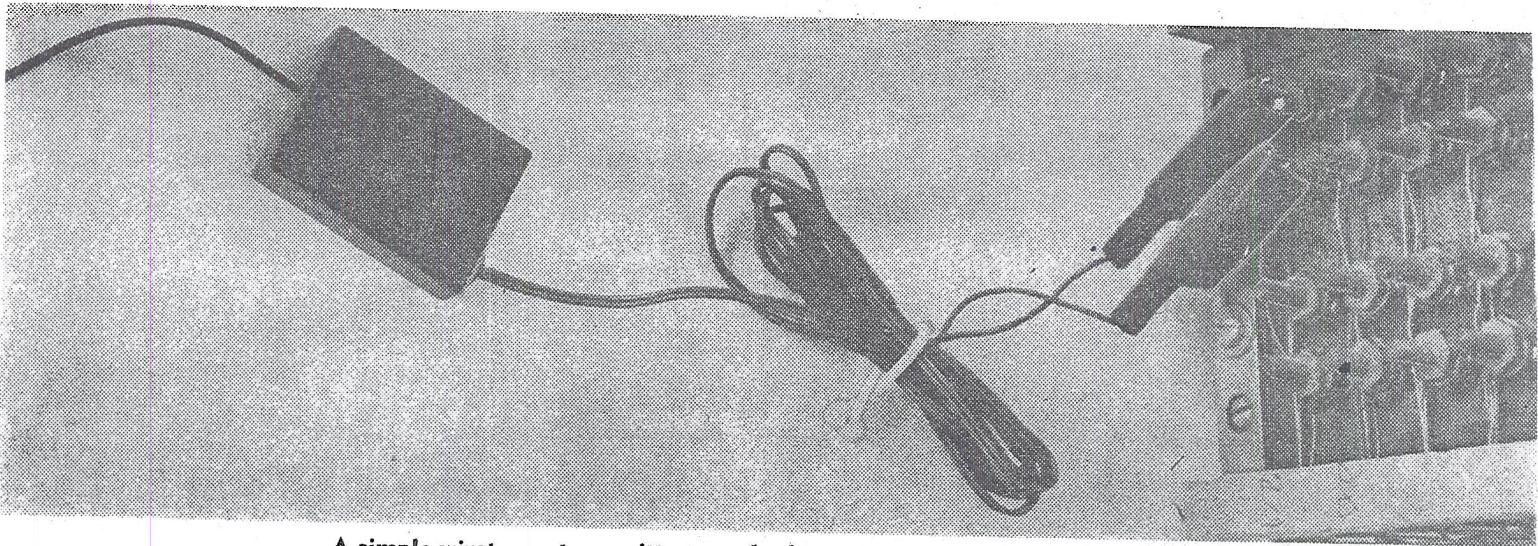


# The World of Wiretaps



A simple wiretap: a transmitter attached to telephone junction box terminals

## Even Amateurs Can Listen In

By Michael Taylor

"Listen. A rank amateur with some knowledge of electronics and the right kind of equipment can put a tap on anybody's phone. Period."

That's how one "wireman," who's been in the business for more than 20 years, sums it up. But if you decide to try your hand, or your ear, at the practice made notorious by the Watergate affair, there are a few legal aspects you might consider first.

California has a strict anti-wiretapping and eavesdropping law, spelled out in the 1967 Unruh Act. Conviction for listening to a telephone conversation without the consent of everyone involved can cost you \$2500 and land you in jail for three years.

On top of that, violation of the federal wiretapping laws is good for a \$10,000 fine and five years in prison.

