

12-1-2007

Political rivalry in Rhode Island: William H. Vanderbilt vs. J. Howard McGrath: the wiretapping case

Debra A. Mulligan

Roger Williams University, dmulligan@rwu.edu

Follow this and additional works at: http://docs.rwu.edu/fcas_fp



Part of the [Arts and Humanities Commons](#)

Recommended Citation

Mulligan, Debra. 2008. " Political rivalry in Rhode Island: William H. Vanderbilt vs. J. Howard McGrath: the wiretapping case." *Historical Journal of Massachusetts* XXXV, (Winter): 52-77.

This Article is brought to you for free and open access by the Feinstein College of Arts and Sciences at DOCS@RWU. It has been accepted for inclusion in Feinstein College of Arts & Sciences Faculty Papers by an authorized administrator of DOCS@RWU. For more information, please contact mwu@rwu.edu.

**Political Rivalry in Rhode Island:
William H. Vanderbilt vs. J. Howard McGrath:
The Wiretapping Case**

By

Debra A. Mulligan

The political scene in Rhode Island was eventful during the interwar years. Fractious competition between Democrats and Republicans throughout the 1920s and 1930s resulted in the passage of important legislation which expanded the electorate in the state and challenged the dominance of the traditional Republican bloc made up of Gilded Age industrialists and rural Yankee "aristocrats." Rivaling the old guard for political power, this new class of politician succeeded in capturing a number of seats in the Rhode Island General Assembly. Primarily, but not exclusively of Irish, French Canadian, and Italian descent, the young breed, both in the Democrat and Republican Parties, endeavored to retain their new status and expand their constituency at all costs.

By the closing years of the 1930s, significant factors complicated this already intricate political struggle. Although the Democrats campaigned to topple Republican bossism in Rhode Island, notable Democrat leaders on the state and local level employed many of these same questionable methods once in power.

The 1939 wiretapping case bared many of the intra- and inter-party struggles that had been festering during the interwar years. Pitting Democrat J. Howard McGrath and Republican William H. Vanderbilt, two energetic and ambitious rival politicians, against each other, this scandal raised the issues of the right to privacy and the legality of using evidence obtained through electronic surveillance. Additionally, the case exposed the heated rivalry between the old and new guard within the Republican Party, while simultaneously restoring harmony among the

competing forces within the Democrat Party.

In 1938 wealthy, New York-born Republican William Henry Vanderbilt, determined to rid Rhode Island of corruption, set out to corner Pawtucket mayor and unofficial city boss Thomas McCoy (1937-1945) by whatever methods were available. Consequently, Vanderbilt authorized the hiring of a New York detective agency to investigate vote fraud, gambling, and municipal corruption in Pawtucket. Under the direction of Assistant Attorney General Matthew Goring, the Bielaski Agency of New York, reputedly known for its success in uncovering fraud and corruption in Pennsylvania and New York, not only placed listening devices on the home phones of McCoy, but also on Vanderbilt's own attorney general, Italian-American Louis Jackvony. The resulting scandal involving the local, state, and federal government, called into question Rhode Island's interpretation of Section #605 of the Federal Communications Act of 1934, which prohibited the "interception," "divulg[ence]," and "public[ation]" of "intercepted" messages from one party to another, unless prior authorization of the "sender" could be obtained.¹

A second player in this scenario was Democrat J. Howard McGrath, a gifted manipulator in the art of political intrigue. Under the tutelage of affluent Democrats Peter Gerry and Theodore Francis Green, leader of the powerful Providence faction of the Democrat Party, McGrath advanced in rank quickly. By the age of thirty, McGrath had held five public offices, including City Solicitor of Central Falls and Democrat State Chairman. Through Green, who strongly supported President Franklin Delano Roosevelt's bid for office in 1932, McGrath was assured the appointment as Federal District Attorney after the seat became available in 1934.²

Perhaps one of the most telling activities of McGrath's career was his involvement in the "Wiretapping Case," which not only resulted in Republican Governor William H. Vanderbilt's political ouster, but also catapulted McGrath to statewide prominence. Although Vanderbilt was

¹ "Mayor McCoy's Phone Tapped; Wires Traced to Nearby Home; Police Quiz Edward L. Freeman," *Providence Journal*, November 28, 1939, 1.

² "Roosevelt Nominates J. Howard McGrath as U.S. District Attorney," *Providence Journal*, January 23, 1934; "J. Howard McGrath Receives Commission as Federal Attorney," *News Tribune*, March 24, 1934.

technically within his rights to authorize the tapping in September 1939, since Rhode Island law did not yet bar the implementation of intrastate wiretapping devices until December, McGrath still used the information to rally public opinion against the beleaguered Vanderbilt. Calling the ploy “un-American,” McGrath castigated Vanderbilt by decrying wiretapping as the equivalent to the “terroristic systems employed in totalitarian countries.”³

The motivation behind McGrath’s aggressive pursuit of Vanderbilt becomes clear through an analysis of the fine points of the wiretapping incident. His successful exposure of Vanderbilt essentially won him the admiration or at least the acceptance of his former nemesis McCoy, a powerful local figure whose support McGrath needed in his bid for governor in 1940. Since Vanderbilt’s chances for re-election now appeared doubtful, McGrath used the governor’s political and legal blunders to unite his party behind him as Democrat candidate in the 1940 gubernatorial race. Thus, the case served as a turning point for the Democrat and Republican Parties in their quest for hegemony on the state level.

At the time of his election in November 1938, Republican Vanderbilt had been heralded both within the state and throughout the country as a far-sighted, liberal thinker who despised “politics as usual.” A great-great grandson of Commodore Cornelius Vanderbilt, he endured a rather unstable beginning despite his impressive lineage. His parents divorced when he was only seven years old, and he and his mother moved to Newport, Rhode Island to begin life anew. Vanderbilt suffered another devastating blow when his father perished aboard the *Lusitania* in 1915.⁴

A liberal, he was initiated into the Rhode Island political scene in 1928 as a member of the state senate from the town of Portsmouth. A wealthy businessman in his own right, Vanderbilt organized the Short Line Bus Company, which transported people to various locales within the state. Vehemently opposed to political nepotism and corruption, he

³ “McGrath Reviews Wire-Tap Cases,” October 23, 1940, William H. Vanderbilt Papers, University of Rhode Island Archives, North Kingstown, RI, (hereafter cited as Vanderbilt Papers).

