

**Sound Evidence: An Archaeology of Audio Recording and Surveillance in Popular
Film and Media**

by

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For My Parents

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ABSTRACT

“Sound Evidence” traces the historical appropriation of sound recording technologies in the United States for purposes of surveillance and social control from 1910-1975. While the idea of the disembodied voice as a marker of identity was a subject of philosophical and narrative interest before the late nineteenth century, the advent of technologies that could record voices reenergized cultural investment in this relationship. As both real and fictional detectives mobilized "records" of ostensibly guilty voices as evidence, legal and social institutions employed sound technologies to monitor citizens and construct individual bodies as criminal, immoral, or dissident. Moreover, American crime films and television series during this period became spaces for transmitting knowledge and shaping public understanding of the materiality and social function of emerging sound surveillance technologies.

I excavate this often-overlooked history of sound recording media by putting the methodologies of media archaeology into conversation with film studies. I examine three cultural moments when sound surveillance became a major topic of public and cultural interest, and I argue that crime cinema and television must be understood as constituent parts of the technological history of audio surveillance. “Sound Evidence” begins in 1907 with the invention of the detective dictograph. By examining how visual and narrative culture mediated the dictograph in the 1910s, I make a case for the historical significance of popular mediations of technology and argue that technology can only be understood as existing between the material and the imaginary. The remaining chapters explore cultural anxieties around the governmental and domestic use of sound recording media during World War II and the early Cold War period;

the unencumbered use of miniature bugging devices in the 1960s; and the revelation of Richard Nixon's system of self-surveillance during the Watergate hearings. Drawing from primary and secondary sources that include newspapers, trade magazines, popular science magazines, technical journals, court transcripts, policing manuals, and film production documents, "Sound Evidence" positions key texts within their specific historical and technological moments. In doing so, it makes a case for the centrality of cinema and television to understanding the cultural processes through which sound media became surveillance media.

INTRODUCTION

The Topic Of Audio Surveillance

“Numerous mechanical devices threaten to make good the prediction that ‘what is whispered in the closet shall be proclaimed from the house-tops.’”

— Samuel Warren and Louis Brandeis, in reference to photography and newspaper publishing, 1890¹

In July 1914, the future head of the Bureau of Investigation (BOI), William J. Burns, justified his recent interest in the film industry by claiming that cinema could make visible the supposed infallibility of the modern detective.² Believing cinema to be a more powerful educational medium than radio or literature, Burns, popularly hailed as “America’s Sherlock Holmes,” turned to the movies in order to demonstrate and promote new scientific tools at the detective’s disposal, which included the sound surveillance technology for which he became most famous: the detective dictograph.³ This “electronic eavesdropper” played a prominent role in a number of detective films and catalyzed debate in the popular press around the moral, legal, and technical implications of using sound-based technologies in detective and police work. Indeed, the idea of the surreptitious and unauthorized capture of the human voice provoked fascination and fear from the general public. As detectives began mobilizing "records" of

¹ Samuel D. Warren and Louis D. Brandeis, “The Right to Privacy,” *Harvard Law Review* vol. 4 no 5. (December 1890): 193-220.

² William. J. Burns, “Letter to *Movie Pictorial*,” *The Movie Pictorial*, July 4, 1914, 8. After a series of name changes, the BOI would finally become the Federal Bureau of Investigation in 1935.

³ Despite Burns’ nickname, his own methods of detection were grounded much more in technology than reason or deductive logic. For his part, Burns often renounced the romantic notion of the detective as embodied by Holmes.

ostensibly guilty voices as evidence, sound technologies became media through which legal institutions could construct and identify bodies as criminal.⁴

“The realm of the dead,” Friedrich Kittler remarks, “is as extensive as the storage and transmission capabilities of a given culture.”⁵ The same could be said for the realm of the guilty. The idea of the disembodied voice as an evidential marker of identity was a subject of philosophical and narrative interest long before the twentieth century, but the advent of technologies that could inscribe and store human voices as discrete data reenergized cultural interest in this relationship.⁶ Eavesdropping on a voice unmoored from its speaker had always been possible, but sound recording technologies gave a new body to the once-ephemeral voice, making it replayable, reproducible, and useable. By the 1910s, the cinematic detective genre emerged in the U.S. as a popular site where the possibilities of sound recording in police work, as well as accompanying anxieties, were imagined, articulated, and negotiated. This interest did not end with Burns in the 1910s, and a recurring narrative preoccupation with the relationship between sound recording technologies and surveillance marked cycles of crime films and television shows throughout the twentieth century, though these mediations of the technology did not always come with Burns’ didactic intent, institutional support, or trust in the reliability of the technologically mediated voice.

⁴ As I will demonstrate in chapter two, the meaning of ‘record’ during the 1910s fluctuated wildly, and there was often confusion over whether the evidential record referred to a recording or to a written transcript.

⁵ Friedrich Kittler, *Gramophone, Film, Typewriter*, trans. Geoffrey Winthrop Young and Michael Wutz (Stanford: Stanford University Press, 1999), 13

⁶ For accounts of the interest in the relationship between the disembodied voice and individual identity, see, for example, Steven Connor, *Dumbstruck: A Cultural History of Ventriloquism* (Oxford: Oxford University Press, 2000); John Durham Peters, *Speaking Into the Air: A History of the Idea of Communication* (Chicago: The University of Chicago Press, 1999); Mladen Dolar, *A Voice and Nothing More* (Cambridge: The MIT Press, 2006); Jeffrey Sconce, *Haunted Media*: Durham: Duke UP, 2000). Sconce and Connor both trace this interest back to ancient oracles.

Perhaps the most well known of such films, Francis Ford Coppola's *The Conversation* (1974), re-emerged as a topic of popular interest in 2013 in light of Edward Snowden's leak of top-secret intelligence documents exposing widespread National Security Agency (NSA) phone-monitoring and data-mining practices. Faced with communicating abstract, seemingly omniscient surveillance technologies to the general public, many news outlets turned to the past in order to frame the present. They casually invoked the 1970s, reified in the form of the Watergate scandal, as cultural shorthand for the concept of the surveillance state and to remind readers that, as Michael Ames put it, "we've been here before."⁷ *The Conversation*, moreover, became a recommended cultural text, a lens through which to comprehend the dangers of surveillance in the present. Journalist Robert Bright, for example, read Edward Snowden through the film's protagonist, Harry Caul, and *The Atlantic*'s Alexander Huls claimed that *The Conversation* "should be required viewing at the NSA."⁸

These notions that our technological past can help us frame our understanding of the surveillance technologies of the present and that narrative media can offer insight into this past are foundational premises of this dissertation. In particular, it examines the appropriation of everyday sound recording technologies for purposes of surveillance from 1910 to 1975. I argue that analysis of narrative media serves not only as a strategy through which to access the history of sound surveillance, but that these media texts themselves must be understood as constituent

⁷ Michael Ames, "On the NSA's That 70s Show Rerun," *Harper's*, June 21, 2013, <http://harpers.org/blog/2013/06/on-the-nas-rerun-of-that-70s-show/>. See also Ken Dilanian, "NSA Having Flashbacks to Watergate Era," *Los Angeles Times*, August 24, 2013, <http://articles.latimes.com/2013/aug/24/nation/la-na-nsa-spying-20130824>.

⁸ Robert Bright, "Snowden-der," *The Quietus*, April 11, 2015, <http://thequietus.com/articles/17623-the-conversation-article>; Alexander Huls, "Why *The Conversation* Should Be Required Viewing at the NSA," *The Atlantic*, April 7, 2014, <http://www.theatlantic.com/entertainment/archive/2014/04/why-em-the-conversation-em-should-be-required-viewing-at-the-nsa/360213/>. See also, Maria Bustillos, "Our Reflection in the N.S.A.'s Prism," *The New Yorker*, June 7, 2013, <http://www.newyorker.com/tech/elements/our-reflection-in-the-n-s-a-s-prism>. The 40th anniversary of *The Conversation*'s release only a year after the Snowden leaks certainly facilitated its return to the cultural imaginary

parts of this technological history. Since 1913, when Burns wrote and starred in the Kalem Company's *The Exposure of the Land Swindlers*, American police and government agencies have taken an active interest in using motion pictures to promote and justify their eavesdropping practices. In turn, moving-image media quickly became key sites through which the ethical, legal, and technological stakes of using the recorded human voice as evidentiary information were debated and determined. Ending where many contemporary accounts of surveillance and cinema begin, with the Watergate scandal and *The Conversation*, "Sound Evidence" excavates the broader history of films and television shows that played a central role in transmitting knowledge and shaping public understandings of the materiality and social function of sound surveillance technologies in their specific historical moments.

I organize my research around two interrelated questions: How have American cinema and television mediated the relationship between sound recording and surveillance historically? And how do these mediations intersect with recurring debates around sound recording and surveillance more generally in the U.S.?⁹ In order to address these questions, I draw from an archive of primary and secondary sources that include newspaper and trade press articles, popular science magazines, technical journals, court documents, policing and detective manuals, production documents, film scripts, and, of course, the films and television shows themselves. I examine three cycles of crime films from 1910-1975, but because the precise form and content of the crime film are historically inconsistent, I do not limit my choice of objects to narrowly defined generic parameters. Instead, I examine a range of films — from detective films and

⁹ I privilege the term 'mediation' over 'representation.' Where representation can imply a one to one transfer between reality and the screen, mediation acknowledges that representation is a process and, as such, better takes into account how cinematic conventions play an active role in how technology is portrayed and imagined visually and aurally. See William Mazarella, "Culture, Globalization, Mediation," *Annual Review of Anthropology* 33 (2004): 345-67.

crime melodramas to police procedurals and thrillers — that employ recording media (or, in some cases, the illusion of recording media) for the purposes of social control or as a means of resisting social control. These are not always films "about" surveillance, *per se*, but they all serve as entry points into thinking about the relationship between sound recording technology and surveillance in their specific contexts, and they serve as reminders of the historical and material contingency of surveillance practices.

