

Wiretapping Used Only in Crimes, States Head of IRS

By John Jo Carmody
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The Commissioner of Internal Revenue yesterday reassured the "garden-variety, Joe Doakes, ordinary taxpayer" that he has "never had anything to fear" from IRS use of electronic wiretapping equipment.

In an interview, Commissioner Sheldon S. Cohen said that as far as he knew, "no wiretap has ever been used in an ordinary tax fraud investigation."

The Commissioner also said that on March 31 he banned the use of two-way mirrors and conference room bugging devices installed "in a few" IRS offices around the country that could have been used in probes of tax frauds by "ordinary taxpayers."

Cohen stressed that the current Senate investigation of IRS use of wiretapping equipment has brought out testimony referring only to the agency's drive against organized crime.

"All the cases cited refer to instances of wiretapping in the Service," Cohen said.

A Senate subcommittee headed by Sen. Edward V. Long (D-Mo.) has spent the last ten days hearing testimony by IRS agents in which they admitted use of wiretaps and other eavesdropping devices in tax investigations against racketeers in Pittsburgh and Boston.

Cohen appeared before the Long subcommittee on administrative practices and procedures last week.

At that time, Cohen told Sen. Long that a June 29 order issued to the 3000 IRS investigators unconditionally prohibited their further use of "illegal wiretaps and deliberate making of unreasonable search or seizure.

Legitimate Use

At the same time, he re-

served to the IRS the right to "legitimate use" of modern, electronic recording devices.

He cited their use in intra-agency probes of suspected agents, the confrontation of agents and taxpayers seeking to bribe an official and telephone attempts to intimidate a witness.

Section 605 of the Federal Communications Act of 1934 prohibits the interception of telephone conversations if that information is subsequently divulged.

Cohen yesterday said that the committee's disclosure of four instances between 1961 and 1964 of the use of illegal wiretaps in a Pittsburgh racketeering probe could be blamed on "honest, but overzealous agents."

"We conducted 300 separate racketeering investigations in that area during the period and as far as I know the four cases brought up so far are the only ones," said Cohen.

A Treasury Department report revealed that between 1959 and 1964, six cases of wiretapping had been acknowledged by its Internal Revenue Service.

The report also revealed that two-way mirrors and bugging equipment had been installed in several of the seven regional directors and 57 local IRS offices around the country.

The Commissioner said yesterday the hidden devices had

been used to "help informants on tax fraud cases identify the taxpayers for investigative purposes." Cohen said he did not know how many years such devices had been installed in the offices.

He said he has instituted an internal probe to determine how many local or regional offices were involved in such activities. He expects a report sometime this fall.

Testimony brought out by Pittsburgh IRS agents indicated that many criminal investigators for the agency have been trained in the use of sophisticated listening and wiretap devices at a "technical Investigative Aids School" run by the Treasury Department here at 711 12th st. nw.

Program for Agents

An IRS spokesman yesterday said that "about 70 agents have actually gone to the school since 1959. It is a two or three-hour course among a regular 120-hour training program for some of our best agents," said the spokesman.

The spokesman said a check of the school's records indicate that the agents involved in the Pittsburgh wiretaps had never taken the Treasury courses.

"One reason," he said, "they were caught at all in Pittsburgh is that they bumbled the jobs."

Commissioner Cohen said that he felt attendance at the

school, which has actually been open since 1955, could be blamed in part for the "overzealousness" of some of his agents.

"I think we may have been lax by letting our agents infer from the very presence of the wire-tap courses on the agenda that we approved of such techniques."