⁴ *The Scribner Encyclopedia of American Lives*, Vol. 1, 1981-1985. “Vanderbilt, William Henry,” William A. Hasenpus, 814-815.

threatened the Republican machine by vowing to eradicate graft in the state. As the chairman of the Committee on Finance, Vanderbilt refused to be manipulated by Republican power brokers who retaliated by denying him the 1936 gubernatorial nomination. Two years later, however, old guard Republicans were losing ground politically, thanks to the expansion of suffrage in the state and the consolidation of various boards and commissions that were generally controlled by them. Vanderbilt thus emerged as a viable alternative to the Democrats. Capitalizing on the backlash against the economic recession nationally and Democrat Governor Quinn’s role in the “Race Track War”⁵ in 1937, Vanderbilt received his party’s endorsement, by promising to eliminate vote fraud in Pawtucket, Central Falls, and Providence.⁶

Vanderbilt, who defeated Quinn by a 38,846 plurality in 1938, interpreted his win as a mandate to embark upon a thorough “house cleaning” in government. For example, when Vanderbilt assumed office on January 2, 1939, the Republicans held the majority of the seats in Rhode Island’s General Assembly. Rather than rallying behind the new governor, old-line Republicans felt threatened and refused to support his civil service legislation.⁷ The Broomhead Civil Service Act, introduced into the General Assembly in 1939, required state employees, regardless

⁵ Walter O’Hara managed the Narragansett Race Track, which opened in Pawtucket on August 1, 1934. He soon came under investigation by the State Horse Racing Commission for allegedly misappropriating funds. In addition to his gambling interests, O’Hara also purchased Peter Gerry’s *News Tribune* and merged it with his Star Publishing Company. O’Hara joined forces with Thomas McCoy and subsequently the paper began publishing damaging articles on Governor Robert Quinn of the Pawtucket Valley faction. The row came to a head when Quinn imposed martial law, subsequently recruiting 87 National Guardsmen to bar O’Hara and McCoy from opening the Narragansett Race Track for the fall races. Quinn opponents charged that the Governor had overreacted by allowing personal animosity for O’Hara to cloud his judgment. Conley, Patrick T., *Rhode Island in Rhetoric and Reflection: Public Addresses and Essays* (Providence: Rhode Island Publication Society, 2002), 9.

⁶ “Newspaper Clippings, Vanderbilt,” *The Houston Post*, September 12, 1939, 14, Vanderbilt Papers.

⁷ *Ibid.*

of political affiliation, to sit for a merit examination. Factions within both parties charged that the bill alienated the average loyal party workers by requiring that state employees be hired solely on merit. Undaunted by protests from Democrats and Republicans that he was impervious to the plight of the average citizen, Vanderbilt continued his crusade and proceeded to purge state government of political favorites.⁸ With assistance from *The Providence Journal*, which publicly supported its passage, civil service legislation became law on March 9, 1940.

The Democrats posed an equally arduous task for the new governor. Although they campaigned to end rural Republicanism, the Democrats instead formed their own urban machine, which rivaled that of their opponent. In Pawtucket, for example, Thomas P. McCoy held simultaneous offices and doled out political patronage to those who accommodated him. The clash, however, came after November, 1938. Cries of fraud and corruption tainted the election in the city and prompted the governor to declare war against McCoy. The Pawtucket mayor would prove to be quite a challenge for Vanderbilt.

As a first order of business, Vanderbilt appointed his Republican Attorney General Louis Jackvony, who was elected in 1938, to head the investigation of election fraud throughout the state. Another political maverick, Jackvony, like Vanderbilt, had a history of alienating influential Republicans. Well before the election in November, 1938, Jackvony served as assistant attorney general from 1925 to 1930 under his ally, Attorney General Charles P. Sisson. Upon Sisson's ouster in 1930, Jackvony accused powerful Republican State Chairman William Pelkey and Finance Commissioner Frederick Peck of influencing the decision against him. In response, Democrat floor leader and occasional ally of Jackvony, Thomas P. McCoy, then in the Rhode Island General Assembly, introduced legislation calling for a committee to investigate these charges. Unfortunately for Jackvony, the House, still predominantly controlled by the old guard, tabled the bill.⁹ This incident not only showcased Jackvony's fighting spirit, but drew attention to his

⁸ William Jennings, Jr., "The Prince of Pawtucket: A Study of Politics of Thomas P. McCoy" (Ph.D. dissertation, Providence College, 1985), 329-330.

⁹ "Efforts to Probe Jackvony Charge Blocked in House," *Providence Journal*, January 18, 1930, 1.

unlikely friendship with McCoy, which would prove troublesome for the Attorney General in the succeeding months.¹⁰

On January 19, 1939 the General Assembly granted "special powers" to the recently elected Attorney General, who in turn named Amos L. Lachapelle and Matthew W. Goring to assist him in his investigation. Additionally, he assured the legislature that a grand jury probe would be forthcoming.¹¹

Although initially hopeful that Jackvony's inquiry would expose graft in the 1938 election, Vanderbilt began to grow uneasy at the slow pace of investigation, and gradually began to "lose confidence" in Jackvony during the spring of 1939.¹² Capitalizing on the Governor's apprehension, special assistant Matthew Goring intimated to Vanderbilt that Jackvony had gaming interests in Pawtucket, and purposely stalled the investigation to protect officials with ties to racketeering. Apparently, a reporter for the *Providence Journal* witnessed Jackvony in the company of McGrath and McCoy, and subsequent rumors abounded that the attorney general's "friendship" with these Democrat power brokers in addition to his "interests" in Pawtucket gambling, would prevent his prosecution of the Pawtucket mayor and his cronies.¹³ These allegations eventually proved to be unfounded. Nonetheless, the rumors contributed to Vanderbilt's decision to hire the outside agency.

In his eagerness to expose McCoy, Vanderbilt indiscriminately

¹⁰ Box 34, Group 60, Folder 20, "Committee on Election Frauds and Corrupt Practices, 1939-1940," Vanderbilt Papers.

¹¹ Jennings, 335; "Senate Votes \$50,000 in Pawtucket Probe; House to Act Friday," *Providence Journal*, January 10, 1940, 1; "Jackvony to Get \$50,000 to Probe Pawtucket Vote," *Providence Journal*, January 18, 1940, 1; J.R. Espinosa, "Wiretapping," April 12, 1940, 1-2, McGrath Papers, Providence College, Phillips Memorial Library, Providence, RI, (hereafter cited as McGrath Papers).

¹² U.S. Senate, "Testimony of William H. Vanderbilt," *Hearings Before a Subcommittee of the Committee of Interstate Commerce*, Part 1, *Sen. Res. 224, 222*, McGrath Collection.

¹³ U.S. Senate, "Testimony of Louis V. Jackvony," *Hearings Before a Subcommittee of the Committee of Interstate Commerce*, Part 1, *Sen. Res. 224, 8*, McGrath Collection.

accepted Goring's accusations against the Attorney General. Goring then succeeded in coaxing the Governor to hire the Frank B. Bielaski Detective Agency in New York. Thus began the ill-fated eleven month association between Vanderbilt and Bielaski.

