were introduced, and in 1933 Congress finally did force some control of tapping by banning its use in the enforcement of prohibition—which went off the books that year anyway.

During the depression years, as labor

became more and more of a political force, its leaders complained with increasing anger about the use of wiretapping in anti-union espionage. With these voices added to those already demanding abolition of the practice, Congress was not long in acting.

In 1934 the Federal Communications Commission was established as an independent agency. Included in the enabling act, as Section 605, was a provision *intended* to outlaw wiretapping once and for all. It read in part: "No person not being authorized by the sender shall intercept any communication and divulge or publish the . . . contents . . . to any person . . . and no person having received such intercepted communication . . . shall . . . use the same or any information therein contained for his own benefit or for the benefit of another . . ." Violations were made subject to a \$10,000 fine, two years in prison, or both.

**W**HILE awaiting court interpretation of Section 605, Federal agencies, still operating under Attorney General Mitchell's 1931 approval of wiretapping, continued to tap telephone lines. Local enforcement officers and private detective agencies followed suit.

Three years later, in 1937, the Supreme Court reviewed its first case under Section 605, *Nardone v. United States*. Several defendants who had been found guilty of liquor smuggling now appealed their convictions on the ground that the evidence against them was the product of wiretapping by Federal agents and had thus been gathered in violation of Section 605. Government attorneys freely admitted

the use of wiretapping, but argued that Section 605 did not apply to Federal agents.

The Court sided with the smugglers and reversed their convictions. Section 605, it ruled, was designed "to include within its sweep federal officers as well as others." Since Federal agents had violated Section 605 in intercepting telephone conversations and divulging their contents in court, the government's evidence was inadmissible.

The agents who tapped were therefore guilty of violating a Federal law. It was no surprise, however, that their superiors in the Department of Justice never bothered to prosecute. If the Department had done so, many lawyers feel, the courts would have upheld conviction of the offending agents.

#### Department of Justice vs. the Law

Over the next three years, the Department of Justice continued to test in court various possible loopholes in Section 605. While it tested, it did nothing to halt continued wiretapping by Federal agents—not only (as was later admitted) in cases of national security, extortion, and kidnaping, but also in investigating such crimes as mail fraud, narcotics peddling, and bribery.

The next tests of Section 605 came in 1939 when the Supreme Court ruled out three more possible Justice Department loopholes in the wiretapping law. The first ruling involved the reconviction of Nardone and associates—this time based not on direct wiretap evidence but on evidence obtained from wiretap "leads." Justice Frankfurter, writing the majority opinion of the Court, termed this evidence "fruit of the poisonous tree." Such "fruit" was ruled as inadmissible in court as direct wiretap evidence, and the supposed smugglers were again freed.

In another 1939 case, *Weiss v. United States*, the Supreme Court closed two more potential loopholes. In one ruling, the Court stated that Section 605 must apply to *intra-* as well as *interstate* telephone conversations, since there was no way for a tapper on a line to determine beforehand whether a given call would cross state lines. In the other Weiss ruling, the Supreme Court refused to accept wiretap evidence when the authorization of the "sender," as demanded in Section 605, was obtained *after* the tapping—in this case, by confronting him with the re-



corded conversations and by promising leniency.

In 1940, a circuit court of appeals further tightened up Section 605, in *Polakoff v. United States*, by stating that under the law, one party could not authorize interception of a conversation on his line unless the other party concurred. The Supreme Court refused to review the decision.

**T**HUS, in their first interpretations of Section 605, the higher courts consistently ruled in favor of a strong wiretapping law. The court rulings were so explicit, in fact, that the Treasury Department began pressing Congress for specific authorization of wiretapping by Federal agents. In 1938, however, J. Edgar Hoover indefinitely postponed chances for such action by opposing a Treasury-drafted bill granting Federal agencies the right to tap. According to newspaper accounts, Hoover "said he had men who were expert in tapping wires, but if he let them practice it *to any extent* [italics ours] they would turn crooks in no time."

But, to some extent at least, the FBI and other Federal agencies were all tapping during this period. Meanwhile the Department of Justice continued searching for loopholes in Section 605.

On March 12, 1940, however, the Department's search was rudely interrupted by a Senate Interstate Commerce Committee report. The report, approving a proposed Senate investigation of wiretapping, was submitted by Democratic Senator Burton K. Wheeler of Montana. Wheeler stated:

#### 'INSTRUMENTS OF TYRANNY'

(From the late Justice Louis D. Brandeis's dissenting opinion in the *Olmstead* case.)

"The tapping of one man's telephone line involves the tapping of the telephone of every other person whom he may call or who may call him. As a means of espionage, writs of assistance and general warrants are but puny instruments of tyranny and oppression when compared with wiretapping."

"Wiretapping [is] especially dangerous at the present time, because of the recent resurgence of a spy system conducted by Government police. Persons who have committed no crime, but whose economic and political views and activities may be obnoxious to the present incumbents of law-enforcement offices, are being investigated and catalogued."

### Off Again, On Again

Exactly five days after release of the Wheeler blast, the Department of Justice banned wiretapping. After nine years of almost unrestricted Federal use since Attorney General Mitchell's authorization in 1931, the practice was now totally prohibited. "In a limited class of cases . . .," said Attorney General Robert H. Jackson, "wiretapping should be authorized under some appropriate safeguard. Under the existing state of the law and decisions, this cannot be done unless Congress sees fit to modify the existing statutes."

On April 9, Jackson repeated his assertion that the ban on wiretapping was not only ethically necessary but was made imperative by court interpretations of Section 605: ". . . the law on wiretapping is now clear and precise; and all future cases of wiretapping will be subject to prosecution in the Federal courts."

At the same time Jackson indicated why no one, even outside government, had been convicted of violation of Sec-



tion 605 in the six years since its enactment: "I do not feel that the Department of Justice can in good conscience prosecute persons . . . for a practice . . . engaged in by the Department itself, and regarded as legal by the Department."

**I**N the light of future events, the last statement was especially important. The following year, the Department embarked on its first and what turned out to be its only prosecution of a violation of Section 605—a violation in which an attorney named Jacob Gruber induced a switchboard girl in the Securities and Exchange Commission to cut him in on telephone conversations involving an investigation of one of his clients. Gruber was convicted, and the conviction stuck.

But only eight weeks after Jackson had declared wiretapping illegal, the Department of Justice quietly did a direct about-face and again authorized the practice. Federal agents have been wiretapping ever since. And in accordance with Jackson's sentiments on prosecuting others "for a practice . . . engaged in by the Department itself," Gruber today remains the only man ever convicted of violating Section 605.

### The National Safety

Jackson's original statement of March 17, 1940, declaring the illegality of tapping, had come at an unfortunate time. Russia had recently defeated Finland. Germany was to overrun Denmark and invade Norway within a month. In the United States there was widespread talk of national defense and of possible sabotage.

During the Nazi invasion of the Lowlands, in May, President Roosevelt sent a mysterious memo to the Department of Justice—a memo that was never so much as mentioned until 1949 and which has still not been made public. According to a statement made in 1949 by Attorney General Tom Clark, the May, 1940, memo "approved . . . wiretapping when necessary in situations involving national defense." Why such a memo has never been publicly released is still a matter of conjecture. The best guess is that Roosevelt named specific suspected pro-Nazi Americans whose lines he wished tapped. In support of this theory, Senator Gerald Nye, a prominent supporter of the America First Committee, reportedly told a Washington columnist at the time that J. Edgar

### 'BEEPS'

Mindful of the Polakoff case, the Federal Communications Commission in 1947 issued a regulation requiring that every telephone-recorder attachment must emit a "beep" warning signal over the wires each fifteen seconds when in operation. Today, with the production of telephone recorders thriving, there are at least a hundred thousand in active use, mostly in private industry but a substantial number in government. Less than ten per cent of these—the Bell System's most recent figure is eight thousand—give the required "beep."

Hoover had privately informed him (Nye) that his wire was being tapped on orders from above.

**W**HATEVER the exact wording of the President's memo, however, the general content was enough to cause the Department of Justice to reverse its stand on Section 605. The law on wiretapping was just as "clear and precise" as Jackson had proclaimed it to be two months before, but FBI agents were again authorized to tap wires. Publicly, the Department said nothing; but behind the scenes it was again hunting a loophole in Section 605.

By the end of 1940, the Department had come up with another tenuous justification of its own activities. It had



long been argued that, under the law, wiretapping was of itself no crime and that the only crime was to "intercept and divulge." The little word "and" made all the difference, since it meant that both acts had to be committed before anything illegal had taken place. In backing up this argument, the Department insisted that the entire Federal government was an entity, and thus an agent was not "divulging" to another when he passed wiretap information to his superior, and his superior was not guilty of "divulging" when he passed the information to another government agency or to Congress.

In March, 1941, Attorney General Jackson made this new construction of Section 605 public. "There is no Federal statute that prohibits or punishes wiretapping alone . . .," Jackson said. "Any person, with no risk of penalty, may tap telephone wires and eavesdrop on his competitor, employer, workman, or others, and act upon what he hears or make any use of it that does not involve divulging or publication."

Jackson completely ignored, as the Department of Justice has ever since, the second part of Section 605: "and no person having received such intercepted communication . . . shall . . . use the same . . . for his own benefit or for the benefit of another. . . ." Obviously, without either divulging or using, tapping would be just an idle pastime.

AFTER Jackson's statement, J. Edgar Hoover beat a prompt retreat from the ethical position he had publicly maintained against wiretapping since 1929. He still opposed unrestricted wiretapping, he said, but he thought it should be used in some cases, "such as

espionage, sabotage, kidnaping, and extortion."

Hoover's list reflected the views expressed on then-pending wiretap legislation by President Roosevelt in a letter to Congressman Thomas Eliot in February, 1941—a letter in which the President, perhaps prophetically, warned of possible abuses.

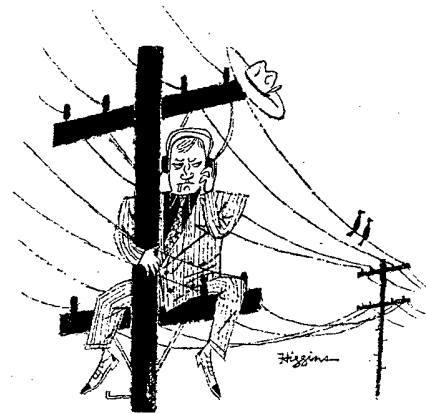
### The Court Retreats

In 1942, the Supreme Court, which had previously reaffirmed Section 605 at every opportunity, made its own retreat. In *Goldstein v. United States*, a mail-fraud case, Federal agents had persuaded two men, by showing them recordings of their telephone conversations, to testify in the prosecution of three others. The Supreme Court upheld the conviction of the three, saying that a person who is not a party to tapped conversations cannot object to their use.

The Court's specific decision, of course, applied only to a few cases. But it was the first interpretation of Section 605 that recognized the admissibility of wiretap-derived information in legal action. The Justice Department was now free to experiment with all sorts of wiretapping methods, evidence from which might or might not be admissible in court. Of one thing at least the Department could be certain: No agent would go to jail. To date, the Department seems quite satisfied with things as they are. In 1949, it did draft a bill to sanction Federal wiretapping. But two months later, when the anti-wiretapping forces began to organize, it promptly withdrew the bill. Meanwhile, despite Section 605, Federal wiretapping continues as a daily practice.

STATE laws are of little help in controlling wiretapping. Forty-two states restrict tapping in some manner, but only two—Delaware and New Jersey—outlaw divulgence in court, while at least seven others, including Massachusetts and New York, permit wiretapping by local law-enforcement officers.

Nor is the Federal Communications Commission any help. The Justice Department, not the FCC, is charged with enforcing Section 605, as the FCC has had to point out to many irate citizens, including a Detroit businessman who wrote recently to complain about a tap



on the phone of a daughter who was suing her husband for divorce. The FCC could only refer him to the Justice Department and the Attorney General.

If the Attorney General answered the Detroitier at all, which is unlikely, he might have quoted his predecessor in office, Robert Jackson: "I do not feel that the Department of Justice can in good conscience prosecute persons . . . for a practice engaged in by the Department itself."

### BEEPLESS TOBEY

Perhaps it's too much to expect the average citizen to observe the FCC's regulation requiring a "beep" warning on his telephone-recorder attachment when the man who was ranking member of the Senate committee overseeing the FCC at the time of the order's adoption has been guilty of its most sensational violation.

In April, 1951, Senator Charles W. Tobey, at a secret meeting of the Senate subcommittee investigating the Reconstruction Finance Corporation, disclosed that he had, without President Truman's knowledge, recorded two conversations between himself and the President concerning alleged Congressional pressure on the FCC. When the story leaked, the President termed Tobey's action "outrageous." Senator Tobey, with an air of injured innocence, said it was "no secret" that he used a recorder or that many other Senators did likewise.

Presently, Joseph C. Duke, Senate sergeant-at-arms, after announcing that he was having a "beep" adjustment made to the Senator's machine, quietly secured copies of the FCC order and laid one neatly on the desk of each Senator.



# III. How to Tap A Telephone

SEVERAL years ago, a New York newspaper columnist informed local readers that now they too could discover if their telephone lines were being tapped. In New York, it was explained, anyone could check on a tap by dialing 711, waiting for the tone, then dialing 6 and hanging up. If the phone rang back, the line was free; if it didn't ring, a tap was in.

Actually, 711 . . . 6 was just a telephone-company test circuit. A ring-back signified only that the line was in working order. The test could not possibly indicate wiretapping. The columnist's following was large, however, and after a deluge of dialing, the telephone company was forced to change the number of its test circuit.

The 711 . . . 6 detection method may well be the best-publicized wiretapping myth in the history of the telephone, but it is not the most prevalent. That distinction belongs to the widely held theory that crackling noises on a line mean the wires are tapped. Telephone static is frequent and has various causes, including loose connections, moisture in the line, and dust between contact points. On the other hand, only the most amateurish "raw" tap could

cause static. Usually the noise disappears on a second call. Seldom does it continue for more than two or three hours, and a wiretap is rarely installed for so short a period.

**R**ANKING almost with the static test is the popular misconception that rapping on the mouthpiece of a telephone set with a pencil will make the conversation inaudible to the wiretapper. A hidden microphone, or "bug," can be neutralized by such rapping—as well as by clinking ice in a glass, jingling keys, or running water. But a wiretapper won't be bothered by noise in the mouthpiece any more than those who are holding the conversation. If they can hear, so can he.

Other myths hold that a bad tap will heat up the earpiece of the telephone set and that, if the conversation is being recorded, the scratching of the recording needle may be heard faintly. The first is electrically impossible, the second highly improbable.