Throughout this dissertation, criminality, detection, and surveillance become analytic strategies through which I examine technology and the cultural meaning of the surreptitiously recorded voice. While this choice may seem limiting, especially at the expense of science fiction or fantastical spy films that also engage imaginatively with technology, my real interest in my textual objects is that they exist within the realm of ostensible technological realism. They still play out media fantasies, but they do so under the guise of the actual affordances of everyday technologies and are promoted and received as such.¹⁰ This choice, I argue, grounds my analysis historically and prevents it from treating “surveillance” as an ahistorical concept unmoored from the social, legal, ideological, and material practices that make surveillance possible and meaningful at different historical moments. At the same time, it allows me to engage explicitly with the productive tensions between the real and the imaginary and the ways in which institutions of social control have historically presented imaginary technologies as realistic in order to help justify or promote their tactics.

¹⁰ Throughout this dissertation, I treat realism not as something intrinsic to the text but rather as a product of its production, promotion and reception (which can, of course, include elements of film form). In other words, I do not claim that the films and television shows mediated their technologies in realistic ways. Instead, I am interested more in stated attempts to mediate technology “realistically” or in films and shows whose mediations were promoted or received as realistic. Indeed, the ongoing tension between on-screen technological realism and the actual material affordances of the technologies makes up one of the key threads of this dissertation.

“Anything You Say Can and Will Be Used Against You”: The Recorded Voice In Cinema

The technologies and techniques of sound surveillance are greatly overlooked in both sound studies and surveillance studies, often serving as footnotes to more conventional histories. The history of audio surveillance is overshadowed, on the one hand, by an emphasis on histories of sound recordings in domestic and industrial spheres and, on the other, by histories of visual or computerized surveillance that ignore the fact that developments in audio surveillance made headlines and spurred public anxiety before the development of miniaturized cameras or data-mining software. This scholarly gap is especially curious considering the intimate connection between the language of surveillance and the idea of sound recording. In his famous 1878 essay in *The North American Review*, “The Phonograph and its Future,” Thomas Edison describes the phonograph’s “foundation principle” as “the gathering up and retaining of sounds hitherto fugitive, and reproducing them at will.”¹¹ Elaborating further, Edison notes that “the captivation” and reproduction of sound can occur “with or without the knowledge or consent of the source of their origins.”¹² While Edison certainly did not cite the use of phonography or phonographic principles for the purposes of policing (or crime) as one of the phonograph’s intended use — Edison saw the phonograph as primarily a machine for business and language education — his language acknowledged that his device, and the idea of sound recording machines in general, did afford these possibilities. Despite the phonograph’s material limitations that prevented it from being an effective device of surreptitious recording, the idea that it *might* be able to take on these abilities circulated culturally from the device’s inception. As Josh Lauer notes, fictional stories and ostensibly factual news reports circulated in the late nineteenth century describing

¹¹ Thomas Edison, “The Phonograph and Its Future,” *The North American Review* 126 (May 1878), 527.

¹² *Ibid.*, 530.

phonographs that captured the voices of lying or disloyal husbands, and journalists worried that the device could be used for criminal ends.¹³ Although the *Los Angeles Times*' prediction in 1900 that phonographs "might play an important role in divorce cases" never quite came true, a phonograph did play the role of "good detective" in a 1908 case in Pittsburgh where secretly recorded voices served as evidence in an assault and battery case.¹⁴

As I argue throughout this dissertation, the evidential status of the recorded voice was tied to the different technologies that purported to capture it. While faith that a voice recording could serve as evidence was a recurring, though not unchallenged, theme throughout the twentieth century, the question of what the recorded voice served as evidence *of* was not, and is not, a straightforward matter. The meaning of the recorded voice depends not only on the tools used to create the record but also on the possessor of the recording and the terms of its reception. A single recording, in other words, can function as evidence of guilt, innocence, criminal complicity, ideological leanings, or authorial control depending on the contexts in which it was produced and reproduced.¹⁵ Complicating matters further, the technologically recorded voice proves to be at once informationally excessive and insufficient. As many of my historical examples will illustrate, recordings often say too much. Not only can voices ramble and refuse to get to the point, requiring numerous hours of replay to uncover the valuable or desired

¹³ Josh Lauer, "Surveillance History and the History of New Media: An Evidential Paradigm," *New Media & Society* 14.4 (2011), 574-5; The phonograph is put to similar use in Arthur Conan Doyle's 1891 story, "The Voice of Science." See Anonymous [Arthur Conan Doyle], "The Voice of Science," *Strand Magazine* 1 (1891), 312-17.

¹⁴ "Machine Evidence," *The Los Angeles Times*, March 6, 1900, 17; "Phonograph Good Detective," *Los Angeles Times*, December 15, 1908, 14.

¹⁵ Because of my emphasis on surveillance, detection, and policing, I am primarily interested in how the recorded voice comes to serve as evidence of guilt. Faith in the evidentiary status of the voice far exceeded the milieu of crime, however, as illustrated by the centrality of sound recording technologies to the histories of, for instance, ethnography and documentary filmmaking. See Brian Hochman, *Savage Preservation: The Ethnographic Origins of Modern Media Technology* (Minneapolis: University of Minnesota Press, 2014); Michael Renov, ed. *Theorizing Documentary* (New York: Routledge, 1993).

information buried within the recording, but the voices of innocent bystanders can easily get caught in the recording, rendering the recording even more morally, if not legally, questionable. Moreover, as Dörte Zbikowski observes, listeners must "filter the relevant information out of the jumble of ambient noise" that recordings also pick up and that threaten to drown out the desired words.¹⁶ Just as often, the recordings say too little, with voices being unintelligible or unidentifiable (often due to the recording machine's inability to capture important non-linguistic vocal information such as tone or timbre) and with speakers, aware of the possibility of surveillance, disguising their voices or speaking in coded language.

These complex sets of social and technological relations are perhaps most apparent when surveillance technologies enter the space of cinematic and televisual narratives. Embedded within narrative, recordings are exposed as social objects that move continually between different interpretive, evidentiary, and cultural paradigms. Moreover, in having to depict audio-based processes visually, film and television narratives work to destabilize and denaturalize the methods and techniques of sound surveillance. The process of translation that must occur as technologies of the voice are rendered visual helps uncover what Amy Lawrence calls "the ideology of sound recording" that serves to "hide the effects of the apparatus on the sound being recorded."¹⁷ The evidentiary status of the recorded voice is not natural, and truth is not an effect of recording. By imagining technology outside of the vacuum of its material base, narratives help unpack the power relations that accompany historical instances of the production and

¹⁶ Dörte Zbikowski, "The Listening Ear: Phenomena of Acoustic Surveillance," in *CTRL [SPACE]: Rhetorics of Surveillance from Bentham to Big Brother*, ed. Thomas Y. Levin, Ursula Frohne, and Peter Weibel (Cambridge: The MIT Press, 2002), 34 (Bibliography 33-49). Zbikowski notes that the strategic use of ambient noise has historically been used as a method of disrupting acoustic surveillance.

¹⁷ Amy Lawrence, *Echo and Narcissus: Women's Voices in Classical Hollywood Cinema* (Berkeley: University of California Press, 1991), 29.

reception of the recorded voice as recording became complicit in very real projects of social control.

The technological capture of the human voice (especially in matters of surveillance) is a necessarily political process that reveals the materiality of surveillance and its accompanying power relations. Through their own examinations of the voice in cinema, scholars like Lawrence, Kaja Silverman, and Michel Chion have demonstrated that control over the speaking voice carries with it authorial power.¹⁸ As Chion's concept of the *acousmètre* — the off-screen voice without an identifiable source — illustrates, when free-floating and detached from any physical body, the voice seems to acquire powers of omniscience and omnipresence.¹⁹ Once put "on the record," however, the power relations shift from the invisible speaker to the record keeper. The desire to locate the sound-producing body is, in other words, much more than a theoretical construct or a cinematic trope. Rather, it is the central concern of audio surveillance. Only when the overheard or mechanically recorded voice is reconnected with the speaking body does the eavesdropping apparatus gain its social power. Mediations of sound surveillance in visual media serve as constant reminders of the inalienable, though often disavowed, connection between voice and body. The paradox of the voice, Steven Connor notes, is that it is an "identifying attribute" that does not belong to the body but that is rather produced by it.²⁰ Indeed, the history of cinema recalls this paradox whenever the camera lingers on an audio device playing back the recorded voice as though the machine stands in for the human body.

¹⁸ Lawrence, *Echo and Narcissus*; Silverman, *Acoustic Mirror*. Lawrence and Silverman argue that the female voice, in particular, is often under the threat of being co-opted or controlled by patriarchal powers. This topic will be discussed in more detail in chapter five.

¹⁹ Michel Chion, *The Voice in Cinema*, trans. Claudia Gorbman (New York: Columbia University Press, 1999), 21-27. The invisibility of the speaker is, for Chion, what grants the classic "voice of God" narrator his (and this voice is most often gendered male) authority over the image track.

²⁰ Connor, *Dumbstruck*, 3.