The relationship between Vanderbilt and Jackvony had been strained ever since Vanderbilt, as Governor-elect, "replaced" Jackvony ally Pierce Brereton of Warwick with J. Thornton Sherman of Middletown as Republican State Chairman. Like many of his old guard allies Brereton and Senator Jesse Metcalf,¹⁴ Jackvony opposed Vanderbilt's civil service legislation, resenting Vanderbilt's alienation of his party.¹⁵

After his encouraging meeting with Vanderbilt in the spring of 1939, Special Assistant Goring approached Jackvony about hiring Bielaski's people to expedite the current examination of municipal corruption in Pawtucket and elsewhere, but Jackvony told Goring that the fees quoted by the Agency (\$3,000 to \$4,000 a month) were much too steep for Rhode Island's Department of Justice. At the time, Jackvony only had \$3,300 allocated for election fraud, so he preferred to employ the state police, maintaining that they were well-equipped both physically and financially to handle the operation.¹⁶ The General Assembly would eventually allocate an additional \$35,000 for the investigation, but the funds would not be available until the bill's passage in April, 1939. Since state police superintendent Jonathan Harwood opposed employing his seventy-man force for the investigation of vote

¹⁴ Incumbent Republican Senator Jesse Metcalf defeated Peter Gerry for the U.S. Senate in Rhode Island with a plurality of 2,515. "Election of United States Senator," *Providence Journal Almanac*, 1931(Providence: Providence Journal Company, 1931), 180; *Providence Journal Almanac*, 1940, 161; Jennings, 323.

¹⁵ Jennings, 323-324; Folder 340, "Metcalf, Jesse H.," David Patten Papers, Rhode Island Historical Society, Providence, RI.

¹⁶ "Jackvony to Get \$50,000 to Probe Pawtucket Vote," *Providence Journal*, January 18, 1940, 1; "Senate Votes \$50,000 in Pawtucket Probe; House to Act Friday," *Providence Journal*, January 10, 1940, 1; "Jackvony Presents Goring memo to Senate Wire-Tap Probers," *Providence Journal*, May 22, 1940; Jennings, 345; U.S. Senate, "Testimony of Louis Jackvony," 9-10, McGrath Papers.

fraud, Jackvony instead persuaded him to name three men outside of his department.¹⁷

Meanwhile, the grand jury probe commenced. The jury, authorized to investigate alleged gambling and corruption in Pawtucket, declared that an "extensive picture of election fraud" existed in Pawtucket, Central Falls, and Providence. In their partial report issued on November 22, 1939, they concluded that antiquated state laws had failed to protect the voter, thus allowing flagrant abuses to continue without consequence. Additionally, of 101 Pawtucket officials slated to oversee the process in the city, nearly seventy five percent were chosen by the Pawtucket Board of Canvassers.¹⁸ These inequities resulted in, among other abuses, significant tampering by election representatives of voting machines, which had been newly-installed in each district in 1936.¹⁹ In response to the evidence uncovered, the grand jury recommended that the probe be extended to delve deeper into corruption in the city. The jurors also wanted to examine Pawtucket finances, especially after criticism surfaced accusing the mayor and his officers of "divert[ing]" municipal funds to persons in private industry. A year later, the General Assembly complied and voted to extend the investigation to July, 1940, granting them an additional \$50,000.²⁰ The jury's subsequent conclusions emphasized that existing laws be clarified to ensure that qualified canvassers man the booths on voting day, including legislation that would efficiently and accurately identify voters.²¹

In the meantime, shocking news broke in Pawtucket. On November

¹⁷ U.S. Senate, "Testimony of Jonathan H. Harwood," 126-127, McGrath Collection.

¹⁸ Partial report and Recommendation of the September Grand Jury," J. McGrath Collection, 1-2.

¹⁹ *Journal Bulletin Almanac*, 1941.

²⁰ "Senate Votes \$50,000 in Pawtucket Probe; House to Act Friday," *Providence Journal*, January 10, 1940, 1; "Jackvony to Get \$50,000 to Probe Pawtucket Vote," *Providence Journal* January 18, 1940, 1; J.R. Espinosa, "Wiretapping" April 12, 1940, 1-2, McGrath Papers.

²¹ *Ibid.*

27, 1939, Pawtucket businessman Edward Freeman was arrested at his home by city policemen at 11:15 PM and taken to local headquarters for questioning. Freeman was accused of violating Section 74 of Chapter 608 of the General Laws of Rhode Island, which stated that "aiding and abetting" in "unlawful interrupt [ion] of electric currents over [said] electric wires and the transmission of intelligence by means of telephone apparatus" was prohibited by law.²² Freeman, puzzled by his arrest and the subsequent charges, soon discovered that his temporary boarder, Lee Edward Barton, an operative of the Frank B. Bielaski Detective Agency had been attempting to eavesdrop on the telephone conversations of Mayor McCoy since that September. After complaints received from McCoy on November 24th that his phone lines had been interrupted, the New England Telephone and Telegraph Company sent a man out who discovered that wires were strung from Freeman's second story window to the corner pole on East Avenue and Kenilworth Way in Pawtucket, directly in front of McCoy's residence. The company operators determined that this tap was the work of an amateur.²³ What followed was a very public and lengthy trial that at first bewildered, and later angered the upstanding Freeman.

Freeman entered a plea of "not guilty" in the Tenth District Court, Pawtucket. Bail was posted at \$2,000, and he was freed pending trial. Freeman had been interrogated for over twelve hours since his arrest on November 27, and only then was he able to contact his attorney, Edward T. Hogan.²⁴ The initial investigation and the ensuing trial revealed that Freeman, unaware of the true nature of Barton's business, agreed to rent his upstairs room to Barton, believing that the latter was engaged in an "insurance investigation." Freeman would later claim that the

²² "Mayor McCoy's Phone Tapped; Wires Traced to Nearby Home; Police Quiz Edward L. Freeman," *Providence Journal*, November 28, 1939, 1.

²³ "Wiretapping: Copy of Pawtucket Police Department, Miscellaneous Report-Reference to Telephone of Mayor McCoy being tapped," November 1939, McGrath Papers.

²⁴ "Freeman is Freed in Wire-Tap Case," *Providence Journal*, January 26, 1940, 11; "Shippee Testifies He Told Freeman Barton Was 'On Level' After Police Raid," January 12, 1940, 1, 12.

examination was unduly harsh and sought retribution.²⁵

Shortly after McCoy's complaint, the New England Telephone Company received a call from James Hart, Vanderbilt's executive secretary, who alleged that the Governor's wires had also been compromised. A subsequent test indicated that the telephone lines were clear.²⁶

When McCoy was notified of the discovery of the wires, he immediately enlisted the aid of J. Howard McGrath, Federal District Attorney for Rhode Island. Ironically, he and McGrath had been at loggerheads throughout the better part of the 1930s. As part of the Green/Gerry state organization, McGrath possessed little finesse, but much unrefined talent. His affiliation with this powerful faction earned him a secure position as Democrat State Chairman from 1930-1934. McGrath had often clashed with McCoy, a leader of the Blackstone Valley coalition. McCoy resented McGrath, whose dominant role as state chairman often infringed upon local political autonomy, especially in Pawtucket. Ambitious and cunning, McGrath was not above using unethical methods to achieve his political goals, as Governor Vanderbilt soon discovered.