As previously indicated, a sloppy job can result in continued static. It can also cause diminution of volume on the line, or even a complete shorting out. But few taps are installed by amateurs;

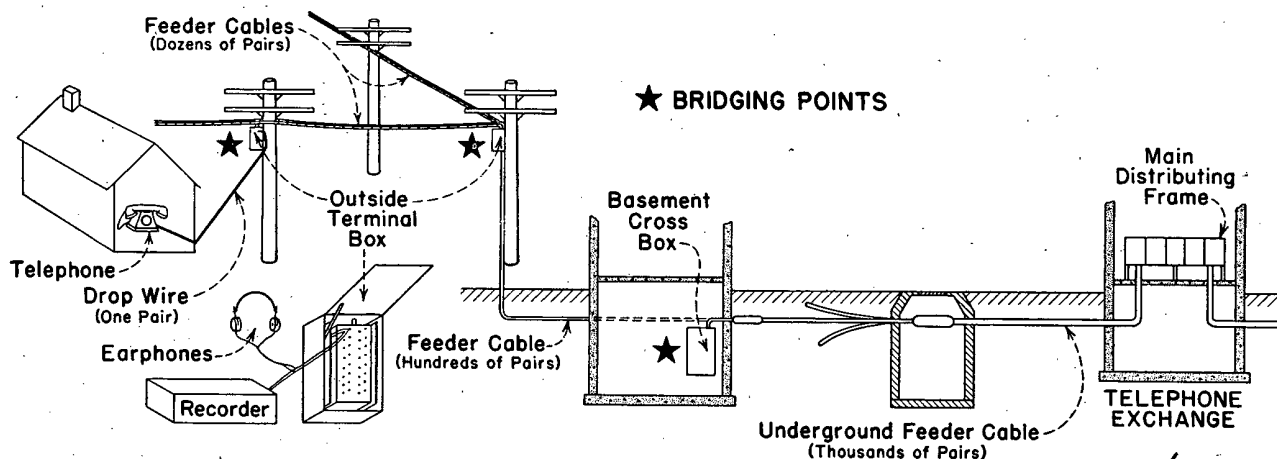
the wiretapping business is dominated by former telephone-company employees and by agents trained in wiretapping at one or more law-enforcement schools.

Unfortunately, the telephone company, despite its frequently expressed concern, has not much more chance of discovering an unsuspected tap than the individual subscriber has. The company does test its lines continually, but the testing equipment is incapable of spotting an effective wiretap.

Occasionally, a telephone-company repairman on his normal rounds will stumble upon a tap and remove it. About as often, a private citizen will hire a wiretapper to check his lines for taps, the going rate ranging from twenty to fifty dollars. Some Federal agencies have regular tapcheckers on their staffs. None of this, of course, precludes a tap's being installed five minutes after a check is made. But physical inspection, at every possible point of installation from the phone itself right back to the "main frame" at the exchange, still remains the only positive means of detection.

**O**VER the years, many machines advertised as capable of tap detection have been placed on the market, some for \$200, some for much more. Congressmen and police officers have been among the purchasers. All have been bilked; no machine yet invented can positively identify a wiretap.

The simple fact is that a good tap upsets a telephone circuit much less than does normal line trouble, such as



Normal phone circuit, showing bridging (potential tapping) points





dust and moisture seepage, corrosion, and faulty contact points, all of which are far more prevalent. When the "detection" machine's red light glows or its bell rings, it is indicating more dramatically what the telephone company's test equipment also shows—imbalance in the circuit. Unless the machine is extremely sensitive, it will not register the slight imbalance resulting from a tap. And if it is sensitive enough to register a tap, it is also so sensitive that it will continually explode into false alarms.

### Tools of the Trade

Basically, the telephone circuit is not difficult to understand once one accepts the word "circuit" for what it means: a closed circle of wire in which current flows, that current in turn being able to carry voice vibrations.

At one end, the circle of wire enters the individual phone, passes through it, and emerges at the same spot. The entering wire and the emerging wire are then wrapped together as a "pair" for stringing back to the telephone exchange. At the exchange, the circle of those two wires is completed whenever the telephone is in use. In a normal local call, the pair of wires is joined at the exchange, through a relay, to the pair of wires leading to another telephone, and the conversation circuit is thus established.

Electric current must flow through the circuit, of course, in order to carry the voice vibrations. Every telephone exchange houses long banks of batteries to supply direct current, that current being thrown onto the line whenever the telephone is in use.

The wiretapper's fundamental equipment, based on this completed circuit, is quite simple. He needs earphones, and he needs a wire leading through those earphones, the ends of which can be easily attached to each member of the pair he wishes to tap, thus forming an additional path for current in the circuit.

The tapper also must interpose in his extension wires a condenser—an elec-

trical device that blocks the passage of direct current while still allowing the detection of faint vibrations. Electricity always follows the line of least resistance. Without the condenser, part of the direct current from the exchange would flow through the tapper's earphones, by-passing the normal circuit. The voice volume on the tapped conversation circuit would diminish sharply, and the wiretapper would serve notice of his activities.

On the other hand, the tapper's condenser must be small in its electrical capacity. If it is too large, it will also attract current from the normal circuit. A .01-microfarad condenser is fairly standard in the wiretapping trade.

### 'WALKING, RIDING OR FLYING'

*(Excerpt from a sales letter.)*

**'Walkie-Recordall' — world's smallest, lightest, self-powered Briefcase type Combination Sound-Recorder-Reproducer picks up and records audible speech, undetected, at a radius up to 40 feet, as well as voices whispered into the microphone or telephone—indoors or outdoors—while stationary or mobile—and in any position while walking, riding or flying.**

Along with the condenser, the wiretapper also hooks into his line a large resistor—nothing more than a coil or a wire through which current passes with difficulty. The resistor forces even more of the direct current in the telephone circuit to follow its normal, established path, thus further cutting the drag from the tap. The resistor does weaken the signal coming through the tap extension, but the tapper can always compensate by adding an amplifier to increase volume.

This, then, is the wiretapper's basic equipment: earphones, wire, condenser, resistor, and, if necessary, amplifier. If possession of these few electrical parts made a wiretapper, however, almost everyone in the nation could be one. The parts are all contained in the smallest home or car radio, the radio loudspeaker substituting for the earphones.

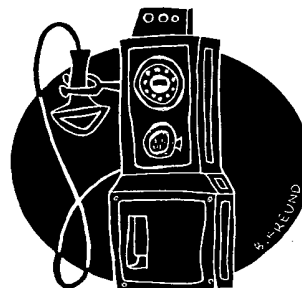
Actually, the expert wiretapper needs much more. He needs to know how to trace an entire circuit from the

individual phone back to the exchange, and where to tap along that circuit without arousing suspicion. This requires a sound working knowledge of the telephone company's entire physical plant, as well as effective use of company lingo to obtain added information not normally available to the outsider. The professional tapper also needs additional equipment, including recording devices, adaptors for these devices to permit telephone transcription, and machines to translate dial beats into actual telephone numbers. He needs concealed space for himself and his equipment—a "plant" where a line can be monitored for days and even weeks without observation. And he needs assistants to help with the twenty-four-hour-a-day job of monitoring. All these—equipment, plant, and assistants—require sizable outlays of cash.

**I**N CHOOSING where to "go on" any specific telephone circuit, the wiretapper is far more limited than might be expected. He can't very well tap at the subscriber's end of the line without being seen. Nor can he tap at the exchange. In times past, the telephone company did permit certain official agencies to install "back-taps" on the exchange main frame, but today, except in very special cases, it is reluctant to co-operate to that extent.

The tapper is limited in his hookups to that segment of the circuit removed from the immediate vicinity of both the subscriber and the exchange. Such a segment may stretch several miles. But again, the tapper is limited.

When the pair of wires leaves the subscriber's premises, it travels to a nearby terminal box, or "bridging point," where the two wires are connected to twin metal posts labeled with a pair number. The terminal box, however, also serves as a bridging point for the pairs of various other subscribers in the vicinity, all such pairs being simi-



larly attached to numbered posts. Dozens and even hundreds of subscriber pairs may terminate in one box.

The pairs do not leave the terminal box separately. Instead, many are enclosed in a single cable for ease in transmission to the exchange—initially by poles in suburban areas, then by underground cable in the city. Inside the cable, all pairs look alike; singling out a desired pair for tapping is practically impossible.

In the cable, the pairs generally travel to a second bridging point, where they are again attached to posts bearing their pair number, where they are joined by additional pairs, and where the additional pairs are then encased with them for further transmission to the exchange. Before reaching the exchange office, a residential pair may pass through five or six bridging points, a business-district pair through three or four. The final cable leading into the exchange office often contains as many as 2,120 pairs.

The complete telephone exchange is thus much like a tree, with subscribers' phones as the outermost twigs. The twigs combine into branches, the branches into limbs, and the limbs into the trunk and roots, which are the exchange office.

### Finding the Right Pair

To the wiretapper, it makes no difference whether a given cable contains twelve pairs or 2,120 pairs. Even if he opened the cable, he would be unable to identify the specific pair he wanted. His basic plan, therefore, is to learn the pair number, find the bridging points for that numbered pair, and then tap in at one of those points—the choice of which bridging point to tap being determined by the availability of space nearby to use for the "plant."

Because of the need for space in which to listen unobserved, a residential-telephone job is the wiretapper's toughest assignment. A hotel job, in

which a room can be taken on short notice, is easiest, with apartment and office-building assignments running a close second.

The residential job is doubly difficult because the wiretapper can't afford to use the first bridging point—the terminal box on a nearby pole, from which the "drop" carries the subscriber's pair into his home. That terminal box is especially valuable to the tapper. It is not only the easiest bridging point to locate; it is also the only bridging point to which the subscriber's line can be directly traced and the pair number of that line thus individually identified. If the tapper were seen climbing that pole, however, his entire efforts might be nullified by the suspicions of his intended victim.

**I**N SUCH a situation, the professional wiretapper, unless he has access to inside information, relies on his knowledge of the telephone company, and on the fact that in a big city the company employees are so many that they can't all know each other by name. He starts only with his victim's number, obtained from the telephone book, and with the knowledge that the letters in that number indicate the exchange. He dials the same exchange letters, and follows with the series of digits he knows will connect him with the exchange repair clerk—in Washington, for example, 9960.

To the unsuspecting clerk the tapper gives a false name, says he's out checking trouble on a certain line, and repeats his victim's telephone number to identify that line. Then he asks for the pair and cable numbers—the latter mainly for effect. The clerk gives him both.

Having obtained the pair number, the wiretapper then calls cable records for the location of the bridging points of the desired pair. Again, he must have the telephone-company lingo down to perfection. In the Bronx and Manhattan exchanges, they are called "bridging heads." But in Washington, they are called "multiples," and elsewhere they are known as "appearances." The tapper must use the proper expression. If he is a professional, he will. If the cable-records clerk is no more than normally astute, the tapper will get the information he requests.

The wiretapper then knows the number of his victim's pair, and he

### LOCKS AND BOXES

*(Report of subcommittee of the Senate District of Columbia Committee to investigate wiretapping in the District of Columbia, January, 1951)*

"Your subcommittee is impressed by the ease with which unauthorized persons, such as Lieutenant Shimon, can invade the privacy of telephone conversations. Lieutenant Shimon testified that by allowing the persons on the repair desk of the Chesapeake & Potomac Telephone Co. to believe that he was a telephone repairman he was able to get the location of the telephone box and the appropriate pair number. . . . Your subcommittee recommends that the Chesapeake & Potomac Telephone Co. address itself to the technical problem of protecting the secrecy of telephone conversations; for example, the relatively simple device of placing locks on such terminal boxes would materially assist in preventing unauthorized access to them. Unquestionably, technically qualified persons could develop additional safeguards to hamper the practice of wire tapping and more adequate methods for detecting it when it occurs."

knows that the pair runs from the original terminal box to a second bridging point on a telephone pole five blocks east, from there to a third bridging point on a pole five blocks south, and that from there it dives underground to a fourth bridging point in a cellar three more blocks south, where it finally enters an underground cable to the exchange. He can appear at any one of those bridging points without arousing the suspicions of his victim, and he can locate the line he wants by the pair number registered next to the terminal posts.

As to the "plant," the tapper may find a vacant house or apartment to rent near one of the bridging points. He then simply attaches his clips to the twin terminal posts of the pair and strings his wire inside. If he can't find vacant space, perhaps he will find that one of the bridging points is in a secluded spot, where he can park without attracting attention. He then strings his wires down from the pole or up from the cellar and into the car, where he



sets up his battery-operated recording equipment.

If neither of these plans can be worked out to satisfaction at the bridging points in question, the wiretapper has one other alternative: In almost every terminal box, there are not only pairs in active use, but also "spare pairs." The spare pairs, like the multitude of bridging points, give the telephone system fluidity. If a new building goes up, the company doesn't need to string wires all the way back to the exchange. To service that building it can install telephones merely by bridging to nearby points and using spare pairs for transmission.

In the meantime, however, the wiretapper can use these spare pairs, easily identified because they are dead lines. He finds the spare pair at the same bridging point as the pair he wants to tap. He connects the spare-pair wires to the terminal posts of the victim's pair. Then he calls the clerk at the trouble desk again, gets the bridging point locations for the spare-pair number, and checks those locations for nearby vacant houses. Eventually, he is bound to find an ideal "plant."

**T**APPING hotel, apartment, or office-building telephones, as noted above, is far more simple. In a hotel, the pairs of all the phones on any floor generally lead to a terminal box or "house box" in the hallway on that floor. If the tapper gets a room on the same floor as his victim, he can just open the house box, where he will find each pair tagged by room number, and cross the pair of his own room phone over to the terminal posts of his victim's phone. The wires are thus pre-strung for the tapper; he just clamps his equipment to the bell box in his room and "opens the plant."

Apartment and office telephone tapping follows a like procedure as long as space can be rented in the same building—the only difference being that the terminal boxes in these buildings are generally located in the basement, where a janitor may have to be bluffed by telephone credentials or be bribed with money while the pair leading to the newly rented space is crossed to the terminal posts of the victim's pair.

Since wiretappers are not likely to be held to any expense allowance, money for bribes is readily available.

And since most tappers are former telephone workers, the old pass can always be shown. "Some janitors are pretty smart, though," one professional tapper remarked. "They'll ask to see your tools, knowing they should be stamped 'Bell System.' When I went into the business, I bought a whole new set of tools, and gave them to a guy still working for Bell in return for his used tools.



The only thing was, his old tools had the Bell stamp on them."