Even still, as Roland Barthes' theorization of "the grain of the voice" reminds us, the voice is always embodied and carries with it markers of the human body that ask us to think of the voice as more than its words or linguistic "content"²¹ As the famous image of Nipper the RCA dog listening to "His Master's Voice" on the phonograph makes clear, the presence of a voice implies the presence of an (absent) body.²² The histories and media objects that make up this dissertation insist that surveillance, no matter how abstract its material or technological operations, always longs for the return of the body and is always concerned with making a specific body visible and traceable. The concept of audio surveillance, which at first seems like an oxymoron that confuses acoustic and visual registers, in fact illustrates how sound-based and image-based surveillance are two sides of the same coin. I do not, in other words, suggest replacing the enduring image of the Panopticon with a substitute apparatus that might be called a Panacousticon. Instead, as the films and television shows I analyze help make clear, sound and sight work together in a mutually reinforcing manner in order to identify bodies and frame them as criminal, guilty, or otherwise aberrant. This, ultimately, is the labor of surveillance.

Machines That Remember and Tell Tales

While the temporal scope of my project appears broad, I make specific and strategic interventions into the historical understanding of audio technologies at key historical moments. I

²¹ Roland Barthes' famous theorization was an attempt to account for the bodily, non-linguistic information intrinsic to the human voice. The fallacy that the human voice can be reduced to the words it produces, as I will illustrate, haunts the history of recording media. See Roland Barthes, "The Grain of the Voice," in *Image, Music, Text* trans. Stephen Heath (New York: Noonday Press, 1977), 179-89.

²² A comprehensive overview of the varied theories and histories of the human voice is outside the scope of this dissertation. For accounts of the academic and popular interest in the relationship between voice and body, see Steven Connor, *Dumbstruck*; John Durham Peters, *Speaking Into the Air*; Dolar, *A Voice and Nothing More*; Don Ihde, *Listening and Voice: Phenomenologies of Sound, 2nd Ed.* (New York: State University of New York Press, 2007); Jonathan Sterne, *The Audible Past: Cultural Origins of Sound Reproduction* (Durham: Duke University Press, 2000).

resist a genealogical approach to history and instead provide snapshots of sound recording technologies within specific periods in order to tease out the conditions that made certain technological understandings possible and accessible at certain moments in time. I acknowledge that each period could constitute a long form project of its own, but what the dissertation may seem to lack in historical depth is, I hope, compensated by the theoretical and methodological underpinnings of this broader approach. Looking at a single period threatens to remove that period from time and to treat it as unique or distinct. My project, on the other hand, is interested in resonances and ruptures of the past over time. In this way, my dissertation is fundamentally engaged with the methodologies of media archaeology; it looks to the past while remaining firmly grounded in the inescapable questions and concerns of the present.

Media archaeology, broadly defined, exhibits a "discontent with 'canonized' narratives of media culture and history" as well as a commitment to an expanded understanding of the archive that emphasizes "both the discursive and the material manifestations of culture."²³ In particular, I align my work with what Jussi Parikka and Erkki Huhtamo call the "socially and culturally oriented Anglo-American" approach as opposed to the "techno-hardware approach" most often exemplified by German media theorists or by the recent turn to "hardware" or "platform" studies in American media studies.²⁴ With its interest in the everyday discursive nature of technology

²³ Erkki Huhtamo and Jussi Parikka, "Introduction," in *Media Archaeology: Approaches, Applications, and Implications*, ed. Erkki Huhtamo and Jussi Parikka (Berkeley: University of California Press, 2011) 3. According to Geert Lovink, this also involves the rejection of narrative explanations. Not only do I think that a non-narrative history is unproductive if not impossible, but further evidence suggests that Lovink is really only being critical of reductive teleologies and chronologies and not rhetorical tropes in general. See Geert Lovink, *My First Recession: Critical Internet Cultures in Transition* (Rotterdam: Nai Publishers, 2004).

²⁴ Huhtamo and Parikka, "Introduction," 8. Wolfgang Ernst perhaps most prominently exemplifies this "techno-hardware" approach. Ernst's approach is self-consciously anti-narrative and largely apolitical, paying more attention to the logics, materialities, and temporalities of the machine than to the conditions of its production. See Wolfgang Ernst, *Digital Memory and the Archive*, ed. Jussi Parikka (Minneapolis: University of Minnesota Press, 2013). While this branch of media archaeology is often traced back to the work of Friedrich Kittler. This reading of Kittler's work, however, disavows that he was, at heart, a literary critic and ignores his ability to make connections between technical and socio-cultural apparatuses.

and its use, my project opposes the anti-humanist tendency of the more materially-minded branches of media archaeology to replace people with engineering principles in histories of technology. Not only does considering technology solely from the point of its materiality disavow (and thus replicate) the hierarchies of knowledge and expertise implicit in its production, but these approaches tend to remove technology from history and examine it in a vacuum that ignores the *actual* material situation of the machine that involves its contexts of production, distribution, and reception. As Lisa Nakamura argues, “it is not possible to attend seriously to the ‘hardcore’ physicality of machines without attending to the specific conditions of its production, and the bodies that make this technology are part of the production process.”²⁵ To this I would add that any analysis of materiality must also acknowledge the world in which material objects are articulated and in which their potential uses are imagined or enacted.²⁶

Wolfgang Ernst argues that, “in order to thoroughly analyze technological settings, it is vital to suspend the discourses that envelop them and mold their meanings for a heuristic moment,” but I wonder whether this separation, if it is even possible, is productive. I do not deny that thinking about media materially is important and that replacing the study of materiality with the study of discourse threatens to lose the technology to what Grant Wythoff calls “a disperse and apparently transhistorical folkloric tradition.”²⁷ Indeed, one of the primary advantages of media archaeology as a method is that it analyzes media objects in their material and historical specificity and, as such, prevents technology from lapsing into metaphor. Nonetheless, I insist on considering materiality within its specific cultural, social, and discursive contexts. For this

²⁵ Lisa Nakamura, “‘I WILL DO EVERYthing That Am Asked’: Scambaiting, Digital Show-Space, and the Racial Violence of Social Media,” *Journal of Visual Culture* vol. 13 no. 3 (December 2014), 272 (257-274)

²⁶ While this position may seem to align my work with theories of the social construction of technology, I use Ian Hutchby’s concept of “technological affordances” to refer to the possible uses to which a technology can be put given its material base. Hutchby, drawing from the work of psychologist J.J. Gibson, takes the position that technologies are defined by their communicative affordances as a way to negotiate between technological determinism and social constructivism. See Ian Hutchby, *Conversation and Technology* (Cambridge: Polity Press, 2001).

²⁷ Grant Wythoff, “Pocket Wireless and the Shape of Media to Come, 1899-1922” *Grey Room* 51 (Spring 2013), 42.

reason, I follow scholars like Huhtamo and Eric Kluitenberg, who emphasize the importance of examining both purely imaginary media (media that only exist as fiction or that never made it through the production process) as well as the imagined, discursive side of realized media technologies in order to trace how media are at once material and discursive.²⁸ Not only does this approach enable me to privilege the meaningfulness and historical legitimacy of vernacular articulations of how technologies function, but it also allows me to sidestep charges of technological determinism that often accompany more materialist approaches. While it is certainly true that the material nature of a specific technology can determine the range of a technology's affordances, I employ the methodologies of film studies to argue that the full cultural meaning of a particular technology or its affordance can only emerge once it is imagined or put to use. Indeed, it is a central premise of this dissertation that technology exists in the gap between the material and the imagined. The everyday habits and ideas that coalesce around a technology are not simply additive; they are themselves technologies that lay the groundwork for what an object "is" at a given moment in time. Physical objects live imaginary lives that have real material consequences.

Huhtamo's "topos study" approach to media history is especially useful for negotiating between the material and the imagined.²⁹ In many ways, Huhtamo's method is similar to Rick Altman's concept of crisis historiography. Starting with the premise that the definitions,

²⁸ See Eric Kluitenberg, "On the Archaeology of Imaginary Media," in *Media Archaeology: Approaches, Applications, and Implications*, 48-69. My approach to media archaeology is also influenced by the work of Carolyn Marvin and Jeffrey Sconce. Marvin and Sconce do not refer explicitly to their work as media archaeology, but their studies have been understood as laying the foundation for the Anglo-American approach to media archaeology. See Carolyn Marvin, *When Old Technologies Were New: Thinking About Electric Communication in the Late Nineteenth Century* (New York: Oxford University Press, 1988); Jeffrey Sconce, *Haunted Media*.

²⁹ For a thorough discussion of this method, see Erkki Huhtamo, *Illusions in Motion: Media Archaeology of the Moving Panorama and Related Spectacles* (Cambridge: The MIT Press, 2013); "From Kaleidoscomaniac to Cybernerd," *Leonardo* vol. 30 no.3 (1997), 221-224; "Dismantling the Fairy Engine: Media Archaeology as Topos Study" in *Media Archaeology: Approaches, Applications, and Implications*, 27-47.

meanings, and uses associated with technologies are always socially and historically contingent, Altman argues that proper technological historiography involves examining emerging technology in relation to preexisting technological norms and structures as well as an increased focus on the always-ongoing jurisdictional struggles over technology's identity and how the technology should be sold, exploited, and used.³⁰ Huhtamo's method retains many of the insights of crisis historiography, but is more flexible in dealing with change *and* continuity over a large period of time. Huhtamo rejects a linear, chronological understanding of history. Instead, he argues that it is productive to analyze media history in terms of the *topoi*, or cyclical cultural motifs, that recur in relation to certain media over time for varying purposes. These *topoi* can emerge as the function and meaning of media technologies are negotiated, and they can they can also be “consciously activated, and ideologically and commercially exploited” in different historical moments.³¹ Indeed, although these *topoi* may initially seem to transcend specific historical contexts, different articulations of *topoi* are always culturally and historically specific. They always speak to the particular fantasies and anxieties that permeate popular understandings of media — all of which can have very real material effects (in terms of technological development, the institutional use of technology, policy decisions, etc). The goal of the media archaeologist, according to Huhtamo, is to “unearth traces of lost media-cultural phenomena and agendas” across history and to excavate and explain the values, desires, and transformations implicit in recurring technological imaginings and materialities.³²

Drawing from Huhtamo's historiographical methods, my dissertation investigates the recurring motif of sound recording technologies as eavesdroppers and snitches, devices capable

³⁰ Rick Altman, *Silent Film Sound* (New York: Columbia University Press, 2004), 20.

