

# Man Arrested in Wiretap

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A Staten Island private investigator has been arrested in connection with what the U.S. attorney's office here describes as an illegal wiretapping of a Northeast Washington pharmacy.

According to a motion filed by the U.S. attorneys office in U.S. District Court here, phone connections intercepted included those of employees of "Your Pharmacy, Inc," its customers, medical doctors and their patients. The pharmacy, which was located at 2011 Bunker Hill Rd. NE, closed last December.

According to an FBI affidavit and other court documents, the investigator was hired because the pharmacy

owner was concerned about financial losses being suffered by the store. There is no indication in the affidavit that the owner was aware of the wiretapping.

The investigator, Robert J. Scios, was arrested Friday by FBI agents at his home on Staten Island, N.Y., and charged with violation of wiretap statutes.

According to court documents, he was hired by John Henry Norton, owner of Leading Families of America, Inc., which in turn owned Your Pharmacy, Inc., in Washington. Norton was a municipal judge in Fairfield, Conn., from 1954 to 1958, according to persons familiar with the investigation.

The grand jury investigation here into the wiretapping

incident is focusing on possible violations of conspiracy statutes and violations of wiretapping status under the Omnibus Crime Act. Wiretapping prosecutions are rare. Violations of the statutes carry penalties of five years in jail, a \$10,000 fine, or both.

The discovery and investigation of this incident are spelled out in court papers filed by the U.S. attorney's office on Feb. 7, but kept under court seal part of the time since their filing, and in the FBI affidavit. Those papers give the following sequence of events:

On Sept. 29, 1972, two miniature frequency emission transmitters were found by C&P Telephone Company linemen on the telephone lines to the drugstore. The linemen were

searching the lines after complaints about noise during telephone transmissions, according to persons familiar with the case.

The affidavit said the devices were capable of intercepting the conversations of persons using the store's telephones, and broadcasting them to a person operating a surveillance receiver at a clandestine locations.

After a lengthy investigation by the FBI, the Washington attorney for Your Pharmacy, Inc., J. Goddon Forester Jr., was called to testify before the grand jury on Dec. 7, 1973. He said that he and Norton wished to cooperate and gave 77 pages of testimony to the grand jury.

However, Forester returned

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to the U.S. attorney's office more than one month later and said he had new information relevant to the investigation, according to the FBI affidavit.

He told Assistant U.S. Attorney William J. Hardy that he and Norton had been concerned about losses at the drugstore in the summer of 1972 and that Norton had asked him to find a private investigator.

Forester said he met with Scios and asked him to conduct a financial investigation of the drugstore.

"Scios informed Forester that he didn't do this kind of thing, but was primarily a "wiretapper, bugger and camera surveillance man," according to the FBI affidavit.

Forester told Scios that he could not hire him, but referred Scios to Norton, the FBI affidavit said.

On Jan. 22, Norton told Forester that he had, in fact, hired Scios, and had paid Scios on a check drawn to another name, the FBI affidavit continued.

Norton also told Forester on that date that the reports and information delivered by Scios "was essentially worthless and innocuous," the affidavit said.

Forester balked at testifying before a grand jury concerning this new information, claiming he and Norton had an attorney-client privilege. The government filed a motion to compel Forester's testimony on the basis it had been waived by Forester's previous testimony.

That motion, which was sealed for several days, was granted by U.S. District Judge George L. Hart Jr.

Scios was arrested on the basis of the grand jury investigation and, ironically, a taped telephone call from an FBI agent.

The agent represented himself on the phone last Thursday as a friend of Forester's, and said he had a problem similar to Forester's client in Connecticut.

"And I was wondering if you're still in the same business and can do the same kind of work for me?" the agent asked.

"Certainly," said the man who identified himself on the telephone as Scios, according to the FBI affidavit, the arrest took place the next day.