Throughout the 1930s, McGrath sought to eliminate McCoy's control of Pawtucket, while McCoy vehemently resented any type of encroachment into his "city." In 1932 State Chairman McGrath had declared war on McCoy by questioning his method of governing the municipality, especially after McCoy introduced a plan for city-owned public utilities.²⁷ Now, nearly eight years later, McCoy and McGrath would become useful to each other, finding themselves on the same side,

²⁵ Freeman brought simultaneous suits in April against the Governor and the New England Telephone and Telegraph Company for \$500,000 each. Vanderbilt and Freeman settled out of court for an undisclosed amount. "Writ is Served on Vanderbilt," *Providence Journal*, April 11, 1940, 1; "Freeman Papers Accuse Governor," *Providence Journal*, May 16, 1940, 2; "Governor Denies Freeman Claims," *Providence Journal*, December 17, 1940, 1.

²⁶ "Jackvony to Give Wiretap Records to Jurors," *Providence Journal*, April 12, 1940, 1.

²⁷ "Democratic State Officials Probe Pawtucket Fight," *Pawtucket Times*, April 26, 1932, 1.

facing a common enemy: Republicanism.

Although U.S. Attorney General Robert Jackson required McGrath to submit all evidence of the McCoy tap immediately to the Grand Jury, McGrath first informed Louis Jackvony that listening devices had been placed on his office and home phones.²⁸ McGrath subsequently confirmed that Lee Barton, who allegedly eavesdropped on McCoy's conversations, had additionally established temporary headquarters both across the street from Jackvony's home and adjacent to his office on the twelfth floor of the Turks Head Building in downtown Providence. After a thorough search of Jackvony's office, Providence police confiscated a step-ladder, telephone wire and snake, picture hooks, a typewriter, and six loose-leaf memo books. They would later use these articles as proof of Barton's complicity.²⁹

Evidence was soon made public that approximately sixty lines in the Turks Head Building had been tampered with; cuts were made so that the copper wiring was exposed and the devices could be inserted. As Rhode Island's principal legal official, Attorney General Louis Jackvony was dumbfounded and deferred to McGrath, whom he believed, was better equipped under federal jurisdiction to conduct an investigation of this magnitude. At the same time, the Grand Jury probe into alleged corruption and misappropriation of funds in Pawtucket continued unabated.

Throughout this drama, Governor William Henry Vanderbilt had been vacationing at his retreat in Williamstown, Massachusetts, seemingly unaware of what had transpired in Rhode Island during his absence.³⁰ When he was questioned by the Press about the matter upon his return in December, 1939, he simply replied to reporters that "the investigation is in the hands of the Attorney General and I have full confidence in him."³¹

²⁸ "Testimony of Louis V. Jackvony," 17. *U.S. Senate Hearings*, McGrath Collection.

²⁹ "Wire Tapping Paraphernalia Seized in Turks Head Raid," *Providence Journal*, December 2, 1939, 1.

³⁰ He resided for most of the year in Portsmouth, Rhode Island.

³¹ "Jury to Receive Evidence Today on Wire Tapping," *Providence Journal*, December 5, 1939, 1.

McGrath's role was now essential at this time. As a federal officer, he obtained permission from his superior, U.S. Attorney General Robert Jackson, to travel to New York to secure phone logs from the Telephone Company and to question Bielaski in his connection with the tapping. McGrath was successful on both counts, discovering that Bielaski had stayed at the Biltmore Hotel in Providence several times and that the elusive Barton and another operative, Guiles Davenport lodged at the Crown, the Narragansett, and the Biltmore Hotels in Providence. Telephone logs and testimony from employees at the hotels substantiated this evidence. More importantly, McGrath revealed in late December that the Attorney General's special assistant, Matthew Goring, was in "constant" communication with Bielaski. In fact, McGrath discovered ledgers indicating that Goring frequently contacted Lee Barton throughout the latter half of September and all of October.³²

In early December, Jackvony demanded that Goring state in writing the nature of his connection with Bielaski and his agents, Barton and Davenport. In a written memorandum to the Attorney General dated December 4, Goring admitted to meeting with the detectives, but he claimed to be ignorant of the tapping of McCoy's or Jackvony's phones. He accordingly explained that his meeting with Bielaski was "purely social."³³

Because Goring was bound by an agreement with Bielaski not to reveal the financial source of the wiretapping, he was unable to respond forthrightly to Jackvony's questioning. Frustrated by Goring's insubordination, the Attorney General concluded that his assistant had compromised the entire department and should thus, be relieved of his duties. Hence, on December 16, 1939, Jackvony publicly announced his decision to fire Goring.³⁴

³² "Memo to Louis V. Jackvony from Matthew Goring," December 4, 1939, McGrath Papers.

³³ *Ibid.*

³⁴ "Goring Talks, Urges Pawtucket Inquiry Be Carried Through," *Providence Journal*, December 21, 1939; "Wiretapping, Statement by Louis V. Jackvony," May 22, 1940, McGrath Papers; "Jackvony Presents Goring Memo to Senate Wire-Tap Probe," May 22, 1940, 9.

In the meantime, the trial of Edward Freeman was often front-page news in Rhode Island, from late December 1939 until its closing days one month later. According to family and friends, Freeman was unaware of the nature of Lee Barton's business and surmised that Barton was conducting a "secret insurance investigation."³⁵

Immediately after the raid on Freeman's home, an all-points bulletin was issued for Lee Edward Barton. By January 4, 1939, Pawtucket City Solicitor William A. Needham posted an official warrant for Barton's arrest on conspiracy charges, but despite several "sightings," he remained at large for two years.³⁶

By the conclusion of the trial, Judge William M. Connell of the Tenth District Court found Freeman not guilty since no evidence existed to implicate him for the tapping of Mayor McCoy's phone. He was thus set free in January, 1940. Although the judge ruled favorably on behalf of the defendant, he took the opportunity to condemn wiretapping by referencing Justice Oliver Wendell Holmes's dissenting opinion in *Olmstead v. United States* (1928). Connell ruled that "writs of assistance, and general warrants are but puny instruments of tyranny and oppression when compared with wiretapping."³⁷ Freeman, relieved by the verdict, announced that he was "glad to live in the United States where truth and justice still prevail."³⁸

³⁵ "Freeman Denies He Aided Barton in Wire Tapping," *Providence Journal*, January 7, 1940, 1.

