



Exploding The Phone

db955

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Bibliographic Cover Sheet

Title	FBI File 166-HQ-1765, Alvin Bubis, et al., ITAR-Gambling; ITWP; FBW-Conspiracy, portions concerning Thomas Milton Boyd
Date	1966-04-22
Abstract	Portions of FBI file 166-HQ-1765 (a multi-subject file on the May, 1966 blue box arrests) concerning Thomas Milton Boyd
Keywords	Thomas Milton Boyd; Thomas M. Boyd; Boyd; gambling
Notes	This was the second and third interim release of FOIPA 1086595. The first interim release was for some file other than 166-HQ-1765.
Source	FBI via FOIA

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

July 9, 2009

Subject: BOYD, THOMAS MILTON

FOIPA No. 1086595- 000

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

☐ (b)(1)

☐ (b)(7)(A)

☐ (d)(5)

☒ (b)(2)

☐ (b)(7)(B)

☐ (j)(2)

☒ (b)(3) Rule 6(e), Federal Rules
of Criminal Procedure

☒ (b)(7)(C)

☐ (k)(1)

☒ (b)(7)(D)

☐ (k)(2)

☐ (b)(7)(E)

☐ (k)(3)

☐ (b)(7)(F)

☐ (k)(4)

☐ (b)(4)

☐ (b)(8)

☐ (k)(5)

☐ (b)(5)

☐ (b)(9)

☐ (k)(6)

☒ (b)(6)

☐ (k)(7)

75 page(s) were reviewed and 75 page(s) are being released.

☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:

☐ referred to the OGA for review and direct response to you.

☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

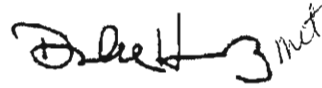
☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s).

Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

☒ See additional information which follows.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", followed by a stylized flourish that looks like "3 met".

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosure(s)

This is in further response to your Freedom of Information Act (FOIA) request for information regarding Thomas Milton Boyd.

FBI Headquarters file 166-1765 (Sections 1 through 6) were processed for this second interim release. These sections have been processed pursuant to the provisions for the FOIA and all available information is enclosed with this letter. More documents will be mailed to you once they have been processed.

Please be advised that the enclosed documents are maintained in a multiple subject investigation of which Thomas Boyd was indexed as one of the subjects. In processing such a case pursuant to a FOIPA request, it is the practice of the FBI to address only that portion which specifically pertains to Thomas Boyd rather than information pertaining to other subjects.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could be reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could be reasonably expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

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 Callahan _____
 Conrad _____
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☐ AIRGRAM ☐ CABLEGRAM ☒ RADIO ☐ TELETYPE

PAGE TWO FROM LOS ANGELES 212250

[REDACTED]

CALLS AND CONVERSATIONS IN MAIN SHOW [REDACTED] CONTACTING

[REDACTED] OBTAINING INSTRUCTIONS HOW TO PLACE BETS FOR [REDACTED] ^{Mc}

AND THEREAFTER, HIS BETTING INTO BOOKMAKERS [REDACTED]

BETTING CODE [REDACTED] BALTIMORE, MARYLAND; [REDACTED] BETTING

CODE [REDACTED] GEORGIA; THOMAS MILTON ROYD, BETTING CODE 31, ⁶⁹

NASHVILLE, TENNESSEE; UNKNOWN INDIVIDUAL, BETTING CODE [REDACTED]

[REDACTED] NEW JERSEY, HAVING TELEPHONE SUBSCRIPTION UNDER NAME

[REDACTED] BETTING CODE [REDACTED] LOUISIANA;

[REDACTED] BETTING CODE [REDACTED] NEW ORLEANS,

LOUISIANA.

TAPES CONCERNING THESE CALLS IN PROCESS OF BEING TRANSCRIBED.

AUSA JOHN LALLY OF OPINION THAT TAPES OBTAINED BY TELEPHONE COMPANY IN COURSE OF NORMAL BUSINESS TO CIRCUMVENT FRAUD AGAINST THEIR COMPANY LEGAL AND USABLE IN FEDERAL COURT. LALLY OF OPINION THAT FACTS PRESENT A STRONG CASE AGAINST [REDACTED] AND ALL

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☐ AIRGRAM ☐ CABLEGRAM ☒ RADIO ☐ TELETYPE

PAGE THREE FROM LOS ANGELES 212250

GAMBLERS CONTACTED BY HIM FOR SECTION 1084 AND AGAINST
 FOR FRAUD BY WIRE.

LOS ANGELES ALSO CONDUCTING CURRENT INVESTIGATION ON NUMEROUS OTHER USERS OF THIS DEVICE IN LOS ANGELES AREA AND PLANS NO ACTION AGAINST ANY UNTIL SIMULTANEOUS ARRESTS CAN BE EFFECTED.

b6
b7c

RECEIVING OFFICES ARE REQUESTED TO CONDUCT NO OPEN INVESTIGATIONS WHICH COULD POSSIBLY ALERT THE INDIVIDUALS UNDER INVESTIGATION WHICH WOULD CAUSE TO BE NOTIFIED OF FBI INTEREST.

THIS CASE CONTINUING TO RECEIVE PREFERRED ATTENTION AND THE BUREAU WILL BE KEPT ADVISED.

NEW YORK AND PHILADELPHIA ADVISED AM.

RECEIVED: 2:46 AM (4-22-66) RWP

cc - Mr. Rosen

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☐ AIRGRAM ☐ CABLEGRAM ☒ RADIO ☐ TELETYPE

R-35

URGENT 4-27-66 12:45 AM (4-28-66)

TO DIRECTOR, ATLANTA, BALTIMORE, MEMPHIS, MIAMI, NEWARK

AND NEW ORLEANS

FROM LOS ANGELES 272245

ET AL. ITAR - GAMBLING; ITWP; FBW-CONSPIRACY.

OO: LOS ANGELES.

REMYTEL APRIL 21 LAST.

THIS CASE CONCERNS MANUFACTURE AND USE OF ELECTRONIC DE-
 VICE CALLED "BLUE BOX" USED TO CIRCUMVENT BILLING AND DETECTION
 ON INTERSTATE CALLS. CALLS MADE FOR OTHER THAN GAMBLING PUR-
 POSES CONSTRUED BY USA, LOS ANGELES TO BE FRAUD BY WIRE CASES.
 THOSE MADE INVOLVING GAMBLING MATTERS CONSTRUED TO BE FBW AND
 ITAR - GAMBLING.

REL MAY 3 1966 AT BA ME MM NK NO

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

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☐ AIRGRAM ☐ CABLEGRAM ☒ RADIO ☐ TELETYPE

PAGE TWO FROM LOS ANGELES 272245

COMPLAINTS AND SEARCH WARRANTS TO BE FILED END OF MAY FOR ARRESTS OF APPROXIMATELY 12 TO 15 INDIVIDUALS LOS ANGELES AND INTERVIEWS OF 40 OTHERS SUSPECTED OF BEING USERS IN PAST. AT SAME TIME USA CONSIDERING ARRESTS OF INDIVIDUALS WHO ENGAGED IN GAMBLING CONVERSATIONS WITH [] WHO ARE SUSPECTED TO BE:

NEWARK, NEW JERSEY, INDIVIDUAL SUBSCRIBING TO TELEPHONE AT UNION CITY, NEW JERSEY, [] KNOWN UNDER BETTING CODE []

NEW ORLEANS DIVISION, AT NEW ORLEANS, CODE [] IDENTIFIED AS [] BATON ROUGE, CODE [] TELEPHONE [] (BELIEVED [] MEMPHIS DIVISION AT NASHVILLE, TENNESSEE, CODE 31, TELEPHONE 256 2114, BELIEVED TO BE THOMAS MILTON BOYD.

BALTIMORE DIVISION, CODE [] TELEPHONE []

ATLANTA DIVISION AT [] GEORGIA, CODE [] TELEPHONE []

[] BELIEVED TO BE []

MIAMI DIVISION, [] TELEPHONES []

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☐ AIRGRAM ☐ CABLEGRAM ☒ RADIO ☐ TELETYPE

PAGE THREE FROM LOS ANGELES 272245

AND [] IN ADDITION TO [] [] USING
 [] TELEPHONE.

FOR INFORMATION BUREAU, []

[] AND TARGET FOR LOS ANGELES FEDERAL GRAND JURY
 ACTION RECENTLY USING "BLUE BOX" IN CALLS MADE TO SEATTLE, MIAMI
 AND CHICAGO. TAPES BEING MADE ^{READY} FOR GRAND JURY SUBPOENAS AND
 NUMBERS CALLES WILL BE SET FORTH FOR IDENTIFICATION.

RECEIVING OFFICES IDENTIFY SUBSCRIBERS CALLED YOUR AREA
 THROUGH REVIEW OF RECORDS OF RESPECTIVE TELEPHONE COMPANIES AND
 FURNISH THIS INFORMATION TO LOS ANGELES BY RETURN AIRTEL WITH
 APPROPRIATE INSERTS.

ADDITIONALLY FURNISH THUMBNAIL SKETCH EACH INDIVIDUAL IN-
 CLUDING AGE, RESIDENCE, AND EMPLOYMENT AND ANY INFORMATION RE-
 FLECTING GAMBLING CONVICTIONS.

MIAMI REVIEW RECORDS OBTAINED THROUGH ARREST OF [] AND
 ATTEMPT TO LOCATE BETTING CODES USED BY HIM.

IT IS NOTED CONVERSATIONS TOOK PLACE REGARDING CODE NUMBERS

[] AND [] WHO HAVE NOT BEEN IDENTIFIED.

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☐ AIRGRAM ☐ CABLEGRAM ☒ RADIO ☐ TELETYPE

PAGE FOUR FROM LOS ANGELES 272245

NEWARK AND MIAMI ARE REQUESTED TO FURNISH LOS ANGELES WITH ANY INFORMATION AS TO THE IDENTITY OF CODE ☐ OF ☐ NEW JERSEY AND INFORMANTS SHOULD BE CONTACTED IN AN EFFORT TO IDENTIFY THIS PARTY.

ALL OFFICES NOTE THAT USA'S OFFICE CONSIDERING ISSUANCE OF COMPLAINTS AND WARRANTS ON INDIVIDUALS SET FORTH IN THIS TEL AND ARRESTS TO BE MADE AT SAME TIME AS ARRESTS MADE BY FBI, LOS ANGELES, THEREFORE, INVESTIGATION REQUESTED TO BE EXPEDITED.

THIS CASE CONTINUING TO RECEIVE PREFERRED ATTENTION AND THE BUREAU WILL BE KEPT ADVISED.

CHICAGO, DALLAS, PHILADELPHIA AND SEATTLE ADVISED AM.

RECEIVED: 1:17 AM RWP

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FBI

Date: 5/10/66

Transmit the following in _____

(Type in plaintext or code)

Via AIRTELAIR MAIL

(Priority)

TO: Director, FBI (166-1765) ATTENTION: CRIME RECORDS

FROM: SAC, Los Angeles (166-462)

RE: CHANGED: [redacted] aka.,
[redacted]ET AL
ITAR-GAMBLING; ITWI;
FBW - CONSPIRACY

OO: Los Angeles

The title is marked CHANGED to reflect the correct spelling of [redacted] name as reflected in his company records.

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Re Los Angeles teletype to Director dated 4/27/66.

BACKGROUND

This case entails the use of an electronic device called a multi-frequency tone generator or "blue box" used to make long-distance telephone calls circumventing

- 3 - Bureau
- 2 - Atlanta
- 2 - Baltimore
- 1 - Butte (Info)
- 2 - Memphis
- 2 - Miami
- 2 - Newark
- 2 - New Orleans
- 1 - New York (Info)
- 1 - Oklahoma City (Info)
- 1 - Philadelphia (Info)
- 1 - Salt Lake City (Info)
- 1 - Seattle (Info)
- 2 - Los Angeles

REC-49

MAY 11 1966

CRIME RESEARCH

Approved: [Signature]

Sent _____ M Pe

Special Agent in Charge

LA 166-462

normal billing procedures and in the case of gamblers, detection of the individual called [redacted] records of [redacted] reflect that there are or have been numerous users of this device, coupled with information that this device is being manufactured in this area by certain engineers. Investigation of these facts has determined that this device is used by individuals falling within two classes, (a.) gamblers and, (b.) salesmen and other legitimate individuals merely circumventing costs of interstate calls.

In the case of gamblers investigation has determined that [redacted] the subject of this case, has been in contact with numerous gamblers throughout the country and has placed bets or obtained gambling information in telephone conversations with these individuals which he did on the instructions and orders of nationally known [redacted]
[redacted]

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Assistant United States Attorney JOHN LALLY, Chief of the Organized Crime Section, USA's Office, Los Angeles, stated that it was his opinion that users of the "blue box" were in violation of Fraud by Wire statutes, if the calls were made interstate utilizing this device. In addition, he advised that users of this device could also be prosecuted for violation of federal gambling statutes if the "blue box" were utilized in interstate calls in furtherance of gambling operations.

Assistant U. S. Attorney LALLY stated that if the telephone company, acting on their own initiative and not at the request of the FBI, monitored individuals using this device, any tapes made during the monitoring would be admissible evidence.

[redacted]
[redacted] AUSA LALLY's
opinion [redacted]
[redacted]

[redacted] The telephone company representatives requested that such tapes or records be furnished the government through the issuance of a subpoena duces tecum.

LA 166-462

Following the AUSA's opinion, [REDACTED]
[REDACTED] has in response to subpoena duces tecum [REDACTED]
[REDACTED] and reviewed by AUSA LALLY [REDACTED]
[REDACTED] he has advised that he will proceed
against the following individuals for violation of Title 18,
Section 1952 (ITAR-GAMBLING) U. S. Code:

THOMAS MILTON BOYD, Nashville, Tennessee

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In addition,

has also used this device in making calls to Seattle, Washington, Chicago, Illinois and Miami, Florida. [REDACTED]

and LALLY has opined that he will proceed against the following:

and [REDACTED] (It is noted that [REDACTED])

One of the prime owners is [redacted] who is currently subject of a Federal Grand Jury inquiring, Miami, Florida.

For the information of the Bureau.

be supplied to the Federal Grand Jury, Los Angeles on 5/11/66. If additional subjects are established through these tapes, the Bureau will be promptly notified.

In addition to the above individuals who will be arrested for federal gambling and Fraud by Wire violations.

LA 166-462

Los Angeles has positively determined that eleven individuals have used this device in recent months and AUSA LALLY will proceed against these individuals on charges of Fraud by Wire. Other subjects may develop through current investigation being conducted and these names likewise will be furnished the Bureau promptly when received.

AUSA LALLY desires that all individuals both in Los Angeles and out of state, be arrested on the same date in order to establish a dramatic effect in an effort to aid the telephone company through wide spread publicity that would be achieved and to discourage future use of this device.

At a conference held in Los Angeles attended by representatives of the telephone companies, United States Attorney and the Los Angeles Office of the FBI, telephone company officials expressed serious concern over the cost to their company in policing suspected users of the device and of the costs lost to them by these illegitimate calls. They strongly urged that in their opinion the best means to circumvent and stop this type of activity was to fully cooperate with the FBI in causing arrests of the users which they felt would be the best way to thwart its future use.

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TECHNICAL EXPLANATION OF THE "BLUE BOX"

The following information concerning the operation of the "blue box" was provided by [REDACTED]

[REDACTED] on
5/3/66.

The function of the "blue box" is to simulate pulses used by telephone operators and automatic dialing equipment to make long-distance telephone calls without activating telephone company billing equipment.

The caller accomplishes this by dialing the area code, a three digit number, followed by the number of the universal information operator which is 555-1212,

LA 166-462

a no charge number. At any time after the ringing commences the "blue box" is used to introduce a 2600 cycle per second (cps) tone into the transmitter of the telephone instrument. This drops the information operator from the line, but retains the circuit in the long-distance toll trunk. Then the start button or key pulse button is pressed, introducing a multi-frequency tone of 1100 and 1700 cps into the transmitter, thereafter the area code followed by the telephone number of the party being called is pulsed by using the appropriate buttons in proper sequence.

DATE OF ARRESTS

AUSA JOHN LALLY has indicated a desire to have all arrests made this case at the end of May, 1966, if investigation can be logically concluded by that time. In addition to those arrested there will be simultaneous interviews made in the Los Angeles area of approximately 20 other individuals who are suspected by the telephone company of using such a device. The USA has advised that if these individuals during interview admit the use of this device to make interstate calls he will consider authorizing the arrest of them for Fraud by Wire.

THUMBNAIL OF INDIVIDUALS TO BE ARRESTED
OUT OF STATE

Miami Division

At Miami, Florida [redacted] aka... [redacted]
FBI [redacted]
[redacted] who resides at [redacted] Miami, Florida.
[redacted] born [redacted]
[redacted] resides at [redacted]
[redacted] Florida and is [redacted]
[redacted]

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Memphis Division

At Nashville, Tennessee THOMAS MILTON BOYD, a well known gambling figure in Nashville born in that city

LA 166-462

2/14/30. BOYD is a partner in the operation of the Uptown Recreation Center at 415 Diedrich Street, Nashville and resides at 212 Rolling Fork Court. He is married and has one child.

Newark Division

At [redacted] New Jersey

[redacted] born [redacted] last known to reside at [redacted] Cliffside Park, New Jersey [redacted] New Jersey.

Atlanta Division

✓ At [redacted] Georgia [redacted] area who, as of February, 1965, resided at [redacted] Georgia. In June, 1965, [redacted]

[redacted] He has FBI [redacted]

Baltimore Division

At Baltimore, Maryland [redacted]

[redacted] Baltimore, Maryland, and his last residence address known to the Los Angeles Division was [redacted] Baltimore, Maryland.

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b7C

New Orleans Division

At Baton Rouge, Louisiana [redacted]

[redacted] resides [redacted] at [redacted] Louisiana. He was born [redacted] and has FBI [redacted]

[redacted] There is no record in the Los Angeles Division of any convictions.

GAMBLERS TO BE ARRESTED AT
LOS ANGELES, CALIFORNIA

[redacted] born [redacted] currently resides at [redacted] Los Angeles, California and [redacted]

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
MAY 20 1966

TELETYPE

Mr. Tolson _____
Mr. DeLoach _____
Mr. Mohr _____
Mr. Wick _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Miss Holmes _____
Miss Gandy _____

FBI LOS ANG.

8:05 PM PDT URGENT 5-20-66 EVK

TO BUREAU (166-1765) ATT: CRIME RECORDS DIVISION,
ATLANTA, BALTIMORE, CHARLOTTE, MEMPHIS, MIAMI, NEWARK,
ORLEANS

FROM LOS ANGELES (166-462)

Interstate Transmission of Wagering Information
AKA. ITWI. FWD- CONSPIRACY. 00: LOS ANGELES.

RE LOS ANGELES AIRTEL TO DIRECTOR MAY TEN LAST.

Interstate Transportation in Aid of Racketeering
ITAR-GAMBLING IS DELETED FROM CHARACTER.

Assistant United States Attorney
AUSA JOHN LALLY, LOS ANGELES TODAY CONFIRMED HE

WOULD AUTHORIZE FILING OF COMPLAINTS AGAINST THE FOLLOWING
Interstate Transmission of Wagering Information

UNDER ITWI STATUTE: MIAMI;

BALTIMORE, MARYLAND;

GEORGIA; THOMAS MILTON BOYD, NASHVILLE, TENNESSEE;

NEW JERSEY AND AND

END PAGE ONE

REC-24
MCT-20

166-1765-43

MAY 24 1966

JUN 6 1966
50 JUN 14 1966

PAGE TWO

[REDACTED] LOS ANGELES, CALIFORNIA.

Assistant United States Attorney

AUSA LALLY DID NOT CONFIRM BUT GIVING CONSIDERATION

TO [REDACTED] BATON ROUGE, LOUISIANA; [REDACTED]

GREENSBORO, NORTH CAROLINA.

COMPLAINTS WILL BE AUTHORIZED AGAINST THE FOLLOWING

FRAUD BY WIRE
FOR FBW: [REDACTED], SUPRA; [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

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PROBABLE CAUSE DOES NOT EXIST FOR [REDACTED]

AT THIS TIME.