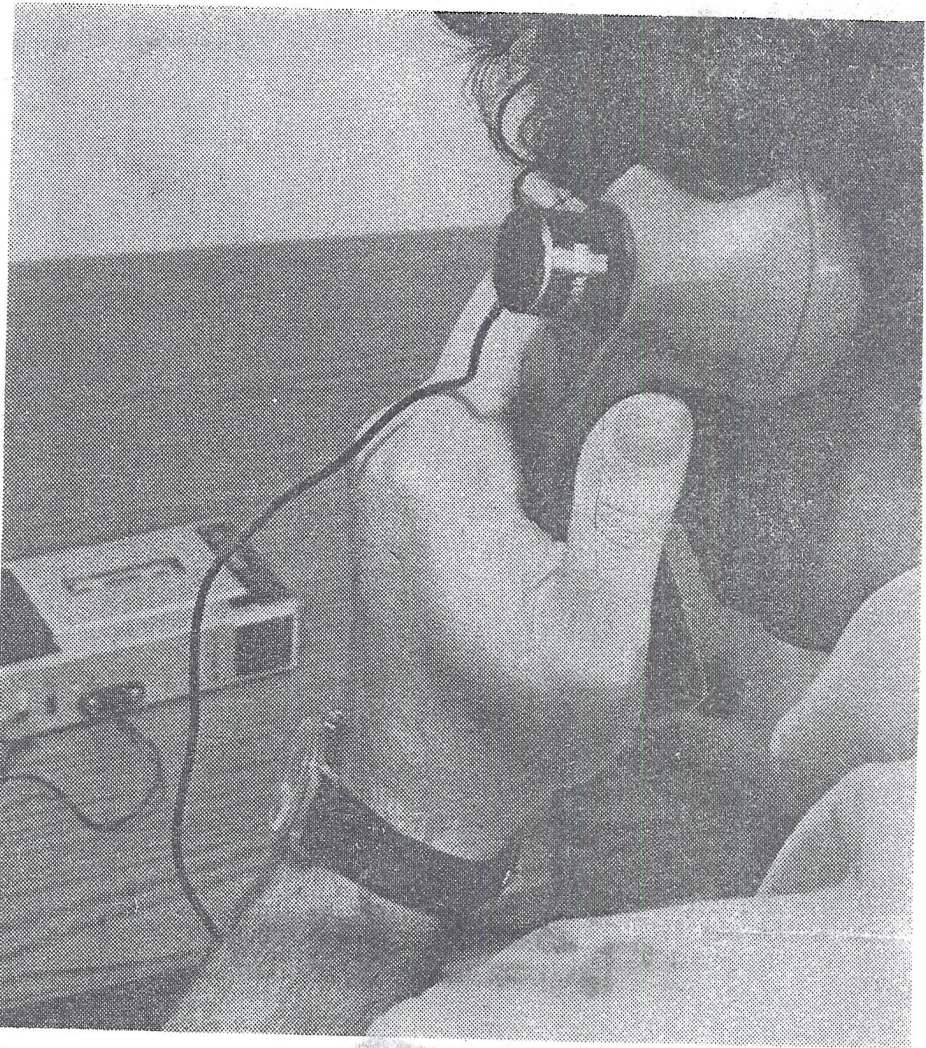
Getting a professional to do this illegal wiretapping doesn't come cheap.

"When I'm looking at five years in the can," one expert said, "I'd charge at least \$10,000 up front to put a tap on your girl friend's phone."

(Like most of the people interviewed for this article, he did not want to have his name used.)

Another wireman claimed he turned down

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One device used to monitor telephone conversations is an induction coil microphone plugged into a tape recorder

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\$25,000 for a bugging job last year "because access was far too difficult."

If \$25,000 seems a bit high, consider the fact that much cheaper, if less sophisticated, wiretapping and eavesdropping (bugging) equipment can be bought at most electronic shops in San Francisco.

#### KIT

For example, one chain of stores sells an \$11 bugging kit that is slightly larger than a pack of cigarettes. After hiding it in a room—behind a dresser, say, or under a couch—a thin wire is stretched out the window and hooked up to a receiver.