³¹ Huhtamo, “From Kaleidoscomaniac,” 222.

³² Huhtamo, “Dismantling the Fairy Engine,” 28.

of covertly recording the human voice only to have it ‘speak back’ at inopportune times to reveal information or admit guilt. Intimately connected to this cultural topos is, of course, the enduring image of the “walls that have ears.” As Zbikowski's history of acoustic surveillance argues, anxieties around eavesdropping systems date back to at least as early as 3000-2500 B.C. with the construction of "communication orifices" in temples.³³ The idiom even took architectural form in, for instance, Athanasius Kircher's speculative design (circa 1650) of "spy-ears" installed in palace walls or in more recent art exhibitions such as Bogomir Ecker's 1984 installation of an ear on a wall of a house in Munich.³⁴ While this trope has become perhaps the most well-known cultural articulation of anxieties around eavesdropping, it cannot stand in for or be collapsed with the trope of the machine that remembers and speaks back, as it does not account for the centrality of recording to the history of modern audio surveillance where stored voices are mobilized as evidence. The spy or spurned lover wishing to access private secrets needs only to overhear, but the detective wanting to mobilize an overheard confession in a court of law (where legal) must record.

Media Archaeology and the Ends of Textual Analysis

This dissertation puts media archaeology into conversation with film studies and argues for cinema, and narrative media more broadly, as a central archaeological site. This might seem at

³³ Throughout this dissertation, I use the phrases “sound surveillance” and “audio surveillance” rather than Zbikowski’s term of “acoustic surveillance” since the latter term implies surveillance via technologies that operate outside the realm of human hearing, such as sonar. While there are shared histories between voice recording and the broader field of signals intelligence, my focus is primarily on the recording of sounds that can be heard. For more on different types of acoustic surveillance, see J. K. Petersen, *Handbook of Surveillance Technologies, 3rd Ed.* (Boca Raton: CRC Press, 2012).

³⁴ Zbikowski, “The Listening Ear,” 39-47. The origin of the idiom itself is unclear, though the Oxford English Dictionary dates it to at least 1592. Moreover, as Zbikowski illustrates, the saying itself is cross-cultural and appears in many cultural contexts. This, however, does not mean that we should examine anxieties around eavesdropping as transhistorical and transcultural myth. As I argue throughout this dissertation, recurring tropes must still be examined in the specific contexts in which they appear.

first to be an unusual and unnecessary proposition, as the history of media archaeology as a method is intimately linked to film studies. Thomas Elsaesser, for instance, has described the New Film History that emerged in the 1970s and 1980s (and that continues into the present) as a form of media archaeology. These excavations into early cinema took seriously the notion of the “pre-cinematic” and uncovered a multiplicity of possible cinematic futures. They explored the historical contingency of cinema as a technology and cultural practice and disrupted preexisting historical narratives that upheld the hegemony of classical cinema and that treated cinematic spectatorship as fixed and transhistorical.³⁵ Cinema studies, in turn, became embedded in a much deeper history of modern materials, practices, and modes of experience and perception, placed alongside (and not separate from) magic lanterns, phenakistoscopes, theme park attractions, and window shopping.

While cinema has itself become the subject of the media archaeological enterprise, it continues to be largely ignored as a site that grants visual access to the archaeologies of other media.³⁶ By combining the methods of media archaeology with those of film studies, I move away from the study of cinema as object or sensory apparatus to look instead at the ways in which media texts can contribute to the archeological project. Considering the vast literature on cinematic representation, it is surprising how scholars seem to pay such little attention to its mediation of other media — what Wendy Hui Kyong Chun calls “extramedial representation” —

³⁵ Thomas Elsaesser, “The New Film History as Media Archeology,” *Cinémas: Journal of Film Studies*, vol. 14, no.2-3 (Spring 2004): 75-117. For some foundational examples of the New Film History, see Tom Gunning, “The Cinema of Attractions: Early Film, Its Spectator, and the Avant-Garde,” *Wide Angle* Vol. 8 nos. 3&4 (Fall, 1986): 63-70; Charles Musser, “The Nickelodeon Era Begins: Establishing Hollywood’s Mode of Representation,” *Framework* 22/23 (Autumn 1983): 4-11; Anne Friedberg, *Window Shopping: Cinema and the Postmodern* (Berkeley: University of California Press, 1994).

³⁶ Many studies that do take up the question of technology do so from the vantage point of science fiction and illustrate how the genre mediates technological desires. See, for instance, David A. Kirby, *Lab Coats in Hollywood: Science, Scientists, and Cinema* (Cambridge: The MIT Press, 2011); Alev Adil and Steve Kennedy, “Technology on Screen: Projections, Paranoia and Discursive Practice,” *At the Interface/Probing the Boundaries* 56 (2009), 219-230.

or to how the increasingly-ignored film text can contribute to archaeological analysis.³⁷ As Chun observes, some scholars treat visual culture and media archeology as inherently incompatible, arguing that visual cultural studies is concerned only with the superficial content (or “message”) of a medium rather than with the medium itself.³⁸ Like Chun, I find this approach unnecessarily limiting. Instead of trying to see through the veneer of mediation, I take such mediations of technology seriously as historical (and archaeological) documents and argue that they must be considered as part of the broader material and intellectual history of the technology in question. This is not to imply that cultural texts offer accurate reflections of social uses of or attitudes toward the technology but rather that they perform the cultural work of imagining possible relationships between humans and machines.

Technological analysis need not separate hardware from the material and imaginary habits within which it is embedded and which can have real material affects on technological use, reception, and regulation. Indeed, to think about the dictographs, phonographs, dictation machines, and tape recorders that populate my study as solely material objects would remove them from the history of surveillance altogether since surveillance necessarily implies social relations. It is partially because of this interest in my objects as part of broader social and cultural systems that I privilege narrative media which, even more than still images or advertisements, actively imagine a technology in terms of its relationship with and between people. At the same time, my interest in the narrativization of audio surveillance technologies is political. As Catherine Zimmer notes, “cinematic narrative [often] becomes the leaky container

³⁷ Wendy Hui Kyong Chun, *Control and Freedom: Power and Paranoia in the Age of Fiber Optics* (Cambridge: The MIT Press, 2006), 16.

³⁸ *Ibid.*, 17.

that doesn't quite hold the ideological and technological excesses of surveillance culture."³⁹

Narrative pushes at the boundaries of technology and very often imagines technology during moments of breakdown, failure, or subversion. In turn, narrative serves not only as a site of knowledge production, but also as a potential space of resistance that offers insight into the limitations of the surveillance infrastructure that the black boxes of the technologies themselves try to keep hidden.

My media objects, then, function as what N. Katherine Hayles calls "tutor texts" — sources which not only point to the contradictions and competing discourses surrounding media technologies but that also reveal "the complex cultural, social, and representational issues" that accompany them.⁴⁰ To be sure, media articulations of a technology — whether real or imagined — are always more than simple one-to-one representational transfers. Instead, they are mediations in which media conventions play an active role in how technology is portrayed and how its uses are imagined. This approach to textual analysis allows me to pay close attention to the formal and narrative features of my chosen objects, but in a way that discourages broad symptomatic analyses or close reading for its own sake. In short, I treat the mediation of technology not just as productive examples of devices put on display and put to use but also as articulations of vernacular media theory that think through the material and social meanings of technologies in their specific historical contexts.

My insistence on visual and narrative mediations of technology as constituent elements of technological history distinguishes my archaeological project from what is typically referred to

³⁹ Catherine Zimmer, *Surveillance Cinema* (New York: NYU Press, 2015), 207.

⁴⁰ See N. Katherine Hayles, *How we Became Posthuman: Virtual Bodies in Cybernetics, Literature, and Informatics* (Chicago: University of Chicago Press, 1999), 21-24.

as “intermedial” film studies.⁴¹ These studies, even as they examine the mediation of technology in film, tend to emphasize what Jan Olsson refers to as “the processes of cultural absorption of cinematographic representation and screen worlds,” or the incorporation into cinema of the logics, modes of address, or representational strategies of other media.⁴² Examinations of individual technologies tend to lack specificity, treating individual technologies as stand-ins for the experience of modernity writ-large. As such, “technology” (which, to a disproportionate degree, often takes the specific form of telephones, railways, and radio) becomes symptomatic of shifts within culture, and “modernity” becomes a catchall periodizing framework that comes to stand for myriad global social and cultural changes (almost always characterized by speed, shock, and the collapsing of space and time) over a two hundred year period. Tom Gunning’s brilliantly insightful analysis of the relationship between cinematic and telephonic affordances in “Fritz Lang Calling: The Telephone and the Circuits of Modernity,” for instance, concludes simply that “the telephone becomes, truly, the synecdoche of technology, the part of the larger whole which is modernity itself.”⁴³ The turn to what is essentially a Grand Theory of technology

⁴¹ Many of these intermedial studies could themselves be considered archaeological inasmuch as they trace divergent histories of cinematic perception and protocols of representation. In other words, they are archaeological insofar as they refer back to the archaeology of cinema rather than other mediated technologies.