ADDITIONAL SUBJECT [REDACTED]

also known as

AKA [REDACTED]

[REDACTED] TO BE INCLUDED FRAUD BY WIRE
FBW.

THE FOLLOWING THUMBNAIL OF [REDACTED] BORN

[REDACTED]

MARRIED, [REDACTED] RESIDES

[REDACTED]

COMPLAINTS WILL BE FILED FOR AIDING AND ABETTING FBW

FRAUD BY WIRE

AGAINST [REDACTED] AND [REDACTED]

THE BUREAU, NEW ORLEANS AND CHARLOTTE WILL BE
IMMEDIATELY ADVISED OF ANY PERTINENT DEVELOPMENTS CONCERNING
QUESTIONABLE SUBJECTS THEIR TERRITORIES.

END PAGE TWO

PAGE THREE

ALL OFFICES IMMEDIATE DETERMINE WHEREABOUTS OF
SUBJECTS THEIR TERRITORY AND SUTEL BUREAU AND LOS ANGELES
BY MAY TWENTY THREE NEXT.

IT IS ANTICIPATED THAT COMPLAINTS FILED AND
WARRANTS WILL BE ISSUED DATED MAY TWENTY FOUR NEXT TO BE
EXECUTED EARLY AM MAY TWENTY FIVE NEXT.

ALL OFFICES WILL BE ADVISED TUESDAY BY TEL THAT
COMPLAINTS FILED. SHORT TEL WILL LEAVE LOS ANGELES WEDNESDAY
MORNING ADVISING TO ARREST. ARRESTS TO BE COORDINATED BY LA.

FOLLOWING ARREST EACH OFFICE TELEPHONICALLY
ADVISE LOS ANGELES THAT SUBJECT IN CUSTODY AND IF
SEARCH INCIDENTAL RECOVERED GAMBLING PARAPHERNALIA.

FOR INFO MIAMI IT IS UNDECIDED AT THIS TIME
WHETHER PROCESS CAN BE OBTAINED FOR BOTH [REDACTED] AND

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~~Assistant United States Attorney~~
[REDACTED] AUSA DESIRES TO KNOW IF THERE IS
INDEPENDENT EVIDENCE OTHER THAN TESTIMONY OF [REDACTED] TO
ESTABLISH THAT [REDACTED]

ALSO CAN [REDACTED] BE CHARACTERIZED AS AN INFORMANT OF KNOWN
RELIABILITY FOR AFFIDAVIT PURPOSES AND WAS [REDACTED] IDENTIFIED
OR DEVELOPED AS A SOURCE AS THE RESULT OF INFO FROM
FORMER [REDACTED] DID [REDACTED] LEAVE [REDACTED]

END PAGE THREE

PAGE FOUR

EMPLOYMENT PRIOR TO DISCONTINUANCE OF ABOVE SOURCE.
ADDITIONAL TAPES OF CONVERSATIONS BY [REDACTED] WHEN
USING BLUE BOX ARE CURRENTLY BEING TRANSCRIBED AND MAY
FURNISH ADDITIONAL EVIDENCE TO STRENGTHEN CASE AGAINST
[REDACTED] MIAMI WILL BE ADVISED OF ANY PERTINENT INFO.

b6
b7c

END

WA...HFL

FBI WASH DC

AT...JDW

FBI ATLANTA

BA...JPB

FBI BALTO

CE...JLM

FBI CHARLT

ME, MM, NK, NO HAVE BEEN ADVISED

CLR

cc Mr. Rosen

APR 30 11 30 AM '68

TELETYPE UNIT

680000

DEPT OF JUSTICE

APR 30 11 30 AM '68

68-675

• 100% RYTE

SAC, Los Angeles (166-462)

6/8/66

REC-134

Director, FBI (166-1765)-56

EX 109

THOMAS MILTON BOYD
FUGITIVE
ITWI

A review of Bureau files indicates one Thomas Milton Boyd, same date of birth as your fugitive was the subject of an Interstate Gambling Activities - Wire Service, investigation conducted in 1961 by the Memphis Office, their file 162-37.

Bureau files indicates one Thomas Milton Boyd, whose physical description is similar with that of your fugitive was the subject of an ITWI investigation conducted in 1962 by the Memphis Office, their file 165-8.

The above is being submitted for your information and possible assistance.

MAILED 3

JUN 8 1966

COMM-FBI

Tolson _____
DeLoach _____
Mohr _____
Wick _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

JJH:saw
(4)

CF-58

MAIL ROOM ☐ TELETYPE UNIT ☐

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (Att.: Special Investigative Division)

DATE: 5/24/66

Office of

Origin: Los Angeles

FROM: SAC, Los Angeles (166-462)

O.O. File No. 166-462

(If other than submitting office)

SUBJECT: THOMAS MILTON BOYD -
ITWIb6
b7C

In order that a fugitive index card may be prepared without delay, the following information is furnished:

☐ Probation violator's warrant issued by USDC for District of _____, (date) _____

☒ Warrant issued by ☒ U. S. Commissioner ☐ Clerk, USDC at Los Angeles, (date) 5/24/66

Date probation violator or bond default case referred to office _____

Name and Aliases:

FBI #

THOMAS MILTON BOYD
FUGITIVE CARDS
PREPARED 6-2
Date by

Other Identifying #

Offense Charged: Interstate Transmission of Wagering Information

Title 18, U. S. Code, Section 1084

If an indictment or information is outstanding specify which, giving date and place of issuance: _____

MCT-43
Description REC 30

166-1765-56

Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Race <u>White</u>	Complexion <u>Fair</u>	Age <u>36</u>	Birth date <u>2/14/30</u>	Birthplace <u>Nashville, Tennessee</u>
Height <u>6'</u>	Weight <u>220</u>	Build <u>Obese</u>	Hair <u>Dark Brown</u>	Eyes <u>Blue</u>	Residence <u>212 Rolling Fork Court Nashville, Tennessee</u>
Nationality <u>American</u>	Marital status <u>Married</u>	Caution statement (where applicable)			

Scars, marks and other identifying remarks

Wears dark rimmed glasses

10 MAY 26 1966

Occupation Partner in operation Uptown
Recreation Center, Nashville, Tennessee

① - Bureau
1 - Los Angeles
WJN:CM
(2)

JFH: passed 5/29/66
 JFH: 6/1/66
 JFH: 6/1/66
 JFH: 6/1/66

Federal Bureau of Investigation
Records Branch

6-1966

☒ Name Searching Unit - Room 6527 b6
☐ Service Unit - Room 6524 b7C
☒ Forward to File Review
☐ Attention
☒ Return to 1243
 Supervisor Room Ext.

Type of References Requested:

- ☐ Regular Request (Analytical Search)
☐ All References (Subversive & Nonsubversive)
☐ Subversive References Only
☐ Nonsubversive References Only
☒ Main *main & sub* References Only
and other sec

Type of Search Requested:

- ☒ Restricted to Locality of *San Cal.*
☐ Exact Name Only (On the Nose) *ala*
☐ Buildup ☐ Variations

Subject *Boyd, Thomas Milton*
 Birthdate & Place
 Address

JUN 4 1966

Localities

Re *607* Date *6/3* Searcher Initials *111*
 Prod. *38*

FILE NUMBER SERIAL

I 162-63 *given info. pla*
I 165-37 *given info. pla*
E 166-1765 *last info. pla*

261111:22

NR 67-3443-796 1365
 NY 100-370750-123

JUN 8 1966

151

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: May 23, 1966

FROM : J. H. Gale

SUBJECT: [REDACTED]

ALSO KNOWN AS
INTERSTATE TRANSPORTATION IN
AID OF RACKETEERING - GAMBLING
INTERSTATE TRANSMISSION OF
WAGERING INFORMATION
FRAUD BY WIRE - CONSPIRACY

The Los Angeles Office is origin in a wide-spread investigation involving the use of an electronic device, a multi-frequency tone generator, commonly known as the "blue box." This device is used to make long distance telephone calls circumventing normal telephone company long distance billing procedures and, in the case of gamblers, detection of the individuals called. Telephone company records at Los Angeles reflect that there are or have been numerous users of this device. Investigation has disclosed that this device is being manufactured in the Los Angeles area by several electronic engineers. Individuals using this device fall within two classes: (a) gamblers, and (b) salesmen and other legitimate businessmen who are merely circumventing costs of interstate calls.

Investigation of gamblers involved has disclosed that [REDACTED] principal subject in this case, has been in contact with numerous gamblers throughout the country and has placed bets or obtained gambling information in telephone conversations with these individuals, doing so on the instructions and orders of [REDACTED]

Assistant U. S. Attorney John Lally, Chief of the Organized Crime Section, United States Attorney's Office, Los Angeles, stated it was his opinion that users of the "blue box" were in violation of Fraud by Wire Statute if calls were made interstate utilizing this device. In addition, he advised that users of this device could be prosecuted for violation of the Federal gambling statutes if the "blue box" were used in interstate calls in furtherance of gambling operations.

1 - Mr. DeLoach
1 - Mr. Wick
51 - JUN 17 1966

PJB:dsad(7)

CONTINUED - OVER

Tolson
DeLoach
Mohr
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

EX-112 REC-71

1 - Mr. Gale
1 - Mr. McAndrews

8 MAY 26 1966

Memorandum to Mr. DeLoach

Re: [redacted]

Assistant U. S. Attorney Lally stated that if the telephone company, acting on company initiative and not at the request of the FBI, monitored individuals using this device, any tapes made during the monitoring would be admissible evidence. Officials of the telephone company, in accord with Assistant U. S. Attorney Lally's opinion, agreed to furnish the identity of users of the "blue box" and to provide any tapes or records acquired through the monitoring of such users. These records were furnished in response to subpoena duces tecum.

Assistant U. S. Attorney John Lally has confirmed he would authorize filing complaints under the Interstate Transmission of Wagering Information Statute against

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b7C
b7D

[redacted] Florida, and the following well-known gambling figures throughout the country: [redacted] Baltimore, Maryland; [redacted] Georgia; Thomas Milton Boyd, Nashville, Tennessee; [redacted] New Jersey; [redacted] and [redacted] both of Los Angeles, California. Assistant U. S. Attorney Lally is giving consideration to prosecution of gambling figures [redacted] Baton Rouge, Louisiana, [redacted] Greensboro, North Carolina, [redacted] and [redacted] of Miami. Other complaints will be authorized against a number of businessmen under the Fraud by Wire Statute and against the electronic engineers involved in the manufacture of these devices.

All offices have been alerted to determine the whereabouts of the subjects. Complaints will be filed and warrants issued May 24, 1966, to be executed on May 25, 1966.

Los Angeles Office will coordinate the arrests and consideration is being given to a national press release by the Bureau.

ACTION:

For information. You will be kept advised of all pertinent developments in this case.

PFB

Jelly

- 2 -

Wey

gpc
C. J. G. Har

*Revised 7:54 AM*FOR IMMEDIATE RELEASE
May 23, 1966

FBI Agents today dealt a crippling blow to the users of electronic devices designed to circumvent toll charges on long distance telephone calls by the arrest of 18 individuals in 8 different states, Attorney General Nicholas said. Katzenbach announced.

FBI Director J. Edgar Hoover said the arrests were made on the basis of complaints filed in Los Angeles, California, by FBI Agents yesterday charging violations of Federal Statutes on the part of individuals in Florida, Maryland, Georgia, Tennessee, New Jersey, California, Louisiana and North Carolina.

The complaints allege violations of the Interstate Transmission of Wagering Information Statute, the Fraud By Wire Statute and the aiding and abetting of fraud by wire.

Mr. Hoover advised that the arrests today stemmed an extensive and detailed investigation by FBI Agents throughout the United States. The violations charged the use of electronic

devices referred to as a multi frequency tone generator or

Tolson _____
DeLoach _____
Mohr _____
Wick _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

TBC:lcm/slr

(10)

MAIL ROOM ☐ TELETYPE UNIT ☐

~~166-1765-5~~

"blue box," which instrument was used to circumvent normal billing procedures on long-distance telephone calls. The investigation determined that the device was used by both gamblers as well as other individuals attempting to circumvent costs of interstate calls. In the case of gamblers the instrument also prevented the detection of individual calls.

The FBI Director advised that the following individuals arrested were charged with violating the Interstate Transmission of Wagering Information Statutes and, if convicted, face sentences ranging up to \$10,000 fine and/or two years' imprisonment.

[redacted] 53, of [redacted]
[redacted]
Florida. [redacted] is allegedly [redacted]

[redacted]
[redacted] 55, married, a resident of [redacted]
[redacted] Maryland, and [redacted]

b6
b7c

[redacted]
[redacted] a resident of [redacted]
[redacted] Georgia [redacted] has been described as [redacted]
[redacted] Georgia, area.

Thomas Milton Boyd, 36, married, a resident at 212
Rolling Fork Court, Nashville, Tennessee, and a partner in the operation

of the Uptown Recreation Center, 415 Diedrick, Nashville. Boyd
is reportedly a well-known gambling figure in Nashville.

[redacted] also known as [redacted]
and [redacted] 35, of [redacted]
New Jersey. [redacted] is reportedly employed [redacted]
[redacted] New Jersey.

[redacted] 34, of [redacted]
[redacted] California. [redacted] is single and [redacted]
[redacted]
[redacted]

[redacted] 30, of [redacted]
California. [redacted] is employed as [redacted] b6
[redacted] California. [redacted] b7C
[redacted]
[redacted]

[redacted] 36, married, of [redacted]
[redacted] Louisiana.
[redacted] of [redacted] North Carolina.
[redacted] also known as [redacted]
[redacted] 36, of [redacted] Florida. [redacted]

[redacted]

[redacted]

[redacted] also known as [redacted] 52,
of [redacted] Florida. [redacted] is reported to be

[redacted]

Mr. Hoover advised that the following individuals were
charged with violations of the Fraud By Wire Statutes and, if convicted,
face sentences ranging up to \$1,000 fine and/or five years' imprisonment:

b6
b7C

[redacted] who is mentioned above as also
being charged with violations of the Interstate Transmission of Wagering
Information Statutes.

[redacted] a resident of
[redacted] California, [redacted]
[redacted]

[redacted] 47, of [redacted]
[redacted] California. [redacted] is single and [redacted]

[redacted]

[redacted] and is also associated with [redacted]

[redacted]

[redacted] 40, of [redacted]
California. He is employed as [redacted]

[redacted]

[redacted] a resident of [redacted]
[redacted] Texas, and [redacted] California. [redacted] operates the
[redacted]
California, [redacted] Texas.

[redacted] approximately 55, of [redacted]
[redacted] California. He is married and employed as [redacted]
[redacted]
[redacted] California.

b6
b7C

[redacted] who is also known as [redacted]
41, of [redacted] California. He is married
and [redacted]

The FBI Director advised that the following two
individuals were also arrested and charged in complaints with aiding
and abetting fraud by wire and, if convicted, face sentences ranging
up to \$1,000 fine and/or five years' imprisonment.

[redacted] 28, of [redacted]
[redacted] California. He is married and is employed [redacted]
[redacted]
California.

[redacted] 31, of [redacted]

California. He is married and is employed as [redacted]

b6
b7c

[redacted] California.

Mr. Hoover advised that all of the individuals arrested today will be arraigned before a United States Commissioner as soon as possible.

**FINAL
RELEASE**

**FOR IMMEDIATE RELEASE
MAY 25, 1966**

FBI Agents today dealt a crippling blow to the users of electronic devices designed to circumvent toll charges on long-distance telephone calls by the arrest of 16 individuals in 9 different states, Attorney General Nicholas deB. Katzenbach announced.

FBI Director J. Edgar Hoover said the arrests were made on the basis of complaints filed in Los Angeles, California, by the FBI yesterday charging violations of Federal Statutes on the part of individuals in New York, Maryland, Georgia, Tennessee, North Carolina, Florida, Texas, California and New Jersey.

The complaints allege violations of the Interstate Transmission of Wagering Information Statute, the Fraud By Wire Statute and the aiding and abetting of fraud by wire.

Mr. Hoover advised that the arrests today climaxed an extensive and detailed investigation by FBI Agents throughout the United

States. The violations charge the use of an electronic device known as a multifrequency signal generator or "blue box," which

Tolson _____
DeLoach _____
Mohr _____
Wick _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

165-1765-82

ENCLOSURE

MAIL ROOM ☐ TELETYPE UNIT ☐

instrument is used to circumvent normal billing procedures on long-distance telephone calls. The investigation determined that the device was used by gamblers as well as other individuals attempting to circumvent costs of interstate calls.

The FBI Director advised that the following individuals arrested were charged with violating the Interstate Transmission of Wagering Information Statutes and, if convicted, face sentences ranging up to \$10,000 fine and/or two years' imprisonment.

[redacted] 53, of [redacted]
[redacted]
Florida. [redacted] is allegedly [redacted]
[redacted]

Thomas Milton Boyd, 36, married, a resident of 212 Rolling Fork Court, Nashville, Tennessee, and a partner in the operation of the Uptown Recreation Center, 415 Deaderick Street, Nashville. Boyd is reportedly a well-known gambling figure in Nashville.

b6
b7C

[redacted] 55, married, a resident of [redacted]
[redacted] Maryland, and [redacted]
[redacted]

[redacted] 50, a resident of [redacted]
[redacted] Georgia. [redacted] has been described as [redacted]
[redacted] Georgia, area.

[redacted] 50, of [redacted]
[redacted] North Carolina. [redacted] is not known to
be currently employed but [redacted]

[redacted]
[redacted] also known as [redacted] 52, of
[redacted] Florida. [redacted] is reported
to be [redacted]

[redacted] 30, of [redacted]
California. [redacted] is employed as [redacted]
[redacted] California. [redacted]

[redacted]
[redacted]

[redacted] also known as [redacted]
and [redacted] 35, of [redacted]
New Jersey. [redacted] is reportedly employed as [redacted]
[redacted] New Jersey.

Mr. Hoover advised that the following individuals were
charged with violations of the Fraud By Wire Statutes and, if convicted,
face sentences ranging up to \$1,000 fine and/or five years' imprisonment:

[redacted] 48, a resident of [redacted]
[redacted] Texas, and [redacted] California. [redacted] operates [redacted]
[redacted]

California, which company also has facilities in [redacted] Texas.

[redacted] 47, of [redacted]
[redacted] California. [redacted] is single and [redacted]
[redacted]
[redacted] and is also associated with [redacted]
[redacted] Texas.

[redacted] approximately 55, of [redacted]
[redacted] California. He is married and employed as [redacted]
[redacted]
[redacted] California.

b6
b7c

[redacted] 36, of [redacted]
California. He is employed as [redacted]
[redacted] California.

[redacted] who is also known as [redacted]
41, of [redacted] California. He is married
and [redacted]

[redacted] 40, of [redacted]
California. He is employed as [redacted]
[redacted]

[redacted] who is mentioned above as also being charged with violations of the Interstate Transmission of Wagering Information Statutes.

The FBI Director advised that the following two individuals were also arrested and charged in complaints with aiding and abetting fraud by wire and, if convicted, face sentences ranging up to \$1,000 fine and/or five years' imprisonment.

[redacted] 28, of [redacted]
[redacted] California. He is married and is employed as [redacted]
[redacted]

b6
b7c

California.

[redacted] 31, of [redacted]
California. He is married and is employed [redacted]
[redacted] California.

Mr. Hoover advised that [redacted] a resident
of [redacted] California, [redacted]
[redacted] was also charged with violations
of the Fraud By Wire Statutes. [redacted] is scheduled to surrender to
Federal officials today.

The FBI Director also stated that the following individuals were charged in complaints but have not been taken into custody as yet. They are being sought by the FBI as fugitives.

66
29
[redacted] 37, of [redacted]
Texas. [redacted] is reportedly residing in [redacted]
[redacted] also known as [redacted]
[redacted] 36, of [redacted] Florida.

[redacted] is reportedly [redacted]
[redacted]
[redacted] Florida. [redacted]

b6
b7C

[redacted]
[redacted]
[redacted] 36, married, of [redacted]
[redacted] Louisiana.

