

2584
2587

wiretapping

2588 Wiretapping also called bugging, is the secret tapping of a
2589 telephone or telegraph line in order to eavesdrop on another
2590 person. However, the term now has been expanded to
2591 include all forms of electronic surveillance. Recent
2592 developments in electronics have supplied many new
2593 techniques of eavesdropping. Radio transmitters with
2594 integrated microcircuits have been made small enough to
2595 permit their insertion into bit of cardboard or behind
2596 wallpaper. Even more recently the laser technique of focusing
2597 light beams on the tapped party has permitted monitoring
2598 ordinary voices from miles away.

2599 Wiretapping is used in international espionage; wiretapping
2600 for industrial secrets can produce large advantages and
2601 profits. Wiretapping is also used in personal lawsuits
2602 (especially in divorce actions); to gain market information;
2603 and, especially, by law enforcement officers, who find it a

~~CONFIDENTIAL~~ ~~SECRET~~

780030

NOT PROOFREAD

WOL

1978

2604 most valuable way of accumulating evidence or anticipating
2605 criminal activity. Innocent people, however, can be
2606 victimized, harmed, and embarrassed by wiretapping. In the
2607 United States the practice has been attacked as an invasion of
2608 privacy (see PRIVACY, INVASION OF). Wiretapping has been
2609 regarded as a kind of unreasonable search (unconstitutional
2610 under the 4TH AMENDMENT) and as a method that, in effect,
2611 compels one to testify against oneself (which is also
2612 constitutionally prohibited under the 5TH AMENDMENT).

2613 Wiretapping has been, therefore, generally declared to be
2614 criminal activity. Still, it is widely practiced, and only a small
2615 percentage of bugs are exposed. When they are exposed,
2616 justice does not ordinarily punish the culpable. In the
2617 7½-year period ending June 30, 1974, approximately 1,460
2618 violations of federal wiretap laws were uncovered by
2619 telephone company employees and reported to the FBI, but
2620 only 2 percent of those cases resulted in arrest.

2621 **U.S. Legal History.** In its first ruling on a wiretap case, the
2622 Supreme court held in *Olmstead v. United States* (1928) that
2623 police wiretapping was not a violation of the 4th
2624 Amendment's ban on unreasonable search and seizure. In his
2625 famous dissent, however, Associate Justice Oliver Wendell
2626 Holmes, Jr., called the practice a "dirty business" and said
2627 that the government had no business resorting to it. In the
2628 Communications Act of 1934 the Congress outlawed
2629 wiretapping, which made evidence garnered by bugging
2630 inadmissible in court. Subsequently, several states passed laws
2631 that permitted law-enforcement officials to gather evidence
2632 against potential criminals by wiretapping. In 1967, however,
2633 the Supreme Court ruled, in *Katz v. United States*, that
2634 wiretapping does violate 4th Amendment rights, a decision
2635 that in effect reversed the *Olmstead* ruling. The Crime
2636 Control Act of 1968 provides a carefully drawn system for
2637 judicially approved wiretapping. Since then the court has
2638 ruled that court orders must be obtained even in cases
2639 involving the national security. ALFRED DE GRAZIA

2640 **Bibliography:** Carr, James G., *The Law of Electronic Surveillance*
2641 (1977); Cederbaums, Juris, *Wiretapping and Electronic Eavesdropping*
2642 (1969); Dash, Samuel, et al., *The Eavesdroppers* (1959; repr. 1971);
2643 LeMond, Alan, and Fry, Ron, *No Place to Hide* (1975); Long, Edward
2644 V., *The Intruders: The Invasion of Privacy by Government and*
2645 *Industry* (1969).



NOT PROOFREAD