⁴² Jan Olsson, “Different Natures: On Traveling Visions and Intermedial Displacements,” in *Allegories of Communication*, 4.

⁴³ Tom Gunning, “Fritz Lang Calling: The Telephone and the Circuits of Modernity,” in *Allegories of Communication: Intermedial Concerns from Cinema to the Digital*, edited by John Fullerton and Jan Olsson (Rome: John Libbey, 2004), 35. Although it avoids employing modernity as an all-encompassing framework for understanding its technologies, Paul Young’s *The Cinema Dreams Its Rivals: Media Fantasy Films from Radio to the Internet* is similarly interested more in making large-scale claims about cinema’s history than in the discursive nature of cinematic mediation and the specificities of the objects it puts on display. Eschewing cinema’s ability to contribute to a broader technological imaginary in favor of looking largely at its reflexive qualities, the book’s central question becomes not “what can cinema say about other technologies?” but “what can other technologies say about cinema and changing modes of spectatorship?” As one example of Young undercutting his own technological insights in order to suit his explanatory framework, Young reads Walter Neff’s engagement with technology in *Double Indemnity* as somehow symptomatic of the film industry’s anxieties around television. See Paul Young, *The Cinema Dreams its Rivals: Media Fantasy Films from Radio to the Internet* (Minneapolis: University of Minnesota Press, 2006), 153-156.

essentializes the telephone and effaces its historical specificity. As Lisa Gitelman notes, “media . . . are very particular sites for very particular, importantly social as well as historically and culturally specific experiences of meaning.”⁴⁴ Moving image media can serve productively as entry points into analyzing this meaning, provided we treat them with the same specificity as any other utterance that makes up the archaeologist’s archive.

Surveillance & Narrative Media

Zimmer rightly observes that much work on cinema and surveillance similarly relies on explanatory structures that essentialize and dehistoricize the processes of surveillance. An over-reliance on psychoanalytic theories of voyeurism and voyeuristic desire as well as on Foucault’s conception of panopticism, argues Zimmer, removes surveillance from the specific historical contexts within which it functions.⁴⁵ Rather than explore the ways in which cinema can teach us about the specificities of surveillance or about the cultural imaginary around surveillance, these methods often only help us reach the no-longer provocative conclusion that cinema *is* surveillance. Indeed, to restate the canonized narratives of surveillance culture or to perpetuate established ideas about the panopticon’s controlling gaze is a refusal to acknowledge the complexity and breadth of surveillance technologies and techniques and the diverse ways that processes and tools of surveillance functioned (and continues to function) as means of social control. Zimmer is, to be sure, interested in the convergence between cinema and surveillance, but her analyses bridge cinema studies with surveillance studies and, as such, are more attuned to the specifics of history, technology, and surveillant subject formation.⁴⁶ Surveillance cinema is,

⁴⁴ Gitelman, *Always Already New*, 8.

⁴⁵ Catherine Zimmer, *Surveillance Cinema*, 3-4.

for Zimmer, not just the tropes and iconography of surveillance but also “the multiple mediations that occur through the cinematic narration of surveillance, through which practices of surveillance become representational and representational practices become surveillant.”⁴⁷

I take up Zimmer’s call for a more historically oriented approach to the study of the relationship between cinema and surveillance as well as her insistence that surveillance should be treated as more than a mere thematic device. That said, my project inverts the focus of scholars like Zimmer, Thomas Y. Levin, Garrett Stewart and Sébastien Lefait by privileging the mediation of surveillant technologies over (but not at the expense of) considerations of the relations between surveillance, narration, and cinematic form.⁴⁸ My primary interest is in narrative media as key sites of knowledge production around the processes and technologies that make (audio) surveillance possible and meaningful at specific points in time and in relation to contemporary cultural, legal, moral, and technological concerns. At times, we can locate this imaginative cultural work at the level of the text itself, but at other moments, it exceeds the boundaries of the screen and seeps into broader practices of production and reception. By bringing the questions and methods of media archeology to the study of surveillance and cinema, I argue that cinema contributes to our understanding of the history of surveillance culture beyond the structural formal operations of the text.

⁴⁶ Garrett Stewart’s *Closed Circuits: Screening Narrative Surveillance* is a similar attempt to bring nuance to the consideration of surveillance in cinema (especially in terms of the relationship between montage and surveillance), though it is much less engaged with the field of surveillance studies or with the histories of surveillance. See Garrett Stewart, *Closed Circuits: Screening Narrative Cinema* (Chicago: The University of Chicago Press, 2015).

⁴⁷ Zimmer, *Surveillance Cinema*, 2.

⁴⁸ See also Thomas Y. Levin; Sébastien Lefait, *Surveillance on Screen: Monitoring Contemporary Films and Television Programs* (Lanham: The Scarecrow Press, Inc., 2013).

Old Media, New Media

I advance my argument across five main chapters that span three major cultural moments when audio surveillance pierced through American culture and became a key topic of public interest. The first two chapters excavate the history of the dictograph, a sound transmission and amplification device invented as hearing aid but made famous as technology of surveillance in 1911 when celebrity detective William J. Burns used it to uncover a major Ohio grafting scandal. Chapter one traces the multiple possible material trajectories of the dictograph and illustrates the confluence of economic, social, legal, political, and cultural factors that produced the dictograph as a device of detection. Chapter two complicates this history by reframing the dictograph in terms of the extensive visual and narrative culture that emerged around it, largely due to the work of Burns. While the dictograph was not materially a recording technology, I argue that Burns inspired a narrative and visual culture around the dictograph that presented it as part of a larger culture of inscription. In books, plays, and films, Burns disavowed the dictograph's material limitations and encouraged public trust in the controversial device as an infallible technology of detection. Taken together, these chapters lay the foundation for the entire dissertation, as they make a case for the importance of popular mediations of technology to the history of technology and argue that technology can only be understood as existing between the material and the imaginary.

By the 1940s, the excitement that accompanied the detective dictograph had dissipated, and sound recording technologies were firmly entrenched in daily American life. What at first appeared to be a moment of relative technological stability, however, became a one of technological crisis as wartime and early Cold War anxieties around the transmission of

ostensibly dangerous ideologies reached a fever pitch. Chapter three looks at crime films and television programs released between 1944 and 1952 in order to explore how sound recording devices during this period became tools of institutionalized bureaucratic power and control. The first half of the chapter examines the integration of wax, wire, and tape recorders into the emerging semi-documentary police procedural subgenre. I argue that films such as *The House on 92nd Street* (1945) and *The Captive City* (1952) and television shows like *Dragnet* (1951-9) depicted historically specific anxieties around radio transmission and posit recording devices as a means of halting the potentially dangerous flow of voices. These films frame policing as a matter of communicative control, and struggles over sound technologies become matters of national security. The second half of the chapter looks at a series of crime melodramas that serve as critical counterparts to the police procedurals. Films like *Double Indemnity* (1944), *The Unsuspected* (1947), and *Sudden Fear* (1952) all depict sound recording technologies as part of the rhythms of everyday domestic or business life. In doing so, however, they also subvert the prescribed uses of these technologies by bringing them into contact with alternate media histories rooted in surveillance and the exercise of institutional power that their domesticated forms attempt to disavow. By bringing these melodramas into conversation with the police procedural, this chapter excavates an emerging cultural understanding of sound recording technologies as inherently ambivalent and amoral, caught in a battle between the increasingly blurred forces of order and corruption.

The final two chapters examine the heightened anxiety around tape recording that emerged prior to and during the Watergate scandal. Specifically, I frame Watergate not as a catalyst of technological anxiety but rather as the culmination of a popular imagination that had grown untrustworthy of recording technologies and the information they stored. Chapter four examines

anxieties around sound surveillance that emerged as tape recorders became the accomplices of newly developed miniature bugging devices. Specifically, it analyzes the cultural and legal construction of the recorded voice as information and the emerging surveillance networks that incorporated recorded voices into a fluid informational economy. As real-life “Private Ears” like Bernard Spindel and Hal Lipset began populating mainstream news, television programs like *Naked City* (1960-1963), *The F.B.I.* (1965-1974), and *Perry Mason* (1957-1966) and films like *The Anderson Tapes* (1971) all imagined tape recorders within the context of new modes of audio expertise. They made once-familiar technologies uncannily foreign to everyday users and reframed the history of tape recording around questions related to the flow and management of information.

Whereas chapter four emphasizes large-scale questions of policy, morality, and technology, chapter five zooms in to look more closely at the tape recorder’s relationship to individual bodies and examines the appropriation of the tape recorder and the surreptitiously recorded voice for projects of racism and misogyny meant to terrorize and control supposedly dissident or unruly citizens. I organize this chapter around an analysis of *Klute* (1970) and the Watergate scandal in order to illustrate how, cultural anxieties around audio surveillance intersected with the tape recorder’s use as a tool of identity formation and narration.

These chapters provide the context for a conclusion that reflects briefly on the present and argues that recent concerns around NSA sound surveillance practices must be understood as articulations of recurring cultural anxieties, even despite the dramatic changes in the scope, scale, and methods of surveillance. My decision to end my analysis in 1974, with Nixon’s impeachment and the timely release of *The Conversation* is not arbitrary. To account fully for the spate of post-Watergate conversations, both popular and institutional, about surveillance would

require a dissertation-length project in its own right. Moreover, to account for the diffusion of microprocessors in the 1970s and the subsequent computerization of surveillance would require significant changes to my conceptual and technological framework. That said, media archaeology involves, as Lovink puts it, “a hermeneutic reading of the ‘new’ against the grain of the past, rather than a telling of the history of technologies from past to present.”⁴⁹ Media archaeology acknowledges that histories are written in the present and informed by present concerns. By excavating past and forgotten surveillance media histories, ones grounded in the surreptitiously recorded disembodied voice, I hope to have established a series of methodologies or conceptual starting points for thinking through the present moment and its concern with the differently-disembodied datafied individual. Not only, I argue, can we identify many reverberations from the past in our current technological moment, but our present becomes much more manageable if understood as another articulation of a recurring topos.