³⁶ Ibid.; "Wire-Tap Inquiry to Hear Barton," *Providence Journal*, February 13, 1941, 2; "Barton Testifies in Wire Tapping," *Providence Journal* February 15, 1941, 5.

³⁷ "Freeman Absolved By Judge Connell in Wire-Tap Case," *Providence Journal*, January 26, 1940, 1; "Freeman Denies He Aided Barton in Wire Tapping," *Providence Journal*, January 7, 1940, 1; "Notes on Wiretapping," May 2, 1940, McGrath Papers.

³⁸ "Freeman Absolved by Judge," *Providence Journal*; The Rhode Island Constitutional Convention, 1964-1969, "Wiretapping and the Law: A Report for the Committee on Personal Liberties," Mario R. DiNunzio. The Rhode Island Constitutional Convention, 1964-1969, Providence College, Phillips Memorial Library, Providence, RI (hereafter cited as RI Conv.).

Meanwhile the Chaffee Committee, an ad hoc group named for Republican Senator Alfred G. Chaffee from Scituate, worked diligently to uncover flagrant misuse of voter trust. Authorized by the General Assembly in direct response to Vanderbilt's request for a legislative probe, the Chaffee group was granted additional funds.³⁹

What followed, however, was a politically damaging row between the Governor and Chaffee over financial compensation for the ad hoc committee and resulted in an open breach that nearly cost Vanderbilt the nomination in 1940. The nature of this argument not only revealed a pattern in the way the Governor handled politically explosive situation, it also explained Vanderbilt's disregard for compromise within his own party.

Chaffee insisted that Vanderbilt authorize a payment of \$6,950 to the fourteen members of the committee. In March, Vanderbilt replied that he was "extremely sorry that an unfortunate misunderstanding ha[d] arisen" in regard to their compensation. Furthermore, he was under the impression that \$1500 would be allocated for their expenses, and that no other payment should be sanctioned. In light of the discrepancy, Vanderbilt attempted to smooth over the disagreement by paying each member "out of his own pocket."⁴⁰ Vanderbilt made a grave political mistake which exposed his weakness, flaunted his wealth, and alienated another Republican of high political standing.

Not surprisingly, Chaffee bared the "misunderstanding" to the *Providence Journal*, claiming that he and the members of the Committee should not be expected to work eight months without payment, especially since their position as part-time legislators only paid them a mere five dollars a day for a sixty-day period.⁴¹ He further presented the paper with an itemized list of tasks performed by the committee, including the gathering of roll calls of voters of Central Falls and

³⁹ "Governor Promises Report of Labor Survey As Aid to Solving Relief Problem," *Providence Journal*, January 3, 1940, 9.

⁴⁰ "Governor Vanderbilt to Members of the Committee," March 12, 1940, William H. Vanderbilt Papers, University of Rhode Island Library, Kingstown, RI (hereafter cited as Vanderbilt Papers); "Governor Offers to Pay Chaffee's Probers Himself," *Providence Journal*, March 13, 1940, 1.

⁴¹ *Providence Journal Almanac*, 1941.

Pawtucket.⁴²

The *Italo-American Tribune* in March, 1940 reported that as a result of the debate over funding, Senator Chaffee and members of the Republican Senate publicly castigated Vanderbilt for his "insincerity" in dealing with the commission, and as a result eleven of the fourteen members of the committee stated that they would oppose his re-nomination for Governor. According to the *Tribune*, the Republican senators met secretly and criticized Vanderbilt's "cold feet" after promising the committee members a stipend for their services. In this version, Vanderbilt tried to minimize controversy by inquiring whether there was some "way we can sneak it through" the House Finance Committee.⁴³ His request, however, was denied and the bill for more finances was unfavorably received. Thus, the figure for the Chaffee committee was rejected, causing an open break between the Governor and the Scituate senator.

Despite his plea for more money, Chaffee, under advisement from Attorney General Jackvony, refused to accept the Governor's offer of private payment. He informed Vanderbilt that "acceptance...would violate Chapter 612 of the General Laws of 1938." According to Section 22 of the Chapter, "no person shall corruptly give or offer any gift or valuable consideration to any such agent, employee, servant, or public official as an inducement or reward for doing or forbearing to do...any act in relation to the business of his principal, master, or employer, or the state, city or town of which he is an official..."⁴⁴ Vanderbilt balked at the perceived slight and strongly advised Jackvony to retract his offer for the public record. In a heated exchange with Chaffee, Vanderbilt blasted "am I correct in understanding that you [Chaffee] and the Attorney General have charged me with having corruptly made an offer?"⁴⁵

⁴² Ibid.

⁴³ "Vanderbilt to be Dropped, Says Chiefs," *The Italo-American Tribune*, March 14, 1940.

⁴⁴ "From Chairman Alfred G. Chaffee to Governor William Henry Vanderbilt," March 20, 1940, Vanderbilt Papers.

⁴⁵ "From Alfred G. Chaffee to Governor William Henry Vanderbilt," March 20, 1940; "From William Henry Vanderbilt to Alfred G. Chaffee," March 20, 1940; "From William Henry Vanderbilt to Louis Jackvony," March 27, 1940; "From

Chaffee denied the accusation, but Jackvony refused to stand down, explaining that, as a public official, Vanderbilt was not authorized to finance a legislative committee with private funds.⁴⁶

Even though the behind the scenes controversy could have impeded their performance, the committee conducted their investigation with the utmost care and professionalism. Their subsequent report confirmed the findings of the Grand Jury. The fourteen members ably canvassed 33,766 out of 41,597 eligible voters in Pawtucket and 9,766 out of 12,363 voters in Central Falls. After thorough investigation in the Blackstone Valley, the committee discovered that 12.6% in Pawtucket, and 13% in Central Falls reported discrepancies in voting practices. The injustices reported by the committee, however, were more revealing than these figures indicate. As an example, in District 3, Ward 6, a handy garage located across the street from the polls, served as a fitting room for floaters who hurriedly changed their outer garments and rushed to the side door with their bogus "identification cards," where policemen "in the know" ushered them in to place their multiple ballots, in some cases up to twenty, for McCoy and his lieutenants. Meanwhile, legitimate voters, ignorant of these activities, were prevented from entering the polling place, and forced to return to their homes, their civic rights clearly violated.⁴⁷

Because voting machines had only been employed for the first time during the 1936 elections, the government was ill-equipped to handle voting discrepancies caused by misuse of the machines. Consequently, according to the Chaffee Committee, "machines were jammed

Louis Jackvony to William Henry Vanderbilt," April 2, 1940; "From William Henry Vanderbilt to Louis Jackvony," April 4, 1940; "From Louis Jackvony to William Henry Vanderbilt," April 5, 1940, Vanderbilt Papers.