Hotel, apartment, and office telephone tapping may be complicated by inability to rent space in the same building. In such a case, the wiretapper must again go to the clerk on the trouble desk. But bridging points for such telephone circuits, while not so many in number as in a residential area, are generally located in the basements of other buildings. Some of these buildings are certain to have space available for a plant.

#### Avoiding 'Phhps' and Such

Before opening any plant, however, the professional wiretapper employs a technique that is little known even in telephone-company circles and that enables him to avoid tapping in while a conversation is in progress—an act which would immediately tip off the victim.

During a telephone conversation, direct current flows in the circuit. If the wiretapper snaps his clips to the terminal posts at the bridging point, some of that current will rush back to fill his condenser plate. And no matter how small that condenser, the listener will hear a "phhp" on the line as the tapper's condenser is charged.

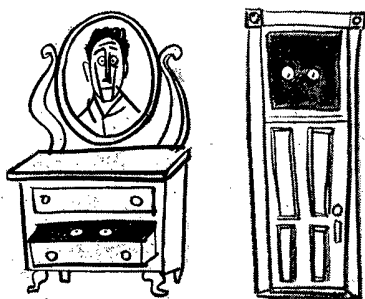
To avoid this "phhp," the tapper attaches one clip to one terminal. Then, with the tap circuit still open, he places the other clip between his thumb and forefinger, licks his forefinger, and places the wet finger on the other

terminal. The tap circuit is complete, but a wet finger is such a poor conductor that not enough current will flow through it to charge the tapper's condenser instantaneously. The "phhp" is avoided, but the tapper can still hear the conversation very faintly. Then, testing with the finger occasionally, he is able to delay installation of the tap until the line is free.

**T**HE expert wiretapper has several other ingenious little tricks that he uses on select occasions. One involves getting special numbers out of the telephone company. Actually, in many communities there are four classes of telephone numbers: listed (in the phone directory); unlisted (public but not yet listed); nonpublished (confidential); and special nonpublished (top secret). The first two anyone can discover. The third can be obtained by tracing the subscriber's wires from his phone to the terminal box, getting the pair number, and then bluffing the cable-records clerk into divulging the "drop number," or regular telephone number.

The records of special nonpublished numbers are even more difficult to obtain. There is one chance—by getting the pair number, tracing it through the bridging points to find the cable number, picking up a dozen other cable numbers in the process, and then calling the cable department and using the familiar language to request the "drop numbers" of all dozen cable pairs, including the desired one. In the cable department the number is not usually tagged as special nonpublished.

**O**NE LAST special trick is now fairly outmoded. But in the first days of the dial telephone, the wiretapper was confronted with a serious problem. Since the tapped victim no longer spoke out the number he was calling, and since no one could count the clicks of the dial pulse accurately, the wiretapper found it impossible in many cases to report on whom the victim was calling. Soon a solution was discovered. The tapper learned that if he shorted a wire across the pair momentarily while the dialing was in progress, the victim would get a wrong number, or no number at all. After two or three misdials, the victim would dial the operator and give his number orally. The wiretapper could then jot down



that number and let the next call go through unmolested.

To check the name of the subscriber at the number jotted down, the tapper could go to friends in the telephone company or could again bluff the "drop" name out of the clerk on the trouble desk. In some cities, however, the name of the subscriber, providing his number was published, could be obtained merely by dialing the same exchange letters as in the number, followed by a special set of digits. In Chicago, this applies today, the series of digits being 2080.

#### Certain Refinements

Since the days of shorting out to get a dial number, Kenneth Ryan, a former New York police detective who has been called the top wiretapping technician in the nation, has adapted a pulse-recording machine for intercepting purposes, a machine that punches out the pulses of the dial on tape, so that they can be counted and decoded into telephone numbers.

This machine, which has been sold by some for as high as \$400, is only one of the devices an expert wiretapper uses today in addition to earphones, condensers, and resistors. Recording machines are also essential, and although Ryan says he can adapt the best machine in the country for tap work and sell it for \$250, some wiretappers pay as high as \$980 for a single machine, all possible attachments included.

Another machine used by some wiretappers is the voice-activated "start-stopper," one model of which retails for \$90. The start-stopper is designed to start a tapped-in recording machine whenever voices come over the circuit, and to stop the recorder from three to fifteen seconds after the voices cease, depending on how the tapper sets it. Since the more expensive recording machines will transcribe for eight continuous hours, the stop-stopper permits

the wiretapper to dispense with paid assistants for monitoring work.

Kenneth Ryan, however, has no faith in the voice-activation principle. He claims that a stop-starter so activated will start at any noise at voice level on the line. But Ryan says he has just developed a current-activated start-stopper, based on the fact that direct current only flows through the line when the telephone circuit is completed. His machine, he claims, would make it possible for the first time to get efficient tap results from an unattended recorder.



In recent years, still another wiretapping device, the induction coil, has been publicized by national magazines ranging from *Popular Science* to *Business Week* and dramatically portrayed as the be-all and end-all of wiretapping—infallible, undetectable, and sinister. Actually, few self-respecting wiretappers would have an induction coil in their tool boxes.

The coil works on a simple principle: Electrical impulses flow through the pair in the completed conversation circuit. But these impulses also set into motion electrons in the air surrounding the pair, forming a field of radiation. An induction coil is so constructed that it can pick up this radiation in the air; and once picked up, quite normal tap-

ping equipment can translate the radiation back into voices. Thus the induction coil removes the need for direct connection with the tapped pair.

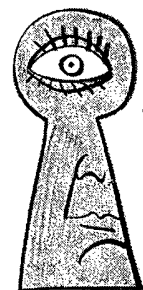
*Business Week's* piece quoted William G. H. Finch, an outstanding electronics engineer, as saying that an induction coil selling at \$4.85 could pick up telephone conversations through a wall and up to a distance of thirty feet. "A direct tap," said Finch, "belongs to the horse-and-buggy days."

Finch is a technical expert, and all but his last remark is probably true, under ideal conditions. But the fact is that an A.C. electric cord placed anywhere near the telephone pair in a room will cause enough radiation to drown out the radiation of the phone wires.

More important, an induction coil can be used only where the telephone pair to be tapped is not near any other pair. The coil will pick up all conversations from all pairs in a cable, for example. It is therefore of use only in a place where the desired pair exists alone and without interference.

In most telephone circuits, there is no such place. In a residential circuit, the "drop" from the terminal box to the home might be such a place, as might be the subscriber's premises. This, a professional wiretapper would be forced to point out, is a hell of a place to install a tap and open a plant. It would be simpler to marry the subscriber.

It seems obvious that the public remarks of men like Finch, who are genuine communications scientists but seem totally unaware of the pragmatic considerations involved in wiretapping, do nothing but propagate the myth of what might be called "Buck Rogers wiretapping," enormously widespread and impossible to control. Even limited wiretapping is not a pleasant thought to the free man. There is no point in exaggerating.



## IV. Little Politicians Have Big Ears

IN WASHINGTON, coffee nerves and wiretap nerves are equally common ailments. In the past few years hundreds in the capital have complained about their wires being tapped. Although proof of the alleged wiretapping has seldom been forthcoming, the list of complainants continues to grow. For being a tap victim has become as important to a politician's prestige as a duodenal ulcer is to that of a New York advertising executive.

"Certainly my lines are tapped," one Congressman recently insisted, as if he feared someone might deny it. Rumors of private political tapping have mounted to the point where few high officials feel free to talk openly over the telephone. Such apprehensions are frequently enough buttressed by fact as one lurid wiretapping story after another comes to light.

Cyrus Ching, the labor mediator, has told friends that during his efforts to settle a strike last year his wires were tapped by agents of both the company and the union. Charges have been made that Robert La Borde, a New York professional tapper, was hired by private-utility interests to tap the wires of U.S. Supreme Court Justices while the Court was deciding a case involving the Tennessee Valley Authority. Perhaps the most fantastic story of all was the rumor recently spread by a government employee involved in an office feud that he had tapped the telephone of Walter Bedell Smith, head of the Central Intelligence Agency.

### The Lieutenant's Profitable Hobby

The career of Lieutenant Joseph W. Shimon of the Washington police force presents almost unparalleled examples of the intricacies of political tapping. The Shimon case got an airing during a 1950 Senatorial inquiry into wiretapping in the District of Columbia. It had many Congressional and business ramifications, and offered a fairly sordid picture of what happens when certain high legislators ally themselves

with wiretappers and other undercover interests. Lieutenant Shimon, a police wiretapper and investigator, has always found time to practice his trade on the side, not only for Washington socialites bringing divorce actions, but also for a sizable number of Republican politicians, including Senator Owen Brewster and former Representative W. Kingsland Macy.

Shimon, a sharp-faced man with a taste for two-tone shoes and peaked lapels, joined the Washington police department in 1929, became a detective sergeant in 1933, and rose to be a lieutenant. In 1938, he was a member of what he has called the "strong-arm squad." "We went into every [Negro] dive and every joint," Shimon has explained. "We worked nights and days and we just messed them up. . . . Where we could not go ahead legally we knocked the doors down and chased them out of town."

Between lessons in this least subtle police technique, Shimon found time



to pick up one of the most delicate—wiretapping. From 1936 to 1940, he was personally involved in a large number of tapping episodes, including police investigations of a safe-cracking mob, a holdup man, a narcotics syndicate, and an abortion ring. The young detective learned quickly, and before long he himself was installing taps with an almost professional touch.

In 1940, Shimon was transferred to the local U.S. Attorney's office, where he was to remain until 1949, and where he was immediately placed in charge of a special investigating squad. It was a real break. He was given a staff of his own; he was freed from his old superiors in the Washington police department; and he found his new bosses quite lax in their supervision.

A second important event in Shimon's career occurred at about the same time, when he met Harry (the Dutchman) Grunewald, private investigator, political fixer, and confidant of such men as Senators Owen Brewster and Styles Bridges. Grunewald, who is no more of a "mystery man" than is indicated by the above-mentioned activities and associates, and who was certainly no mystery to Shimon, offered to act as contact man for his new-found protégé. The lieutenant was soon on his way up in the world of political wiretapping.

### Excellent References

Today, Shimon can boast of several letters from well-known politicians praising him for work described only as "special" or "confidential." Owen Brewster has written of "exemplary" work; W. Kingsland Macy of jobs "skillfully" done.

Shimon can also boast of a good outside income, all built up while he was a full-time member of the Washington police force. William Nolan, a onetime associate in an extra-vocational business venture, has been quoted as saying: "Lieutenant Shimon never worked on a wire job that he did not at least get a thousand dollars, and I worked on a wire job with him." A former subordinate, police officer John H. McHale, told the Senatorial committee in 1950 that Shimon had boastfully displayed a \$1,000 bill a couple of days after completing a wiretapping assignment for Owen Brewster.

Brewster has maintained that Shimon's services were obtained at the suggestion of Senator Styles Bridges, who had once praised Shimon's work for him as "eminently satisfactory services under the most difficult circumstances." Brewster has said that Shimon was hired only to watch a man who was allegedly shadowing Brewster. However, the Senatorial hearings threw some interesting light on the extent of Shimon's work.

In 1945, Pan American Airways threw its full influence behind a so-called "chosen-instrument" air-transport bill—designed to eliminate all overseas competition among U.S. airlines in favor of a single authorized line. Pan American expected to be the line chosen, and in attempting to pick this luscious plum it had the full support of Senator Brewster, who pushed the bill in the Senate Commerce Committee, of which he was a minority member. At the same time, since there was strong Congressional objection to P.A.A. getting this air monopoly, the firm hired Henry Grunewald to keep tabs on the opposition.

The most vociferous opponent was Senator Josiah Bailey of North Carolina, then chairman of the Senate Commerce Committee. Bailey, a steadfast believer in free competition, refused to support the bill even after Brewster hopped a special P.A.A. plane to North Carolina on a mission of persuasion.

When it was reluctantly concluded that Bailey could not be won over by Brewster's logic, the "chosen-instrument" men decided that it might be possible to catch Bailey conspiring with Pan American's chief overseas rival, Howard Hughes's Trans World Airlines, which strongly opposed the bill.

At this point, through the good offices of the Brewster-Grunewald-P.A.A. axis, Lieutenant Shimon was called in. One day in the fall of 1945 (Shimon's friend William Nolan later testified), Nolan drove the lieutenant to an apart-

ment building in the 2500 block of Q Street. According to Nolan, Shimon installed, in the basement of the building, a tap on the telephone line of Senator Bailey. Nolan recalled that the tap was used for the better part of a week and that it involved "something about airplanes."

Shimon was no doubt paid for his efforts, but otherwise the tap was hardly a success. Senator Bailey continued his opposition, and the "chosen-instrument" bill was defeated.

### Brewster's Flop Extravaganza

Two years later the Republican-controlled Eightieth Congress was riding high, and Senator Brewster had become chairman of the old Truman Senatorial committee investigating war contracts. Brewster was still interested in P.A.A.'s plan for an overseas air monopoly, and began pressing again from his new position of power. According to the later testimony of Howard Hughes, Brewster came to Hughes privately in February, 1947, and urged him to merge T.W.A. with Pan American. When Hughes refused, he testified, Brewster countered with a threat to investigate, through his war-contracts committee, Hughes's costly government-financed project to build an enormous flying boat. Hughes remained firm, and Brewster's committee went to work.

So did Shimon. In the spring of 1947, the lieutenant began installing wire-taps with such frequency that he was

forced to recruit several members of his district-attorney squad for monitoring duties. He confided to one officer that he was working for a "committee on the Hill." Later he asked another subordinate to pay special attention to conversations concerning airplanes in general and Trans World Airlines in particular.

The first tap was installed in the 2500 block of Q Street, the same block in which Senator Bailey's line had been tapped two years earlier. Shimon's man had heard only one conversation, however, when telephone-company men arrived and discovered the tap. The victim has never been identified.