[redacted] 34, of [redacted]
[redacted] California. [redacted] is single and [redacted]
[redacted]
[redacted]

Mr. Hoover advised that all of the individuals arrested
today will be arraigned before a United States Commissioner as soon
as possible.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 25 1966

TELETYPE

FBI WASH DC

1030AM URGENT 5-25-66 LRA

TO ATLANTA BALTIMORE CHARLOTTE DALLAS LOS ANGELES MEMPHIS MIAMI
NEWARK NEW ORLEANS NEW YORK
FROM DIRECTOR 3P

[REDACTED] AKA, ET AL; ITAR - GAMBLING; ITWP;

FBW - CONSPIRACY.

REBUTEL FIVE TWENTY-FOUR WHICH SET FORTH PROPOSED PRESS
RELEASE IN INSTANT MATTER. ALL OFFICES ARE ADVISED OF THE
FOLLOWING CHANGES TO BE MADE IN PRESS RELEASE:

PARAGRAPH TWO, LAST LINE SHOULD READ QUOTE NORTH
CAROLINA, TEXAS AND NEW YORK UNQUOTE. PARAGRAPH THREE
DELETE LAST LINE QUOTE IN THE CASE OF GAMBLERS AND INSTRUMENT
ALSO PREVENTED THE DETECTION OF INDIVIDUAL CALLS UNQUOTE.

DESCRIPTIVE DATA CONCERNING SUBJECT [REDACTED] SHOULD READ QUOTE

[REDACTED] FIFTY-THREE OF [REDACTED]
[REDACTED]

END PAGE ONE

b6
b7c

PAGE TWO

[REDACTED] FLORIDA. [REDACTED] IS ALLEGEDLY [REDACTED]
[REDACTED]

[REDACTED] UNQUOTE. BUSINESS ADDRESS OF SUBJECT BOYD SHOULD BE
QUOTE FOUR ONE FIVE DEADERICK STREET, NASHVILLE UNQUOTE.

DESCRIPTIVE DATA CONCERNING SUBJECT [REDACTED] SHOULD READ QUOTE

[REDACTED] ALSO KNOWN AS [REDACTED] QUOTE [REDACTED] UNQUOTE

[REDACTED] THIRTY-SIX, OF [REDACTED]

[REDACTED] FLORIDA. [REDACTED] IS

REPORTEDLY [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] FLORIDA. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] UNQUOTE.

DESCRIPTIVE DATA CONCERNING SUBJECT [REDACTED] SHOULD READ QUOTE

[REDACTED] ALSO KNOWN AS [REDACTED] FIFTY-TWO OF [REDACTED]
[REDACTED]

FLORIDA. [REDACTED] IS REPORTED TO BE [REDACTED]
[REDACTED]

UNQUOTE. RESIDENCE ADDRESS OF SUBJECT

[REDACTED] SHOULD READ QUOTE [REDACTED]

CALIFORNIA UNQUOTE. FOLLOWING SUBJECT [REDACTED] INSERT THE AGE

END PAGE TWO

b6
b7c

PAGE THREE

OF FORTY-EIGHT. [REDACTED] BUSINESS ADDRESS SHOULD READ QUOTE

[REDACTED] CALIFORNIA UNQUOTE.

LAST LINE OF DESCRIPTIVE DATA CONCERNING SUBJECT [REDACTED] QUOTE

AT THE PRESENT TIME AND WILL BE TAKEN INTO CUSTODY [REDACTED]

b6
b7c

[REDACTED] UNQUOTE SHOULD BE DELETED.

ANY ADDITIONAL CHANGES NECESSITATED AT TIME OF ARREST
WILL BE FURNISHED TO OFFICES TELEPHONICALLY PRIOR TO ISSUANCE OF
RELEASE.

END

CE...BSH

FBI CHARLT

AT...JEL

FBI ATLANTA

ME...SCF

FBI MEMPHIS

DISC

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 24 1966

TELETYPE

FBI NEWARK

FBI WASH DC

151PM URGENT 5-24-66 SXC

TO ATLANTA BALTIMORE CHARLOTTE DALLAS LOS ANGELES MEMPHIS
MIAMI NEWARK NEW ORLEANS
FROM DIRECTOR

ALVIN KENNETH BUBIS, AKA, ET AL; ITAR - GAMBLING; ITWP;
FBW - CONSPIRACY.

THERE FOLLOWS A PROPOSED PRESS RELEASE WHICH I WILL MAKE
IN WASHINGTON, D. C., IN CONNECTION WITH INSTANT MATTER. RELEASE
WILL BE SUBJECT TO MINOR CHANGES NECESSITATED AT TIME OF
ARRESTS. NO RELEASE IS TO BE MADE BY ANY OFFICE UNTIL SPECIF-
ICALLY INSTRUCTED TO DO SO BY THE BUREAU. THE BUREAU
(ATTENTION SPECIAL INVESTIGATIVE DIVISION) IS TO BE TELERHONICALLY
NOTIFIED UPON COMPLETION OF MAJORITY ARRESTS BY VARIOUS OFFICES.
DO NOT DELAY ADVISING BUREAU OF ARRESTS IF IT APPEARS YOU MAY
NOT BE ABLE TO LOCATE SOME SUBJECTS. INFO CONCERNING
EXECUTION OF SEARCH WARRANTS MAY BE ISSUED LOCALLY BY OFFICES
INVOLVED. CONFINE REMARKS TO NEW MEDIA TO INFO IN PRESS
RELEASE AND EXECUTION OF SEARCH WARRANTS. ALL OFFICES ARE

PAGE TWO

TO IMMEDIATELY REVIEW PRESS RELEASE TO INSURE DESCRIPTIVE DATA REGARDING SUBJECTS IS ACCURATE. PROMPTLY ADVISE THE BUREAU TELEPHONICALLY OF ANY NECESSARY CHANGES. THE PRESS RELEASE IS AS FOLLOWS:

FBI AGENTS TODAY DEALT A CRIPPLING BLOW TO THE USERS OF ELECTRONIC DEVICES DESIGNED TO CIRCUMVENT TOLL CHARGES ON LONG-DISTANCE TELEPHONE CALLS BY THE ARREST OF 20 INDIVIDUALS IN 9 DIFFERENT STATES, ATTORNEY GENERAL NICHOLAS DEB. KATZENBACH ANNOUNCED.

FBI DIRECTOR J. EDGAR HOOVER SAID THE ARRESTS WERE MADE ON THE BASIS OF COMPLAINTS FILED IN LOS ANGELES, CALIFORNIA, BY THE FBI YESTERDAY CHARGING VIOLATIONS OF FEDERAL STATUTES ON THE PART OF INDIVIDUALS IN FLORIDA, MARYLAND, GEORGIA, TENNESSEE, NEW JERSEY, CALIFORNIA, LOUISIANA, NORTH CAROLINA AND TEXAS.

THE COMPLAINTS ALLEGE VIOLATIONS OF THE INTERSTATE TRANSMISSION OF WAGERING INFORMATION STATUTE, THE FRAUD BY WIRE STATUTE AND THE AIDING AND ABETTING OF FRAUD BY WIRE. MR. HOOVER ADVISED THAT THE ARRESTS TODAY CLIMAXED AN EXTENSIVE AND DETAILED INVESTIGATION BY FBI AGENTS THROUGHOUT THE UNITED

PAGE THREE

STATES. THE VIOLATIONS CHARGED THE USE OF AN ELECTRONIC DEVICE KNOWN AS A MULTIFREQUENCY SIGNAL GENERATOR OR "BLUE BOX," WHICH INSTRUMENT IS USED TO CIRCUMVENT NORMAL BILLING PROCEDURES ON LONG-DISTANCE TELEPHONE CALLS. THE INVESTIGATION DETERMINED THAT THE DEVICE WAS USED BY GAMBLERS AS WELL AS OTHER INDIVIDUALS ATTEMPTING TO CIRCUMVENT COSTS OF INTERSTATE CALLS. IN THE CASE OF GAMBLERS THE INSTRUMENT ALSO PREVENTED THE DETECTION OF INDIVIDUAL CALLS.

THE FBI DIRECTOR ADVISED THAT THE FOLLOWING INDIVIDUALS ARRESTED WERE CHARGED WITH VIOLATING THE INTERSTATE TRANSMISSION OF WAGERING INFORMATION STATUTES AND, IF CONVICTED, FACE SENTENCES RANGING UP TO \$10,000 FINE AND/OR TWO YEARS' IMPRISONMENT.

GILBERT LEE BECKLEY, 53, OF APARTMENT 7B WEST, BLAIR HOUSE APARTMENTS, 9100 BAY DRIVE, BAY HARBOR ISLANDS, MIAMI BEACH, FLORIDA. BECKLEY IS ALLEGEDLY ONE OF THE MAJOR BOOKMAKERS IN THE UNITED STATES.

HERBERT KAUFMAN, 55, MARRIED, A RESIDENT OF 3600 LABYRINTH ROAD, BALTIMORE, MARYLAND, AND THE OWNER AND OPERATOR OF KAUFMAN REALTY, 1615 WEST NORTH AVENUE, BALTIMORE.

PAGE FOUR

JOHN OWEN TYLER, 50, A RESIDENT OF THE HAMPSHIRE HOUSE, CONYERS, GEORGIA. TYLER HAS BEEN DESCRIBED AS A MAJOR GAMBLER IN THE ATLANTA, GEORGIA, AREA.

THOMAS MILTON BOYD, 36, MARRIED, A RESIDENT OF 212 ROLLING FORK COURT, NASHVILLE, TENNESSEE, AND A PARTNER IN THE OPERATION OF THE UPTOWN RECREATION CENTER, 415 DIEDRICH STREET, NASHVILLE. BOYD IS REPORTEDLY A WELL-KNOWN GAMBLING FIGURE IN NASHVILLE.

FRANCESCO SABATO DE NIGRIS, ALSO KNOWN AS FRANK DEE AND FRANK DI NIGRIS, 35, OF 463 COLUMBIA AVENUE, CLIFFSIDE PARK, NEW JERSEY. DE NIGRIS IS REPORTEDLY EMPLOYED AS A MUSICIAN AT THE CASINO-IN-THE-PARK, JERSEY CITY, NEW JERSEY.

ALVIN KENNETH BUBIS, 34, OF 8401 WEST SUNSET BOULEVARD, LOS ANGELES, CALIFORNIA. BUBIS IS SINGLE AND HAS BEEN SELF-EMPLOYED IN THE MUSIC PUBLISHING FIELD AND MOTION PICTURE PROMOTIONS UNDER THE NAMES OF AL BUBIS PRODUCTIONS AND BUBIS ENTERPRISES.

GERALD HAY KILGORE, 30, OF 7517 ZELZAH AVENUE, RESEDA, CALIFORNIA. KILGORE IS EMPLOYED AS THE PUBLISHER OF J. K. SPORTS JOURNAL AT 10687 SANTA MONICA BLVD., LOS ANGELES, CALIFORNIA. THE J. K. SPORTS JOURNAL IS DESCRIBED AS A PUBLICATION WHICH PROVIDES INFORMATION CONCERNING NATIONWIDE SPORTING EVENTS.

PAGE FIVE

EUGENE ANTHONY NOLAN, 36, MARRIED, OF 6159 PARIS AVENUE,
NEW ORLEANS, LOUISIANA.

HENRY EDWARD LOMAN, 50, OF R.F.D. #5, BOX 856,
WILCOX ROAD, GREENBORO, NORTH CAROLINA. LOMAN IS NOT KNOWN TO
BE CURRENTLY EMPLOYED BUT FORMERLY OPERATED THE GRIDIRON GRILL IN
GREENSBORO.

NORMAN LOUIS ROSENTHAL, ALSO KNOWN AS FRANK "LEFTY" ROSENTHAL,
36, OF 2123 NORTHEAST 122ND STREET, MIAMI, FLORIDA. ROSENTHAL
IS REPORTEDLY A WELL-KNOWN HANDICAPPER AND SPORTS CONSULTANT AND HAS
BEEN ASSOCIATED WITH THE MULTIPLE SPORTS NEWS SERVICE, 1090 NORTHEAST
79TH STREET, MIAMI, FLORIDA. THIS NEWS SERVICE HAS PROVIDED SPORTS
INFORMATION INCLUDING HANDICAPPING FOR PROFESSIONAL BASEBALL, BASKETBALL,
FOOTBALL, HOCKEY AND COLLEGE BASKETBALL AND FOOTBALL.

SAM SOLOMON GREEN, ALSO KNOWN AS STANLEY GREEN, 52,
OF 7851 NORTHEAST TENTH COURT, MIAMI, FLORIDA. GREEN IS REPORTED TO BE
THE PRESIDENT OF MULTIPLE SPORTS NEWS SERVICE IN MIAMI.

MR. HOOVER ADVISED THAT THE FOLLOWING INDIVIDUALS WERE
CHARGED WITH VIOLATIONS OF THE FRAUD BY WIRE STATUTES AND, IF CONVICTED,
FACE SENTENCES RANGING UP TO \$1,000 FINE AND/OR FIVE YEARS'

IMPRISONMENT:

PAGE SIX

GERALD HAY KILGORE AND ALVIN KENNETH BUBIS WHO ARE MENTIONED ABOVE AS ALSO BEING CHARGED WITH VIOLATIONS OF THE INTERSTATE TRANSMISSION OF WAGERING INFORMATION STATUTES.

DR. MILTON M. BIRNBAUM, M.D., A RESIDENT OF 8462 SUNSET BOULEVARD, LOS ANGELES, CALIFORNIA, WITH MEDICAL OFFICES AT 1237 NORTH LA BREA, LOS ANGELES.

HAROLD "BUZ" MAHAN, 47, OF 9405 SIERRA MAR PLACE, BEVERLY HILLS, CALIFORNIA. MAHAN IS SINGLE AND IS PRESIDENT OF AERO METHODS ENGINEERING CORPORATION, 8912 WEST OLYMPIC BOULEVARD, LOS ANGELES, AND IS ALSO ASSOCIATED WITH AEROTIC, INCORPORATED, DALLAS, TEXAS.

GRAY HOFFMAN, 40, OF 212 SOUTH MARLPOSA, BURBANK, CALIFORNIA. HE IS EMPLOYED AS THE MANAGER OF THE KAHR BEARING CORPORATION, 3010 NORTH SAN FERNANDO ROAD, BURBANK.

JOSEPH SOLDIS, 36, OF 4612 SHARYNNE LANE, TORRANCE, CALIFORNIA. HE IS EMPLOYED AS A SALESMAN BY ESCOA CORPORATION, 15519 SOUTH CRENSHAW BOULEVARD, GARDENA, CALIFORNIA.

VIRGIL SALATHIEL, A RESIDENT OF 5055 WALNUT HILL LANE, DALLAS, TEXAS, AND LOS ANGELES, CALIFORNIA. SALATHIEL OPERATES THE TECO WHEEL BALANCING COMPANY, 1005 ARBOR VITAE, INGLEWOOD, CALIFORNIA, WHICH COMPANY ALSO HAS FACILITIES IN DALLAS, TEXAS.

PAGE SEVEN

CARL LOVELACE CLEMENT, APPROXIMATELY 55, OF 9336 LEMONA, SEPULVEDA, CALIFORNIA. HE IS MARRIED AND EMPLOYED AS A MANAGER OF ENGINEERS AT THE ESCOA CORPORATION, 15519 SOUTH CRENSHAW, GARDENA, CALIFORNIA.

ROBERT PELLETIER, WHO IS ALSO KNOWN AS ARTHUR BLAKE, 41, OF 904 A. ESPLANDE, REDONDO BEACH, CALIFORNIA. HE IS MARRIED AND IS SELF-EMPLOYED AS A FREE-LANCE ENGINEER.

THE FBI DIRECTOR ADVISED THAT THE FOLLOWING TWO INDIVIDUALS WERE ALSO ARRESTED AND CHARGED IN COMPLAINTS WITH AIDING AND ABETTING FRAUD BY WIRE AND, IF CONVICTED, FACE SENTENCES RANGING UP TO \$1,000 FINE AND/OR FIVE YEARS' IMPRISONMENT.

WALLACE DAVID KIES, 28, OF 8629 FORTY-FIFTH STREET, RIVERSIDE, CALIFORNIA. HE IS MARRIED AND IS EMPLOYED AS THE ACTING SUPERVISOR OF A STEAM PLANT AT THE UNIVERSITY OF CALIFORNIA IN RIVERSIDE CALIFORNIA.

LARRY L. SIMMS, 31, OF 4455 RISING HILL ROAD, ALTADENA, CALIFORNIA. HE IS MARRIED AND IS EMPLOYED AS AN ELECTRONICS ENGINEER AT THE JET PROPULSION LABORATORY IN PASADENA, CALIFORNIA.

THE FBI DIRECTOR ALSO STATED THAT WILLIAM RAY DAVIS, 37, OF 6540 BRIARHAVEN, DALLAS, TEXAS, WAS ALSO CHARGED IN A

PAGE EIGHT.

COMPLAINT WITH VIOLATING THE FRAUD BY WIRE STATUTES. DAVIS IS
REPORTEDLY RESIDING IN LONDON, ENGLAND.

MR. HOOVER ADVISED THAT ALL OF THE INDIVIDUALS ARRESTED
TODAY WILL BE ARRAIGNED BEFORE A UNITED STATES COMMISSIONER AS SOON
AS POSSIBLE.

END

K NK...>> PXL

FBI NEWARK

TU CLR

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 24 1966

TELETYPE

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Wick	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

FBI LOS ANG.

FBI WASH DC

9-23 PM PDST URGENT 5-23-66 MAK

TO: DIRECTOR (166-1765) (ATTN. CRIME RECORDS)
ATLANTA, BALTIMORE, CHARLOTTE, DALLAS, MEMPHIS,
MIAMI, NEWARK, AND NEW ORLEANS
FROM: LOS ANGELES (166-462)

[REDACTED] AKA. ET AL. ITWI; FBW- CONSPIRACY. OO: LA.

RE LOS ANGELES TEL MAY TWENTY LAST.

BASED ON

THIS REVIEW AUSA JOHN LALLY WILL AUTHORIZE ITWI COMPLAINT
AND WARRANT MAY TWENTY FOUR NEXT TO BE EXECUTED MAY TWENTY
FIVE NEXT FOR [REDACTED] NORTH CAROLINA.
ADDITIONALLY [REDACTED] TEXAS FOR FBW AND

FLORIDA, FOR ITWI.
JUN 3 1966

AUSA LALLY WILL PROVIDE PROBABLE CAUSE FOR SEARCH RESIDENCE
OF [REDACTED] BUT NOT [REDACTED] AUTOMOBILE NOR [REDACTED]

IN ADDITION, INFORMATION RECEIVED FROM DALLAS THIS

END PAGE ONE

51 JUN 8 1966

PAGE TWO

DATE TO EFFECT [REDACTED] TO BE ARRESTED FOR FBW
CURRENTLY RESIDING [REDACTED] TEXAS.

CHARLOTTE AND DALLAS SUTEL THUMBNAIIS FOR [REDACTED]
AND [REDACTED] TO BUREAU ATTENTION CRIME RECORDS.

IN RECAP FOLLOWING TO BE ARRESTED FOR ITWI:

b6
b7C

[REDACTED]
[REDACTED] THOMAN MILTON BOYD; [REDACTED]
[REDACTED] AND [REDACTED]

THE FOLLOWING FOR ITWI AND FBW; [REDACTED] AND
[REDACTED]

THE FOLLOWING FOR FBW EXCLUSIVELY: [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
AND [REDACTED]
[REDACTED] AND [REDACTED]

[REDACTED] WILL BE ARRESTED FOR AIDING
AND ABETTING FBW.

FOR THE INFO OF ALL OFFICES, THE BUREAU DESIRES
THAT FOLLOWING EACH ARREST ON MAY TWENTY FIVE NEXT THE
BUREAU BE NOTIFIED TELEPHONICALLY AT CRIME RECORDS.