⁴⁹ Lovink, *My First Recession*, 11

CHAPTER I

The Case of the Detective Dictograph: Voiced Evidence and the Idea of Forensic Sound Recording

“Fictional preventives carry automatics and handcuffs. Burns carries a dictograph.”¹

By 1914, Sherlock Holmes was obsolete — or at least that’s what the contemporary popular press would have readers believe. As one syndicated article noted, “The detective who gets all the press notices of the day is not a deep thinker.” Rather, “the man who is in the public eye most and is getting the big hurrah from the crowds today, is the scientific detective who uses electricity to bring evidence right to his office.”² The detective dictograph was central to this modern detective’s repertoire. As the article explains, the detective “places the ear of the dictagraph [sic] in the room where the conspirators are and runs a wire along the wall to his office. He listens at the receiver and hears all that goes on. He turns on the record and the machine records every word.”³ There was, however, one central problem with this account: the detective dictograph was not a recording device.

¹ “Scientific Eavesdropping,” *The Literary Digest*, June 15, 1912, 1249.

² “Exit the Gum Shoe Sleuth,” *The Washington Post*, April 12, 1914, 42. While Arthur Conan Doyle’s Sherlock Holmes stories did often involve scientific methods, these stories were often not considered to be part of the emerging scientific detective genre. Holmes’ near-superhuman skills of deduction distinguished him from the scientific detectives who relied more heavily on modern technology to solve cases. In these stories, the emphasis was as much, if not more, on the workings of the technology as on the workings of the detective’s mind.

³ *Ibid.*

Detectives did famously employ the dictograph in a number of high-profile cases throughout the 1910s, but the detective dictograph was a voice amplification and transmission device that began its material life as a hearing aid. While dictographs met modest success as hearing aids and later as office intercom systems, they emerged as major items of popular interest and discussion only after celebrity detective William J. Burns adapted them for the purposes of detection and used them to solve a number of high-profile cases. As the detective dictograph's popularity grew, so too did the number of contexts within which it was popularly imagined. While the dictograph's inventor, Kelley Monroe Turner, tried to regulate the sale of the detective dictograph, and while Burns attempted to present it as a modern forensic detection device operating within the frameworks of the law and in the best interests of the public, a counternarrative emerged that imagined (and sometimes realized) the device being used for the purposes of blackmail, bureaucratic control, or domestic espionage. Perhaps more importantly, in the popular imagination this purely telephonic device began to acquire the properties of the phonograph, and confusion over what the dictograph could actually do and the type of record it could produce was manifest in both the press and the courtroom.

Taking the dictograph as its central case, this chapter excavates an alternate history of early 20th century detection that sets aside the emphasis on visuality symbolized by the Pinkertons' "all-seeing eye" in favor of what prolific writer of detective fiction Arthur B. Reeve called the "electric ear."⁴ Rather than begin with the detective dictograph itself, I trace the longer history of the device through a number of technological articulations. The detective dictograph was not the inevitable outgrowth of a hearing aid or business intercommunication system, but rather a symptom of the convergence of a number of material, technological, social, cultural, and

⁴ Arthur B. Reeve, "The Black Hand Kidnappers and a Dictograph," *The Washington Post*, November 10, 1912, M5.

discursive factors. It emerged just as existing technological devices and infrastructures collided with enterprising detectives, progressive-era discourses of police reform, a growing interest in forensics, and a public imagination already familiar with sound recording and increasingly wary of their voices being overheard, captured, and produced as evidence of guilt. This same confluence of factors also helps account for the instability of the detective dictograph in the 1910s and large-scale misunderstandings around how the device operated and what it could actually do. The history of the dictograph, I argue, coincides with an emerging forensic imagination that, at least discursively, framed the dictograph not only as an “eavesdropper” or “mechanical ear” but also as a *speaker* capable of turning the human voice into discrete, mobile data that could be made to speak again at a later date.

The device that became known as the detective dictograph was unintended if not accidental. Its invention is most often attributed to K.M. Turner, but to start and end with Turner is to ignore the multiple histories that converged in order for the detective dictograph to develop materially out of an electric hearing aid and emerge discursively as one of the most widely debated technologies of the 1910s. Technological devices, as Lisa Gitelman reminds us, are social objects and are not defined by their materiality alone. Instead, Gitelman asks us to understand media technologies as “socially realized structures of communication” that include a material base as well as the protocols — sets of structured norms and social, economic, and material relationships — that surround them and give them meaning.⁵ Part of Turner's success as a businessman and inventor came from his implicit understanding of technology's

⁵ Lisa Gitelman, *Always Already New: Media, History, and the Data of Culture* (Cambridge: MIT Press, 2006), 7. Gitelman's concept of protocols expands upon many existing theories of the social construction of technology. The most notable of these is perhaps Rick Altman's concept of “crisis historiography.” See Rick Altman, *Silent Film Sound* (New York: Columbia UP, 2004).

social and cultural function and his ability to reconfigure similar material devices within radically different sets of protocols and market them to different groups of consumers.

Of course, Turner did not engage in this process of defining technology alone. As Rick Altman notes, it is essential to examine emerging technologies and the meanings associated with them in terms of instability and the ongoing jurisdictional struggles over their unstable, changing identities. Altman advocates what he calls a “multiple-ledger approach.” Where traditional “single-ledger” technological histories tend to analyze individual events (invention, patent, commercialization, use) only insofar as they pertain to the technology of study, a multiple-ledger approach understands each of these events as resonating through many histories at once.⁶ While it is impossible to give each of these histories an equal and proper amount of attention as I make my way toward my primary object of study, my aim here is to gesture tentatively and incompletely toward some other possible contexts and avenues of inquiry that speak to the complex relationship between sound, the human voice, and modernity that the dictograph embodied as a material and social technology.

Part of my interest in this broader history of the dictograph, then, is methodological. The dictograph serves as a meaningful case study that illustrates how the meaning of a material device changes depending on the protocols that surround it and within which it is placed. Moreover, excavating the development of the dictograph in the early twentieth-century, even briefly, offers insight into the multiple and seemingly conflicted meanings of twentieth century modernity, with each iteration of the technology articulating its relationship to modernity in different ways. This is not to say that the dictograph necessarily disrupts the tropes scholars most often associate with modern technological media — the “annihilation” of space and time; the

⁶ Altman, *Silent Film Sound*, 22.

flows of people, capital, and information; the non-human extension of the human sensorium; the mechanical and electrical storage of sound, image, and text (or as Friedrich Kittler puts it, Gramophone, Film, Typewriter) — but rather that it asks us to think of these tropes in their specificity and in terms of how they were deployed at different moments and put to different ends.⁷ At the same time, as I discuss the different discursive environments in which the dictograph circulated, I aim to illustrate how each ‘use’ or iteration of the machine imagined (and reimagined) its relationship to sound and the human voice, as well as how the devices inspired a wave of vernacular theories that attempted to articulate the changing relationship between body, voice, and machine. Thinking about the dictograph as a device always-already in flux and existing in (at least) three forms simultaneously not only circumvents any impulse to think of the detective dictograph as the teleological end point of the technology, but it also offers insight into the complex and often contradictory ways that people came into contact with and made sense of the technologically mediated voice.

Dreams of Telephonic Opera: The Prehistory of the Dictograph

In 1905, as President of the General Acoustic Company, Turner acquired the patent to the Acousticon, which was previously held by his friend and former protégé, Miller Reese Hutchison.⁸ The Acousticon was a voice transmission and amplification machine, operating via the principles of telephony, meant to serve as a hearing aid. As described in Hutchison’s original

⁷ James Lastra convincingly posits simulation and inscription as the defining tropes used to normalize modern technological media of representation and make them legible to a broader public. While these tropes alone cannot be mapped perfectly onto the dictograph, which was a technology of transmission, it is telling that simulation and inscription do become the defining tropes of the detective dictograph regardless of its ability to inscribe sound. See James Lastra, *Sound Technology and the American Cinema: Perception, Representation, Modernity* (New York: Columbia UP, 2000).

⁸ For details on Turner’s relationship with Hutchison, see “How an Atlantan Helped Dr. Hutchinson [sic] Win Fame,” *The Atlanta Constitution*, March 17, 1903, A2.

1902 patent for the then-named ‘telephonic apparatus,’ the machine consisted of a small, portable box that housed a telephone transmitter and receiver, a battery, and a switching device. The casing had a movable wall that the user would point toward an external sound source in order to direct the sound to the transmitter’s diaphragm that, in turn, transmitted sounds to the receiver held at the user’s ear.⁹ The machine’s central innovations were its ability to transmit sounds without having the source speak directly into the transmitter as well as its ability to modulate and amplify sounds according to the user’s needs.¹⁰ As an article in the *Detroit Free Press* put it, the transmitter operated on a principle whereby “the softer sounds are intensified and the louder ones modulated so that they are delivered to the auditory nerve terminals in the shape of clear and distinct articulations.”¹¹ In contrast to non-electrical devices that were used as hearing aids at the time, such as ear horns or ear tubes, the Acousticon not only enabled the user to tweak the intensity of the sound, but it also did away with “the embarrassing necessity of holding a tube to the mouth of a speaker and of the danger of infection to the delicate membranes by germs in the breath of the speaker.”¹²

Shortly after completing the renamed Acousticon in March 1905, Hutchison gave a demonstration of the device to a group that included physicians, prominent New York socialites, and the Duke of Newcastle. With the help of several young patients from the New York Institute for the Instruction of the Deaf and Dumb, Hutchison illustrated the Acousticon’s potential to

⁹ Hutchison, M.R., “Telephonic Apparatus,” US Patent 737, 242, filed April 11, 1902, and issued August 25, 1903.