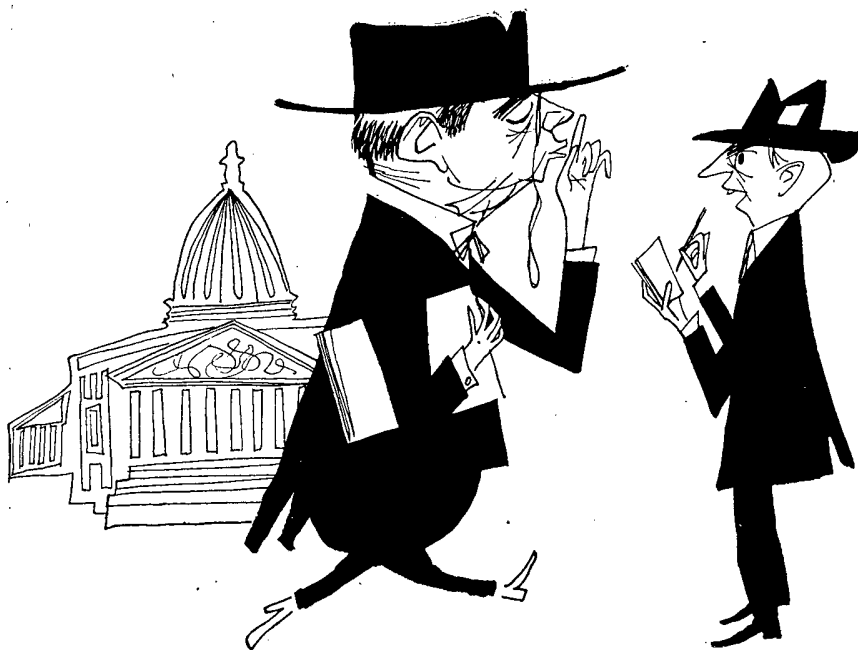
Untroubled by this setback, Shimon proceeded to install taps at a pole box on Connecticut Avenue, at an apartment building in Sixteenth Street, and at the Occidental Hotel downtown. The lieutenant, who has admitted that all four taps involved the same investigation, later blandly claimed before the Senate committee that he was after a "Miami fugitive," despite the totally contradictory testimony of all his subordinate police monitors.

According to the testimony of officer McHale, the "Miami fugitive" at the Occidental Hotel was one Hugh Fulton. Fulton had been the committee counsel of the war-contracts investigating committee when Truman had headed it, but was, in 1947, an attorney for T.W.A. and Howard Hughes.

On several mornings during two or three weeks, McHale borrowed sound-recording equipment from an electronics supply house and then drove Shimon to the Occidental, where Fulton had an office. The lawyer's conversations with such notables as Andrew J. Higgins, the shipbuilder, and former Democratic Senator James M. Mead, as well as with T.W.A. officials, were all faithfully transcribed. During this period, according to McHale, Shimon conferred regularly with Henry Grunewald. Soon Brewster's committee decided it had enough evidence to proceed with public hearings on the Hughes flying-boat project.

### Asleep at the Tap

On July 17, eleven days before the hearings were scheduled to begin, Thomas Slack, a T.W.A. lawyer, and Noah Dietrich, a Hughes executive, arrived in Washington to prepare Hughes's defense. Unfortunately, Shim-



on did not learn of their presence until July 22. The next day the lieutenant rented a room adjoining their suite at the Carlton Hotel, and installed a tap on their telephone line. For four days, Shimon and his subordinates recorded regular conversations over the tapped line. But on July 26, less than forty-eight hours before the hearings were to start, the conversations suddenly ceased.

For ten subsequent days, while Hughes and his associates attended hearings daily, the Brewster committee had an unhappy time. Hughes was not only an aggressive witness, but he made some embarrassing allegations about Senator Brewster. For ten days also, Lieutenant Shimon was unhappy. Puzzled, he maintained a silent vigil at the Carlton. For the same ten days, Slack and Dietrich enjoyed complete privacy of communication only three blocks away at the Mayflower.

When, on August 5, Shimon belatedly learned of the switch in hotels, he hurriedly checked out of the Carlton. The next day he registered at the Mayflower as Joseph W. Diamond of Roanoke, Virginia. A tap was again installed without delay, and for the next five days every telephone conversation of Slack or Dietrich was recorded. On August 11, the Brewster hearings ended, the two Hughes officials checked out of the Mayflower, and Joseph W. Diamond decided to do likewise.

Within a few months, Shimon was back at work on Capitol Hill. This time, his services were requested by Republican Representative W. Kingsland Macy of New York, then Chairman of the House subcommittee on questionable trade practices. On January 8, 1948, Shimon moved into the Graylyn Hotel, to tap wires of Advice, Inc., a firm dealing in scarce commodities, whose office was just a few doors down from the Graylyn. For more than two weeks, the taps proved fruitful. But on January 24, the line went dead—the result, according to Shimon, of others trying to tap the same telephone.

Although as this is written Shimon is under dismissal charges for alleged perjury before the Senate committee that looked into his activities in 1950, he still clings to his lieutenantancy in the Metropolitan Police Force, by virtue of influential friends and by virtue of the familiar Justice Department laxity in prosecuting wiretapping cases.

### Eavesdropping on Bedell Smith?

Within the past year, there have been persistent rumors that certain employees of the Army Signal Corps Intelligence Agency (a special section concerned primarily with communications intelligence work) have listened to tapped telephone conversations of the Central Intelligence Agency chief, General Walter Bedell Smith. This much has been pieced together by the writers of this article, through interviews and newspaper accounts:

In the fall of 1951, ten members of the Signal Corps Intelligence Agency, several of them former CIA workers, banded together under the leadership of one Edwin Y. Webb to discuss their common distrust of certain fellow employees in both SCIA and CIA. Under the guidance of Webb, a militant Southerner and former technician with the Atlanta telephone company, they compiled a list of a dozen-odd people—most of them Jewish. Some of the dozen they suspected of being Communist spies; some they merely labeled “pinks.” All were safe in their jobs, it was claimed, due to the favoritism of top officials.

Webb and his band, including six other civilian employees, a lieutenant colonel, a captain, and a lieutenant, decided they could not press their charges through official channels, since such action would probably lead only to their own dismissals. Instead, they managed to set up a pipeline to the political commentator Fulton Lewis, Jr.

In mid-December, Lewis rewarded their efforts with two syndicated newspaper articles entitled “Our Security Agencies Infiltrated by Reds.” The articles were general in nature, and appeared to be the opening blasts of a long series. But for some reason Lewis dropped the subject after the second installment.

Webb, whom Lewis had obliquely referred to as a “genius,” then took his information, in rapid succession, to the Senate Internal Security Subcommittee headed by Pat McCarran of Nevada; the House Un-American Activities Committee, and the *Times-Herald*, Washington affiliate of the *Chicago Tribune*.

About four hours after Webb delivered his documentation to the *Times-Herald* he received a call from a friend at the Central Intelligence Agency,



who informed him that Bedell Smith had been told what was going on.

It was immediately after this, according to Webb's original story, that he listened in on Smith's telephone conversations, at a tap installed somewhere along the banks of the Potomac River.

In the meantime a complete investigation of Webb's accusations had been ordered by Army Intelligence. Fifteen agents spent six weeks checking on each person accused by the Webb group, after which Major General A. R. Bolling, then head of G-2, pronounced all the charges “groundless.” Webb was then eased out of SCIA, but has since ended up in a top communications job with the Office of Civilian Defense.

As to the wiretapping, according to General Bolling, Webb denied the practice: “He laughed it off,” the general reported, “Said he'd spread the story of tapping just to stir up public interest.” Bolling himself believes that the tapping rumors are unfounded.

One former CIA employee closely associated with Webb, however, still insists the tapping was done. Also, Representative Francis Walter, a member of the Un-American Activities Committee, reports that his check of committee files “bears out the charge of wiretapping in this particular case.” In addition, when a reporter recently asked Webb himself if tapping had been involved, he replied, “And how!” Two days later, when the same reporter called again, Webb was much less committal. He asked how the reporter had learned of the wire work and refused to discuss the matter fur-



## CONVERSATION PIECE

(Tapped telephone conversation between Frank Costello and Thomas A. Aurelio the morning after Aurelio's nomination as Justice of the New York Supreme Court—as reported in the New York Times, August 29, 1943.)

**AURELIO:** Good morning, Francesco, how are you and thanks for everything.

**COSTELLO:** Congratulations. It went over perfect. When I tell you something is in the bag, you can rest assured.

**AURELIO:** It was perfect. Arthur Klein did the nominating; first me, then Gavagan, then Peck. It was fine.

**COSTELLO:** That's fine.

**AURELIO:** The doctor called me last night to congratulate me. I'm going to see him today. He seems to be improving. He should be up and around soon and should take the train for Hot Springs.

**COSTELLO:** That's the plan.

**AURELIO:** ——— congratulated me. That's a fellow you should do something for. He certainly deserves something.

**COSTELLO:** Well, we will have to get together, you, your Mrs. and myself, and have dinner some night real soon.

**AURELIO:** That would be fine, but right now I want to assure you of my loyalty for all you have done. It's undying. . . .

ther. Whether or not the tapping was actually done thus remains a matter of conjecture. At the same time, the mere possibility of such an act would seem to merit Congressional investigation.

**Dewey, O'Dwyer, and Bugs**

Not all political wiretapping, of course, takes place in Washington or involves Federal officials. Wiretapping is practiced quite extensively in state politics. Governor Thomas E. Dewey of New York has not been averse to using tap-obtained information in attempting to get the goods on his Democratic foes in Albany. In 1940, a Congressional committee learned that a Democratic state legislator, Senator Ruth of Pennsylvania, had employed state policemen to tap the telephone lines of Mayor S. Davis Wilson of Philadelphia when the committee Ruth headed was investigating the city judiciary. In the same year, Frank B. Bielaski's detective agency in New York, which had done much work for the Republican National Committee and for G.O.P. politicians in such states as Massachusetts and Pennsylvania, was exposed as having tapped the wires of public officials in Rhode Island.

Bielaski's agents had installed four taps, one in Pawtucket and three in Providence. The Pawtucket tap was on the home telephone of the Democratic Mayor, Thomas P. McCoy. The three Providence taps were all on the telephones of the Republican State Attorney General, Louis V. Jackvony, on

lines at his home, his private law offices, and his public office in the courthouse.

Although the two officials tapped belonged to opposing political parties, they had one thing in common: Each had earned the enmity of the Republican Governor, William H. Vanderbilt. When the taps were first discovered, J. Howard McGrath, then U.S. Attorney for Rhode Island, investigated. A few weeks later, McGrath reported that Governor Vanderbilt had privately hired Bielaski to do the tapping and had paid the detective some \$11,000 for his efforts.

**P**OLITICAL wiretapping is also practiced occasionally on the local level. In 1949, Clendenin Ryan, the wealthy self-appointed New York reformer, hired John ("Steve") Broady's detective agency to get what dirt it could on Mayor William O'Dwyer of New York. Broady, in turn, promptly hired the professional wiretappers Kenneth Ryan and Robert La Borde. Hidden microphones, or "bugs," were installed in the homes of Fire Commissioner James Moran and other city officials, and a mountain of information was collected. Then came retribution.

Police raided Kenneth Ryan's home, confiscated an estimated ten thousand dollars' worth of wiretap equipment, and found a list of dozens of city officials whose lines were to be tapped. Kenneth Ryan was taken to City Hall, where O'Dwyer personally questioned

him. Ryan finally sneaked away from the interview while the Mayor's back was turned and climbed out a ladies-room window.

In April, 1949, Kenneth Ryan and Broady were indicted for conspiracy to tap the wires of Manhattan Borough President Hugo Rogers, and Ryan was further indicted for escaping from custody. The next week, Ryan and Broady were also indicted for tapping the wires of a Brooklyn automobile company which was allegedly involved with politicians and racketeers.

About the same time, after Robert La Borde had blocked attempts to call him before a grand jury investigating the plot against O'Dwyer, he too was indicted for wiretapping—in a Brooklyn divorce case.

Kenneth Ryan insisted none of the officials on the list found in his possession had actually been tapped—because he had been arrested too soon. Police had to admit that neither Ryan, Broady, nor La Borde had ever been caught in the act of tapping city officials' wires. Eventually all went free. Soon afterward, O'Dwyer quit his post as mayor and left for Mexico, as U.S. ambassador.

(This concludes the first of The Reporter's two articles on wiretapping in the United States. The second, which will deal with Federal and police wiretapping, and the work of "lone-wolf" wiretappers, will appear in the next issue.)





6 Jan 53 - CDR

# The Wiretappers

WILLIAM S. FAIRFIELD and CHARLES CLIFT



## V. Listening In With Uncle Sam

THE RECENT movie "Walk East on Beacon," based on an article by J. Edgar Hoover and produced in cooperation with the Federal Bureau of Investigation, proved once again that stealing United States military secrets does not pay. In the process, the film also offered vivid testimony as to the technical ingenuity of the FBI, which has apparently adapted every sort of modern device to the needs of scientific detection.

Still cameras hidden in auto spotlights traced the movements of Russian agents. Radar located a boat they were using. At an indoor rendezvous a concealed microphone and a camera which needed no light televised ensuing events directly to FBI headquarters. At outdoor meetings movie cameras with telescopic lenses substituted for television, recording lip movements for later translation at a school for the deaf. Nowhere in the picture, however, was there the slightest suggestion of wiretapping.

Generally, the subject of FBI tapping was avoided by portraying the Russian agents as too smart to use a telephone. Still, an occasional well-timed tap would have simplified the FBI's task—and incidentally shortened the picture—a good deal.

IN THE LIGHT of periodic statements by various Attorney Generals and by Hoover himself, all admitting that FBI agents did tap telephone wires, the obvious avoidance of the practice in "Walk East on Beacon" may seem somewhat strange—at least until it is

recalled that these periodic official admissions have only been made after some public disclosure of Federal wiretapping. Each admission has been quickly coupled with a claim that the government taps only in a limited number of especially serious cases. Federal investigative agencies are always unhappy about disclosures of their wiretapping activities, partly because they don't want their current targets to become suspicious, but mainly because they fear the public reaction to this particular type of invasion of privacy, and because they have not been really sure of their right to tap since the passage of the Federal Communications Act of 1934.

Today the FBI is the only Federal agency that openly admits to any wiretapping, and it insists that the practice is limited to cases of kidnaping and of espionage, sabotage, and other "grave

risks to internal security." But if it is a fact that FBI regulations do restrict tapping to certain "grave" cases, then it must also be a fact that the question of what is grave and what isn't is often left to the discretion of individual agents and officials, some of whom seem to cruise over a wide latitude of judgment.

There is further evidence that other Federal agencies, including the Central Intelligence Agency and various military intelligence units, have been avidly tapping away. J. Edgar Hoover, who should know, has said that his is not the only Federal agency employing wiretapping. While the others strongly deny the practice, some will frankly admit that they would deny it even if it were true; others admit that they would not hesitate to tap "in the interest of national defense."

### 'Never Heard of It!'

Elsewhere in Washington, official denial of wiretapping is even more emphatic. The Treasury Department's Alcohol Tax Unit, Narcotics Bureau, and Bureau of Internal Revenue all claim they haven't tapped wires since 1939, although they do say that they gladly accept wiretap information contributed by the FBI or local police.