ALL OFFICES WILL MAKE ARRESTS AT SEVEN A.M. PACIFIC
DAYLIGHT TIME MAY TWENTY FIVE NEXT.

END PAGE TWO

PAGE THREE

FOR INFORMATION ATLANTA, AUSA LALLY DOES NOT HAVE
SUFFICIENT INFO TO PROVIDE PROBABLE CAUSE FOR SEARCH [REDACTED]
[REDACTED] GEORGIA BECAUSE CALLS MADE TO [REDACTED] WERE
IN DECEMBER LAST.

ON MAY TWENTY FOUR NEXT AUTHORIZED COMPLAINTS WILL
BE FILED BEFORE USC RUSSELL R. HERMAN AT LOS ANGELES,
CALIFORNIA CHARGING VIOLATION OF TITLE EIGHTEEN SECTION
ONE ZERO EIGHT FOUR, U.S. CODE, INTERSTATE TRANSPORTATION
OF WAGERING INFORMATION THAT ON OR ABOUT THE FOLLOWING
DATE THE FOLLOWING INDIVIDUALS DID RECEIVE A TELEPHONE CALL
FROM [REDACTED] AT [REDACTED] CALIFORNIA IN WHICH BETS
AND WAGERS AND BETTING AND WAGERING INFORMATION WAS
OBTAINED: [REDACTED] DECEMBER TWENTY THREE LAST AT
[REDACTED] GEORGIA. [REDACTED] DECEMBER TWENTY THREE
LAST AT [REDACTED] FLORIDA. [REDACTED]
DECEMBER TWENTY TWO LAST AT [REDACTED] NEW JERSEY. [REDACTED]
[REDACTED] DECEMBER TWENTY THREE LAST AT [REDACTED] MARYLAND.
[REDACTED] DECEMBER TWENTY LAST AT [REDACTED]
LOUISIANA. THOMAS MILTON BOYD DECEMBER TWENTY THREE LAST
NASHVILLE, TENNESSEE. [REDACTED] DECEMBER TWENTY THREE
LAST AT [REDACTED] NORTH CAROLINA CHARGED WITH SETTLEMENT
OF BETS AND WAGERS ONLY.

END PAGE THREE

b6
b7c

PAGE FOUR

A WARRANT CHARGING [REDACTED] WITH THE ABOVE VIOLATION FOR CALLS MADE ON DECEMBER TWENTY THREE LAST AT LOS ANGELES, CALIFORNIA TO MIAMI, FLORIDA OF BETS AND WAGERS WILL ALSO BE AUTHORIZED.

FOLLOWING IS THE GENERAL LANGUAGE BEING USED IN FBW COMPLAINTS:

BLANK DID KNOWINGLY EMPLOY AN ELECTRONIC DEVICE KNOWN AS A MULTI-FREQUENCY SIGNAL GENERATOR IN MAKING INTERSTATE TELEPHONE CALLS TO CIRCUMVENT THE NORMAL BILLING PROCEDURES OF [REDACTED] b6 b7C b7D
THUS PERPETRATING A FRAUD BY THE USE OF AN INTERSTATE WIRE FACILITY.

THE GENERAL LANGUAGE FOR THE AIDING AND ABETTING COMPLAINTS:

BLANK DID AID AND ABET IN THE PRODUCTION OF AN ELECTRONIC DEVICE KNOWN AS A MULTI-FREQUENCY SIGNAL GENERATOR EMPLOYED IN MAKING INTERSTATE TELEPHONE CALLS TO CIRCUMVENT THE NORMAL BILLING PROCEDURES OF [REDACTED]

[REDACTED] PAREN AND OR [REDACTED]
ENPAREN PLUS PERPETRATING A FRAUD BY USE OF AN INTERSTATE WIRE FACILITY.

END PAGE FOUR

PAGE FIVE

ON OR ABOUT MAY NINETEEN LAST [REDACTED] AT
[REDACTED] FLORIDA DID RECEIVE A TELEPHONE CALL OR CALLS PLACED
BY [REDACTED] AT [REDACTED] CALIFORNIA WHICH
TRANSMITTED IN INTERSTATE COMMERCE BETTING AND WAGERING
INFORMATION.

b6
b7C
b7D

[REDACTED] DOING BUSINESS AS
[REDACTED] FLORIDA ON OR ABOUT
MAY NINETEEN LAST DID CAUSE TO BE RECEIVED A TELEPHONE CALL
OR CALLS BY [REDACTED] AT [REDACTED] CALIFORNIA
WHICH CALLS TRANSMITTED IN INTERSTATE COMMERCE BETTING AND
WAGERING INFORMATION.

[REDACTED] ON OR ABOUT MAY NINETEEN LAST
DID KNOWINGLY EMPLOY AN ELECTRONIC DEVICE KNOWN AS A
MULTI FREQUENCY SIGNAL GENERATOR IN MAKING INTERSTATE
TELEPHONE CALLS TO CIRCUMVENT THE NORMAL BILLING
PROCEDURES OF [REDACTED] AND ALSO DID
END PAGE FIVE

0211 127
TIDU 7.10.51
23 MAR 51 PSYCH

PAGE SIX

CAUSE TO BE TRANSMITTED IN INTERSTATE COMMERCE BETTING
AND WAGERING INFORMATION.

END

ALL OTHERS ADVISED THIS DATE

WA JR

FBI WASH DC

CLR X

cc - Mr. Rosen & Mr. Sale

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 24 1966

TELETYPE

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Wick	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

FBI WASH DC

FBI MEMPHIS

6:29PM CST URGENT 5/24/66 CAF

TO DIRECTOR AND LOS ANGELES

FROM MEMPHIS (166-329) (1P)

[REDACTED] AKA, ET AL; ITAR - GAMBLING; ITWP;
FBW - CONSPIRACY.

REBUTEL TODAY.

PAGE FOUR LINE SIX LISTS BOYD'S BUSINESS ADDRESS AS
FOUR ONE FIVE DIEDRICH STREET. CORRECT SPELLING IS DEADERICK.
RUN CORRECT WHEN RELEASE IS MADE AND OFFICE AUTHORIZED TO
RELEASE.

LA ADVISED SEPARATELY

END

WA... LLD

FBI WASH DC

CLR X

51 JUN 8 1966

CC: MR. GALE & Mr. Rosen

REC-40

166-1765-108
JUN 3 1966

By

Time 9-32P

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MEMPHIS	OFFICE OF ORIGIN LOS ANGELES	DATE 6/2/66	INVESTIGATIVE PERIOD 5/25/66
TITLE OF CASE [REDACTED] aka <i>aka</i>		REPORT MADE BY SA [REDACTED]	TYPED BY JAP
FUGITIVE; ET AL <i>Thomas Milton Boyd</i> FUGITIVE		CHARACTER OF CASE ITAR - GAMBLING; ITWI; FBW - CONSPIRACY <i>6-14</i>	

REFERENCES:

Los Angeles teletype to Bureau dated 5/23/66.
 Los Angeles teletype to Bureau dated 5/24/66.
 Memphis teletype to Los Angeles dated 5/25/66. (IO)
 Memphis teletype to Los Angeles dated 5/26/66. (IO)

- P -

LEADS:LOS ANGELES DIVISION

AT LOS ANGELES, CALIFORNIA Will advise the U. S. Attorney of preliminary hearing scheduled 6/2/66 at 11:00 A. M., Nashville, Tenn., for subject BOYD, and will determine identity of witnesses necessary for hearing.

Will request U. S. Attorney to advise witnesses to appear for hearing as scheduled at Nashville on 6/2/66.

Case has been: Pending over one year ☐ Yes ☒ No; Pending prosecution over six months ☐ Yes ☒ No

APPROVED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW																	
COPIES MADE:		166-1765-113 REC-52 JUN 6 1966																	
③ - Bureau (166-1765) 1 - USA, Nashville, Tenn. 3 - Los Angeles (166-462) (1 - USA, Los Angeles) 2 - Memphis (166-329)		Dissemation Record of Attached Report <table border="1"> <tr> <td>Agency</td> <td>2</td> <td>LCC, AAG</td> <td>Criminal Division,</td> </tr> <tr> <td>Request Recd.</td> <td>Organized Crime</td> <td>5</td> <td>Architecting Section</td> </tr> <tr> <td>Date Fwd.</td> <td>Room</td> <td>327</td> <td></td> </tr> <tr> <td>How Fwd.</td> <td></td> <td></td> <td></td> </tr> </table>		Agency	2	LCC, AAG	Criminal Division,	Request Recd.	Organized Crime	5	Architecting Section	Date Fwd.	Room	327		How Fwd.			
Agency	2	LCC, AAG	Criminal Division,																
Request Recd.	Organized Crime	5	Architecting Section																
Date Fwd.	Room	327																	
How Fwd.																			
Notations 0-174 ME Report 7 d 2 6/15/66 PRK		FUG SUP NINE STAT. SECT.																	

56 JUN 30 1966

ME 166-329

MEMPHIS DIVISION

AT NASHVILLE, TENNESSEE Will follow and report results of prosecutive action with reference to subject THOMAS MILTON BOYD.

ADMINISTRATIVE:

One copy of this report is being designated for the USA, Nashville, Tenn., in view of the preliminary hearing which is scheduled at Nashville on 6/2/66, in order that the USA, Nashville, will have information available for assistance at the scheduled hearing.

On 5/25/66, subject THOMAS MILTON BOYD was fingerprinted and photographed by SA [REDACTED] at Nashville, Tennessee.

b6
b7C

COVER PAGE
B*

**UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION**

Copy to: 1 - U. S. Attorney, Nashville, Tennessee
1 - U. S. Attorney, Los Angeles, California

Report of:
Date:

SA [REDACTED]
June 2, 1966

Office: **MEMPHIS**

Field Office File #: **Memphis 166-329**

Bureau File #: **166-1765**

Title:

~~Subject:~~

THOMAS MILTON BOYD:

~~Summary:~~

b6
b7C

Character: INTERSTATE TRANSPORTATION IN AID OF RACKETEERING - GAMBLING;
INTERSTATE TRANSPORTATION OF WAGERING INFORMATION
FRAUD BY WIRE - CONSPIRACY

Synopsis: Subject **THOMAS MILTON BOYD** apprehended by Bureau Agents, Nashville, Tenn., 5/25/66, based on complaint filed before USC **RUSSELL R. HERMANN**, Los Angeles, California, 5/24/66, charging **BOYD** with violation of Section 1084, Title 18, U. S. Code. **BOYD** declined to make statement. Appeared before USC **A. B. NEIL, JR.**, Nashville, Tenn., 5/25/66, and released on personally signed bond of \$500.00. **BOYD** requested preliminary hearing before USC which is scheduled for 6/2/66 at Nashville, Tennessee.

- P -

ME 166-329

DETAILS:

By communication dated May 24, 1966, the Los Angeles Office advised that an authorized complaint was filed on May 24, 1966, before U. S. Commissioner RUSSELL R. HERMANN, Los Angeles, California, charging THOMAS MILTON BOYD of Nashville, Tennessee, with violation of Section 1084, Title 18, U. S. Code, in that on or about December 23, 1965, BOYD did receive a telephone call from [redacted] at Los Angeles, California, in which bets and wagers and betting and wagering information was obtained.

b6
b7C

The Los Angeles Office further advised that a warrant was issued on May 24, 1966, for THOMAS MILTON BOYD.

Bond was recommended in the amount of \$5,000.00, returnable Los Angeles.

The complaint against BOYD was filed by Special Agent [redacted]

FEDERAL BUREAU OF INVESTIGATION

1Date 6/2/66

THOMAS MILTON BOYD, residence address 212 Rolling Fork Court, Nashville, Tennessee, was arrested by Special Agents [redacted], and [redacted] at 415 Heatherick Street, Nashville, Tennessee, location of the Uptown Recreation Center managed by BOYD.

The identity of the arresting Agents was made known to BOYD and he was advised of the fact that a warrant had been issued for his arrest in Los Angeles, California, charging him with violation of Section 1084, Title 18, U. S. Code.

BOYD was immediately advised of the fact that he did not have to make a statement, that he was entitled to consult with an attorney or anyone else of his choice prior to making a statement, and that any statement he did make could be used in a court of law against him.

b6
b7c

Located on BOYD's person at the time of his arrest were the following items: pocket comb, handkerchief, keys to automobile, billfold containing \$70.00 in cash, consisting of two (2) twenty dollar bills and three (3) ten dollar bills; a check in the amount of \$106.63, payable to TOM BOYD, drawn on the Commerce Union Bank, Nashville, Tennessee, dated April 22, 1966, issued by "Insurance Adjuster" for repairs to 1966 Pontiac; Social Security card number 410-28-3804; Tennessee driver's license number 1109886; U. S. Special Tax Stamp number 538, registration number 62-267-P, return number 4-9-47032, issued for period beginning September 17, 1965, and expiring June 30, 1966, and listing the name of THOMAS M. BOYD, Route 2, Old Lebanon Dirt Road, Mt. Juliet, Tennessee.

In addition, BOYD had in his possession thirty cents in change, consisting of one quarter and one nickel.

On 5/25/66 at Nashville, Tennessee File # Memphis 166-329
by SA [redacted], and
SA [redacted] :jap 3 Date dictated 5/26/66

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FEDERAL BUREAU OF INVESTIGATION

1Date 6/2/66

A search incidental to the arrest of **THOMAS MILTON BOYD** was made of the office at the Uptown Recreation Center, 415 Deaderick Street, Nashville, Tennessee.

A search of the desk, the only furniture in the room with the exception of two chairs, failed to disclose any evidence of gambling activity on the part of **BOYD**, and no telephone numbers or other notations were located indicating gambling activity.

Located in the center drawer of the desk was a snub nose Smith and Wesson revolver, Serial number 39530, which was fully loaded.

This gun was seized and is being retained in the files of the Memphis Office.

In addition to the desk and two chairs, the office contained a television set and a radio, however, no gambling paraphernalia was located in the office.

On 5/25/66 at Nashville, Tennessee File # Memphis 166-329
by SA [redacted] and SA [redacted] ^{b6}
SA [redacted] ^{b7C} jap 4 Date dictated 5/26/66

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FEDERAL BUREAU OF INVESTIGATION

1Date 6/2/66

On May 25, 1966, THOMAS MILTON BOYD was transported from the Uptown Recreation Center, 415 Deaderick Street, Nashville, Tennessee, to the Nashville Resident Agency. U. S. Courthouse, by Special Agents [redacted] and [redacted]

b6
b7c

Upon leaving the Uptown Recreation Center, BOYD pointed out a 1966 yellow Pontiac Grand Prix, bearing Tennessee license AE-0006, parked at the curb and stated this was his personally owned automobile.

On 5/25/66 at Nashville, Tennessee File # Memphis 166-329

by SA [redacted] and SA [redacted] :jap Date dictated 5/26/66

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

FEDERAL BUREAU OF INVESTIGATION

1

Date 6/2/66

THOMAS MILTON BOYD was interviewed in the office of the Nashville Resident Agency, U. S. Courthouse, Nashville, Tennessee, at which time he was again advised by Special Agent [redacted] of the fact that he did not have to make a statement and that he was entitled to consult with an attorney or anyone else of his choice prior to making a statement. BOYD was also advised of the fact that any statement he did make could be used in a court of law against him, and that if he were unable to employ a lawyer, the court would appoint one to represent him.

BOYD stated that he knew his rights under the law, and that he did not desire to make any statement whatsoever concerning the charge presently pending against him. He volunteered information to the effect that he had formerly accepted bets on sporting events but had ceased this operation since the end of the basketball season, and had notified the Internal Revenue Service at Nashville, Tennessee, that he was no longer engaged in wagering activity and was no longer filing monthly forms with the Internal Revenue Service.

BOYD advised further that the gun located in his desk at the Uptown Recreation Center had been taken in "pawn" from an unrecalled individual, and had been in his possession for several years.

The following is a description of BOYD as obtained through observation and interrogation:

Name:	THOMAS MILTON BOYD
Address:	212 Rolling Fork Court, Nashville, Tennessee
Race:	White
Sex:	Male
Date of Birth:	February 14, 1930
Place of Birth:	Nashville, Tennessee
Height:	6 feet
Weight:	210 pounds

On 5/25/66 at Nashville, Tennessee File # Memphis 166-329
by SA [redacted] and
SA [redacted] :jap 6 Date dictated 5/26/66

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ME 166-329

2

Build:
Eyes:
Hair:
Complexion:
Military Service:

Heavy
Blue
Dark Brown, slightly wavy
Medium
Served in U. S. Air Force
April, 1951, to latter
part of 1952, USAF SN 25336235
Manager, Uptown Recreation
Center, 415 Deaderick Street,
Nashville, Tennessee

Occupation:

Relatives:
Wife:



b6
b7C

Social Security
Number:
Prior Arrest
Record:

410-28-3804

Admits several arrests in
Nashville on charges of
vagrancy and disorderly
conduct

ME 166-329

BOYD was taken before U. S. Commissioner A. B. NEIL, JR., U. S. Courthouse, Nashville, Tennessee, by Special Agents [redacted], and [redacted] on May 25, 1966, at which time he was released on a personally signed bond of \$500.00.

BOYD was fingerprinted by U. S. Deputy Marshal CHARLES THROGMORTON, U. S. Courthouse, Nashville, Tennessee, on May 25, 1966.

b6
b7C

U. S. Commissioner A. B. NEIL, JR., advised later on May 25, 1966, that he had been contacted by BOYD's attorney, [redacted], and that [redacted] had requested a preliminary hearing for BOYD to be scheduled as soon as possible. Mr. NEIL advised that [redacted] is his law associate in Nashville, and therefore he would request such hearing be held by U. S. Commissioner JAMES CUNNINGHAM of Clarksville, Tennessee, and he further stated that he would schedule the hearing for June 2, 1966, at 11:00 A. M., in the U. S. Courthouse in Nashville, Tennessee.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 25 1966

TELETYPE

Mr. Tolson _____
Mr. DeLoach _____
Mr. Mohr _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Miss Holmes _____
Miss Gandy _____

FBI LOS ANG.

11-04 PM URGENT 5-24-66 KH

TO DIRECTOR 166-1765 ATT: SPECIAL INVESTIGATIVE DIVISION

9 ATLANTA 10 BALTIMORE 9 CHARLOTTE 8 DALLAS HOUSTON
8 MEMPHIS 9 MIAMI 10 NEWARK 10 NEW YORK 8 NEW ORLEANS

FROM 7 LOS ANGELES 166-462

CHANGED,

AKA - FUGITIVE;

- FUGITIVE;

- FUGITIVE;

FUGITIVE;

AKA - FUGITIVE;

- FUGITIVE; THOMAS MILTON BOYD -

FUGITIVE;

- FUGITIVE;

FUGITIVE. ITWI; FBW - CONSPIRACY.

- FUGITIVE;

AKA - FUGITIVE;

AKA -

FUGITIVE;

- FUGITIVE. ITWI; FBW.

15 JUN 3 1966

- FUGITIVE;

FUGITIVE. FBW.

END PAGE ONE

165-424

COPIED COPY FILED IN

166-1765-114

9-107

59 JUN 9 1966

b6
b7c

PAGE TWO

[REDACTED] - FUGITIVE. FBW.

[REDACTED] - FUGITIVE; [REDACTED] -

FUGITIVE. FBW.

[REDACTED] FUGITIVE. FBW.

[REDACTED] - FUGITIVE. FBW.

[REDACTED] AKA [REDACTED] FUGITIVE. FBW.

OO: LOS ANGELES

TITLE CHANGED TO REFLECT NAMES OF ALL SUBJECTS AGAINST
WHOM PROCESS OBTAINED.

RE LOS ANGELES TEL MAY TWENTY THREE LAST.

AUTHORIZED COMPLAINTS FILED AND WARRANTS ISSUED
MAY TWENTY FOUR INSTANT ON ALL SUBJECTS BEFORE USC RUSSELL
R. HERMANN, LOS ANGELES, CHARGING ITWI; FBW; AND AIDING
AND ABETTING FBW AS INDICATED.

RECOMMENDED BOND ALL RETURNABLE LOS ANGELES
FIVE THOUSAND DOLLARS.