¹⁰ These affordances were due to the incorporation of modified telephone transmitters and receivers that Hutchison had also developed and patented.

¹¹ “Electrical Science Aids the Deaf,” *Detroit Free Press*, July 4, 1906, 6.

¹² Ibid. For an account of the relationship between hearing aids and miniaturization, see Mara Mills, “Hearing Aids and the History of Electronics Miniaturization,” in *The Sound Studies Reader*, ed. Jonathan Sterne (New York: Routledge, 2012), 73-79.

allow the hearing impaired to hear both language spoken directly into the transmitter and music played from afar. According to a report of the event, the demonstration proved so successful that, upon hearing a patient express the desire to hear more music, a number of women “promptly hid their faces in their handkerchief and had a good satisfying cry.”¹³ Although early reports of the Acousticon almost always mentioned its telephonic lineage or aligned it with other electrical scientific advances “into the field of the hitherto seemingly impossible” like the telegraph, they were also careful to situate the invention within specific social, cultural, and technological protocols by highlighting its supposed curative properties and emphasizing its difference from other recent electrical devices of mass communication.¹⁴



Figure 1: "Acousticon in Use," *Detroit Free Press*, July 4, 1906, 6.

Like the discourses surrounding the telephone, phonograph, and moving picture camera, those surrounding the Acousticon described the device in prosthetic terms, as an extension of the

¹³ "Invention that Make Deaf Hear," [sic] *St. Louis Post-Dispatch*, March 15, 1903, 12. It is worth noting the gendering explicit in this observation and contrasting the article's mention of how the technology affected the women to the ways in which the popular press later discusses women who appropriate the technology for their own means.

¹⁴ "Electrical Science Aids the Deaf," 6.

human body in general and the ear in particular.¹⁵ A 1910 newspaper advertisement, for instance, reinforced this understanding of the Acousticon and attempted to make the device legible and accessible to potential consumers by comparing it, inaccurately, to eyeglasses: "The Acousticon makes you hear distinctly on the same principle as glasses make you see clearly. Just as glasses magnify objects, so does the Acousticon magnify sound."¹⁶ The advertisement then inscribed the device within a discourse of professionalized health care, promising that "the Acousticon is adjusted to each individual's hearing as the sight is fitted by the optician."¹⁷ Framed as a machine that could extend hearing and placed within discourses of medicine and normative sensory experience, the Acousticon promised to grant the deaf access to an ostensibly objective exterior sonic world through magnification.

Although the General Acoustic Company sold and marketed Acousticons to individuals, they more commonly sold them to churches and theaters hoping to make their venues more accessible to patrons. In these cases, a single transmitter was installed in the venue and would transmit the sound via wire to multiple receivers positioned around the room. In 1906, the *New York Observer and Chronicle* reported that the Acousticon was already installed in thirty-four churches across the United States and listed a number of local pastors who endorsed the device. The *New York Christian Herald* devoted an entire page to illustrating the installation of the Acousticon in the Bowery Mission.¹⁸ *McClure's* ran a similar feature about the Acousticon and

¹⁵ Lastra, *Sound Technology and the American Cinema: Perception, Representation*, 21-23. See also Marshall McLuhan, *Understanding Media: The Extensions of Man* (London: Sphere, 1967) [1964].

¹⁶ "Advertisement: A Revelation to the Deaf," *Chicago Daily Tribune*, April 10, 1910, E5. It is worth noting that, apart from misrepresenting how eyeglasses function, this analogy also conflates clarity and fidelity with magnification or amplification.

¹⁷ *Ibid.*

¹⁸ "Deaf People Can Hear in Church," *New York Observer and Chronicle*, April 26, 1906, 84. This article even gave suggestions as to how churches could afford to implement the device stating that the church could pay one hundred

noted that, while it had been installed in the Capitol to allow Congresspeople to hear goings-on from the House remotely, its greatest benefit came from its installation in churches and public halls where “a deaf person sitting in the extreme rear is enabled to hear as well as those not so afflicted.”¹⁹

This relationship to the exterior world was, of course, a tenuous one. The central paradox of the discourse surrounding the Acousticon was the implied disconnect between originary and mediated sound. It promised users that it would allow them to hear "normally" through modifying and modulating sound: “It not only amplifies, or *magnifies*, the sound 400 per cent, but it clarifies and accentuates the articulation.”²⁰ As Jonathan Sterne remarks, the concept of acoustic fidelity is fluid and historically contingent, and what it means to "hear normally" is culturally and socially determined.²¹ What mattered was that the Acousticon offered the perceptual experience of “normal” hearing even as it modulated sound in a way that the human ear never could. Acoustic realism, much like photographic or cinematic realism, is less concerned with mimesis than with producing an experience that listeners would interpret as real.²²

The possibility that the machine could reproduce specific sonic experiences is precisely what excited Turner most about the Acousticon, as he had always imagined the invention within an expanded marketplace and within broader networks of communication that extended beyond the hearing impaired and outside the protocols of medicine. As early as 1905, Turner told

dollars to pay for the installation of the transmitter and battery while the member of congregation requiring could pay thirty dollars for the earpiece and wiring costs.

¹⁹ Walter W. Griffith, “The Wonders of Magnified Sound,” *McClure’s*, October, 1909, 17-18.

²⁰ Griffith, “The Wonders of Magnified Sound,” 18.

²¹ Jonathan Sterne, *The Audible Past: Cultural Origins of Sound Reproduction* (Durham: Duke, 2003), 215-286.

²² *Ibid.*, 241-242.

reporters of a future where a modified version of the Acousticon, which he had named the multiphone, would bring live opera into homes across the country to create the “illusion of actual attendance.”²³ He even imagined the machine as part of a new kind of telephone system where people at home could dial into a live theater performance.²⁴ As a proof-of-concept, Turner hosted a demonstration in which he used the multiphone to transmit a performance of *Veronique* at the Broadway Theatre to a room on the theater’s second floor. Although a reporter claimed that the sound distribution of the transmitted performance was uneven, especially as actors moved around the stage, he concluded that the device showed promise and delivered most of the sounds, including “the inhalation of breath, the creaking of the swing, and the accompaniment of the orchestra” with clarity.²⁵ Tellingly, the reporter treated the performance as more than music and dialogue and made note of the myriad sounds that contributed to the theatrical experience. In order to reinforce this technological promise of experiential acoustic realism, Turner clarified that the sound was “not reproduced. What you hear is the original. The performance is going on just the same.”²⁶ Turner, in other words, forwarded an understanding of sound reproduction that disavowed the technology and the process of mediation, suggesting that the machine did not extend the listener's hearing or bring external sound to the listener, but that it brought the listener to the source of the sound.

²³ “Hello, Central! Give Me ‘Siegfried,’ Please,” *New York Times*, November 18, 1905, 9. Turner’s idea was not entirely unique. In 1897, for instance, inventor Thaddeus Cahill patented an electronic organ that came to be known as the Telharmonium. While live concerts featuring the immense machine did take place, these concerts were also transmitted via phone lines to subscribers. See Thom Holmes, *Electronic and Experimental Music: Technology, Music, and Culture* (New York: Routledge, 2012); Reynold Weidenaar, *Magic Music from the Telharmonium* (Metuchen [NJ]: The Scarecrow Press, 1995).

²⁴ “Hello, Central,” Turner’s idealized, but never realized, situation included a moving picture machine to complete the illusion.

²⁵ Ibid.

²⁶ Ibid.

Even though the Acousticon and the multiphone — which would be renamed the dictograph in 1907 — operated in similar ways and were initially put to similar uses, popular and promotional understandings of the dictograph inscribed it within a discourse of spatial collapse brought on by modern telecommunication rather than within one of medicine and normativity. Turner may have not realized his dream of telephonic opera, but reports from December 1913 do indicate that Turner experimented with broadcasting Reverend Charles E. Jefferson’s Sunday sermon from the Broadway Tabernacle. Connecting the dictograph transmitter to a telephone, Turner transmitted the sermon to a number of homes in New York as well as to a Philadelphia newspaper office. Unfortunately, while the organ music could be heard distinctly, Jefferson’s voice reportedly came in too loud and could not be understood.²⁷ In a letter to the *New York Times* written shortly after the experiment, Turner restated his interest in combining the dictograph and the telephone, but radio would soon make his vision redundant.²⁸ The dictograph never acquired the technical infrastructure or social and cultural systems necessary for mass, long-distance broadcast.

The Dictograph in Context(s)

Despite the dictograph being appropriated for a variety of uses — from studying volcanic activity to eavesdropping on wild animals (foreshadowing its future use as a detection device) — the General Acoustic Company ultimately positioned it within the world of business and sold it as a hands-free intercom system.²⁹ Businesses installed a master system in a central office with

²⁷ “Join Dictograph with Telephone,” *New York Times*, December 15, 1913, 6.

²⁸ K.M. Turner, “Dictograph Sermons,” *New York Times*, December 21, 1913, C4.