The effective distance depends only on how much wire you have. The man who sells this "miniature intercom and babysitter" says, "the sonic quality is great. You can even hear a baby gurgling or rolling over in bed."

Of course, the customer isn't told the same machine can be used for eavesdropping on private conversations. Selling equipment strictly for those purposes is against the law.

"And besides," said one de-bugging expert, "if they try and nail the guy for selling something he advertises as a babysitter, who's going to prosecute motherhood?"

#### TRANSMITTER

A more sophisticated, if less reliable, device consists of a two-inch-square wireless microphone and transmitter that broadcasts on the 88-108 megacycle FM radio band. Available for \$15 from several mail-order houses, this "silent monitor" has the advantages of being unencumbered by wires, but its useful range deteriorates after 50 feet because of the inherent weakness of the cheap transmitter.

Telephones can be tapped simply—and cheaply—by hooking two wired alligator clips to the junction box in the basement and running the lead into a tape recorder.

Most professionals, though, dispense with cheap and readily available equipment. Instead, they rely on the several electronics engineers in the Bay area who will put together, for example, a normal wall plug that broadcasts living room conversations to a high-frequency receiver up to four miles away.

Another device uses a tiny induction coil to pick up signals from an overhead telephone wire and feed them through a microphone to a transmitter.

#### RECEIVER

The whole package is taped to the phone line and transmits to a receiver up to a mile away.

A voice-operated relay at the receiving end turns on a tape deck any time there's a conversation on the tapped line. Cost? About \$5000.

"It's no big mystery to make these things," one expert said, "but the pros make them out of untraceable parts. You get a microphone here, a transmitter there, and if any of this stuff is picked up by the police, they'll never be able to figure out who sold it in the first place."

The few agencies that do sell eavesdropping equipment to police agencies swear they don't sell it to anyone else.

"But if you go in there with \$1000 in your hand," one security consultant said, "they're not exactly going to turn you down."

#### WHO?

If all this equipment is available in San Francisco, who is doing the bugging and wiretapping?

Nobody knows for sure, since official figures frequently don't jibe with unofficial estimates by those who deal daily with wiretapping issues.

James L. Browning Jr., U.S. attorney for the Northern District of California, says there are "no more than 15" court-authorized federal taps in his jurisdiction, which stretches along the coast from San Luis Obispo to the Oregon border.

But one criminal lawyer who deals extensively with wiretap cases says, "nobody believes those numbers. Just one operation, like a bookie

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## The Wiretap Laws

Wiretapping and bugging are forbidden by several specific federal and state laws.

Whether you get prosecuted by a federal or local court depends largely on who catches you.

The federal law, spelled out in Chapter 119 of the U.S. Code's Title 18, was the result of the controversial Title III of the 1968 Omnibus Crime Control Act.

Title III, while providing stiff penalties for the ordinary citizen who might be convicted of a wiretap offense, on the other hand

gave the FBI and other federal agencies wide latitude to tap phones without a court order in suspected "national security" cases.

For other suspected crimes—such as murder, kidnap, extortion and bribery—federal investigators, after receiving permission from the U.S. Attorney General, have to obtain a warrant from a federal judge.

While federal law does allow recording of conversations in a room as long as one person consents to it, California statutes forbid it unless all parties to the conversations consent.

Under Sections 630 through 637 of the California Penal Code, which went into force after Governor Ronald Reagan signed the Unruh Bill into law in August 1967, not even police agencies can wiretap without the consent of at least one party to the conversation.

This means that police can tap the phones in suspected extortion, bribery and kidnap cases as long as a potential victim consents to it.

"But 'third party intercepts' are forbidden," according to a lawyer in the state attorney general's office.

ring, might have ten taps on it."

### SECURITY

In 1972, across the country, there were 206 court-ordered wiretaps by the federal government. But the number of "national security" taps is unknown, since no court authorization is required.