COMPLAINTS FILED BY SA [REDACTED] FOR [REDACTED]
[REDACTED] CHARGING ITWI; [REDACTED] ITWI;
[REDACTED] AIDING AND ABETTING FBW; [REDACTED]
[REDACTED] ITWI; [REDACTED] ITWI AND FBW AND
[REDACTED] ITWI.

END PAGE TWO

b6
b7c

PAGE THREE

COMPLAINTS FILED BY SA [REDACTED] FOR
[REDACTED] ITWI; [REDACTED] ITWI; [REDACTED]
[REDACTED] FBW; [REDACTED] FBW; [REDACTED] FBW; [REDACTED]
[REDACTED] FBW; [REDACTED] FBW; [REDACTED] AIDING

AND ABETTING FBW [REDACTED] FBW; [REDACTED]
AIDING AND ABETTING FBW AND [REDACTED] TRUE NAME [REDACTED]
[REDACTED] FBW.

COMPLAINTS FILED BY SA [REDACTED] FOR
[REDACTED] ITWI AND FBW; [REDACTED] ITWI; THOMAS
MILTON BOYD, ITWI AND [REDACTED] ITWI.

b6
b7C

ALL OFFICES ARREST IN ACCORDANCE WITH
PLAN FOR ARREST AT SEVEN AM PACIFIC DAYLIGHT SAVINGS TIME
ON MAY TWENTY FIVE NEXT. ALL OFFICES REMINDED THAT
PRESS RELEASE BEING MADE BY BUREAU AND ARE INSTRUCTED TO
TELEPHONICALLY CONTACT BUREAU WHEN ARREST MADE.

FOR INFO NEW YORK IF [REDACTED] LOCATED YOUR
TERRITORY APPREHEND AND CALL BUREAU FOR LANGUAGE PRESS
RELEASE AND AUTHORITY TO RELEASE.

HOUSTON HANDLE ARREST OF [REDACTED] AS SET FORTH IN
INSTRUCTIONS BY NEW ORLEANS.

END PAGE THREE

PAGE FOUR

SEARCH WARRANTS OBTAINED AT LOS ANGELES FOR
SEARCH OF J. K. SPORTS SERVICE FOR GAMBLING PARAPHERNALIA
AND BLUE BOX; FOR RESIDENCE OF [REDACTED] FOR BLUE BOX AND
FOR RESIDENCE OF [REDACTED] FOR BLUE BOX.

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b7c

WARRANTS WILL BE EXECUTED AT TIME OF ARREST.

OTHERS ADVISED

END

WA...ARK

FBI WASH DC

BA...TEC

FBI BALTO

CE...JLM

FBI CHARLT

MXXXNK...EJJ

FBI NEWARK

NY...JAA

FBI NEW YORK

TU CLR

26 100-41264-100

MEMORANDUM FOR IDENTIFICATION DIVISION

P JUN 6 1966

Bufile 166-1765		Name of Subject Thomas Milton Boyd		Date 6-3-66
FBI #		Serial #	Other Identifying #	Fugitive Index # 114952
Prosecution dismissed		Subject Located ✓		
City Dashville Tenn.		Reason and/or by who [Redacted]		Inb 1670
Date 5-25-66				
Action to be taken				
Cancel fugitive stops for Index				
<input checked="" type="checkbox"/> Gen'l Fug				
<input type="checkbox"/> SS				
<input type="checkbox"/> Deserter				
Ident Memo Received <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
<input type="checkbox"/> Description				
Went posted 6-1-66				
Cancel 6-1-66				
Post & Cancel 6-1-66				
may 6-1-66				
27216 6-9-66				
per Memphis t.v. 5-25-66				
166-1765				
NOT RECORDED JUN 9 1966				
Remarks				
62				
8/11/66				
[Signature]				

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

1 - USA, Los Angeles (Att: AUSA JOHN LALLY)
1 - USA, Atlanta; 1 - USA, Baltimore; 1 - USA, Charlotte;
1 - USA, Dallas; 1 - USA, Memphis; 1 - USA, Miami;
1 - USA, Newark; 1 - USA, New Orleans; 1 - USA, New York

Report of:
Date:

6/8/66

Office: Los Angeles, California

Field Office File #: 166-462

Bureau File #: 166-1765

Title:

Character:

THOMAS MILTON BOYD

Synopsis:

b6
b7CINTERSTATE TRANSMISSION OF WAGERING INFORMATION;
FRAUD BY WIRE

LA 166-462

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b6
b7C

AUTHORIZATIONS AND COMPLAINTS

On May 24, 1966, Assistant United States Attorney JOHN F. LALLY authorized the filing of a complaint for violation of United States Code, Title 18, Sections 1084 and 1343, against [REDACTED]

AUSA LALLY also authorized the filing of complaints for violation of United States Code, Title 18, Section 1084, against [REDACTED] THOMAS MILTON BOYD, [REDACTED]

[REDACTED] and [REDACTED]

b6
b7C

He further authorized the filing of a complaint for violation of United States Code, Title 18, Section 2, against [REDACTED] and a complaint for violation of United States Code, Title 18, Section 1343, against [REDACTED]

AUSA LALLY recommended bond in the amount of \$5,000.00 returnable to Los Angeles against all of the above persons.

On May 24, 1966, SA [REDACTED] filed the complaints against [REDACTED] and [REDACTED] SA [REDACTED] filed the complaints against [REDACTED] THOMAS MILTON BOYD, [REDACTED] and [REDACTED] and SA [REDACTED] filed the complaints against [REDACTED] and [REDACTED] before United States Commissioner RUSSELL R. HERMANN, Los Angeles, California, who issued warrants for the arrest of these persons.

Fugitive Form Letters submitted on all subjects on May 24, 1966.

LA 166-462

ALVIN KENNETH BUBIS
THOMAS MILTON BOYD
(Code No. 30)

The Code Number lists obtained from [] and [] reflect Telephone No. 615-256-2114 for Code No. 30. This telephone is located at the Downtown Recreation Club, 415 Deadrick, Nashville, Tennessee, and is regularly used by THOMAS MILTON BOYD.

Pertinent FD 302s reflecting [] communications with BOYD in the transmission of wagering and betting information appear on Pages 26 to 31, 60 to 62, 92 to 96, 107 to 110, 128 to 130, and 135 to 140 of this report.

BOYD was arrested by Bureau Agents in Nashville, Tennessee on May 25, 1966, on a Commissioner's warrant charging him with violation of Title 18, U. S. Code, Section 1084, and was released on his own recognizance.

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b7C

[] in that on or about December 20 - 23, 1965, defendants THOMAS MILTON BOYD and [] being engaged in the business of betting and wagering did knowingly use a wire communication facility, that is a telephone, for the transmission in interstate commerce between Los Angeles County in the Southern District of California, and Nashville, Tennessee of bets and wagers, and of information assisting in the placing of bets and wagers.

UNITED STATES

Memorandum

TO : DIRECTOR, FBI (166-1765)

DATE: 6/8/66

FROM : SAC, MEMPHIS (166-329) (P)

SUBJECT:

[REDACTED] aka -

FUGITIVE;

ET AL;

ITAR - GAMBLING; ITWP; FBW-CONSPIRACY

(OO: Los Angeles)

During the search of the office of subject, THOMAS MILTON BOYD, Nashville, Tennessee, on 5/25/66, Agents located a .38 caliber Smith and Wesson snubnose revolver, Serial Number 39530, loaded with five cartridges.

It is requested that this weapon be searched through the National Stolen Property File to determine if stolen.

2-Bureau

1-Los Angeles (166-462)

2-Memphis

WMH:lre

(5)

REC-42

3 JUN 10 1966

NITE

F B I

Date: 6/21/66

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI (166-1765)
 FROM: SAC, LOS ANGELES (166-462)
 RE: [REDACTED]
 ET AL
 ITWI; FBW
 OO: LOS ANGELES

Handwritten: 5-25-66

Re report of SA [REDACTED] dated 6/8/66,
 at Los Angeles.

Defendants [REDACTED] and [REDACTED] all pled not guilty to charges on 6/20/66, in U. S. District Court, Los Angeles, Judge CHARLES H. CARR presiding. Court ordered that motions to suppress evidence, that is tapes furnished by [REDACTED] be heard on a.m. of 8/1/66, and if motion denied, trial will commence on the p.m. of 8/1/66. The Government was ordered by the court to provide defense counsel [REDACTED] of Miami with all affidavits and copies of all evidence which will be utilized in trial 20 days before trial date. Court further ordered that any evidence not so provided defense at this time, would not be admitted in his court at trial.

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b7D*

③ - Bureau
 2 - Atlanta (166-182)(AM)
 2 - Baltimore (166-447)(AM)
 2 - Charlotte (162-185)(AM)
 2 - Memphis (166-329)(AM)
 2 - Miami (166-359)(AM)
 1 - New York (166-112)(info)(AM)
 2 - Newark (166-553)(AM)
 2 - New Orleans (168-87)(AM)
 2 - Los Angeles
 TLD/mjg
 (20)

REC 20

C. C. Wick

*airtel to LA
 6-24-66
 166-1765*

18 JUN 22 1966

Approved: _____ Sent _____ M Per _____
 Special Agent in Charge

LA 166-462

Los Angeles is preparing copies of modified tapes reflecting conversations between [] and other defendants pertaining to gambling matters and will forward them, together with copies of other evidence, to the Miami Division to be delivered to Attorney []. [] has stated to AUSA LALLY, Los Angeles that he will personally arrange for distribution to other defense attorneys as required.

THOMAS MILTON BOYD to be arraigned on 8/22/66, however, possibility exists that he may be joined in hearings to be conducted on 8/1/66.

AUSA LALLY advised that he has been unable to obtain continuance in the FBW matters pertaining to other subjects arrested in the Los Angeles area who were charged with the manufacture of or use of blue boxes. He also advised that he has dismissed the complaints against them pending disposition of the ruling involving [] and the findings that the use of electronic equipment to defraud the telephone company did not fall within the FBW statute. AUSA LALLY has requested the Department's opinion in appealing this ruling. Should a favorable decision be made on the appeal, AUSA LALLY contemplates subsequent prosecution of these cases.

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This list includes [] aka []
and []

The complaint against [] has previously been dismissed as he was fully cooperative and is considered a Government witness.

The complaint against [] who is currently out of the country, has not been dismissed and [] is scheduled to be arraigned on one FBW charge on 6/27/66.

All property obtained from [] at

LA 166-462

the time of his arrest in New York City, New York by Agents on 5/25/66, was returned to [redacted] in Los Angeles on 6/20/66, and appropriate receipt obtained.

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b7C

The Bureau will be kept advised of the developments in this matter.

F B I

Date: 1/24/68

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI (166-1765)

FROM: SAC, LOS ANGELES (166-462) (P*)

RE: [REDACTED] aka; [REDACTED]
[REDACTED] - FUGITIVE;
ET AL
ITWI; FBW - CONSPIRACY
OO: LOS ANGELES

Re Los Angeles letter to Bureau dated 12/27/67.

Judge CHARLES CARR, U. S. District Court for the Central District of California, on 1/8/68, spread a mandate dismissing the indictment in the conspiracy involving [REDACTED] and [REDACTED]

[REDACTED] in conformance with a judgment of the U. S. Court of Appeals for the Ninth Circuit.

The Ninth Circuit, in effect, ruled that the District Court erred in admitting into evidence the tape recordings involved in this trial, inasmuch as the telephone company monitoring of [REDACTED] telephone was excessive.

- ③ - Bureau lcc [REDACTED]
1 - Atlanta (166-182)
1 - Baltimore (166-447)
1 - Charlotte (162-185)
1 - Memphis (166-329)
1 - Miami (166-359)
1 - New Orleans (168-87)
1 - Newark (166-553)
2 - Los Angeles
EBD/mjg
(12)

AT 1/29/68
to NO PJG/KEM
REC 10

166-1765-231

16 JAN 26 1968

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

FUG SUP.

SIX NIN
R/1/68

airtel to LA
1-27-68

P-58/KEM

AMB 23

b6
b7c

LA 166-462

AUSA DAVID R. NISSEN believes there is a possibility that this ruling would not apply to the individuals involved in these various conspiracies wherein their telephone conversations relaying betting information involved only the three day period 12/20 - 23/65. AUSA NISSEN will attempt to place an ITWI involving subject [redacted] on the court calendar of this District, if he is able to convince the Court that this involves a different set of circumstances.

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b7C

In view of the above, those offices having cases involving [redacted] THOMAS MILTON BOYD, [redacted] and [redacted] are requested to retain all evidence previously secured in this case until the outcome of this prosecutive effort is determined.

The Baltimore Office is requested to furnish information which would be valuable in establishing [redacted] being involved in the business of betting and wagering.

F B I

Date: 2/9/68

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI (166-1765)
 FROM: SAC, LOS ANGELES (166-462) (P*)
 RE: [REDACTED] aka;
 [REDACTED] - FUGITIVE;
 ET AL
 ITWI; FBW-CONSPIRACY

Re Bureau airtel to Los Angeles, 1/29/68.

Enclosed herewith are Xerox copies of Criminal
 Docket Nos. 36264, 36265, 36266, 36267, 36269, 36276,
 36513, 36514, 36515 and 36516 concerning the cases arising
 out of the [REDACTED] case.

The Los Angeles Division indicted the following
 cases on 6/6/66, charging each subject with violation Title
 18, U. S. Code, Section 1084, ITWI, and for Aiding and
 Abetting same. Because a total conspiracy case could not be
 established between all subjects, six separate indictments
 were returned. The cases that were indicted are as
 follows:

[REDACTED]
 [REDACTED]
 [REDACTED]

ITWI
 LA 166-610

③ - Bureau (ENCL.10) ENCLOSURE
 2 - Los Angeles
 EBD/mjg
 (5)

ENCLOSURE ATTACHED

16 FEB 12 1968

FUG. SUP.

Approved: _____

Special Agent in Charge

Sent _____

M

Per _____

C. C. - Bishop

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b7c

LA 166-462

This is the only case tried to date. [redacted] was acquitted; the indictment of [redacted] was dismissed because of improper language in the indictment, and [redacted] was convicted in U. S. District Court on 8/15/66.

On 10/20/67, the Ninth Circuit Court reversed the conviction of [redacted] on the grounds the telephone company had performed excessive monitoring in violation of Section 605, Title 47.

On 1/8/68, U. S. District Judge CHARLES H. CARR spread the mandate and reassigned the below listed indictments to the court of U. S. District Judge ALBERT LEE STEPHENS, JR.:

[redacted]
[redacted]
[redacted]

ITWI
LA 166-609

b6
b7c

[redacted]
[redacted]
[redacted]

ITWI
LA 166-607

[redacted]

THOMAS MILTON BOYD
ITWI
LA 166-608

[redacted]
[redacted]
[redacted]

ITWI
LA 166-611

[redacted]
[redacted]
[redacted]

ITWI
LA 166-612

In addition, on 6/6/66, a separate indictment was

LA 166-462

obtained in the below listed case charging subjects with violation Title 18, U. S. Code, Section 1343 (Fraud By Wire) and Aiding and Abetting same.

[REDACTED]
[REDACTED]

FBW
LA 166-462

AUSA DAVID R. NISSEN, Chief of the Organized Crime Section, after reviewing the indictments in these cases, advised that the Government would not dismiss the indictments and would resist their dismissal since it was the intent of the U. S. Attorney's office to try another case not charging [REDACTED] but one of his conspirators. The case selected is that entitled:

[REDACTED]
[REDACTED]
[REDACTED]

LA 166-609

In this case, AUSA NISSEN, on 1/26/68, filed an order with the court dismissing the indictments concerning defendants [REDACTED] and [REDACTED] and left the one against [REDACTED] in effect.

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A hearing is scheduled in U. S. District Court before U. S. District Judge STEPHENS on 2/12/68, to set trial date.

On all other indictments mentioned above, [REDACTED] [REDACTED], on 1/19/68, filed motions to dismiss the indictment. The U. S. Attorney has not answered this petition and hearing dates for their arguments have not yet been set. AUSA NISSEN has advised he will oppose all motions to dismiss indictments pending the outcome of the subsequent hearings and trial of [REDACTED]

A complaint was filed on [REDACTED] on 5/24/66, charging him with violation of Title 18, Section 2, Aiding and Abetting in Fraud By Wire. AUSA NISSEN does not desire to dismiss this complaint at this time pending the results of the [REDACTED] trial, neither does he

LA 166-462

wish that [] if located, be arrested at this time.
Therefore, the Los Angeles Office has removed the wanted
notice at the Bureau and also the N.C.I.C. stop.

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b7C

See 36264, 36265, 36266, 36267, 36270, 36276

CRIMINAL DOCKET
UNITED STATES DISTRICT COURT

Controlling
Sued for Bond

36269 S-CC
Trial Pgs 1

D. C. Form No. 100 Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U. S.:
vs.	
(1) THOMAS MILTON BOYD	Both defts all counts.
(2) [REDACTED]	
	For Defendant:
18 USC 1084: Interstate Transmission of Wagering Information.	
6 cts.	

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed	Clerk			b6 b7C	
J.S. 3 mailed	Marshal				
Violation	Docket fee				
Title					
Sec.					

DATE	PROCEEDINGS
6/2/66	Ent ord for flg Indict & fxg bail at Q/R deft Boyd & at \$1,500.00 [REDACTED] Fld Indict. Md. JS-2 (CC). Fld \$500.00 Appearance Bond posted 5/25/66 bef U. S. Commr. THOMAS A. B. Neil, Jr. at Nashville, Tennessee. Fld Not of Flg Bond. deft Thomas M. Boyd.
6/16/66	Fld Pltf's Motion & Ord for issuance of Warrant of Arrest for deft Boyd & Ord (CC) thereon, in the amount of \$500.00. Issd B/W fixed in the amt of \$500.00 for deft Boyd. (CC).
6/20/66	Ord cont to 8/22/66, 9:30 AM for arr & plea (CC).
7/19/66	Fld appear prae of [REDACTED] for deft Thomas Milton Boyd.
7/19/66	Atty David O. Condra of Nashville, Tennessee, admitted as counsel for deft Boyd for purpose this case ONLY. Deft Boyd arr & T/N as chgd. Deft Boyd pleads Not Guilty all 6 counts. Time to file pre-plea motions extended 3 weeks from this date. Ord case "Off Calendar" (CC).
8/3/66	Fld \$500.00 Appearance Bond (original but possible duplicate bond) posted 7/28/66 by U. S. Commr. A. B. Neil, Jr. of Nashville, Tennessee Fld Not of Flg (orig-dup) bond. (OVER)

34263

[illegible]

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE LOS ANGELES	OFFICE OF ORIGIN LOS ANGELES	DATE 6/3/68	INVESTIGATIVE PERIOD 8/24/66 - 5/29/68
TITLE OF CASE [redacted] aka; NR [redacted] FUGITIVE; ✓ LEB ET AL		REPORT MADE BY [redacted] CHARACTER OF CASE ITWI; FBW - CONSPIRACY 6/21/68 DOP: 5/24/66	TYPED BY ecv

REFERENCES: Report of SA [redacted] dated 8/24/66
captioned, [redacted]

[redacted] ITWI; FBW.
Los Angeles airtel to the Bureau dated 4/18/68. 246

- p* -

ADMINISTRATIVE

It is noted the investigative period is extensive, this case has been carried in a pending inactive status awaiting appellate court and District court action. *noted previously*

It is also noted that although [redacted] is carried as a fugitive, no effort is being made to apprehend him at this time pending a District Court ruling in Los Angeles which will affect the prosecutive action to be taken.

ACCOMPLISHMENTS CLAIMED None						ACQUIT- TALS	CASE HAS BEEN:
CONVIC	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
							PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

APPROVED

SPECIAL AGENT
IN CHARGE

COPIES MADE:

DO NOT WRITE IN SPACES BELOW

See Page B

2 - [redacted]

166 - 1765 - 254	REC-18
17 JUN 7 1968	EX-11
ENCLOSURE	

Dissemination Record of Attached Report			
Agency			
Request Recd.			
Date Fwd.			
How Fwd.			
By			

Notations

ENCLOSURE

NINE

SIX

STAT. SEC.