⁴⁶ Ibid.

⁴⁷ "Election Frauds 1939-1940: Committee on Elections, Frauds and Corrupt Practices," January 23, 1940, 9, Vanderbilt Papers; "Charges of Fraud Reported Before," *Providence Journal*, February 13, 1940, 6; "Election Frauds 1939-1940: Committee on Elections, Frauds and Corrupt Practices," January 23, 1940, 9, Vanderbilt Papers; "Chaffee Now Laws Claim to Hand in Urging Election Laws Changes," *Providence Journal*, March 7, 1940, 6; Jennings, 337-338.

throughout the day; voters were prevented from voting; Democratic election officials, latchmen and inspectors voted illegally...Democratic election officials changed Republican votes to Democratic votes against the wishes of the voters." Equally as scandalous, "roving squads of policemen kept Republican workers away from polling places and prevented them from coming anywhere near the ward rooms..."⁴⁸

The complete report, submitted on January 23, 1940, recommended that a bipartisan election board be created to ensure that proper procedure be followed when conducting elections, and that a Financial Investigating Commission be instituted as well in order to hold Pawtucket officials accountable to its citizens. Ironically, however, the hard-hitting conclusions of the Committee did not include an ouster of officers. They maintained that although "elections in Pawtucket and Central Falls in November, 1938 were clearly unfair," they could not remove any official since they had no "definite proof...that fraud is what elected them." Although Chaffee later boasted that subsequent reform instituted in Rhode Island election procedures was due to the work of his Committee, the *Pawtucket Times* questioned the legitimacy of these conclusions, maintaining that their refusal to oust officials in Pawtucket was a sham.⁴⁹

Regardless of the criticism, the Chaffee report contributed to the return of 166 indictments by the Grand Jury in February, 1940. Among those implicated were Public Works Commissioner Albert J. Lamarre, Probate Judge Lawrence A. Flynn, Director of Public Welfare William T. Flanagan, and a host of other notables including six from the Pawtucket Police Force and seventy five city employees.⁵⁰

Under different circumstances, this turn of events would have damaged the reputation of the Pawtucket mayor, since many identified were high ranking McCoy cronies. In this case, however, the tables turned in his favor when fellow Democrat McGrath, in conjunction with

⁴⁸ *Providence Journal*, "Election Frauds 1938-1940: Committee on Elections, Frauds and Corrupt Practices, 23 January 1940, 9; "Charges of Fraud Reported Before," 13 February 1940, 6.

⁴⁹ *Pawtucket Times*, January 23, 26, 1940.

⁵⁰ "Merits of Pawtucket Fraud Accusations Are Undecided," *Providence Journal*, June 19, 1941.

the Federal Bureau of Investigation, discovered that Vanderbilt had financed the Bielaski Agency with his own private funds in the amount of \$6,900.⁵¹ Now, the focus shifted from McCoy to the governor.

In addition to his thorough investigation of the Bielaski Agency and its operatives, McGrath was also the driving force behind Senator Theodore Francis Green's motion to conduct a Senate investigation of the whole affair. The request was approved on March 19 after the subcommittee met with McGrath and Jackvony to hear the evidence.⁵² Senator Green widened the investigation for many reasons. Since McGrath had researched cases involving wiretapping operations in eastern Massachusetts, Pennsylvania, New York, and Indiana, Green was able to justify a national hearing. Green averred that "the activities of a detective agency in New York State," which brought agents to Rhode Island to "tap the wires of elected public officials and private citizens holding responsible positions in the political and business world," was rampant throughout the United States.⁵³

Green thereby emphasized the "right of privacy" and chastised those who violated that fundamental right. "I believe that democratic governments cannot with either propriety or safety infringe its own basic law."⁵⁴ By focusing public attention on the national Senate hearing, McGrath and Green drew public attention away from McCoy's activity in Pawtucket. Although the probe into election fraud continued, the "Wiretapping" case overshadowed it, resulting in an uneasy alliance of McCoy and McGrath, former political enemies. With Vanderbilt safely discredited before the Senate subcommittee, he would never be a serious challenge for Green's seat in 1944 should he choose to run.⁵⁵

⁵¹ "Statement of U.S. Attorney J. Howard McGrath," April 9, 1940, Edward J. Higgins Papers, Phillips Memorial Library, Providence College, Providence, RI (hereafter cited as Higgins Papers).

⁵² "Wire Tap Inquiry Given Approval," *Providence Journal*, March 1, 1940, 2.

⁵³ "Wiretapping: Statement of Theodore Francis Green on Introducing in the Senate a Resolution on Wiretapping," McGrath Papers; "Green Demands Wire-Tap Probe," *Providence Journal*, February 24, 1940, 6.

⁵⁴ *Ibid.*, 3.

⁵⁵ Vanderbilt later told Green's aide, Edward Higgins that he never intended to

Late in March McGrath and Whiting Willauer, Special Assistant to Federal Attorney General Robert Jackson, paid a special call on Governor William Vanderbilt to confront him with the evidence, namely, his personal \$6,900 payment to Bielaski's Seaboard Agency. The Senate hearing would later disclose that \$15,500 would be paid in total to the agency beginning on September 8, 1939, the last installment on November 25 according to McGrath's records.⁵⁶ The Governor justified his actions by pointing to the illegal election activities in Pawtucket and held that he was responsible for exposing the nature of the corruption. Vanderbilt assured McGrath and Willauer that although a detective agency was not his first alternative, "state law enforcement agencies" were not equipped to handle such widespread graft. Given a history of Bielaski's work in other states, he was satisfied and paid Bielaski accordingly, but assured McGrath that he did not specifically authorize wiretapping. According to the Governor, he was informed of the McCoy tap only upon conclusion of the investigation. He admittedly approved, but maintained that he never agreed to the eavesdropping on his attorney general.⁵⁷

McGrath's confrontation with the Governor was his last official duty concerning the wiretapping inquiry. On April 9, 1940, Attorney General Robert Jackson, who assumed control of the justice department in 1940, publicly stated that he was relieving the Rhode Island District Attorney from the case since intrastate wiretapping had not been prohibited at the time of the tapping in Rhode Island. Jackson stated that "I do not feel that the Department of Justice can in good conscience prosecute persons in Rhode Island..." for activities that were legal at the time.⁵⁸ McGrath thus submitted his final report a few days later to

challenge Green for U.S. Senate under any circumstances. Higgins Letter, Higgins Papers; Erwin L. Levine, *Theodore Francis Green: The Washington Years 1937-1942* (Providence, RI: Brown University Press, 1971), 106.