When the U.S. Supreme Court ruled in June 1972 that tapping the telephone of persons believed to be "domestic subversives" without a warrant was unconstitutional, the Justice Department admitted that more than 100 such unauthorized taps existed.

In San Francisco, the situation is a bit different.

"Wiretaps? No, we've never had a request like that from the police," says Chief Assistant District Attorney Walter Giubbini.

### EXCEPTIONS

An anonymous police officer says that while "the cops usually don't do it, there are exceptions. You've always got a few guys who are red hot and feel they have to circumvent the law."

At the unofficial level, one expert estimated that of the 45-odd private investigators in San Francisco, "about 90 per cent of them have the equipment and about half of them use it in a given year."

Private eye Harold K. Lipset, disputing that estimate, says, "I don't believe any licensed detective in this city is going around putting taps on. It's far too risky. If anyone's doing it, it's the unknown guys—the guys in the backroom, who'll do anything for the right price."

Lipset, while saying that he abhors the idea of wiretapping, thinks he should be allowed to surreptitiously tape record conversations between himself and others.

### NARKS

"The police are allowed to do it — look at all the undercover narcotics agents with small recorders hidden in their clothes," he said.

The crux of Lipset's argument is that anyone should be allowed to keep a record of their conversations, "and since we do it with note pads

all the time, why not with a more accurate system, like a tape deck?"

California law, for example, strictly prohibits the kind of executive office tapping President Nixon had ordered in the White House, resulting in the current clamor over releasing the tapes to Senate and other investigators.

On a comparable local political level, a spokesman for San Francisco Mayor Joseph L. Alioto said recently, "it never has gone on here, it doesn't now and it never will. I can't tell you how strongly the mayor feels about this."

### BEEPER

In fact, the only people who can legally and without verbal warning, tape phone conversations are those who have a beeper interrupting the talk every 15 seconds. (There's a brief warning to that effect on page 22 of the San Francisco phone directory.)

"It's no secret," says an Oakland police officer over the phone, in between shrill beeps. "If people ask, we'll tell them we're taping their calls."

The tapes of incoming calls to local police and Highway Patrol offices are kept for about three months, "mostly so we can contact people again," says another policeman, adding that the tapes are used only for reference material should arguments develop later over who said what to whom.

If people seem to get upset once in a while about the police beepers, their fears are pretty negligible when compared to those of people who think their own office and home phones are tapped.

### DE-BUGGING

"Business in the counter-measure game has doubled since Watergate broke," says one local de-bugging expert with undisguised glee. "San Francisco is pretty sensitive to bugging and tapping since there are a lot of potential targets for a city of this size."

The banks, businesses and lawyers who call him up for a "sweep" of their offices usually pay about \$600 for a day's work of examining telephones and checking various radio frequencies to find hidden transmitters.

For those who prefer to keep the de-bugging equipment close at hand, the prices start at \$5000, complete with "detailed instructions and unobtrusive carrying cases."

The Pacific Telephone and Telegraph Co. says it will send its wiretap experts over to investigate your phone lines if you think you're under surveillance.

### REMOVAL

If they discover an illegal tap, a phone company spokesman says, they'll remove it and turn it over to the police for evidence in any resulting court case.

Out of 1100 investigations in California last year, the Pacific Telephone spokesman said recently, "we came up with 15 illegal taps, mostly leading into tape decks that guys were using to listen to their girlfriends' conversations."

In the area of court-ordered federal taps, the phone company says it will tell the client there's a tap on the line only if the client complains about it.

### ASSUME

But it doesn't mean the tap is going to be removed and several of the more radical political activists in the Bay area simply assume their phones are tapped all the time and long ago devised other ways of communicating with their friends.

In spite of claims by some security companies that advertise, for example, a "foolproof system for stopping illegal wiretapping and bugging," Lipset takes a more realistic view.

"The only way to stop wiretapping is not to have a phone," he mused . . . echoing the opinion of another expert in the field who said simply, "carry a lot of dimes."