LA 166-462

Copies Made:

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(ATTN: Special Prosecutions)
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- 1 - Memphis (166-329) (Info)
- 1 - Miami (166-359) (Info)
- 1 - New Orleans (168-87) (Info)
- 1 - Newark (166-553) (Info)
- 9 - Los Angeles
 - (2 - 166-462)
 - (1 - 166-607)
 - (1 - 166-608)
 - (1 - 166-609)
 - (1 - 166-610)
 - (1 - 166-611)
 - (1 - 166-612)
 - (1 - 166-613)

This case will be continued in a pending inactive status awaiting United States District Court action as to further prosecution.

LEAD

LOS ANGELES

AT LOS ANGELES, CALIFORNIA: Will follow District Court decisions on this case.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Los Angeles

Report of: [REDACTED]

Office: Los Angeles, California

Date: 6/3/68

Field Office File #: 166-462

Bureau File #: 166-1765

Title: [REDACTED]
[REDACTED]

ET AL

Character: INTERSTATE TRANSMISSION OF WAGERING INFORMATION; FRAUD
BY WIRE; CONSPIRACY

Synopsis: On 7/28/66, [REDACTED] was found guilty in
USDC at Los Angeles. On 10/20/67 above conviction was
reversed by U. S. Court of Appeals for the Ninth Circuit.
Several other cases arising out of same basis were await-
ing appellate action. AUSA, Los Angeles believes circum-
stances involving other subjects are different than those
resulting in above reversal. This matter is currently
under consideration by USDC, Los Angeles. Subject [REDACTED]
[REDACTED] in April 1968 was living in Brussels, Belgium.
Disposition sheet reflecting above reversal previously
submitted. *Previously noted*

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b7C

- P* -

DETAILS

On July 28, 1966, [REDACTED] in United
States District Court in Los Angeles, was found guilty of
violation of Title 18, Section 1084, United States Code, the
interstate transmission of wagering information, and on
August 15, 1966 was sentenced to one year imprisonment,
execution of sentence suspended, fine \$2,000, and placed on
probation. Also involved in this case were [REDACTED]
and [REDACTED]. Charges in this case against [REDACTED] were
dismissed because of a defective indictment. [REDACTED]
was granted an acquittal on the basis the government had failed
to establish that [REDACTED] was in the business of wagering and
betting."

LA 166-462

Prosecution of the above case was dependent upon numerous recordings that the Pacific Telephone Company made of telephone calls in Los Angeles, California of [redacted] [redacted] in making these calls, was using a device to circumvent the telephone company's normal billing system. This device enabled [redacted] to call [redacted] [redacted] receive instructions and thereafter call various other bookmakers in the United States, conduct betting business or obtain and give betting information with them and then furnish [redacted] with the results of his action.

In view of the nature of these calls and the fact that there was no evidence showing any mutual contact with these other individuals other than separate and distinct action with [redacted] through [redacted] it was the opinion of the Assistant United States Attorney JOHN E. LALLY at Los Angeles that the individuals [redacted] was in contact with should be handled as separate conspiracies with [redacted] and [redacted]. Therefore, in addition to the above case, indictments charging violation Title 18, United States Code, Sections 1084 and 2 were returned separately against [redacted] [redacted] and each of the following:

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[redacted]
[redacted]
[redacted]
[redacted]

An indictment was also returned charging [redacted] [redacted] and THOMAS MILTON BOYD with violation of Title 18, United States Code, Section 1084.

An indictment was also returned charging [redacted] [redacted] and [redacted] with violation of Title 18, United States Code, Section 1345 (Fraud by Wire) and aiding and abetting same.

A complaint was filed on [redacted] on May 24, 1966 charging him with violation of Title 18, Section 2, aiding and abetting in Fraud by Wire.

LA 166-462

On October 20, 1967, the United Court of Appeals for the Ninth Circuit reversed the conviction of [redacted] on the grounds that the telephone company had excessively monitored [redacted] telephone calls.

On January 8, 1968, United States District Judge CHARLES H. CARR spread the mandate on the above decision and reassigned the remaining above mentioned indictments to the court of United States District Judge ALBERT LEE STEPHENS, JR.

On February 13, 1968, Judge ALBERT LEE STEPHENS, JR. in United States District Court at Los Angeles requested Assistant United States Attorney DAVID R. NISSEN to file an Offer of Proof and points of authority setting forth why the circumstances were different in regard to [redacted] than those involving [redacted] which resulted in a reversal by the Ninth Circuit Court. Assistant United States Attorney NISSEN subsequently submitted an Offer of Proof and to date, Judge STEPHENS has not made a ruling in this matter and until a decision is made, no action can be taken on the remaining indictments. b6 b7C

The Commissioner's warrant on [redacted] remains outstanding. Assistant United States Attorney NISSEN desires to resolve the government's position on prosecution prior to initiating any action to dismiss any process against the subjects.

Investigation by a foreign police agency reflects that as of April 1968, [redacted] who was born [redacted] at [redacted] was residing [redacted] [redacted] He is not properly registered as a foreigner. He is reportedly employed by the Dan Rey Oil Company, no address given. In the event further information is received regarding [redacted] by the above agency, the Federal Bureau of Investigation will be notified.

Disposition sheet reflecting Ninth Circuit reversal of [redacted] conviction was previously submitted.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (166-1765)

DATE: 1/31/69

FROM : SAC, LOS ANGELES (166-462)

SUBJECT: [REDACTED]

ET AL
ITWI; FBW - CONSPIRACY

b6
b7C

Re report of SA [REDACTED] at Los Angeles
dated 6/3/68 captioned [REDACTED] aka; [REDACTED]
[REDACTED] - FUGITIVE; ET AL; ITWI; FBW - CONSPIRACY.

Prosecution on several [REDACTED]
arising out of the [REDACTED] ET AL case, as set
forth in referenced report, has been held in abeyance pending
a decision by U. S. District Court Judge ALBERT LEE STEPHENS,
JR. at Los Angeles as to the admissibility of telephone
company recordings against individuals associated with [REDACTED]
[REDACTED] Judge STEPHENS has ruled to suppress
these recordings on the basis of illegal monitoring and in
the absence of any other evidence on the part of the Government,
has dismissed the indictments on all of these cases.

- ② Bureau
- 1 - Atlanta (166-182)(Info)
 - 1 - Baltimore (166-447)(Info)
 - 1 - Charlotte (162-185)(Info)
 - 1 - Memphis (166-329)(Info)
 - 1 - Miami (166-359)(Info)
 - 1 - New Orleans (166-87)(Info)
 - 1 - Newark (166-553)(Info)
 - 15 - Los Angeles
 - (1 - 166-508)
 - (1 - 166-514)
 - (1 - 166-516)
 - (1 - 166-534)
 - (1 - 166-586)
 - (1 - 166-607)
 - (1 - 166-608)
 - (1 - 166-609)
 - (1 - 166-610)
 - (1 - 166-611)
 - (1 - 166-612)
 - (1 - 166-613)
 - (1 - 166-614)

EBD/bje
(24)

FEB 20 1969 PGP

EX-113

REC-5

22 FEB 4 1969

166-1765-262

SIX

LA 166-462

Assistant U. S. Attorney DAVID R. NISSEN on 1/28/69 advised that he intends to request the Solicitor General to approve the filing of a notice of appeal to appeal Judge STEPHENS' decision to the Ninth Circuit U. S. Court of Appeals. AUSA NISSEN contends that although the Ninth Circuit reversed a U. S. District Court at Los Angeles conviction of [redacted] on the grounds of his telephone calls were monitored over a three month period, which was considered by the Appellant Court as excessive, the other individuals involved in these indictments were in contact with [redacted] only at a maximum of a four day period and, therefore, the basis of the [redacted] reversal is not applicable to these other cases.

b6
b7c

AUSA NISSEN intends to appeal only the following cases:

United States v. THOMAS MILTON BOYD; [redacted]
Indictment filed 6/2/66, No. 36269-CD,
LA file 166-608;

United States v. [redacted] and [redacted]
Indictment filed 6/2/66, No. 36266-CD
Superseded 8/11/66 by No. 36513
LA file 166-607

United States v. [redacted] and [redacted]
Indictment filed 6/2/66, No. 36267-CD
Superseded 8/11/66 by No. 36516,
LA 166-609;

United States v. [redacted] and [redacted]
Indictment filed 6/2/66, No. 36264
Superseded 8/11/66 by No. 36515
LA file 166-611;

United States v. [redacted] and [redacted]
Indictment filed 6/2/66, No. 36265
Superseded 8/11/66 by No. 36514
LA file 166-612

LA 166-462

Information copies of this letter being submitted to designated offices because of their previous interest in these subjects.

The Los Angeles Office will continue the above cases in a pending inactive status. All other cases arising out of the initial "Blue Box" cases will be closed.

In view of the above, Los Angeles will close the following cases:

LA 166-508

[REDACTED]
FBW

LA 166-514

[REDACTED]
ITAR - GAMBLING; FBW

LA 166-516

[REDACTED]
FBW

LA 166-586

[REDACTED] aka

FBW

LA 166-610

[REDACTED]
ITWI

b6
b7C

LEADS

LOS ANGELES

AT LOS ANGELES, CALIFORNIA. Will review records at the U. S. Attorney's Office, Los Angeles, regarding warrant status on [REDACTED] LA 166-614, and [REDACTED] LA 166-613. Arrange for their dismissal and submit disposition sheets.

(2) Will ascertain status of indictment against [REDACTED] LA 166-534, and submit disposition sheet if dismissed.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE LOS ANGELES	OFFICE OF ORIGIN LOS ANGELES	DATE 7/14/69	INVESTIGATIVE PERIOD 6/4/68 - 7/10/69
TITLE OF CASE [REDACTED] aka; ET AL		REPORT MADE BY [REDACTED]	TYPED BY jem
		CHARACTER OF CASE ITWI FBW - CONSPIRACY	

REFERENCES: Report of SA [REDACTED] dated 6/3/68²⁵⁴ at Los Angeles.
Los Angeles letter to Director dated 1/31/69 *1/25/2*

- P* -

ADMINISTRATIVE

It is noted the investigative period is extensive, this case has been carried in a pending inactive status awaiting Appellate and District Court action and will be continued in this status for the same reason.

b6
b7C

ACCOMPLISHMENTS CLAIMED NONE						ACQUIT- TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
CONVIC	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		

APPROVED <i>W66/...</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW
-------------------------	----------------------------	------------------------------

COPIES MADE: SEE COVER PAGE B	166-1765-266	REC 62
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3 - Bureau (166-1765)

Dissemination Record of Attached Report				Notations <i>PPB</i> <i>PPB</i> <i>STP</i>
Agency	Request Recd.	Date Fwd.	How Fwd.	
	2 CC, AAG Criminal Division, Organized Crime & Racketeering Section	Room 2524		
By				

57 AUG 4 1969

LA 166-462

COPIES

- 3 - Bureau (166-1765)
- 1 - USA, Los Angeles
(Attn: Special Prosecutions)
- 1 - Atlanta (166-182) (Info)
- 1 - Baltimore (166-447) (Info)
- 1 - Memphis (166-329) (Info)
- 1 - Miami (166-359) (Info)
- 1 - Newark (166-553) (Info)
- 1 - New Orleans (166-87) (Info)
- 2 - San Francisco
- 7 - Los Angeles
 - (1 - 166-607)
 - (1 - 166-608)
 - (1 - 166-609)
 - (1 - 166-611)
 - (1 - 166-612)

LA 166-462

LEADS

BALTIMORE, NEW ORLEANS, ATLANTA, MEMPHIS, AND NEWARK

AT BALTIMORE, NEW ORLEANS, ATLANTA, MEMPHIS, AND NEWARK: Information copies of this report are being sent these offices since primary subjects reside in their areas.

MIAMI

AT MIAMI, FLORIDA: An information copy is being sent Miami in view of possible interest since the recordings in this case were used in Miami's [REDACTED] ET AL case.

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b7c

SAN FRANCISCO

AT SAN FRANCISCO, CALIFORNIA: Will follow Appellate action this case in the Ninth Circuit Court of Appeals.

LOS ANGELES

AT LOS ANGELES, CALIFORNIA: Will follow Appellate Court action.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Los Angeles

Report of: [REDACTED]

Office: Los Angeles, California

Date: 7/14/69

Field Office File #: 166-462

Bureau File #: 166-1765

Title: [REDACTED]

ET AL

Character: INTERSTATE TRANSMISSION OF WAGERING INFORMATION;
FRAUD BY WIRE; CONSPIRACY

Synopsis: United States Attorney's Office, Los Angeles, California, on 6/3/69, sent Appellant's Brief to the United States Court of Appeals for the Ninth Circuit requesting that the Order of the District Court suppressing evidence and dismissing the indictments be reversed in regard to subjects, [REDACTED] [REDACTED] [REDACTED]

b6
b7c

[REDACTED] THOMAS MILTON BOYD, and [REDACTED]
On 6/30/69, United States Attorney's Office, Los Angeles, received a copy of Appellee's application for extension of time to file. Appellant's Brief set out.

- P* -

DETAILS:

On July 9, 1969, Assistant United States Attorney (AUSA) DAVID E. NISSEN, furnished a copy of an Appellant's Brief which was sent to the United States Court of Appeals for the Ninth Circuit on June 3, 1969. This Brief requests that the Order of the District Court suppressing evidence and dismissing the indictment be reversed in regard to subjects, [REDACTED] [REDACTED] [REDACTED]

[REDACTED] THOMAS MILTON BOYD, and [REDACTED]

LA 166-462

On June 30, 1969, the United States Attorney's Office at Los Angeles received a copy of Appellee's application for extension of time to file. AUSA NISSEN advised the appellee action for all subjects is being handled by MURRAY C. LERTZMAN, Esq., Attorney at Law, 9601 Wilshire Boulevard, Beverly Hills, California.

Appellant's Brief is hereafter set out:

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,
Appellant,

vs.

No. 24040

[REDACTED]

Appellee.

UNITED STATES OF AMERICA,
Appellant,

vs.

No. 24032

[REDACTED]

Appellee.

UNITED STATES OF AMERICA,
Appellant,

vs.

No. 24031

[REDACTED]

Appellee.

UNITED STATES OF AMERICA,
Appellant,

vs.

No. 24030

THOMAS MILTON BOYD,

Appellee.

UNITED STATES OF AMERICA,
Appellant,

vs.

No. 24000

[REDACTED]

Appellee.

APPELLANT'S OPENING BRIEF

APPEAL FROM
THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

WM. MATTHEW BYRNE, JR.,
United States Attorney,
DAVID R. NISSEN,
Assistant U. S. Attorney,
Chief, Special Pros. Div.,
1200 U. S. Court House
312 North Spring Street
Los Angeles, California 90012
688-2437

Attorneys for Appellant

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IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,
Appellant,

vs.

No. 24040

[REDACTED]

Appellee.

UNITED STATES OF AMERICA,
Appellant,

vs.

No. 24032

[REDACTED]

Appellee.

UNITED STATES OF AMERICA,
Appellant,

vs.

No. 24031

[REDACTED]

Appellee.

UNITED STATES OF AMERICA,
Appellant,

vs.

No. 24030

THOMAS MILTON BOYD,

Appellee.

UNITED STATES OF AMERICA,
Appellant,

vs.

No. 24000

[REDACTED]

Appellee.

APPELLANT'S OPENING BRIEF

I

JURISDICTION AND
STATEMENT OF THE CASE

Each of the five appellees were indicted by the Federal

1.

Grand Jury for the Central District of California in separate indictments charging interstate transmission of wagering information in violation of Title 18, United States Code, Section 1084. ^{1/}

All appellees moved to suppress evidence consisting of tape recordings of telephone calls, and all likewise moved to dismiss the indictments. The motions to dismiss and to suppress evidence were consolidated and considered by the court upon stipulated facts. ^{2/} On January 27, 1969, the District Court entered a single order suppressing the tape recordings and dismissing the indictments in each of the five cases. [Clerk's Transcript, [REDACTED] pp. 73-75]

On February 19, 1969, Appellant, United States of America filed timely notices of appeal in each case. ^{3/} On May 3, 1969, this Court granted Appellant's motion to consolidate these five cases on this appeal. b6 b7C

The jurisdiction of the District Court was based upon Title 18, United States Code, Section 1084, and this Court has jurisdiction to entertain this appeal under the provisions of Title 28, United States Code, Sections 1291 and 1294, and Title 18, United States

1/ Appellees [REDACTED] [REDACTED] [REDACTED] and [REDACTED] were indicted on August 11, 1966, in cases numbered 36516, 36515, 36514, and 36513, respectively, in each of which [REDACTED] was charged as a co-defendant. Appellee Boyd was indicted on June 6, 1966 in case number 36269, in which [REDACTED] was also a co-defendant. [REDACTED] was tried separately and his conviction was reversed by this Court in [REDACTED] v. United States, 384 F.2d 643 (9th Cir. 1967).

2/ Identical stipulations were entered in each case. See the Clerk's Transcripts: [REDACTED] p. 66; [REDACTED] p. 7; [REDACTED] p. 10; [REDACTED] p. 5; and Boyd (referred to in Court's order, p. 60).

3/ See Clerk's Transcripts: [REDACTED] p. 76; [REDACTED] p. 17; [REDACTED] p. 20; [REDACTED] p. 15; and Boyd, p. 62.

II

QUESTION PRESENTED

Whether a recipient of telephone calls from a person who is fraudulently using an electronic device to gain illegal access to the telephone company's long distance circuits in order to avoid its billing recordation equipment for the calls has a statutory or constitutional right to the suppression of evidence consisting of tape recordings of these calls made by the telephone company during the first three days it monitored the fraudulent caller's telephone.

III

STATUTE INVOLVED

Title 47, United States Code, Section 605, provides in pertinent part as follows:

"No person receiving or assisting in receiving, or transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, to any person other than the addressee.

4/ See United States v. Dote, 371 F.2d 176 (7th Cir. 1966), and United States v. Tane, 329 F.2d 848 (2nd Cir. 1964).

his agent, or attorney, or to a person employed or authorized to forward such communication to its destination, or to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, or to the master of a ship under whom he is serving, or in response to a subpoena issued by a court of competent jurisdiction, or on demand of other lawful authority; and no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; and no person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; and no person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto;"

4.

IV

STATEMENT OF FACTS

Appellee's motions were decided upon stipulated facts which are set out in full below:

"For several years prior to 1965, certain representatives of Pacific Telephone Company had been aware of, and were investigating the use of, a device constituting a multifrequency signal generator (commonly known as a 'blue box'), which was being manufactured, sold and used for the purpose of completing long distance telephone calls without a record thereof being made, thereby avoiding a charge for the calls.

"Lines of various telephone companies connect with each other so that calls may be placed from one telephone to those in other parts of the United States and throughout the world. Telephone equipment permits the placing of such calls by direct distance dialing. When a direct distance dialed call is properly completed, a record of the call is made on an automatic message accounting tape (hereinafter called 'AMA tape') which records: 1) the calling telephone number, 2) the called telephone number, 3) the date of the call, and 4) the duration of the call. This information is subsequently processed through

electronic data processing equipment which processes completed calls onto cards and is used as a basis for billing the subscriber for the call.

"The universal information number in the United States is 555-1212. When a party dials an information operator outside of his area, the AMA records the placing of the call, but the call is not processed for billing purposes because it is not considered a completed call.

"The function of the 'blue box' is to simulate the tones used by telephone operators and automatic dialing equipment to make long-distance telephone calls. The 'blue box' has a number of buttons each of which has a different frequency or combination of frequencies, and is interpreted by the telephone company's equipment as 1) a number, 2) a seizure of a line, or 3) a disconnect.