Sometimes private professional tappers are hired for specific assignments. Sometimes the FBI or local police are requested to do the tapping. But generally, Federal wiretapping is done by a regular member of the agency in question, a man whose skill is the result of former telephone-company em-



January 6, 1953

**STRAIGHT TALK**

*(Words of an Assistant United States Attorney in a mail-fraud case, as quoted by Supreme Court Justice Frank Murphy in his dissenting opinion in a 1942 wiretap decision.)*

"I am telling you before we go any further that there is no use of us kidding each other. We have watched your telephone; we have watched all these lawyers' telephones; we have had rooms tapped. We know what is going on. We are not stabbing in the dark. If you want to hear your voice on a record we will be glad to play it. . . . You have been in this for so many years that we feel that in order for you to help yourself, since you are considered one of the principals here, it would be wise for you to indicate to us whether you intend to tell us everything and come clean. . . . That is straight talk."

ployment or of training at the FBI Police Academy or at one of the Treasury Department schools that have taught wiretapping in Detroit and New Orleans.

**Hoover's Modesty**

The FBI, which probably does more wiretapping than any other Federal agency, is at constant pains to depreciate its use of the technique. J. Edgar Hoover's most recent public statement on the subject of tapping was made before a House appropriations subcommittee early in 1950, when the FBI director said his agents were tapping "less than" 170 telephones at the moment. Assuming five conversations over the average phone each day, 170 telephones would carry more than 300,000 tapped conversations a year. Such a figure is merely a guess, but it compares favorably with the concurrent testimony of Mrs. Sophie Saliba, head of the record-file room of the New York office of the FBI. Mrs. Saliba disclosed that more than thirty-five hundred disks of FBI-tapped conversations had been destroyed in 1949. Since a disk can easily hold five telephone conversations, probably these disks held at least 17,500 conversations—all obviously the work of the New York office alone.

As usual, the 1950 statements of

Hoover and Mrs. Saliba followed a public disclosure of FBI wiretapping—in this instance as an outgrowth of the Judith Coplon espionage case. When Miss Coplon, a Justice Department employee, was arrested in New York in March of 1949, her purse was found to contain notes lifted from twenty-eight detailed FBI reports. In her Washington trial later that spring, the notes were introduced as evidence that she had stolen government secrets.

Miss Coplon's attorneys, however, demanded that the full texts of the pilfered FBI reports be introduced, so that the jury could determine just how weighty the information taken by Miss Coplon really was. Reluctantly, Judge Albert Reeves agreed. The full reports were introduced on the twenty-eight FBI cases from which Miss Coplon had taken extracts. A quick review showed that wiretap information was included in fifteen of the twenty-eight reports. In four of these fifteen, the FBI had tapped home telephones; in the remaining eleven, the Bureau's information came from taps on the lines of foreign embassies and consulates and of pro-Soviet organizations.

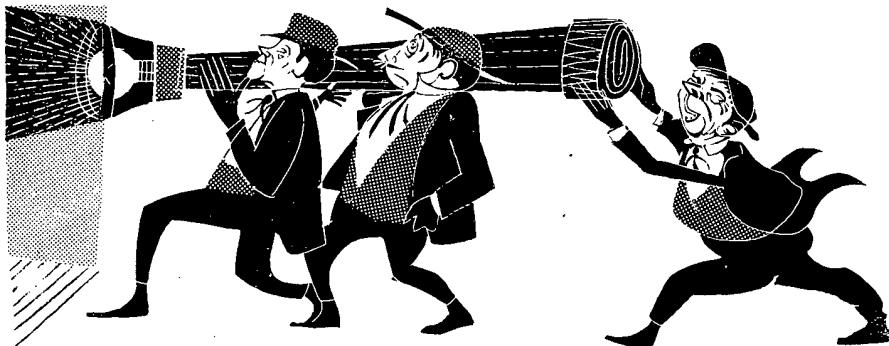
At Miss Coplon's Washington trial, her attorney, suspecting exactly this sort of widespread FBI use of wiretap information, demanded that Federal agents be called for questioning on the possible use of tapping against his client. He felt that under Section 605 of the Federal Communications Act, evidence gained through wiretapping would be inadmissible in court. Justice Department prosecutors called the defense demands "a fishing expedition," and Judge Reeves concurred. On June 30, 1949, without any determination as to whether the government had obtained its evidence through wiretapping, Judith Coplon was convicted of espionage and sentenced to a maximum of ten years in prison.

In December, 1949, however, prior to a second Coplon trial in New York on conspiracy charges, Judge Sylvester Ryan did allow defense attorneys to examine the sources of the government's evidence. Quickly the full story came out. Forty FBI agents had tapped the telephones in Miss Coplon's Washington apartment, in her office, and in her family's home in Brooklyn. They had tapped not only before her arrest in March but for two months thereafter. On July 12, after the Washington conviction, they had resumed the tapping and had kept it up until November 10. On the last date, the Coplon tap was discontinued by a directive (dated November 7) from Washington, "in view of the immediacy of her trial." The directive, which referred to the tap by the code name of TIGER, also ordered that all recordings be destroyed. At the end was written: "O.K.—H," and under that: "This memorandum . . . to be destroyed after action is taken."

Judge Ryan denounced the "unlawful activities of the wiretappers," and added: "Section 605 . . . not only forbade such interception but rendered its contents inadmissible as evidence and made . . . the use of divulgence of information so obtained a felony . . . This is still the law."

However, the judge ruled that the FBI had a case against Miss Coplon completely aside from the wiretap evidence. On March 7, 1950, just a year after her arrest, she was convicted and sentenced to an additional fifteen years in prison.

**I**N DECEMBER, 1950, the New York Circuit Court of Appeals reversed the conviction of the lower court, partly because it felt the government had yet to prove its evidence was not the product of unlawful wiretapping. Nevertheless, the court, pointing out that



Miss Coplon's "guilt is plain," refused to dismiss the indictment and suggested a retrial.

Six months later the Court of Appeals for the District of Columbia also passed judgment on the conviction of its lower court. While upholding Miss Coplon's conviction, it remanded the case to the lower court for hearings to determine whether her conversations with her attorney had been tapped—as the report of round-the-clock FBI tapping until November 10 certainly indicated. Such tapping, the court held, would have constituted a grave violation of Miss Coplon's Constitutional rights. "No conviction," the decision stated, "can stand, no matter how overwhelming the evidence of guilt, if the accused is denied effective assistance of counsel."

Miss Coplon remains free on bond. To date, the FBI tapping has merely served to protect a woman in whose purse classified government information was found. The evidence also served to show how far the FBI's tapping practices had extended in invading Constitutional rights and in trying to deceive the courts.

### Some 'Routine' Taps

Today, reports persist that the FBI maintains a constant tap on the telephones of all Iron Curtain embassies. Whether the telephone company, always uneasy about wiretapping, has actually co-operated to the extent of stringing these taps into a central switchboard makes little difference. It usually co-operates. Quite recently, when a company repairman found a tap installed at the basement terminal box in Washington's National Press Building, he reported his discovery to the company. "Forget it," he was told. "That's on the Russian news agency, Tass, upstairs." Earlier, another company employee had surprised two men at a terminal box in an apartment building where a foreign official was staying. When he asked for their company passes, they ran. Later his boss called him in and introduced the two, both FBI men.

In the field of domestic crime, the FBI insists it taps wires only in kidnaping cases, although sometimes it expands this statement to include all cases "involving life and death." But here again, at least some agents of the FBI seem unable to stick to the Bureau's

defined limits. In 1941, FBI men were found to be tapping the telephone of union leader Harry Bridges in the Edison Hotel, New York, in the course of deportation proceedings against him. In the same year, it was reported that the FBI had tapped telephones at Miami police headquarters during a corruption inquiry—and incidentally had had its own wires tapped in return.

In 1948, John L. Lewis, United Mine Workers president, accused Attorney General Tom Clark of using FBI men to tap UMW telephones. "Surely," said Lewis, "old Tom hasn't for-



gotten the day he sent one of his gumshoe men in to tap our telephones in our office and our boys threw him out on his ear. They caught him right at the control box in the basement, tapping her up, and they threw him out." Clark answered that no tap was necessary because Lewis roared so loud.

LESS THAN two years ago, a United Auto Workers union official in Detroit discovered an even more arbitrary reason for wiretapping by local FBI agents. The official had been investigating the series of bombings and shootings that had destroyed UAW property and had wounded UAW leaders Walter and Victor Reuther. When the FBI moved into the case, the Federal agents refused to pool their energies with the UAW man, perhaps because he had once exposed an FBI informant who was also active in labor-espionage work. They could have got the UAW man's information by simply

asking for it. Instead, the UAW investigator surmised, the FBI agents preferred to tap his telephone line and find out in that way what he knew.

Suspecting such a tap, he complained to the telephone company. There an official would only answer that the requests of certain agencies "had to be complied with."

### FBI Des of April

On the last day of March, the UAW investigator decided to find evidence that the FBI was tapping his line, a fact of which he was so sure that he bet a fifth of whiskey on it. From his Detroit office, he telephoned a friend and reported that a certain hoodlum was going to hold a celebration, in company with all those involved in the Reuther shooting, at 11:30 that evening in an east-side tavern. The friend, who had been coached on what to say, agreed that "Plan A" would be best, and the two worked out certain complex signals. On his other office line, the UAW investigator then called a second friend upstate, who was in on the act, to be told that another hoodlum suspected in the Reuther case had just left for Detroit. The 11:30 meeting was again discussed along with "Plan A." Then the UAW man went home, from his home phone called a third friend, and again delivered his tavern information and discussed "Plan A."

Shortly afterward, his first friend showed up. Together, they painted crude signs on paper, rolled up the sheets, and headed for the tavern.

The tavern was hot and stuffy, but two young men sat at the far end of the bar in their coats—as if to hide shoulder holsters. The UAW investigator recognized one as an FBI agent; the other he was to meet later at the FBI's Detroit headquarters. The clock above the bar ticked past 11:30 and then reached midnight. It was April 1.

Suddenly the UAW man and his companion unfurled their hand-painted signs. Each was inscribed with the same two words: "APRIL FOOL." To date, the UAW investigator is not sure which he enjoyed more—the startled expressions on the agents' faces or the bottle of whiskey he collected without argument the following day.

Outside the FBI, wiretapping on the Federal level is a somewhat disorganized business. No other government agency seems to have any set formula



or any set method of operation. The Central Intelligence Agency, the Office of Naval Intelligence, and Army G-2 (Intelligence) all "do quite a bit of tapping," according to Kenneth Ryan, a professional tapper who practiced his trade with ONI's "ferret" squad during the war and who has also worked with other Federal agencies. "But mostly," Ryan says, "they tap on their own personnel or on each other."

A wartime official in one Federal investigative agency recalls requesting the Washington telephone company to put a tap on someone he had under surveillance. A week later the company's liaison man showed up with a sealed envelope of transcribed conversations. Through a strange bit of confusion, however, these turned out to be not the desired monitoring but transcriptions, made for another investigative agency, of telephone conversations between the official himself and members of his staff.

**T**HE CIA has also offered support for Ryan's statement. Within the agency, employees' telephones have been monitored for loose talk. And there is evidence that home phones of new employees are also tapped. Recently, when such an employee was about to be sent overseas, he looked out his kitchen window one morning to see a man tracing his "drop wires" into the terminal box on a nearby telephone pole. Since he had not planned to tell anyone his overseas destination anyway, the employee was merely amused.

The Office of Naval Intelligence is

also busy monitoring the lines of Navy personnel, although its total wiretapping activities are probably somewhat diminished since the days when the ONI used to lend its investigative facilities to the State Department. In those days, with a staff including men like Kenneth Ryan, ONI reportedly even found time to tap the phones of Drew Pearson when the columnist began printing items unfavorable to the Navy. Pearson is said to have rewarded ONI's efforts to learn his sources with a wide variety of false leads.

Army G-2 is perhaps the most frank about its wiretapping practices. It admits it would tap "without hesitation in any case where the national security was involved." A spokesman points out that Secretary of the Army Frank Pace has publicly stated his opposition to wiretapping. "But," he adds, "Frank has never sent any directive on the subject to G-2, and I hope he never will." The spokesman further admits that G-2 has monitored all Pentagon lines from time to time, and will continue to do so. "The only way to prevent wiretapping leaks," he says, "is not to say anything over the telephone. These smart boys think they're talking in code, but a child could break it after three conversations."

Over in the Treasury Department, tapping is vehemently denied by all investigative branches, although most officials will admit that Treasury once led the Federal field in wiretapping. In the days when Henry Morgenthau served as Secretary, the Department taught wiretapping at its schools, and its Alcohol Tax Unit maintained a highly efficient laboratory where wiretap-detection devices were developed. Morgenthau believed wholeheartedly in wiretapping: "We do not propose to be sissies," he once said. But his own concern with the practice apparently backfired. In his last years as Secretary at least one Treasury expert had a full-time assignment checking for taps on Morgenthau's office line and on his home phones in Washington and New York.

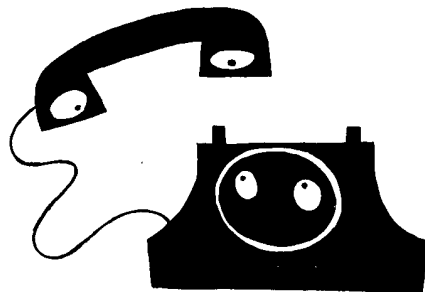
Despite present Treasury denials of wiretapping, alcohol-tax agents still work in their electronics laboratory. Dwight Avis, head of the ATU, is still known to his associates as a top expert. Sometimes the temptation to tap must be almost too much for the frustrated agent stymied on a tough assignment.

Regular Federal agencies have also been known to tap the phones of employees. In 1933, Department of the Interior officials used extension phones to intercept conversations—a form of tapping that was halted abruptly when Harold Ickes, then Secretary, learned of it some eight months later. In 1946, when Fiorello La Guardia took over the directorship of UNRRA, the former Mayor of New York hired professional wiretappers to check on a report that bribes were being taken in letting contracts. La Guardia fired underlings revealed to be guilty; but first he called them in, played back the incriminating conversations, and in his inimitable style told the culprits exactly what he thought of them.

### Congressional Committees

From time to time, various Congressional committees, not to be left behind, also have found it expedient to listen in on telephone lines. The House District Committee once used Washington police to tap phones in the Hamilton Hotel during an investigation of milk bootlegging in the District of Columbia. The Kefauver Committee used wiretap information inadmissible in Federal court in its crime investigation. Most recently, the House's King subcommittee investigating tax scandals hired a wiretapper named William Mellin, who worked for the committee in December, 1951, as a "technical investigator." Mellin has never claimed any vocation but wiretapping.