⁵⁶ "F.B. Bielaski Paid \$13,597 for Probe," *The Providence Journal*, May 23, 1940, 1.

⁵⁷ "Memo for Kemp, 29 March 1939," March 14, 1940, McGrath Papers.

⁵⁸ Despite Jackson's relief of McGrath, the latter challenged his department's position on wiretapping and vowed to alter the existing laws. Accordingly, Order No. 3343, issued by him on March 15, prohibited the use of wiretapping

Jackvony, who subsequently presented the information to the Grand Jury. Although disappointed, McGrath earned kudos from his party for his successful investigation.

By April 10, Governor Vanderbilt made his confession public, adding that wiretapping "has been a usual method of getting information and obtaining leads in investigations."⁵⁹ McGrath and his Democrat allies wasted no time in capitalizing on the Governor's complicity in the wiretapping incident. What ensued at that point was political volleying and finger pointing, resulting in Vanderbilt's political defeat in the November, 1940 election.

McGrath's effective sleuthing had discredited Vanderbilt even before the Senate hearing had commenced. According to McGrath, Vanderbilt violated a sacred trust to the citizens of Rhode Island by concealing the nature of his connection with Bielaski until McGrath and Willauer confronted him with the evidence.⁶⁰

The Governor, in turn, accused McGrath of whitewashing the election fraud case in Pawtucket in order to focus on the more politically volatile wiretapping case. He decried that "Mr. McGrath has turned to the political side of the picture," and has thus cheapened his august role as United States District Attorney. McGrath responded immediately to Vanderbilt's accusations by declaring that "...it was my duty as U.S. attorney to conduct the investigation [of wire tapping], that I sincerely tried to avoid any act that justly could be charged as politically inspired."⁶¹ McGrath further commented that Vanderbilt and his

by the Federal Bureau of Investigation. "Statement by U.S. Attorney J. Howard McGrath," April 9, 1940, McGrath Papers; "Memorandum to Judge Biddle, Acting Attorney General of a Conference Had at about 2:00 P.M.," March 27, 1940, McGrath Papers; "McGrath Drops Wire Tap Probe," *Providence Journal*, April 10, 1940, 11.

⁵⁹ "Vanderbilt Says He Paid," *Providence Evening Bulletin*, April 10, 1940, 1; "Goring Defends Probe Activities," May 29, 1940, 1.

⁶⁰ "Jackvony to Give Wiretap Records to Jurors," *Providence Journal*, April 12, 1940, 1.

⁶¹ "Prosecutor Notes Executive's Stand of Tap Plot Link," *Pawtucket Times*, April 11, 1940, 1.

executive secretary James Hart deliberately tried to misdirect his investigation by claiming that the Governor's two homes had been tapped. According to McGrath, "I feel that this request was a deliberate attempt to implant in my mind the impression that certainly the Governor knew nothing about wire tapping activities."⁶²

Although Vanderbilt justified the actions of Hart by declaring emphatically that he "heard peculiar sounds which the telephone company said sounded like a tap,"⁶³ the damage had already been done, and, for all intents and purposes, Vanderbilt's future in Rhode Island politics appeared bleak indeed. As Democrat candidate for Lieutenant Governor Louis Cappelli would wryly remark, the Governor "signed his own death warrant politically when he signed the checks paying off the wire tappers."⁶⁴

The Governor's troubles intensified in late May when the Senate Subcommittee, headed by Thomas Stewart of Tennessee began hearing testimony. Among the cast of characters, which included Jackvony, Vanderbilt, McGrath, and others, Mayor Thomas McCoy appeared with characteristic bravado and dramatically declared that the wire tappers had imposed a "Fifth Column" in Rhode Island. He further attempted to implicate Editor Sevellon Brown of the *Providence Journal* of instigating the Bielaski probe against him. McCoy had cause for concern, since Brown admitted under oath at the Senate hearings in June that he knew about the outside investigation in either October or November, 1939.

According to Brown's testimony, Vanderbilt approached him about financial assistance for the Bielaski probe. The governor further proposed that the investigation would "turn up information that would be valuable to the newspaper." Not convinced of the Governor's fiscal needs, Brown inferred to the Senate's Chief Counsel in June that the Governor's ulterior motive was to gain publicity for the Pawtucket probe, which he hoped would catapult him to victory for a second term. Brown subsequently refused Vanderbilt's request after consulting with

⁶² Ibid.

⁶³ "Governor Explains Wire Tapping Test," *Pawtucket Times*, April 11, 1940, 1.

⁶⁴ "McGrath Boasts of Party Record," *Providence Journal*, October 27, 1940.

the *Journal* publisher.⁶⁵

Despite his prior knowledge of the probe, however, Brown stated that "I have not...had any responsibility directly or indirectly for any wiretapping or for any investigation activities." He further charged that McCoy and "his political associates quite naturally endeavored to screen the investigation of their corruption under the news sensation of the tapping of the home wire of the Republican Attorney General." Appearing before the Senate subcommittee on June 6, he presented correspondence between him and F.B.I. Director J. Edgar Hoover, who had been making inquiries into Brown and the *Journal's* involvement in the case. As Brown explained to Hoover in February 1940, "a ring of political corruptionists has long controlled the cities of Pawtucket and Central Falls." Brown admitted that although he knew "sometime in October or November" about the Bielaski Agency's activities in Pawtucket, he was hardly the "ringleader" of the wiretapping scandal.⁶⁶

As a further nail in his political coffin, Vanderbilt was rebuked by McCoy in October 1940. The mayor, by radio broadcast, compared wiretapping in Rhode Island to "how General [Hermann] Goring [his misspelling here, an obvious reference to Special Assistant Matthew W. Goring] would march into a meeting with Hitler, and produce evidence from waxed records."⁶⁷

Unlike McGrath, who had support from Democrat powerbrokers such as Theodore Francis Green, Vanderbilt had alienated important members of his own party and prominent voices in the state including Brown, Chaffee, and most of all, Louis Jackvony. By leaving behind a trail of messy financial transactions, Vanderbilt eroded his political base for the 1940 election. The eavesdropping on his Attorney General, albeit unsuccessful, proved the most damaging to the Governor's reputation, and dashed all hope for a united coalition against McGrath in the November election. Instead of emerging as a leader of his party, he was

⁶⁵ U.S. Senate, "Testimony of Sevellon Brown," 337-339, McGrath Papers.

⁶⁶ "Journal Official Says Vanderbilt Sought His Aid," *Pawtucket Times*, April 6, 1940, 1; "Wire Tap Probe Indorsed at Democratic Convention," *Pawtucket Times*, May 24, 1940.