"A 'blue box' call is made by first dialing any area code plus the universal information number 555-1212. This rings an information operator in the area dialed. When the ringing commences, the 'blue box' is used to introduce a 2600 cycle-per-second (CPS) tone into the transmitter of the telephone instrument by pressing an appropriate button. This tone disconnects the information operator but retains the circuit in the long distance line. A button on the

'blue box' marked 'start' is then pressed to introduce a tone into the telephone transmitter which causes a toll circuit to be seized. The area code and telephone number of the party being called is then pulsed by pressing, in proper sequence, buttons on the 'blue box' representing the numbers desired. The frequencies used to represent the various numbers are as follows:

<u>NUMBERS</u>	<u>FREQUENCIES IN CPS</u>
1	700 - 900
2	700 - 1100
3	900 - 1100
4	700 - 1300
5	900 - 1300
6	1100 - 1300
7	700 - 1500
8	900 - 1500
9	1100 - 1500
10	1300 - 1500

Another button on the 'blue box' marked 'stop' is then depressed which emits a tone completing the calling operation and causing the called party's telephone to ring.

"At the termination of a 'blue box' call, the 'blue box' user may, without hanging up, again introduce a 2600 CPS tone into the transmitter and pulse another number either with the same or a

different area code. For example, a 'blue box' caller in Los Angeles could call the information operator in San Francisco, and thereafter place numerous calls to telephones all over the country without ever hanging up his telephone. When the caller eventually hangs up his telephone, the AMA tape recording will show:

- 1) the calling number;
- 2) the area code of the information operator called;
- 3) the date of the call;
- 4) the time of connect and disconnect, or duration of the call.

The AMA tape does not disclose the telephone number or numbers called by the user of the 'blue box' after disconnecting the information operator as described above, or the duration of the call or calls and therefore provides no information upon which to base a billing for such calls.

"On occasion, a malfunction of telephone equipment may cause a call to an information operator to be recorded as a completed call. For the purpose of billing accuracy, the telephone company processes its AMA tape to identify calls to information operators shown as completed calls, so that they will not be charged to the subscriber.

Such calls are then grouped together by calling number and form the basis for a check by the telephone company to determine whether there is any malfunction of its equipment. The compiled record of calls to information operators is known as a 'printout'.

"A 'printout' for telephone number [REDACTED] for November, 1965, came to the attention of telephone company special agents in early December, 1965. It showed more than 200 calls to information operators throughout the country, including up to 38 calls to the same operator in one day. The duration of the calls was far beyond that for the normal information call. This printout indicated to the telephone company special agents that a person or persons were using a 'blue box' to place unbillable calls throughout the United States from telephone number [REDACTED]

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A check of telephone company records was then made by the special agents and it was determined that the number was subscribed to by [REDACTED] Continental Hotel, 8401 Sunset Boulevard, Los Angeles, California.

"Although the printout indicated use of a 'blue box' from [REDACTED] telephone, it did not suggest what person or persons were using it. The special agents knew that it was possible for blue box calls to be made without the subscribers' knowledge by another member

of his household, a guest, an intruder, or by someone making a connection to the subscriber's exterior line. Consequently, the agents caused a physical connection to be made to [] telephone with a terminal point in the special agents' office at 742 South Hill Street, Los Angeles, California. The special agents lacked sufficient personnel to monitor [] telephone manually for 24 hours per day. Consequently, a tape recorder was purchased and on December 20, 1965, it was connected to the line in such a way as to record while [] receiver was off the hook. No monitoring of [] phone occurred prior to December 20, 1965. The room where the recorder was located was kept locked and only agents assigned to the investigation were allowed to enter it. On March 24, 1966, the monitoring was discontinued.

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"After the tapes were removed from the tape recorder, they were processed to determine the areas and telephone numbers that had been called by use of the blue box. The tapes were also played to determine the duration of these calls. The monitoring tapes thereby provided a record to serve as a basis for the telephone company to make a charge for the calls that were placed by use of the 'blue box'.

"On April 11, 1965 [sic 1966], a special agent of the telephone company met with Assistant United

State Attorney, John Lally, in the United States Attorney's office in Los Angeles, and advised Lally of the fact that the telephone company had evidence that [] telephone was being used to place 'blue box' calls in violation of the federal fraud by wire statute, and that the conversations on the tapes 'sounded like gambling.' The monitoring of [] telephone had been performed by telephone company agents alone, without the cooperation or even the knowledge of the federal government. After being informed of the existence of tape recordings of these unlawful calls, Assistant United States Attorney Lally caused a grand jury subpoena to be served upon the telephone company, and the tape recordings were produced in response thereto.

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"Examination of the tape recordings indicated that [] was using a blue box, and was thereby engaged in a wire fraud scheme in violation of Title 18, United States Code, Section 1343, and indictment No. 36276 was returned charging him and co-defendant [] with this offense. The same tape recordings also showed that [] and certain other individuals were engaged in the interstate transmission of wagering information in violation of Title 18, United States Code, Section 1084. Indictments were returned against these persons as follows:

11.

<u>Defendants</u>			<u>Indictment No.</u>
		Boyd	36269
			36513 (36266)
			36515
			36514 (36265)
			36516 (36267)
			36270

b6
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"The only recordings of conversations to which defendant [] was a party occurred on December 20 and December 21, 1965, the first two days of monitoring. All tapes constituting evidence in the above cases resulted from monitoring during the period December 20 to December 23, 1965, and these telephone tape recordings constitute virtually all of the evidence against each defendant."

ARGUMENT

A. SECTION 605 DOES NOT PROTECT
ILLEGAL USERS OF A COMMUNI-
CATION FACILITY.

Title 47, United States Code, Section 605, was enacted to protect the means, and not to insure the secrecy, of communications. Benanti v. United States, 355 U.S. 96 (1957). The only Supreme Court authority on the issue of the rights of an illegal user of a communication facility is found in United States v. Sugden, 351 U.S. 916 (1956), which affirmed per curiam the Court of Appeal's decision found at 226 F.2d 281 (9th Cir. 1955), in which the latter court had said:

"[T]o throw a mantle of protection provided by §605 over an outlaw broadcast is to abandon reason . . . before any right of privacy exists the voice must be legally on the air; otherwise one who hears . . . may make full disclosure. . . . "

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The Sugden case has been followed in v. United States, 382 F.2d 607 (10th Cir. 1967), in which the Court said that Section 605 was adopted to protect:

" . . . authorized users of telephonic or radio facilities; it was not intended as a refuge

for a wrongdoer who uses the telephone in
a scheme to violate the wire fraud statute." (p. 611)

In the recent case of [redacted] v. United States, 404 F.2d
405 (5th Cir. 1968), the Court held that:

"It must, therefore, be conceded that
when the use of the communication facility
itself is illegal, section 605 has no application,
at least insofar as concerns the person guilty
of such illegal uses. Whatever we might other-
wise think, this Court is bound by the Sugden
decision." (p. 408)

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Additional weight has been added to the Sugden decision
by the case of [redacted] v. United States, 389 U.S. 347 (1967), in
which the Supreme Court stated that:

"One who occupies it [a phone booth],
shuts the door behind him, and pays the toll
that permits him to place a call is surely
entitled to assume that the words he utters
into the mouthpiece will not be broadcast to
the world," [p. 352] [emphasis added] thereby
implying that a person unlawfully obtaining the
use of the telephone would not be entitled to
Fourth Amendment protection.

B. THE TELEPHONE COMPANY LAWFULLY
MONITORED THE ILLEGALLY "PLACED"
CALLS.

After becoming aware of the "printout" for November, 1965, showing that telephone number 656-0723 was being used to make vast numbers of information calls of extended duration, the telephone company had strong reason to believe that someone, identity unknown, was using a "blue box" to place calls from that number.

Under these circumstances, the telephone company had not only a right but a duty under several statutes to make certain that this use of its facilities was properly billed. The Communications Act imposes on every telephone company the duty to require all users of its interstate services to pay the tariff-prescribed charges on file with the Federal Communications Commission. No carrier can discriminate between its customers by extending preferential treatment to any. 47 U.S.C. §§202, 203(c). Knowingly to allow those committing electronic toll fraud to receive free service would constitute such discrimination. Furthermore, each carrier is required, under pain of criminal penalty, not to neglect or fail to maintain correct and complete records and accounts of the movements of all traffic over its facilities. 47 U.S.C. §220. Each carrier is also required to collect the federal excise tax levied upon each long distance call. 26 U.S.C. §4251. These duties were explicitly recognized by

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the Court in [redacted] v. United States, 404 F. [redacted] 405 (5th Cir. 1968).

In addition to permitting the telephone company to discharge its obligations under the law, it is also imperative in the public interest that the company be recognized to have the right to gather necessary proof of thefts of its services. As this Court stated in [redacted] v. United States, 384 F.2d 643, 648 (9th Cir. 1967):

"We do not believe that in the enactment of Section 605, or in any of the provisions of Title 47, Congress intended to deprive communications systems of their fundamental right to take reasonable measures to protect themselves and their properties against the illegal acts of a trespasser." Certainly, the right to protection cannot be limited merely to self-help, but must also include the company's right to obtain protection of the law by furnishing information concerning violations to duly constituted prosecuting agencies.

When wrongdoers break into the telephone network and by use of a "blue box" seize its circuits so that calls can be illegally initiated (by circumventing its automatic billing machinery), the telephone company is faced with the formidable problem of gathering the evidence of such "fraud by wire" for purposes of billing and also for prosecution. Since the services being stolen are the communications themselves, certain of the evidence necessary to establish illegal blue box calling can only be gathered through recording. Such recording was necessary to determine: 1) the identity of the calling blue box user; 2) the location from which the calls are originating; 3) the

location of the party called (distance is a factor in billing); and
4) the duration of the completed calls (time is a factor in billing).
The tape recordings were in fact used for precisely this purpose.

In v. United States, 384 F. 2d 643, 648 (9th Cir.
1967), this Court recognized the propriety of the telephone
company's monitoring of calls "to an extent reasonably necessary
for the company's investigation," but stated that "In our view,
the monitoring and tape recording for such a length of time [3
months], after ample evidence had been secured of the illegal
use by appellant of the company's facilities, was unreasonable
and unnecessary."

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Actually, the company had a legitimate interest in deter-
mining the identity of all persons fraudulently using its equipment,
as well as the scope and duration of the fraud being perpetrated
upon it. In v. United States, 382 F. 2d 607 (10th Cir.
1967), telephone company monitoring which continued for a nine
month period was held lawful. The company cannot exercise its
rights and fulfill its duties unless it is permitted to monitor so
long as the unlawful blue box calls continue. Such monitoring
could not conflict with Section 605 since that section does not
insure privacy to persons stealing from the telephone company.

No matter how the Court may view monitoring for a three
month period, there is no issue of monitoring for an unreasonable
duration in this case because all of the recordings suppressed
were of telephone calls occurring within the three days after the
monitoring commenced. None of appellees were parties to calls

monitored thereafter. The fact that [redacted] phone monitoring was continued thereafter gives appellees no ground for complaint since only parties to the conversations have standing to object to telephone monitoring. United States ex rel. Ross v. LaVallee, 341 F.2d 823 (2d Cir. 1965); cert. den. 382 U.S. 867 (1965); see also [redacted] v. United States, 316 U.S. 114 (1942). b6 b7C

Even if blue box calls between [redacted] and appellees had been monitored after the first three days, for such a duration that the monitoring became "unreasonable", this would afford no basis for suppressing recordings made during the initial period of proper monitoring. This is analagous to the well established rule that evidence obtained from a defendant during a brief period of detention does not become inadmissible because of subsequent unnecessary delay in arraignment. United States v. Gorman, 355 F.2d 151 (1st Cir. 1965); [redacted] v. United States, 313 F.2d 572 (D.C. Cir. 1965).

C. THE TAPE RECORDINGS WERE LAWFULLY
DISCLOSED TO THE GOVERNMENT.

The telephone company, like any other private citizen, has the right and duty to report crimes to the appropriate federal law enforcement authority.

United States v. Sugden, 226 F.2d 281 (9th Cir. 1955); aff'd per curiam, 351 U.S. 916 (1956), makes it plain that disclosure is not an issue when the caller is a wrongdoer who

cannot claim the protection of Section 605. Both [redacted] v. [redacted] b6
United States, 382 F.2d 607 (10th Cir. 1967), and [redacted] v. [redacted] b7C
United States, 404 F.2d 405 (5th Cir. 1968), recognize the
propriety of disclosure under these circumstances.

Even assuming arguendo the applicability of Section 605, the disclosure made in this case was proper. This is so because the first clause of the section provides for divulgence of communications transmitted over interstate facilities to, among others, the "proper accounting or distributing officers" and "in response to a subpoena" or "on demand of other lawful authority." With the advent of automation in recent years, the telephone companies' security representatives have taken over some functions of the operator in making certain that toll charges are properly assessed. In the situation where a blue box caller deliberately circumvents the automatic billing machinery, it becomes the function of the company's special agents conducting the investigation to obtain the necessary billing information while the call was "in progress." In these circumstances, they are not conducting an investigation after the fact, but rather are simultaneously conducting the investigation and securing necessary billing information during the actual transmission of each of the fraudulent calls. Thus, the special agents are members of the class engaged in "assisting in receiving . . . or assisting in transmitting" and are also "proper accounting or distributing officers" and as such are expressly authorized to receive and

disclose pursuant to subpoena the information obtained during transmission.

According to the stipulated facts the telephone company notified an Assistant United States Attorney that it had evidence that [] telephone was being used to place "blue box" calls in violation of the federal fraud by wire statute, and that the conversations on the tapes "sounded like gambling." Neither the parties names, occupation or telephone numbers were divulged, nor was there any disclosure of the existence or contents of any particular communication. After being informed of the existence of tape recordings of these unlawful calls, the Assistant United States Attorney caused a grand jury subpoena to be served upon the telephone company, and the tape recordings were produced in response thereto. Thus even though Section 605 does not protect the illegally placed calls, in fact the disclosure requirements of that section were completely fulfilled. b6 b7C

Additionally, when the company discovers unlawful activity such as blue box calling, it must disclose the information it possesses or subject itself to the penalties provided in Title 18, United States Code, Section 4, for misprision of a felony.

In conclusion, since the existence and contents of the communications were both lawfully obtained and lawfully divulged without any violation of Section 605, the tape recordings were not subject to suppression upon the motions of appellees, and the indictments were not properly dismissed. See [] v. United States, 404 F.2d 405, 408-409 (1st Cir. 1968).

VI

CONCLUSION

For the reasons stated, the order of the District Court suppressing evidence and dismissing the indictments should be reversed.

Respectfully submitted,

WM. MATTHEW BYRNE, JR.
United States Attorney

DAVID R. NISSEN
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Attorneys for Appellant.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (166-1765)

FROM : SAC, LOS ANGELES (166-462)

SUBJECT: [REDACTED] aka;
ET AL
ITWI; FBW - CONSPIRACY
OO: Los Angeles

DATE: 10/22/69

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Re report of SA [REDACTED] at Los Angeles
dated 7/14/69.

Enclosed herewith are one Xerox copy each of
Appellant's Reply Brief and Appellee's Reply Brief.

Appellant's Opening Brief was submitted to the
Bureau in referenced report.

Los Angeles, upon receipt of the Ninth Circuit
Court of Appeals decision on this case, will submit report
for benefit of pertinent offices.

2 - Bureau (Encl. 2)
2 - Los Angeles

EBD/jmb
(4)

166-1765-270

(2) enclosure to Bureau
to go with Los Angeles report, letter
dated 10/22/69
Xerox copy each of Appellant's Reply Brief
and Appellee's Reply Brief
aka; ET AL
Los Angeles file number 166-462
Bureau file number 166-1765

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ENCLOSURE

Atala - 11-1-69 - 270

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24040

[REDACTED]

Appellee,

UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24032

[REDACTED]

Appellee,

UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24031

[REDACTED]

Appellee,

UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24030

THOMAS MILTON BOYD,

Appellee,

UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24000

[REDACTED]

Appellee.

APPELLANT'S REPLY BRIEF

FILED

AUG 8 1969

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IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

vs.

Appellant,

No. 24040

Appellee,

UNITED STATES OF AMERICA,

vs.

Appellant,

No. 24032

Appellee,

UNITED STATES OF AMERICA,

vs.

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Appellee,

UNITED STATES OF AMERICA,

vs.

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THOMAS MILTON BOYD,

Appellee,

UNITED STATES OF AMERICA,

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Appellee.

APPELLANT'S REPLY BRIEF

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IN THE UNITED STATES COURT OF APPEALS
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vs.

No. 24040



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vs.

No. 24032



Appellee,

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UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24031



Appellee.

UNITED STATES OF AMERICA,

Appellant,

vs.

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THOMAS MILTON BOYD,

Appellee,

UNITED STATES OF AMERICA,

Appellant,

vs.

No. 24000



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Appellee.

APPELLANT'S REPLY BRIEF

I
ARGUMENT

A. Disclosure of Appellee's Recorded Telephone Conversations Did Not Violate the Federal Communications Act.

As argued in the Government's Opening Brief, Title 47, United States Code, §605, does not apply to persons stealing the use of telephone communication facilities from the telephone company. The Government does not argue "that the disclosure in the present case is governed by the first part of §605" [Appellees' Brief, p. 1], but merely asserts that "even assuming arguendo the applicability of §605, the disclosure made in this case was proper." [Appellant's Opening Brief, p. 19].

Appellees complain that the Government has gone "outside the record" in arguing that "telephone company security representatives have taken over some functions of the operator"

[Appellees' Brief, p. 1]. The stipulated facts reflect that tape recordings made by telephone company special agents "provided a record to serve as a basis for the telephone company to make a charge for the calls that were placed by use of the 'blue box'" [Appellant's Brief, p. 10]. The stipulation also recites at length activities of the special agents designed to detect improper use of telephone company communication facilities. Present-day methods of automatic dialing and billing and security methods designed to prevent their circumvention replaced previous methods in which the operator personally participated in the placing of and billing for calls, and in efforts to prevent improper use of company facilities. Reference in argument to such well-known history is no more ~~"outside the record" than would be an allusion to the historical~~

fact that the automobile was preceded by the horse and buggy.

Appellees claim that the telephone company special agent's advice to an Assistant United States Attorney that he possessed recorded telephone conversations which "sounded like gambling," was a disclosure of the existence and contents of the communications in violation of §605. The short answer to this contention is that §605 is inapplicable to such communications. However, even if it were applicable, the furnishing of such information would not violate that section inasmuch as neither the parties named, the telephone numbers involved, nor the existence or content of any particular communication was disclosed. Under appellees' view, wire or radio communication evidence of a crime could never be

produced under subpoena as the statute contemplates, because Governmental authorities could never be informed of its existence in order to subpoena it. Appellees mistakenly cite

 v. United States, 404 F.2d 405 (5th Cir. 1968), for the proposition that anti-blue box monitoring is lawful when the non-disclosure requirements of §605 are complied with.

Actually, held that "when the use of the communication facility itself is illegal, Section 605 has no application . . ."

[p. 408]. Appellees assert that in v. United States, 382 F.2d 607 (10th Cir. 1967), and supra, "no disclosure was involved in either case except under the issuance of a subpoena duces tecum." [Appellees' Brief, p. 5].

If this is so, then "disclosure" cannot mean what appellees contend. Obviously, subpoenas in neither case could have been issued unless information concerning the telephone recordings was previously brought to the Government's attention.

Appellees characterize the Government's argument as contending that "wire tap evidence is inadmissible for any purpose unless improper use of telephone facilities is involved." [Appellees' Brief, p. 2]. Actually, the Government's position is that telephone recordings are admissible if lawfully obtained. Appellees protest that this would exclude evidence of serious crimes which was unlawfully obtained, but would admit evidence of minor offenses obtained lawfully. The Government can only reply that it does not make the rules but merely follows them.

B. Monitoring Was Necessary to Permit
the Telephone Company to Perform
Its Statutory Duties.

Appellees argue that the monitoring of their calls was unnecessary because the telephone company has wonderful automatic billing equipment. They neglect to mention that this automatic equipment was precisely what [redacted] circumvented when he stole the use of the communication facilities.

Appellees also claim that the recording of one conversation was sufficient to identify the voice of the blue box user and this was the only purpose to be served by such recording.