**T**HUS the pattern of Federal wiretapping emerges. As many of the details are missing as the agencies involved have been able to conceal. But enough has been uncovered to trace a general structure. It is a disjointed structure and not pleasant to look at—especially since it reveals men nervously defying a law they are supposed to be enforcing.



# VI. Cops and Robbers, Doxies and Dicers

WHEN POLICE arrested the young margarine heir Minot F. ("Mickey") Jelke and his associates last summer on charges of maintaining a vice ring, the New York Vice Squad could hardly credit its triumph to the kind of hard, plodding investigative work that is generally the mark of a good police force. After receiving a tip, police merely installed a tap on the playboy's apartment telephone, and in comparative ease recorded calls until they had enough evidence to move in and make arrests.

The approach was not new. In each recent year, New York police have used wiretapping in some three hundred criminal investigations. One in 1948 led to the conviction, on charges of "loitering for the purpose of committing an act of prostitution," of one Nancy Fletcher Choremi. This case provoked the New York County Criminal Courts Bar Association into an inquiry on private and official tapping practices. The Association's report urged an FCC investigation, which never materialized.

The tapping in all these cases was specifically authorized under a New York State statute which permits police wiretapping, subject only to the necessity of obtaining a court order. The technical legal question—whether state laws authorizing wiretapping are Constitutional—has just been settled by the Supreme Court: Wiretap evidence is admissible in state courts.

STATE LAW or no state law, local police in every major city in the United States are today tapping telephone lines—from Boston to Los Angeles, from Chicago to Miami. While Federal agents professedly tap only in the most serious crimes, local enforcement agencies seem to do their tapping mainly in the fields of gambling and prostitution, where incriminating evidence is recorded side by side with the conversations of many who may hardly

be considered as criminals, where publication of the recordings can thus subject the innocent to extreme embarrassment, and where secrecy can open the way for corrupt police to blackmail the guilty.

State and local police can afford to wink at the Federal statute against wiretapping, in view of the U.S. Department of Justice's well-known reluctance to prosecute even private wiretappers. But there is another reason why police have carried tapping so much further than Federal agents.

Kenneth Ryan, a tapper with the New York police for twenty-one years, has said of his trade: "It's just a time-saver; that's all it is." In Detroit, Inspector Clayton Nowlin of the Vice Squad agrees: "A lot of policemen are lazy," he says. "You can get the information you need if you just go out and develop it. But some of the boys would rather sit in an easy chair with the ear-phones on."

## Denials and Euphemisms

Laziness must be the answer, for local police are well aware of the extralegal and unethical nature of wiretapping. When questioned, local enforcement officials will try, almost universally, to deny the practice. A reporter who called the New York County District Attorney's office recently was given a grudging admission of wiretapping only after he mentioned the presence on the D.A.'s staff of a



well-known police tapper named O'Sullivan. Some time later, the District Attorney's office introduced wiretap evidence against Thomas (Three-Finger Brown) Luchese in a New York State crime investigation. In Detroit, former Police Commissioner Harry Toy told the same reporter that he had used wiretapping to break up a hockey "fix" scandal several years back and to crack a numbers ring. For details, Toy referred the reporter to the present Deputy Police Superintendent, Lawrence Kennedy. Kennedy promptly denied that Detroit police had ever tapped a telephone line.

Police forces conceal their wiretapping activities by various methods. Some use euphemisms for the practice, such as the official term "technical surveillance" in Chicago. Others give tappers assignments that hide their true duties.

In New York, for example, Kenneth Ryan was assigned to the Bomb Squad. In Washington, Vice-Squad men do the wiretapping. The Washington police force also protects itself by refusing to buy any wiretapping equipment; it rents what it needs from private firms. The Los Angeles force has gone one step further; instead of having a tapper on the staff, it hires outside professionals whenever a job comes along.

The New York City police force has the most elaborate wiretapping organization in the nation. Perhaps fifty lines are tapped daily, sometimes under court orders, sometimes without such formalities. In addition to these full-time taps, spot checks are made regularly on the lines of hundreds of bookies.

The number of professional tappers on the New York City payroll has never gone higher than six, but these men—split between the city squad and the District Attorney's office—are sufficient. They install the taps and they remove them. Spare patrolmen and rookies, who know nothing about the techniques of wiretapping, do the monitoring.

**A**LTHOUGH most of the big names in the criminal world are tapped intermittently, ninety per cent of New York police wiretapping involves gambling and bookmaking. This in turn encompasses not only the phones of known bookies but also public pay stations at local baseball parks, race

tracks, sports arenas, and even mid-town restaurants, from all of which calls to bookies are often placed. At various times, the pay phones have been tapped at Ebbets Field, the Polo Grounds, Madison Square Garden, Pennsylvania Station, and—quite recently—at Toots Shor's and Dinty Moore's restaurants.

The tap on Toots Shor's pay phones paid off just last spring, when Phil Regan, the nightclub singer who entertained at the Democratic National Convention, called from Shor's to arrange an appointment between Mayor John V. Kenny of Jersey City and the high-ranking mobster Anthony Strollo, alias Tony Bender. Kenny considered Bender the only man capable of break-



ing up a current dock strike on the Jersey waterfront, and Regan set up a midnight meeting between the two men at the singer's apartment in the Warwick Hotel. According to the *New York Times*, detectives from the District Attorney's office were well staked out in the hotel lobby to observe the comings and goings of the principals. The news story did not indicate how

the detectives had happened to be in the right place at the right time.

### What D'ya Hear?

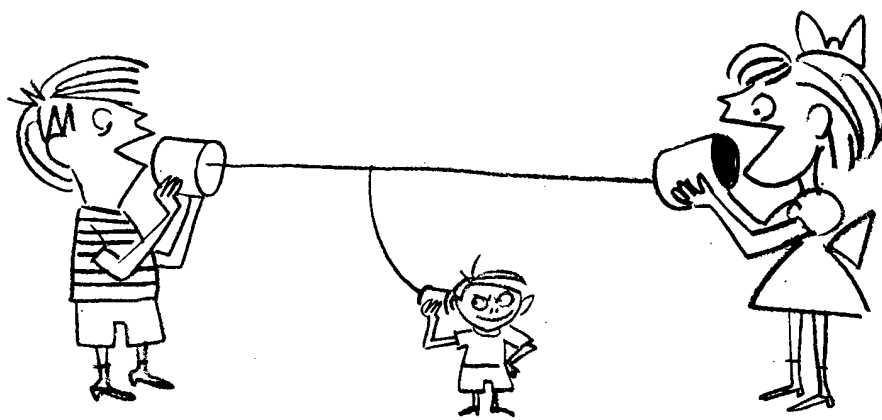
Any telephone tap involves recording the conversations of innocent people. One New York policeman has reported that while tapping a private line he recorded calls to the Juilliard School of Music, the Brooklyn Law School, the Mercantile Commercial Bank, a health club, a stationery store, a real-estate company, a garage, dentists, taverns, brokers, and a New York police station. The tapping of a public pay station obviously increases the problem many times, since both parties to a recorded conversation frequently have nothing to do with what the police are investigating. Over a tapped pay telephone, a man may hold legitimate but highly personal conversations with his wife, his lawyer, his doctor, his broker, or his business associates. On that tap sits an underpaid rookie. Suddenly he has information worth money—either to the man calling or to his personal or professional rivals. The temptation is obvious.

**W**IRETAPPING has brought many surprises to the tappers. Kenneth Ryan can recall the day in the mid-1930's when he placed a tap on the line of Vito Genovese, whose connection with Murder, Inc., was then under investigation by New York police. Genovese lived on Washington Square, in the building where Mrs. Franklin D. Roosevelt maintained an apartment. To tap Genovese's phone, Ryan got the pair number of the gunman's line, located his terminal box, found a "spare pair," or dead line, in the same box, cross-connected the spare pair to Genovese's pair, and then tapped in on the spare pair some blocks away.

Two days later, Ryan returned to the "plant" to see how the tap was going. "My God!" said the patrolman-monitor. "Do you know who we've got on here? F.D.R.!"

Ryan checked, and discovered that Mrs. Roosevelt had moved into her Washington Square apartment and had been given for her phone connection the same spare pair he was using. At the moment, she was talking about having a bath ready for the President, who was due in that night.

Ryan quickly returned to the Genovese terminal box, eager to remove his



PLO YARDT

tap. But when he reached the box, he found it guarded by Secret Service men. "I wasn't happy about being on the Roosevelt line," Ryan says. "I wasn't even interested. But with the Secret Service on guard, all we could do was sweat it out."

### Bizarre Happenings in L. A.

In spite of the prominence of New York City in the wiretapping field, the New York force has never gone as far as have law-enforcement officials in Los Angeles and Washington, who have tapped their own staff members in checking on police corruption.

The Los Angeles case, which came to light in 1949, involved the tapping of telephone conversations between Sergeant E. V. Jackson of the Vice Squad and the gangster "Snow White" Mickey Cohen, and between Jackson and Brenda Allen, directress of production for a high-toned Hollywood call house. Some sixty hours of selected

recordings were played to a special grand jury.

Aside from Miss Allen, the most colorful figure to emerge from the series of disclosures was one J. Arthur Vaus, a stout former theological student in his early thirties, who at the time was the head of Electronic Engineering Consultants, a firm located in the same building as Mickey Cohen's haberdashery shop. Vaus, who later was to give up his work in crime and politics after attending a Billy Graham revival meeting, was apparently willing to work either side of the wiretapping street where money was available to pay him.

Before the grand jury, Vaus admitted that the Los Angeles Vice Squad had a habit of calling on him for "rush jobs" of wiretapping. He further testified that Sergeant Charles Stoker, like Jackson a member of the Vice Squad, had paid him to tap Stoker in on conversations between Miss Allen and Jackson, over the wires of the Vice Squad telephone.

A year earlier Vaus had also worked for Mickey Cohen. Cohen, who admitted to being "bug-happy," had first tried to hire Russell Mason, a private Los Angeles detective and expert wiretapper. The gangster had offered Mason \$50,000 a year to become his "personal sound engineer," but Mason had declined, because, he later said, he was working for the police department.

J. Arthur Vaus proved to be an adequate substitute. Cohen suspected that his \$120,000 Brentwood bungalow, completed in April, 1947, had been wired for sound by Sergeant Jackson during its construction. A year later, Vaus went to work for the gangster and, with the aid of a mine detector,

quickly discovered the outlet cable the police had buried in Cohen's lawn.

Vaus also taught Cohen the advantages of wiretapping. In January, 1949, Sergeant Jackson arrested Harold ("Happy") Meltzer, a close Cohen associate, on a charge of carrying firearms. When the trial came up in May, Cohen, with the able assistance of Vaus, was ready. The gangster appeared in court one day, followed by Vaus lugging a recording machine. "When the jury hears these," Cohen announced, "it will blow the case right out of court. The recordings are dynamite."

The judge, who knew his wiretapping law, refused to receive the recordings in evidence. But the three Cohen lawyers defending Meltzer did get a chance to indicate what the Vaus recordings, made over Cohen's own telephone, would have shown. They accused Sergeant Jackson of trying to shake down Cohen for \$5,000 as a contribution to Mayor Bowron's coming re-election campaign. In return, the lawyers charged, things were to be squared for Mickey, who was then under indictment for conspiracy to beat up a radio-store proprietor.

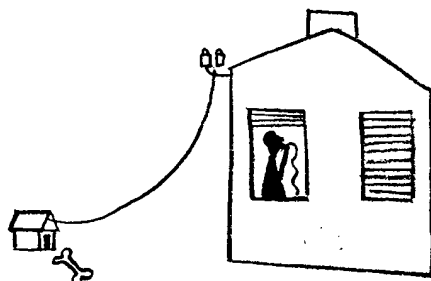
Within a month, Vaus was before the Los Angeles grand jury investigating police corruption. He testified as to the results of his recording work for Cohen. Then Sergeant Stoker told of what he had heard, thanks to Vaus, over Brenda Allen's line. Ray Pinker, a police "technician," followed with a report on the taps he had placed on the Vice Squad's phone and on a nearby pay station in April, 1948. The indictment of Sergeant Jackson soon followed, although he was later acquitted.

### Some Washington Disclosures

In 1941, a somewhat similar case of police tapping police became a front-page story in Washington, D. C. During a House subcommittee investigation of the District police department,

#### 'NOTHING BUT THE BEST'

When the story broke in Los Angeles several years ago that the police had had gambler Mickey Cohen's bungalow wired for sound for twelve months, reporters questioned him about a report that he had paid \$20,000 for complete transcripts of his living-room conversations during the period. Mickey scoffed. "Why, the cops should pay me for the three thousand hours of classical music I fed into their machine! I knew all the time they had a bug in my rug. I gave them fine music, nothing but the best—Bach and Beethoven."





BERNARDA  
BRYSON

Captain George M. Little testified that nine men had been fired from his gambling squad and that wiretapping, at least in part, had led to the shakeup. Little cited the case of a night sergeant who was discharged after a telephone tap showed he was consorting with suspected criminals, one of whom had made an appointment to meet the sergeant at home. The captain attributed the tapping to a secret District police squad that employed two former telephone-company employees as "wire-work specialists," and added that the squad was undermining police morale. When other officers agreed, even to the extent of using the word "Gestapo," the secret squad was quickly disbanded.

Before its dissolution, the special District squad had done a wide variety of wiretapping and other investigative work, not only in local cases but also on request from the Bureau of Internal Revenue, the FBI, Army and Navy Intelligence, the House Un-American

Activities Committee, and an assortment of other Congressional committees. Because of the District police department's dependence on Congress for operating funds, a limited number of wiretapping requests from Capitol Hill have continued to be honored by the department—generally by assignment of a roving police team.

**T**HE Federal Communications Act of 1934, even if it has not been enforced, has at least made wiretapping more difficult. Before 1934, telephone-company officials rarely refused to help police tappers. The "back tap," installed as a company courtesy on the main frame at the exchange, made police telephone interception a relatively simple matter. But the Communications Act, along with several wiretapping scandals, forced company officials into retreat. Back taps are no longer available, and local police forces have learned to be satisfied if the telephone company just maintains a hands-off policy. "A company repairman will stumble on a police tap, then pretend to have something in his eye until the tappers can clear out," a member of the Chicago Crime Commission has said in explaining telephone-company policy in his area.

