

# Spies Like Us

By Reg P. Wydeven  
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There has been lots of controversy recently surrounding the extension of the U.S. Patriot Act, which authorizes the federal government to 'monitor' civilians' activities. Conspiracy theorists claim the Patriot Act unconstitutionally allows Uncle Sam to invade Americans' privacy. My life is far too boring to worry about the government spying on me - I'm more concerned with the recent trend of Americans spying on each other.

While my life may be boring, many people would love to be a fly on the wall to overhear one of Michael Jackson's conversations. Jeffrey Borer and Arvel Jett Reeves did just that when they planted two digital camcorders and remote microphones aboard a private jet transporting Jackson and his attorney, Mark Geragos, from Las Vegas to Santa Barbara in November of 2003. Jackson was on his way to California to surrender himself to the authorities during his child-molestation investigation.

Borer owned XtraJet, which operated the Gulfstream jet that carried Jackson. Reeves owned Executive Aviation Logistics, which provided maintenance service for XtraJet's aircraft fleet. Reeves purchased the video and audio equipment from three electronics stores in San Bernardino County and secretly installed it in a concealed part of the airplane's cabin. The microphones were allegedly installed between passenger seat cushions. According to the indictment, Borer instructed Reeves to obtain and install the equipment and later contacted news companies and offered to sell the recordings.

The pair were indicted on federal charges of conspiracy and endeavoring to intercept oral communication. They were also indicted on charges of witness tampering because the taped conversation violated Jackson's attorney-client privilege. They face criminal penalties of up to five years' imprisonment or a maximum of \$10,000 in fines. Under civil law, Jackson would be entitled to recover actual and punitive damages, together with fees and costs.

Borer and Reeves were charged with violating the federal Omnibus Crime Control and Safe Streets Act of 1968, which prohibits the willful interception of telephone communication by means of any electronic, mechanical, or other device. Most states, including Wisconsin, have adopted similar laws, which have typically been extended to include in-person conversations.

There are two exceptions to the OCCSSA: the business exception, which allows companies to monitor calls to maintain "quality control"; and the consent exception, which makes it permissible to intercept and record a conversation if one or both of the parties consents to the recording. It is illegal in all jurisdictions to tape a conversation that you are not a party to.

That's why Anthony Pellicano was arrested for racketeering and interception of electronic communications after wiretapping Hollywood stars such as Sylvester Stallone and Keith Carradine. Pellicano is a private investigator who was hired by clients to gather information to use for threats, blackmail and in some cases to secure "tactical advantage in litigation."

Pellicano paid over \$189,000 to an L.A. police sergeant to search law enforcement databases for "confidential, embarrassing or incriminating" information. He also paid over \$36,000 to an SBC and Pacific Bell employee "for the purpose of obtaining proprietary telephone company information and facilitating illegal wiretaps." At least ten other people have been charged in the wiretapping scheme, including the police officer, phone company employee and the attorney of one of Pellicano's clients.

Apparently it's the American way to probe into the lives of celebrities. In fact, you might say it's Patriotic.

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