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Actually, the recording was needed to determine the caller, ~~the points between which the calls occurred, and the duration~~

of the calls. Such information regarding only the first such call would hardly permit the company to perform its duty of charging for and keeping records of all calls, nor would it advise the company of the identity of other blue box users.

Appellees complain that recording of the blue box calls was not the only method available to the telephone company. No doubt the telephone company, with its electronic know-how, could have -- and subsequently did (see [redacted] supra) -- develop equipment which would gather the pertinent information from blue box calls without recording all traffic on the line. However, that the special agents used the means then available to them without waiting for development of new devices which would enlarge a blue box user's privacy while he was stealing

from the company, does not render the monitoring unlawful.

C. Since the Tape Recordings Were Lawfully Obtained, they Are Admissible against Appellees.

The fact that appellees did not have the blue box on their end of the line does not render the monitoring of their conversations at [] end unlawful or inadmissible against them. See [] supra.

Appellees claim that in the Omnibus Crime Control and Safe Streets Act of 1968, "nowhere did Congress indicate an intention to allow the telephone company to determine when it should tap subscribers' telephones in order to collect fees."

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[Appellees' Brief, p. 8]. Actually, Congress appears to have been concerned about the misconstruction of §605 by the Court in [] v. United States, 384 F.2d 643 (9th Cir. 1967), and therefore enacted 18 U.S.C. §2511(2)(a), which contemplates monitoring and disclosure of telephone conversations to protect the company's rights and property. Section 2511(2)(a) provides as follows:

"It shall not be unlawful under this chapter for an operator of a switchboard, or an officer, employee, or agent of any communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose, or use that communication in the normal

course of his employment while engaged in

any activity which is a necessary incident to

the rendition of his service or to the protection

of the rights or property of the carrier of such

communication: Provided, that said communi-

cation common carriers shall not utilize service

observing or random monitoring except for

mechanical or service quality control checks."

See Re [Emphasis added]

II

CONCLUSION

For the reasons previously stated, the order of the

District Court suppressing evidence and dismissing the indictments should be reversed.

Respectfully submitted,

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IN THE UNITED STATES COURT OF APPEALS
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UNITED STATES OF AMERICA,
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vs.

No. 24040

[REDACTED]

Appellee.

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[REDACTED]

Appellee.

UNITED STATES OF AMERICA,
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vs.

No. 24031

[REDACTED]

Appellee.

UNITED STATES OF AMERICA,
Appellant,

vs.

No. 24030

THOMAS MILTON BOYD,

Appellee.

UNITED STATES OF AMERICA,
Appellant,

vs.

No. 24000

[REDACTED]

Appellee.

APPELLEE'S REPLY BRIEF

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IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,
Appellant,

No. 24040

Barger vs. [REDACTED]

[REDACTED]
Appellee.

UNITED STATES OF AMERICA,
Appellant,
vs.

No. 24032

[REDACTED]

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UNITED STATES OF AMERICA,
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vs.

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[REDACTED]

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UNITED STATES OF AMERICA,
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vs.

No. 24030

THOMAS MILTON BOYD,

Appellee.

UNITED STATES OF AMERICA,
Appellant,
vs.

No. 24000

[REDACTED]

APPELLEES' REPLY BRIEF

STATEMENT OF FACTS

The decision appealed from was based upon a Stipulation of Fact, as set forth in Appellant's Brief, pages 5 through 12.

ARGUMENT

A. THE DISCLOSURE OF APPELLEES' WIRETAPPED CONVERSATIONS IS A VIOLATION OF THE FEDERAL COMMUNICATIONS ACT.

Section 605 of the Federal Communications Act is made up of two parts. The first part prohibits an employee of a telephone company charged with receiving or transmitting communications from divulging the communication or its substance except in response to a subpoena issued by a Court of competent jurisdiction. The second part of §605 prohibits divulgence or publication of the existence, contents, substance, purport, effect or meaning to any person, even in response to a subpoena. [REDACTED] v. United States, 355 U.S. 96 (1957); [REDACTED] v. United States, 384 F.2d 643 (1967) [.

The Government argues that the disclosure in the present case is governed by the first part of §605. The reasoning behind this argument is that "security representatives have taken over some functions of the operator". However, this argument requires the Court to go outside the record. There is nothing in the

Stipulation of Fact to indicate that the security officers had anything to do with sending or receiving any interstate communication. If the Government is permitted to assert facts outside the record, it should then be bound by the findings in [] v. United States, supra. In the [] case, the Court found that the same Special Agent involved in the pending cases was not within the class of employees governed by the first part of §605. [] v. United States, 384 F.2d 643, at 656]. Furthermore, even if the special agent were in the class of employee governed by the first part of §605, the disclosure of the fact that [] telephone calls were being taped and that the conversations "sounded like gambling" certainly divulged the existence, purport, effect and meaning of the conversations prior to the issuance of any lawful subpoena.

The Government in effect argues that wiretap evidence is inadmissible for any purpose unless improper use of telephone facilities is involved. To follow this argument to its logical conclusion would require the Court to prohibit the admission of wiretapped evidence of a conspiracy to commit murder, provided the parties utilizing the phone had paid their fees, while allowing the admissibility of wiretapped conversations for the prosecution of minor misdemeanors if one of the parties initiated the call by placing a slug in a pay telephone.

**B. WIRETAPPING WAS NOT REASONABLY
NECESSARY TO PROTECT THE FACILITIES
OF THE TELEPHONE COMPANY.**

Even if we concede that the telephone company had the right to eavesdrop to the extent reasonably necessary to protect its facilities, there was no requirement that it record and reveal entire conversations. The Government concludes on page 16 of its Brief that the recording was necessary to determine the following:

1. Identity of calling blue box user;
2. Location from which the call originated;
3. Location of the party called; and
4. Duration of the call.

The telephone company presently utilizes automatic billing equipment which shows the calling number, the location of the party called and the duration of the call. This equipment does not require a tape recorder and is the very equipment which results in millions of telephone billings to consumers. The record does not disclose that eavesdropping was the only method available to protect the telephone company.

The only purpose which could possibly be served by recording conversation would be to identify the user of the "blue box". For voice identification there is no showing that it was necessary to listen in to the entire conversation. Furthermore, recording one conversation in which the blue box was utilized would have been sufficient for the telephone company to take action.

Therefore, any recording beyond that necessary to identify [redacted] voice the first time he was known to utilize a blue box was neither necessary nor reasonable. [Footnote 5, [redacted] v. United States, 384 F.2d at 648].

C. APPELLEES ARE ENTITLED TO THE PROTECTION OF §605 REGARDLESS OF ANY ILLEGAL USE OF THE TELEPHONE BY THIRD PARTIES.

The Government's argument suggests that the Court should discard §605 as respects an illegal user. First, there is nothing in the record to show that the Appellees are in this category. The very tapes involved in the cases on appeal have already been held inadmissible against the only illegal user

involved [redacted] v. United States, 384 F.2d 643]. The Court is now urged to take the anomalous position of allowing admission of the tapes against legal users while denying their admission in the prosecution of an illegal user. The language cited in Appellant's Brief from [redacted] v. United States, 389 U.S. 347 (1967) merely reinforces the sanctity of a telephone conversation. Appellees are surely included in the category of one who "pays the toll that permits him to place a call". Even though they did not place the call, the fixed charges for telephone service grants to the user the right to answer his telephone. In other words, a user pays for the use of his telephone, not merely for the placing of calls. [United States v. Tane, 329 F.2d 848 (1964)].

Secondly, this argument requires the acceptance of the

ends justifying the means. Until the violation takes place, there is no way of knowing for certain that an illegal user is involved. By way of analogy, an illegal search cannot be justified by the mere fact that the search thereafter reveals that the individual searched was engaged in illegal activities. [redacted] v. United States, 273 U. S. 28 (1927)]

Both the cases of [redacted] v. United States, 382 F.2d 607 (1967) and [redacted] v. United States, 404 F.2d 405 (1968) cited by the Government are distinguishable from the present cases for the reason that no disclosure was involved in either case except under the issuance of a subpoena duces tecum. In addition, there was no finding that the special agent of the telephone company was not in the category of employees governed by the first part of §605.

Actually the case of [redacted] v. United States, supra, serves to reinforce the [redacted] decision. [redacted] was first decided in 393 F.2d 700 (1968) in which the Court of Appeals assumed that prior to the issuance of a subpoena duces tecum the existence and some inkling of the contents of the communications were disclosed to the Government. On rehearing, the Court found that the record was devoid of any such disclosure and for that reason, reversed its earlier decision. In the present case, the statement of fact stipulated to by all parties shows that prior to the issuance of any subpoena the Special Agent of the telephone company advised the Assistant United States Attorney of the fact that conversations had been taped which "sounded like gambling". If the two [redacted] cases are read in conjunction, they stand for the proposition that the

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recordings in the present case are inadmissible.

[redacted] v. United States, 355 U.S. 96 (1957) does not stand for the proposition that §605 of the Federal Communications Act is a statute passed for the benefit of the telephone company.

The [redacted] decision prohibits divulgence of the existence of an intercepted communication even where state officers were acting under a Court order issued pursuant to a state statute. [redacted]

v. United States, 355 U.S. 111 decided during the same term as the [redacted] case, held that §605 was enacted to protect the right of privacy of participants to a telephone conversation. The very purpose for the passing of §605 was the Supreme Court's decision in [redacted] v. United States, 277 U.S. 438, which held that wire-tapping was outside the purview of the Fourth Amendment.

[redacted] v. New York, 388 U.S. 41 (1967); [redacted] v. United States, 302 U.S. at 386; [redacted] v. United States, supra (concurring opinion Justice Frankfurter)].

United States v. Sugden, 226 F.2d 281 (1955), which was relied upon by the Government in the [redacted] case and cited herein, involved interception of unlicensed radio transmissions. The Federal Communications Commission, whose responsibility it is to issue licenses, is required to maintain control over all channels of radio transmission by listening to broadcasts. Licenses can be suspended for improper transmission such as obscenity, the transmission of a call signal or letter which has not been assigned to the station being operated; or the transmission of false distress signals. [47 U.S.C. §303]. Radio transmission by its very nature

is not entitled to the same degree of privacy as telephonic conversation over a closed wire. — Anyone equipped with a radio receiver tuned to the proper frequency can properly overhear radio transmissions. The Court in the Sugden case stated:

The [redacted] ^{debut} The Government must concede that if the facts were the same save that [redacted] had tapped the [redacted] telephone line and obtained the same information without v. United the [redacted] consent as he did by monitoring the air waves, then the trial court's rulings were correct." [226 F. 2d at 284].

The court further differentiated from monitoring during a period in which the user was licensed from a period in which he was unlicensed. So long as a licensed use was made, the information obtained from monitoring was limited to enforcement of the Federal Communications Act. Only the information obtained during the unlicensed use was permitted in the criminal prosecution for violation of the Immigration Act.

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The Supreme Court recently overruled [redacted] v. United States, supra, and this occasioned an examination by Congress of the field of wiretapping. [redacted] v. New York, supra. As a result of this examination, Congress passed a statute authorizing wiretapping under very stringent circumstances. 18 U. S. C. A. §2510 through §2520 permits wiretapping where the Attorney General or chief prosecuting attorney of a political subdivision has applied for and obtained an Order from a Court of competent jurisdiction. The application requires a strict showing of the

necessity for the wiretapping, including a showing whether or not other procedures have been tried and failed, or why they reasonably appear unlikely to succeed. The wiretap must be limited to an express number of days not to exceed thirty and periodic reports are required. Wiretaps are only authorized where the gravest felonies or the security of the nation are involved. Nowhere did Congress indicate an intention to allow the telephone company to determine when it should tap subscribers telephones in order to collect fees. To paraphrase Sugden:

"In view of §605, we think that if Congress wants the Federal Communications Commission (the Telephone Company) to go into the general crime detection business, it should say so. If it wants to authorize the Immigration Service (the Telephone Company) to listen, we may assume it may do so. We shall not put either agency there by judicial construction." [Sugden v. United States, 226 F. 2d at 285.]

Respectfully submitted,

LAW OFFICES OF
MURRAY C. LERTZMAN

By MURRAY C. LERTZMAN

Attorneys for Appellees.

SAC, Los Angeles (166-462)

4/7/70

Director, FBI (166-1765) ^{DEC-129} *ST-1178*

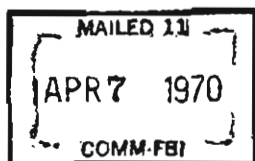
ALVIN KENNETH BUBIS, aka
ET AL.
ITWI; FBW-CONSPIRACY

Re San Francisco letter to Bureau, 3/24/70. *278*

Los Angeles office should check with the office of the United States Attorney and advise status of the indictments against Boyd and in view of the affirmation by the Ninth Circuit Court of Appeals of the judgment of the District Court with respect to them.

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Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Soyars _____
Tele. Room _____
Holmes _____
Candy _____



PJB:rjw
(4)

F297
21239
MAIL ROOM ☒ TELETYPE UNIT ☐

UNITED STATES GOVERNMENT

Memorandum

TO: DIRECTOR, FBI (166-1765)
FROM: SAC, SAN FRANCISCO (166-314)(RUC)

DATE: 3/24/70

SUBJECT: ALVIN KENNETH BUBIS, aka;
ET AL
ITWI; FBW - CONSPIRACY

OO: Los Angeles

LIAISON WITH THE CLERK OF THE NINTH CIRCUIT COURT OF APPEALS

Re San Francisco letter to Bureau dated 1/28/70.

The records of the court were checked on 2/12/70,
2/24/70, 3/9/70 and 3/17/70.

It was noted that on 1/15/70 the judgment of the
District Court was affirmed with respect to the appeals of
[redacted] Docket Number 24040; [redacted] Docket
Number 24032; [redacted] Docket Number 24031;
THOMAS MILTON BOYD, Docket Number 24030; [redacted]
[redacted] Docket Number 24000. The court affirmed the
ruling citing the authority of [redacted] vs. U. S., 384F 2d
643 (9th Circuit 1967).

2 - Bureau
7 - Los Angeles (166-462)
(1 - 166-607)
(1 - 166-608)
(1 - 166-609)
(1 - 166-611)
(1 - 166-612)
2 - San Francisco
BHC:cae
(11)

REC-90

166-1765-278

9 MAR 26 1970

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (166-1765)

DATE: 4/20/70

FROM : SAC, LOS ANGELES (166-462) (P)

SUBJECT: ALVIN KENNETH BUBIS, aka
ET AL
ITWI; FBW - CONSPIRACY

b6
b7C

2
CJS

Re Bureau letter to Los Angeles dated 4/7/70,
and Memphis report of SA [redacted] dated 2/26/70,
captioned, "THOMAS MILTON BOYD, aka, ITWI; ITAR - G".

Assistant United States Attorney (AUSA) DAVID
R. NISSEN on 4/14/70, advised he is giving consideration
to developing some other avenue to prosecution in the
cases arising out of instant case, but believes that the
affirmation of the Ninth Circuit to the appeals in these
cases probably negates any additional prosecutive action.

AUSA NISSEN will be recontacted in the near
future for his final decision in this matter, and the
Bureau and interested offices will be advised.

LL

REC- 56

166-1765-279

- 2 - Bureau
- 2 - Memphis (165-8)
- 2 - Los Angeles

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APR 22 1970

EBD/lce
(6)

54 APR 30 1970



5010-108

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FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE LOS ANGELES	OFFICE OF ORIGIN LOS ANGELES	DATE 7/8/70	INVESTIGATIVE PERIOD 7/10/69 - 6/30/70
TITLE OF CASE [REDACTED] aka; ET AL		REPORT MADE BY [REDACTED]	TYPED BY cjc
		CHARACTER OF CASE ITWI; FBW - CONSPIRACY	

REFERENCES: Los Angeles report of SA **[REDACTED]** dated 7/14/69. *266*

- C -

ADMINISTRATIVE

It is noted the investigative period is extensive. This case has been carried in a pending inactive status, awaiting Appellate and District Court action.

ACCOMPLISHMENTS CLAIMED					<input checked="" type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		
							PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
							PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

APPROVED

COPIES MADE:

SPECIAL AGENT
IN CHARGE

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See Cover Page B

166-1765-286

REC 45

6 JUL 16 1970

EX-117

Dissemination Record of Attached Report

Agency	
Request Recd.	
Date Fwd.	CC, AAG, Criminal Division
How Fwd.	Organized Crime & Racketeering Section
By	363

Notations

*7/31/70***STAT. SECT.****55 SEP 1 1970**

COVER PAGE

LA 166-462

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 - 1 - Baltimore (166-447)(Info)
 - 1 - Memphis(166-329)(Info)
 - 1 - Miami (166-359)(Info)
 - 1 - Newark (166-553)(Info)
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 - (1 - 166-609)
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 - (1 - 166-612)
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LEADS

ATLANTA, BALTIMORE, MEMPHIS, MIAMI, NEWARK and
NEW ORLEANS (INFO)

Information copies are being sent to receiving offices,
in view of their interest in subjects involved.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 2 - USA, Los Angeles (1 - Attn: Special Prosecution Unit)
(1 - Attn: Attorney in Charge,
[redacted] Strike Force)

Report of: [redacted]
Date: 6/31/70

Office: Los Angeles, California

Field Office File #: 166-462

Bureau File #: 166-1765

Title: [redacted]
ET AL

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Character: INTERSTATE TRANSMISSION OF WAGERING INFORMATION;
FBW - CONSPIRACY

Synopsis: [redacted] was sentenced for violation Title 18, Section 1084, USC, on 8/15/66, in U.S. District Court, Los Angeles. A co-defendant, [redacted] was acquitted. Charges against [redacted] were dropped because of a defective indictment. On 10/20/67, the 9th Circuit Court of Appeals reversed the above [redacted] conviction. On 6/3/69, USA, Los Angeles sent an Appellate Brief to the U.S. Court of Appeals requesting the order of the District Court, Los Angeles, suppressing evidence and dismissing the indictment regarding the remaining subjects be reversed. On 1/15/70, the U.S. Court of Appeals, 9th Circuit Court affirmed the judgment of the District Court with respect to the appeals of [redacted] [redacted] [redacted] THOMAS MILTON BOYD AND [redacted] [redacted] On 4/27/70, USA, Los Angeles, decided no further prosecutive action would be attempted regarding these subjects.

- C -

LA 166-462

DETAILS:

On August 15, 1966, [redacted] was sentenced in United States District Court, Los Angeles, for violation of Title 18, Section 1084 of the United States Code (USC) (Interstate Transmission of Wagering Information). A co-defendant [redacted] was acquitted and charges against [redacted] in this particular indictment were dropped because of a defective indictment.

On October 20, 1967, the Ninth Circuit Court of Appeals reversed the above [redacted] conviction on the basis of excessive monitoring of [redacted] telephone calls. This same basis was applicable to subject [redacted] in the indictments concerning other subjects, therefore no further action was considered in regard to [redacted] in these cases.

Regarding the other subjects in these cases, it is the contention of the United States Attorney at Los Angeles, that very limited monitoring of calls to these other subjects occurred, therefore the basis of the above United States Court of Appeal decision, is not applicable to these subjects.

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On June 3, 1969, the United States Attorney at Los Angeles, California, sent an Appellants Brief to the United States Court of Appeals of the Ninth Circuit Court, requesting that the order of the District Court suppressing evidence and dismissing the indictments be reversed in regard to subjects [redacted] [redacted] [redacted] [redacted] THOMAS MILTON BOYD and [redacted]

On March 24, 1970, the San Francisco Office of the FBI advised that the records of the Clerk of the Court of the Ninth Circuit Court of Appeals were reviewed and that it was noted on January 15, 1970, the judgment of the District Court was affirmed with respect to the appeals of the above mentioned individuals. The Court affirmed the ruling citing the authority of [redacted] versus the United States Ninth Circuit Court in 1967.

LA 166-462

On April 27, 1970, Assistant United States Attorney DAVID R. NISSEN advised in view of the above decision of the Ninth Circuit Court of Appeals, no further prosecutive action will be attempted by the United States Attorney's Office at Los Angeles, in regard to the above individuals.