State police, of course, are just as thoroughly enmeshed in wiretapping as are city and county law-enforcement agencies. On the state level, however, the tapping generally has political overtones. Often it is a matter of the party in power's tapping to get information on rival machines.

#### Four Burning Ears

Such was the case in New York State in 1943, when Thomas E. Dewey, the crusading district attorney who owed so much to wiretapping and who had done so much to promote the practice, moved into the Governor's Mansion at Albany. One of Dewey's first moves was an attempt to crack down on the O'Connell brothers, brewery owners and leaders of Albany's well-oiled Democratic machine, whose power was neatly summarized in the slogan of their beer: "Hedrick or Else!"

Dewey, as the story has it, called in some of his former New York City police assistants, and a wiretap was promptly installed on several O'Connell telephone lines, state police doing the monitoring.

One day not long afterward, the state trooper in charge of the wire work dropped in on Dewey's executive assistant, Paul Lockwood, and remarked that the telephone conversations of the brothers O'Connell were something to startle even a hardened eavesdropper. One afternoon when affairs of state were a bit dull, Lockwood repeated the trooper's remark to Dewey, and the two officials decided to hear for themselves.

Soon the able assistant and the distinguished young Governor were huddled together at the listening post, earsets adjusted. Both started with anticipation as one of the O'Connell brothers put in a call to a New York State Supreme Court Justice.

The circuit was completed, and O'Connell began discussing a business deal—with such frankness that the judge warned O'Connell to be careful, since his wires might be tapped. At the listening post, pleasure, according to the legend, lighted the faces of Dewey and Lockwood. But the smiles vanished when O'Connell replied, "I don't give a damn what that [obscenity] little mustachioed [obscenity] Dewey hears me say, and that goes for his fat-prattled assistant Lockwood, too!"

BERNARDA  
BRYSON



## VII. Lone Wolves And Private Ears

INSIDE the Adelphi Bar in Philadelphia sits an impeccably dressed man in his late fifties. In a faintly Southern accent he orders a succession of drinks, and his orders are filled with the deference accorded a steady customer. The man's face is familiar in most of the city's fashionable bars and hotels, but few, even among the café regulars, know his name. To most he is simply "Gentleman Pete."

Although Gentleman Pete enjoys living up to his title, the drinks follow one another with such regularity that his benders often last for weeks and even months.

### From Taproom to Tap

Benders, of course, cost money, and Pete is not independently wealthy. Occasionally he must cease his pub-crawling to build a new cash reserve. His vocational abilities, partly the product of a first-rate engineering education, are quite specialized, but Pete manages to employ them, during his minimum periods of sobriety, for maximum gain. By working only a few days, he is often able to satisfy his thirst for several months. Gentleman Pete is, in short, a professional wiretapper.

Eighteen years back, Pete was employed by the telephone company of a Southern city as an extension engineer. His progress within the company was severely limited by his weakness for alcohol. Then one day a married friend who suspected his wife of infidelity asked Pete's help.

Thanks to his technical experience, Pete found it simple to tap the wife's telephone and to record conversations between her and an unknown man. Identifying the man was more difficult. After painstaking work, Pete finally discovered that the man was a lumber dealer, calling long distance but relaying the calls through the branch office of his firm so that the conversations seemed to be local when overheard. The grateful husband came through with a three-thousand-dollar reward.

Gentleman Pete promptly quit his job and took off on a cross-country bender.

In New Orleans, Pete explained his source of temporary affluence to acquaintances, and was soon introduced to a Lake Charles oil man. The oil man, who believed that a Louisiana state official was accepting bribes for granting leases on public lands to certain business rivals, hired Gentleman Pete to prove the charge. A tap was installed on the official's home telephone, and regular conversations between the official and the bribers were recorded. The job lasted several weeks and Pete received better than ten thousand dollars for his efforts—enough for quite a lengthy binge.

Gentleman Pete's reputation spread, and soon he could find a job whenever his bank account ran low. At first his employers were mostly oil men. A Texas land speculator hired him to tap the line of an oil-company geologist who telephoned his findings to his company each evening. On the tips the tap



provided, the land speculator bought heavily and successfully. A few weeks later, Gentleman Pete was handed some twenty-five thousand dollars.

ANOTHER oil-company executive hired Pete to tap the line of a competitor to whom the executive had recently paid eight million dollars for certain industrial plants. The tap soon indicated that the competitor was planning to hang onto a pilot plant in Pennsylvania for himself. Again, Pete's

reward was far out of proportion to the amount of work involved.

By the end of the last war, Gentleman Pete had branched out into other wiretapping fields. On a Southern visit, he met a matron whose control of an exclusive club was being threatened by a social rival. Pete tapped the upstart's line and compiled a list of her supporters. Reportedly the fee was only two thousand dollars, but Pete was able to drink his way back to Philadelphia and then some.

GENTLEMAN PETE now works no more than a dozen weeks a year. He prefers jobs in or near Philadelphia, but will go farther afield if the reward is sufficient. Each year, in fact, he flies to the West Coast at least once on a specific assignment for a well-known lawyer. And his present wiretapping activities include a wide range of business, political, and domestic-relations cases. He has also on occasion undertaken delicate assignments in Mexico and Cuba.

In many nonalcoholic ways, Gentleman Pete's career closely parallels that of practically every professional wiretapper in America: He was gifted in electronics to start with. His talents led to a job with the telephone company. Then someone asked him to install a tap, promising more money than a company salary would total in months. He accepted the offer, learned to like the money and the hours, quit his job, and became a wiretapper.

### Pros and Prices

Gentleman Pete is apparently the only free-lance wiretapper operating on a national scale. However, he has his counterparts in every major city—not many of them, to be sure, but about four in New York, two in Washington, two in Chicago, one in Miami, two in Los Angeles, and perhaps another dozen elsewhere. These few men are responsible for almost all the private wiretapping done in the nation today, although, despite stringent company regulations, a maverick telephone-company employee will still install a private tap occasionally, persuaded by money or by friendship.

Usually the professionals, difficult to find and wary of new customers, confine their activities to their favorite cities, where they have learned the local telephone system from the inside and

where they have enough contacts to find enough people with enough money and enough troubles to make wiretapping pay not only well but steadily.

Few free-lance wiretappers have the personal contacts of Gentleman Pete, and most are satisfied to farm out their talents to a number of private detective agencies that hire on a job-to-job basis. No detective agency maintains a regular wiretapper on its staff, for tapping assignments are not that frequent. Even the most high-powered private agencies employ the practice in fewer than ten cases a year. The average client simply will not foot the costs, pyramided as they are by the skilled personnel, by the special equipment required, and by the risks involved.

One New York wiretapper asks fifty dollars a day for his services, plus such additional funds as may be needed for bribing janitors and renting space for a "plant." Another New York professional gets a five-hundred-dollar fee for installing the tap, plus twenty-five dollars a day for maintenance. To such costs must be added the detective agency's cut, and the client who ends up paying less than seven hundred dollars a week for a tapping job can consider himself fortunate.

**W**HILE these prices hold private wiretapping to a minimum, the professional can make a good living as long as he gets his share of assignments and as long as he can supplement his income with jobs in related fields of electronic detection, such as installing secret microphones and checking lines of worried clients for the taps of others. The private wiretapper, in fact, makes dozens of line inspections for every tap he installs. Competent tapchecking is no simple matter, for each bridging point must be personally inspected to assure a tap-free line. But since check-



ing involves no elaborate equipment, no bribery, and no law violation, its costs are quite reasonable. The professional generally charges between twenty-five and fifty dollars for a complete line inspection, although some big names in the underworld have volunteered to pay much more.

### Turning the Cables

Actually, the telephone company itself will inspect a subscriber's line for taps if requested to do so. But the company often refuses to disclose results of its checks. If the tap is police-installed, it will not even be removed. The suspicious subscriber, hardly satisfied with such service, looks elsewhere.

Often he goes to a detective agency, but occasionally he may find a telephone-company lineman who will do the job on the side. In 1951 the Kefauver Committee heard testimony from exactly such a lineman, James F. McLaughlin of New York. While working for the telephone company, McLaughlin testified, he had met one Irving Sherman. Sherman introduced him to Frank Costello, who paid McLaughlin \$50, \$100, and even \$150 to check Costello's wires at frequent intervals over a three-month period. McLaughlin was soon also checking the lines of such celebrities as Dandy Phil Kastel and Nat Herzfeld, as well as the wires of Mayor William O'Dwyer. Sherman made all the contacts.

Nat Herzfeld, McLaughlin said, had a switchboard on which every line proved to be tapped. McLaughlin recalled telling Herzfeld of the taps and added that Herzfeld replied: "As long as I know they are there, I don't care. Let them stay there."

Herzfeld's reaction is not unusual. John ("Steve") Broady, the studiously casual head of one of New York's more fabulous private detective agencies, claims he never removes a tap found on a client's telephone line. "We can use that tap to make the opposition eighty per cent ineffective," he says. "I've fed false information into a tapped phone and sent opposition agents all the way to California and even overseas chasing down phony leads. Work out the conversations with my clients just like a movie script."

**B**ROADY is a periodic employer of the two leading wiretappers in New York, Kenneth Ryan and Robert C. La



Borde. Each of these men completed his apprenticeship with the New York Telephone Company many years ago. Both tapped wires for the New York Police Department before entering the field of private tapping. Each has since been arrested for wiretapping more than once, but each has escaped conviction so far.

In temperament, however, the two men are far apart. Ryan is the scientist, quietly proud of his work and of his contributions to the mechanics of wiretapping. La Borde is the artist-showman of wiretapping, a man who brings a kind of rough glamour to his skill and his accomplishments. Ryan is a boyish-faced family man, living contentedly in a small home in Yonkers, puttering in his basement workshop, and commuting to the city only when necessary. La Borde, large of body and florid of face, prefers a Broadway office as the dramatic setting for his activities.

Many consider Ryan the top wiretapping technician in the country. But even though he developed the dial-pulse recorder and several other wiretapping refinements, he has never made much money. For some twenty-one years, until 1947 in fact, he was satisfied to work for a police salary—"with no extras"—and to turn his inventions over to friends without charge.

La Borde deserted the police force for more lucrative fields far earlier, and has lived well ever since. His only contribution to the science of wiretapping is a machine that he claims will register taps, but that unfortunately will also register any other trouble on a line. La Borde's shrewd promotion of the machine, however, has paid off handsomely.

"La Borde is a real publicity hound," a rival wiretapper has said. "Once he

even asked the newspapers to come take pictures of him tapping wires. I called him up and said, 'For crissake, Bob, cut it out. You're putting everybody on guard against tapping.'"

### Trysts and Telephones

Like other professional wiretappers, Ryan and La Borde have employed their talents in a wide variety of investigations. But usually divorce cases seem to lead the list. This is especially true in New York, where adultery is the sole ground for divorce and where secret trysts can often be discovered through wiretapping, but it also applies wherever a wealthy man wishes to shed an unfaithful mate without paying alimony.

Generally such divorce actions are settled privately, without embarrassing public disclosures of wiretapping records. But occasionally a case does come to light.

The most notable recent divorce case involved a socially prominent Washingtonian and his attractive wife. The husband, suspecting his wife of a romance with a Latin-American ambassador, hired Lieutenant Joseph Shimon of the Washington police department to tap his home telephone. Shimon set up his plant in a house near the couple's estate in Virginia, and soon he had the date of a rendezvous between the wife and the ambassador at the apartment of a friend in Georgetown. Shimon arrived appropriately late, entered through a window, and flash bulbs exploded in the faces of the couple. The husband got his divorce and Shimon reportedly got five thousand dollars.

Harry V. Dougherty, dean of New York private detectives and a man who has used the services of wiretappers since 1915, says he now handles about six wirework jobs yearly, mostly in divorce cases. Dougherty points out that wiretapping has never been held illegal in New York if authorized by a client on his own line, but adds that the job can still be difficult. Once, he recalls, his tapper, a former FBI agent, set up the plant in a basement toilet where an unsuspecting and flustered maid soon caused mutual discomfort. Just last winter, Dougherty's man rigged a tap into an old unheated barn on a country estate. "Almost froze to death during the night," Dougherty says, "only to have the woman's son walk in

on the thing the next morning, looking for a bicycle."

Some time ago, Dougherty installed a tap for a Dutch importer who lived in a Manhattan apartment and who suspected his wife of infidelity. Unfortunately, his client had not explained that the wife carried on all conversations in Dutch, and Dougherty was suddenly confronted with the task of finding a Dutch monitor. Finally such a specialist was obtained, and a few days later the tap paid off. "We nailed her with the boy friend," says Dougherty. "And you know, she begged me to put a tap on her husband, but I said nothing doing. Say," he added, "I've got something a lot of people in this business haven't—a conscience."

### Ears on Business

Wiretapping is also quite common in the world of business, as Gentleman Pete's work for various oil interests indicates. Like divorce tapping, business tapping is sometimes lent an aura of legality by a company's giving authorization to tap its own lines.

Exactly this sort of legality was

trolling the agency and were getting an abnormal share of the new cars then so difficult to obtain. After a seventeen-hour session, the jury acquitted Broady.

**R**OBERT LA BORDE has reported working on several similar cases. During the war, he was hired by E. R. Squibb & Sons to investigate missing consignments of drug concentrates. With the authorization of company executives, La Borde tapped various office telephones, and soon he had recorded proof of the guilt of a handful of underlings, who had simply driven the drugs off in trucks and had then sold the loot to cut-rate druggists. When the guilty employees promised to repay the loss, Squibb executives, wishing to avoid bad publicity, dropped prosecution.

"Most corporations I've worked for would rather settle things quietly," La Borde says. "A little later, I tapped the office phone of the treasurer of a large corporation and got a straight confession that he'd embezzled \$185,000. When he promised restitution, the corporation decided not to prosecute,



claimed by Steve Broady in 1949, when he, Kenneth Ryan, and two others were indicted in New York for tapping the wires of Kings County Buick, Inc., a large Brooklyn automobile agency. The charge against Ryan was eventually dropped, but Broady's case went to trial. Before a blue-ribbon jury, the suave investigator insisted he had tapped only at the request of fifty per cent of the company's stockholders, who had hired him in 1947 to investigate charges that mobsters were con-

but he's never repaid a cent, to my knowledge."

**M**UCH business tapping, of course, is directed at discovering the plans of competitors—in cases such as those Gentleman Pete has handled in the oil business, where authorization of the telephone subscriber is certainly not obtained and where the illegality is obvious. The utilities magnate Samuel Insull and David Lamar, the "Wolf of Wall Street," both are said to have

employed wiretapping regularly to keep tabs on business rivals, and with very profitable results.