⁶⁷ "McCoy Upholds Civil Liberties," Radio Address, October 31, 1940, McGrath Papers.

viewed as an outsider who used his money and family name as a crutch. The Republican coalition, as a result, did not offer Vanderbilt a solid foundation to counterbalance the Democrats.⁶⁸

Ironically, Vanderbilt's employment of Bielaski's Seaboard Agency proved futile. According to the Grand Jury's final report, the evidence obtained from the agents specifically on election fraud "offered no information not previously in the possession of the Attorney General..." Further, the information on graft in Pawtucket and Central Falls, the jurists contended, "contains hearsay -- pure and unsubstantiated."⁶⁹ Concurrent evidence supplied by Bielaski to the Senate subcommittee indicated that the Jackvony tap was "dead as a doornail when [he] tested it," and could therefore provide the agency with no information.⁷⁰

The investigation of fraud and corruption proved to be a disappointment as well. While the grand jury returned seven counts against those in Central Falls, all indictments handed down in Pawtucket the previous February had to be thrown out on a technicality. The Rhode Island Supreme Court unanimously ruled on June 18, 1941, seventeen months after the initial charges were returned, that the original decision "violated the constitutional rights of the defendants to such an extent that the indictments should be dismissed." Among other "abuses," a clerk of the Providence Superior Court chose eleven of the twenty-two members of the Grand Jury, thereby violating the Jury Commissioner Act, passed on May 9, 1939 and signed by Vanderbilt, which stipulated that only the Commissioner would be authorized to select members of the grand jury.⁷¹

Even so, the Public Laws of Rhode Island were amended to rectify some of the inequities uncovered by the grand jury and the Chaffee

⁶⁸ "Memo for Kemp, 29 March 1940," March 14, 1940, McGrath Papers.

⁶⁹ "Final Report and Recommendations of the September 1939 Grand Jury," McGrath Papers.

⁷⁰ "Detective Says Jackvony Tap Never Used," *Woonsocket Call*, May 23, 1940; U.S. Senate, "Testimony of Frank B. Bielaski,," May 23, 1940, 144.

⁷¹ "Pawtucket Election Fraud Indictments Ruled Invalid," *Providence Journal*, June 19, 1941, 1,7; "Text of R.I. Supreme Court's Decision in Pawtucket Vote Fraud Conspiracy Cases," *Providence Journal*, June 19, 1941, 6.

probe. For example, a Board of Elections now ensured that citizens would be protected by guaranteeing secret balloting and providing for "protective counters" that would accurately record the number of people voting. An additional caveat explicitly stated that no person(s) would be allowed more than one vote.⁷² Hence, although Vanderbilt was discredited, the work done at his behest achieved some notable inroads.

Thus, on August 24, 1940, James Howard McGrath, thirty-seven-years-old, embarked on his campaign for state office. In the end, McGrath won the 1940 election handily, garnering 177,161 votes over Vanderbilt's 139,820. The Democrats carried the day in November, capturing 59 seats in the lower house to the Republican's 41.⁷³ Although the wiretapping incident strongly impacted Vanderbilt's defeat, the Governor's earlier alienation of his party, his *laissez-faire* method of investigating, and his insistence that political disagreements could be solved by his signature on a check, contributed to his undoing. Had he researched Bielaski's methods of investigation more thoroughly and taken a more active role, perhaps the tables would have turned on the Democrats. By the time he was exposed, his explanation appeared paltry, given the enormity of the evidence against him. In a letter Vanderbilt wrote to Green's executive secretary Eddie Higgins nearly thirty years later, the former governor alleged that in "about ten more days we would have had it well tied up," and both Democrat and Republican would have been implicated in election fraud, thus fulfilling Vanderbilt's laudable mission.⁷⁴

As an interesting aside, one month after McGrath was sworn in as Governor of the State of Rhode Island, Lee Edward Barton, mysterious operative for Frank Bielaski's Seaboard Agency, suddenly reappeared. For fourteen months, Barton had successfully eluded the Pawtucket and Providence police, the Senate subcommittee, the F.B.I., and J. Howard McGrath. Now, Barton appeared willingly before a special session of

⁷² Office of the Secretary of State. *Public Laws of the State of Rhode Island and Providence Plantations, 1939-1940* (Providence: Oxford Press, 1940).

⁷³ *Journal Bulletin Almanac*, 1942, 229-238.

⁷⁴ Hasenfus, "Vanderbilt," 816; "Letter from Governor Vanderbilt to Higgins," November 18, 1978, Higgins Papers.

the Senate subcommittee.⁷⁵ Barton had conferred with Senator Green before taking the stand and informed the committee that Bielaski had paid Barton \$600 for expenses since November 27, 1939, despite Bielaski's testimony to the contrary.⁷⁶ A year earlier, this story would have been front-page news, but now the public tired of the case. Since New York courts had failed to implicate Bielaski for conspiracy, Providence officials believed that they could not, in good conscience, hold his operative, Barton. With a new governor at the helm, more pressing international problems took precedent.

Nevertheless, Rhode Island officials stood at the vanguard of state and national legislation on wiretapping. National attention was drawn to the widespread application of electronic surveillance after Green's calling for a Senate probe. Concurrent legislation was subsequently passed that narrowly defined the possible use and abuse of electronic surveillance. According to House Bill #2266, wiretapping would be authorized in cases of "sabotage, treason, seditious conspiracy," thereby overruling Section #605 that prohibited such practices. President Franklin Delano Roosevelt, in a letter to Representative Thomas H. Eliot of Massachusetts, a member of the Committee on the Judiciary, averred that although "citizens of a democracy" must be "protected in their rights of privacy," he underscored the right of the federal government to employ this method against persons who "today are engaged in espionage or sabotage against the United States."⁷⁷ Over fifteen years later in 1956, Title XI, Chapter 35, Section 12 of the General Laws of Rhode Island officially declared that wiretapping was a felony which carried a punishment of up to five years in prison. Other states such as Massachusetts, also barred the use of electronic devices unless approved by the Attorney General.⁷⁸

⁷⁵ "Barton Testifies in Wire Tapping," *Providence Journal*, February 15, 1941, 5.

⁷⁶ *Ibid.*

⁷⁷ "Letter from President Roosevelt to Hon. Thomas H. Eliot, M.C." in *Hearings before Subcommittee, No.1 of the Committee on the Judiciary House of Representatives Seventy-Seventh Congress First Session: HR. 2266 and HR. 3099*, 257, McGrath Collection.

⁷⁸ DiNunzio, *Wiretapping*, RI Const. Conv, 4.

As this chapter of his politically eventful life ended, J. Howard McGrath was to embark upon four successful years as Governor of the State of Rhode Island. In the public eye, he was viewed as a diligent and objective civil servant who had brought to light the corruption in the Vanderbilt administration. In reality, however, he had been instrumental in sweeping under the rug the graft that existed in Pawtucket. In the final analysis, his political ambition far outweighed his contribution to good government.