Over the years, labor unions have also been a major target of business wiretapping. Fifteen years ago, many union telephone lines were regularly tapped for leads on possible strike actions. And although the tapping diminished as unions grew strong and were able to fight back, the National Labor Relations Board is still presented with occasional cases of wiretapping in labor espionage. In 1950, the Seafarers International Union charged the Cities Service Oil Company with using wiretapping to prevent labor organization, and detectives later admitted they had been hired by Cities Service to spy on its employees.

**T**HE same year, it was later brought out at a hearing of the National Labor Relations Board, the telephone company itself was found to be tapping the home telephone of one of its switchboard operators at Weirton, West Virginia. The tap was on for eleven hours, and the girl, who was a member of the Communications Workers of America (CWA) and who at the time was trying to organize the Weirton exchange, was fired four days later. The company admitted the tap but contended that it was used to determine whether the employee, in violation of a company-union agreement, was using her telephone to solicit union memberships from other operators on duty at the switchboard. The NLRB, while observing that "certain circumstances disclosed by the record cast serious doubt" on the good faith of the company's contention, nevertheless concluded that there was not sufficient evidence to refute it and upheld the girl's dismissal.

In 1951 the telephone company was charged with tapping in Michigan during a nation-wide CWA strike. The strike was of the hit-and-run variety; each day the workers at a different

exchange would walk out. The company could mobilize its supervisory employees to fill the gap, but first it had to know where the gap would be each day. CWA officials, using telephones they suspected were tapped, planted information that a certain exchange would be out the following day. Then, by word of mouth, they ordered a second exchange many miles away to go out instead. When the company's supervisory staff showed up at the first exchange, with nothing to do, union officials seemed well justified in claiming that their wires were tapped.

**B**ECAUSE of its habit of using taps to check the efficiency of its own employees at work, the telephone company has been called "the biggest tapper in the business." Actually, within an exchange the work of each operator is regularly checked by a supervisor who taps in through a special switchboard. On a higher level within the company, some officials' telephones are fitted with special test distributor circuits so that they can dial any private number and be automatically tapped

in. The result may be efficiency, but it can also be suspicion and uneasiness.

### Blackmail

Private wiretapping also produces a vast potential for blackmail. But although many professionals will check the lines of men of notoriety for taps, few will tap for criminal purposes.

"I've recorded dirt on all sorts of important people," says Robert La Borde. "I've thrown away millions in blackmail by turning completed tapes over to my clients." Others might not be so scrupulous.

One man reportedly did make a fortune in blackmail by tapping at various expensive resort hotels, discovering who were paying the bills for attractive female guests.

"I used to know this cop on the force who later retired, bought a string of hotels, and moved into a big estate out on Long Island," La Borde says. "One day he came into my office flashing a big roll of bills, and I asked him how come he was doing so well.

"He just smiled and said, 'Recording. How else?'"

### SO ON AND ON...

**D**AILY, the newspapers bring more evidence of wiretapping. In New York, at the trial of the wealthy garment manufacturer Sam Chapman for procuring, Raymond Adams, a police wiretap technician, is producing recordings of conversations between the manufacturer and one of his alleged female accomplices, Nancy Hawkins. The recordings, from a round-the-clock tap on the young lady's line last June, are being discreetly played in the judge's private chambers. The gentlemen with whom Miss Hawkins conducted business calls may thus rest secure in the knowledge that their names will be known only to the court stenographers, the police tappers, the police monitors, and the staff of the District Attorney's office prosecuting the case.

Also in New York, a State Crime Commission has recently been harassing Thomas Luchese, alias Three-Finger Brown, the underworld confidant of numerous public officials, with transcripts of some of his less-guarded telephone conversations of six years ago, including some which, the Com-

mission charged, showed that Luchese was part owner of the fighter Rocky Graziano.

Captain James W. Flynn of the New York Police Department has just publicly confirmed a statement made earlier in this article. At the police trial of thirty officers charged with protecting the bookie Harry Gross, Flynn brought out that public telephones at Pennsylvania Station and Madison Square Garden had been tapped at various times between 1948 and 1950 to get evidence of bookmaking. People were picked up, Flynn said, because they acted "suspiciously." "If a policeman stuck to what the law prescribes," he added, "we could never do our job."

**I**N New York, Washington, Chicago, Los Angeles, and other large cities, the tapping—official and private—goes merrily on. The conversations of the guilty and the innocent alike are saved for posterity on endless miles of recording tape. Most citizens believe that wiretapping is something that happens to others. But who, picking up a phone, can consider himself safe?



## A SUMMARY OF CHAPTERS I-IV

**W**IRETAPPING, unfortunately, is one of the facts of modern life—an electronic invader that allows others to peer into our private lives and to overhear the words we speak in the supposed privacy of our offices and our homes. It is a furtive practice, impersonal and indiscriminate as a bullet, affecting alike the criminal and the innocent, the public figure and the law-abiding citizen whose business should be his own concern.

In earlier years, the legality of wiretapping was vigorously questioned by such men as Supreme Court Justices Oliver Wendell Holmes, Louis D. Brandeis, Harlan F. Stone, and Pierce Butler. These interpreters of our democratic rights maintained that wiretapping was a basic invasion of the rights of privacy enunciated in the Fourth Amendment, which guarantees "The right of the people to be secure . . . against unreasonable searches and seizures . . ." But when the first wiretapping case reached the Supreme Court in 1928, these four Justices lost to their five colleagues, who stuck to a strict interpretation of the Constitution. The Fourth Amendment, it was held, applied only to "actual physical invasions" of privacy, not to "projected voices."

In 1934, the first Roosevelt Congress decided to recognize the electronic facts of life. The Federal Communications Act of that year included a section specifically intended to outlaw all wiretapping. In layman's language, Section 605, as interpreted by later court decisions, stated that no person could intercept a telephone conversation and divulge the contents to another person, nor could he use the contents for his own benefit or for the benefit of another—unless the interceptor had prior permission from both parties to the conversation. Violators were made subject to a two-year prison term, a \$10,000 fine, or both.

**M**EANWHILE Federal agencies, including the Department of Justice and the Treasury Department, had found wiretapping a useful tool in crime detection. They began to seek loopholes in Section 605—loopholes that would allow their own agents to continue tapping. Their early efforts were fruitless; one attempted evasion after another was blocked by the Supreme Court—until, in 1940, Attorney General Robert H. Jackson announced that "the law on wiretapping is now clear and precise; and all future cases of wiretapping will be subject to prosecution in the Federal courts."

A month after Jackson's statement, however, with the United States slowly being drawn into the Second World War, President Roosevelt sent a memo to the Department of Justice which was never made public but which allegedly approved wiretapping "when necessary in situations involving national defense."

By the end of the year, the Department

had come up with another tenuous construction of Section 605—a construction which held that the only crime was to intercept and divulge. A Federal agency that tapped but did not divulge the information could thus be considered within the law.

Since announcing this interpretation of Section 605, the Justice Department has allowed its FBI agents to continue tapping in an increasingly wide variety of cases. The various military intelligence agencies have followed suit. And in the fields of local police tapping and private tapping, the Justice Department, charged with enforcing Section 605, has continued to follow a principle that Attorney General Jackson once candidly stated: "I do not feel that the Department of Justice can in good conscience prosecute persons . . . for a practice . . . engaged in by the Department itself, and regarded as legal by the Department." Only one man—back in 1941—has ever been prosecuted and sentenced for wiretapping, a fact that substantially increases the confidence of the tappers who ply their trade in politics, in business, and in private realms such as divorce cases.

**D**ESPITE rumors to the contrary, the techniques of wiretapping remain much the same as they were ten years ago. The Federal agent has little trouble, for telephone-company co-operation is nearly always forthcoming. In some cases the company will even install taps for the agency on the "main frame" at the exchange, stringing them to a central recording location. But the state or local police tapper (to whom the telephone company today gives its full co-operation only with extreme reluctance) can still be assured that his tap won't be removed if found by company repairmen. Although the private tapper must, of course, operate completely without the company's knowledge, he is nearly always a former phone-company employee. He knows not only the science of tapping but also enough company lingo to bluff regular employees out of the normally confidential information that will give him the location of a certain circuit's "bridging points"—the terminal boxes that link a telephone to the exchange and offer the most convenient locations for installing a tap.

### O'Dwyertapping

The private wiretapper, whose fee often runs as high as \$1,000 a week, has in recent years found in political rivalries the occasion for some of his most lucrative employment. Republicans have found wiretapping a startlingly effective method of collecting dirt on Democrats, and vice versa.

The former Republican Governor of Rhode Island, William H. Vanderbilt, once paid a New York detective agency some \$11,000 to tap the phones of the Democratic Mayor of Pawtucket, Thomas P. McCoy, and of State Attorney General Louis V. Jack-

vony, the latter a political rival within the state Republican Party.

On the city level, Clendenin Ryan, the would-be reformer, used John ("Steve") Broady's detective agency in 1949 to collect a mountain of information on Mayor William O'Dwyer of New York and his régime. O'Dwyer learned of the scheme and later had Broady and one of his men indicted for tapping the phone of Manhattan Borough President Hugo Rogers. The indictment fell through not long before O'Dwyer resigned as mayor and accepted the post of Ambassador to Mexico.

**N**ATURALLY, political wiretapping has reached its peak in Washington, D. C. As stated in the previous issue of *The Reporter*, Cyrus Ching, the labor mediator, has said that during his mediation of a strike last year his telephone was tapped by both company and union agents. Charges have been made that Robert La Borde, a professional tapper in New York, went to Washington in the pay of private power interests to tap the wires of Supreme Court Justices during hearings on a TVA case.

Perhaps the most serious case—one that would appear to justify immediate Congressional investigation—involves rumors recently spread by an Army Signal Corps Intelligence Agency employee named Edwin Y. Webb. According to these rumors, Webb had listened in on the telephone of Central Intelligence Agency chief Walter Bedell Smith after Webb had made charges of pro-Communism against a dozen-odd fellow employees in SCIA and CIA.

The best-publicized political wiretapping in Washington has involved the efforts of Metropolitan Police Lieutenant Joseph W. Shimon, who tapped wires for various Republican Congressional figures and who has just been cleared of dismissal charges on the ground that his superiors on the force actually knew of his tapping activities all the time. Shimon, who met Senator Owen Brewster through the good offices of Henry ("The Dutchman") Grunewald and Senator Styles Bridges, worked for Brewster in 1945 and again in 1947, during which periods Brewster engaged in a series of efforts strongly approved by Pan American Airways and just as strongly opposed by P.A.A.'s chief overseas rival, Howard Hughes's Trans World Airlines. In 1945, Shimon tapped the home phone of the late Senator Josiah Bailey when Bailey was the leading Senate opponent of a P.A.A.-favored bill. In 1947, while again working for Brewster, Shimon installed taps on the telephone lines of, among others, Hugh Fulton and Thomas Slack, attorneys for T.W.A., and Noah Dietrich, a Hughes executive.

Wiretapping in Washington, of course, involves various Congressional committees and an assortment of Federal agencies, as will be seen in the following chapter.

of blackmailers. We are still like children in dealing with those extraordinary gadgets that have immeasurably enriched our lives; we have not learned to master them, to defend ourselves from the harm that they can do. We can be sucked into a mob while we are sitting at home in front of a radio or television set. Eavesdroppers may tamper with our privacy or we ourselves may thoughtlessly throw it away. The time has come to grow up, to learn fast what a precious thing it is. For privacy is the negative yet essential pole of our freedom. We cannot actively use our freedom to make something better of ourselves or of the world we live in unless we are left, or leave ourselves, alone to work, brood, or just not care. Privacy is to an active, free life what sleep is to our waking hours.

Unless we learn to defend our privacy and obtain from government the assistance we need, the day is not far removed when the keys to our front doors will become just about as symbolic as the keys to our cities sometimes offered to visiting celebrities.

### **1984 in the 1950's?**

Moreover, technology in the field of electronics, as in that of atomic power, moves at its own irresistible pace. Already there are new, extraordinary gadgets on the market. For example there is one that offers better vision, from a central observation post, than that of hundred-eyed Argus. "Wired television," it is called, or "Utiliscope," produced by the Diamond Power Specialty Corporation of Lancaster, Ohio. In their advertisements the makers announce: "If you have any operation too remote, dangerous, or inaccessible to observe directly . . . or if you need to have a single observer watch a number of widely scattered operations. . ." the machine is available, and it is not expensive. Obviously, there is nothing wrong in such a machine. It can be of great use to industry—and to police control. Neither is there anything wrong with those compact television transmitters, easily carried by TV reporters, which brought to our screens the faces and voices of many politicians from the Convention floors.

At present, the Utiliscope is not peering through too many cracks in the walls, and there are no secret TV transmitters lying around. But the telephone, when Alexander Graham Bell was struggling to get it accepted as a reliable means of communication, had to wait some time before it became widely used. When Bell and his associates tried to sell their invention to the Western Union Telegraph Company, they were told that Western Union could not use "an electrical toy." Certainly, the technological

means to spy on people described by Orwell in his *Nineteen Eighty-Four* can, within a very few years, start coming in mass production from the assembly lines.

Justice Brandeis was quite right when he wrote: "the progress of science in furnishing the Government with means of espionage is not likely to stop with wiretapping. Ways may some day be developed by which the Government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home." The wiretapping of today is the harbinger of infinitely worse tools that may disastrously encroach on our freedom. This is why it is imperative that the intolerable abuse of wiretapping be stopped—and only the government can do it.

The words of the Fourth Amendment, considering the times when they were written, still offer us the best guidance: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Of course the writers of the Fourth Amendment were concerned with "papers and effects," not with electricity.

Will freedom—will our Bill of Rights—win the race with electronics? There is enough strength and power in our Constitution to make it certain that freedom will be energized rather than crushed by technology—if only we recognize the danger that lies ahead of us. Wiretapping and all similar devices human ingenuity may invent must be used under the strictest Federal supervision, and then only for the detection of three crimes: treason, sabotage, and espionage. For the detection of all other crimes, no matter how heinous, wiretapping must be outlawed—and outlawed for good.

ONCE more, with its own private means, without power of subpoena, *The Reporter* has done an investigating job. We suggest that a Congressional committee, with the immensely more effective facilities at its disposal, take a look at the facts, at the latest developments of electronic technology—and at the Bill of Rights. If the investigation is conducted in a spirit of devotion to our freedom, there is no doubt as to the law that Congress will finally pass. It will be a law that, by re-establishing the purposes of the Fourth Amendment, will show that in the race between the two—freedom and electronics—freedom has the lead.

January 6, 1953

COMPTROLLER