²⁹ “The Uses of the Dictograph,” *The Washington Post*, April 28, 1912, M1.

branch stations connected by wire set up throughout the rest of the office. A manager could then communicate with his employees or give dictation without the need to pick up or stand next to a receiver.³⁰ With its affordances framed in this way, the dictograph became positioned as part of the discourse of modern efficiency and convenience, and the General Acoustic Company marketed this iteration of the device as an electric timesaver, replacing the emphasis on acoustic fidelity with rhetoric of spatial collapse.³¹ According to its advertising, what distinguished the commercial dictograph as a technology was not its ability to hear more clearly but rather its ability to listen and speak at a distance, thus allowing business managers to stay at their desks, separated from their employees. Whereas the Acousticon's relationship to sound was grounded in what James Lastra calls the phonographic or perceptual fidelity model, which aspired above all to faithful reproduction, the commercial dictograph can be understood according to the telephonic model, privileging intelligibility.³²

The commercial dictograph, in other words, not only purported to increase efficiency, but it also contributed to existing hierarchies of labor by reinforcing the spatial segregation of workers and management in the office. It allowed managers at once to disseminate information en masse from the comfort of their offices and to contain secret business matters within their private office space. In a 1909 article detailing the impact of electricity on modern life, the *Chicago Tribune's* Robert Kuhn Fast describes how the dictograph integrated into the life of a

³⁰ French Strother, "What the Dictograph Is," *World's Work* 24 (May-October, 1912): 39-40.

³¹ I use Ian Hutchby's concept of "technological affordances" to refer to the possible uses to which a technology can be put given its material base. Hutchby, drawing from the work of psychologist J.J. Gibson, takes the position that technologies are defined by their communicative affordances as a way to negotiate between technological determinism and social constructivism. See Ian Hutchby, *Conversation and Technology* (Cambridge: Polity Press, 2001).

³² James Lastra. "Fidelity Versus Intelligibility," in Sterne, *The Sound Studies Reader*, 410. See also "A Handy Device," *The Globe and Mail* [Toronto], June 12, 1909, 24; "Invention Which Surpasses the Telephone," *San Francisco Chronicle*, September 15, 1909, 6.

hypothetical modern “live-wire” business man who, instead of meeting with each of his department heads in his office, used the dictograph to communicate his instructions to them while strolling around his office enjoying an after-breakfast cigar. Similarly, notes Fast, he can dictate letters or memos to his stenographer without the need for her to come to his office; he can likewise have meetings on potentially sensitive matters dictated without the stenographer being present, thus alienating her from the work of the office as a whole.³³ If, as Carolyn Marvin argues, the telephone “muddied social distance” by facilitating interactions between individuals previously segregated on the basis of race, gender, or class, then the commercial dictograph used the same telephonic affordances to uphold social barriers within the workplace.³⁴ Some advertisements even directly connected telepresence to administrative power, stating that the dictograph not only “insures [sic] perfect supervision of your employees,” but also that it “diffuses your personality all over the plant, securing teamwork and harmonious action.”³⁵ Selling the device in terms of the efficiency and speed of telepresence, these advertisements promised that the dictograph would enable employees and managers “to get *instant information* from any other” without getting up from their desks, thus cutting out the “confusion and running around” that wastes valuable time.³⁶

This promise of control through the deployment of the centralized but disembodied voice is far from the rhetoric of accessibility that surrounded the Acousticon, but it is in line with a number of social anxieties that the dictograph inspired by the very nature of its affordances. A

³³ Robert Kuhn Fast, “Modern Life Like a Live Wire,” *Chicago Daily Tribune*, August 1, 1909, E5.

³⁴ Marvin, *When Old Technologies Were New*, 87.

³⁵ “Advertisement,” *New York Times*, April 5, 1914, 11.

³⁶ “Advertisement,” *Nation's Business* 7.5. (May 1919): 71. Earlier advertising promised the same benefits. See “Advertisement,” *New York Times*, May 19, 1911, 17; “Advertisement,” *New York Times*, April 5, 1914, 11.

common journalistic trope, and one that predicted the dictograph's future use, was to emphasize its ability to hear, amplify, and transmit whispers and reveal "weighty secrets."³⁷ While some journalists noted this ability as a way to differentiate the dictograph from the telephone and to emphasize the sensitivity of its transmitter, others interpreted this affordance as precisely that which enabled the device to be placed within different — and arguably more nefarious — sets of protocols. The dictograph, as the *New York Times* put it in 1908, "seems capable of adding its own new terrors to life, inasmuch as it is not necessary that the instrument be exposed to view in order to be operative.... Walls equipped with ears of this sort would become so unsafe that confidential conversation would be impossible except in the open air."³⁸ At least within popular discourse, the ability to make intimate secrets public was what came to distinguish dictography from telephony and helped rearticulate the dictograph as a potential surveillance technology. This affordance would soon manifest imaginatively in the anxieties of the popular press and materially in the invention of the detective dictograph, a device that enmeshed the technology even more firmly within technological and social networks that aimed to control the human voice.

The King's Speech: The Dictograph and Detection

According to Turner, it was King Edward who first imagined the dictograph within the protocols of policing.³⁹ In June 1907, at the invitation of the King, Turner gave a one-hour

³⁷ "Dictograph Tells Weighty Secrets in a Whisper," *The Daily Review* [Decatur, Ill], December 5, 1909, 8. See also, "Dictograph Reveals Secrets," *San Francisco Chronicle*, February 25, 1906, 19; "Magnifies Each Whisper," *Detroit Free Press*, July 28, 1907, B9; "Invention Which Surpasses the Telephone," 6.

³⁸ "Now it is Possible to Hear Every Note of an Opera by Long Distance," *New York Times*, January 19, 1908, SM11.

³⁹ The details of this story may, of course, be apocryphal, but its circulation within the popular press certainly bears note. As C.F. Carter of *Technical World Magazine* put it in a 1912 article about the dictograph, "it is such a good

demonstration of the dictograph at Buckingham Palace in which he promoted the device's commercial applications.⁴⁰ With King Edward listening at a receiver, Turner stood ninety feet from the transmitter and spoke in a low voice. King Edward, Turner reported, heard every word and expressed desire that a dictograph be installed in the palace.⁴¹ More significantly, Edward remarked that Turner should take his invention to Scotland Yard. As Turner later told the *Globe and Mail* after a Toronto demonstration of the dictograph (coincidentally held at the King Edward hotel), it was this suggestion "that gave [him] the idea which resulted in the adaptation of my invention to the service of the police."⁴² By 1910, Turner had produced a modified version of his commercial dictograph that he called the detective dictograph.

This new portable model operated on the same principles as the commercial dictograph but was designed with covert surveillance in mind. Unlike the commercial dictograph, the device only allowed for one-way communication to prevent eavesdroppers from accidentally revealing themselves.⁴³ As French Strother explains in *World's Work*, the device, weighing less than a pound, consisted of three parts: a transmitter enclosed in rubber casing that measured three inches in diameter and three quarters of an inch thick, an earpiece with volume controls, and a battery cell that would last for approximately fifteen minutes. The detective's task was to conceal the transmitter inside the room to be surveilled and connect it via fine wire to the earpiece in an

story that to raise questions about its authenticity would be a burning shame." As far as the popular understanding of the dictograph went, the device would retain its royal lineage. See, C.F. Carter, "The Invisible Detective," *The Technical World Magazine*, May, 1912, 259-263.

⁴⁰ "King Edward and the Dictograph," *The Irish Times*, June 26, 1907, 7. This was not Turner's only meeting with European royalty. In 1910, the king of Italy invited Turner to Naples to demonstrate the dictograph. See "He Hobnobs with Kings," *The Saturday Spectator* [Terre Haute], January 29, 1910, 5-6.

⁴¹ "Dictograph Sends Whispers to King by Long Distance," *St. Louis Post-Dispatch*, January 30, 1913, 16. ; "Newest Marvel: The Dictograph," *Biloxi Daily Herald*, February 16, 1910, 3.

⁴² "King Edward Suggested Value of Dictograph," *The Globe and Mail* [Toronto], July 11, 1912, 8.

⁴³ "Scientific Eavesdropping," 1250.

adjacent room (or anywhere provided the detective had enough wire and spare batteries) where the detective or a stenographer could listen to and record the ensuing conversations.⁴⁴ The instructions packaged with the device offered suggestions on where to hide the transmitter, recommending inside desk drawers, under beds, or behind pictures or radiators as popular choices. The instructions suggested running the wires under carpets, along moldings or baseboards or, in some circumstances, through small holes drilled in the wall or floor. The instructions even invited users to contact the Dictograph Products Corporation's Detective Service Department (a subsidiary of the General Acoustic Company) should they require more suggestions.⁴⁵

Within a year, the new model caught the attention of William J. Burns, an agent from the U.S. Secret Service, whose use of the device quickly made him the most well-known detective in America.⁴⁶ Although Turner's General Acoustic Company continued to sell Acousticons and commercial dictographs worldwide, it was the detective dictograph that gained media attention and captured the popular imagination.⁴⁷ What at first seemed like a minor modification of an existing invention dramatically impacted public awareness of the dictograph and helped generate a broader interest in the possibilities of audio surveillance and the risk of one's voice being overheard and produced as evidence of guilt or confession.

⁴⁴ Strother, "What the Dictograph Is," 37-41.

⁴⁵ "Wiring Diagram of Detective Dictograph," Dictograph Products Corporation, ca.1910, <http://www.pimall.com/nais/pivintage/dictograph.html>.

⁴⁶ Samuel McCoy, "The Dictograph and the Dynamite Trial," *The Indianapolis Sunday Star*, November 3, 1912, np.

⁴⁷ By 1919, the dictograph proved so popular that the General Acoustic Company changed its name to Dictograph products Corporation.

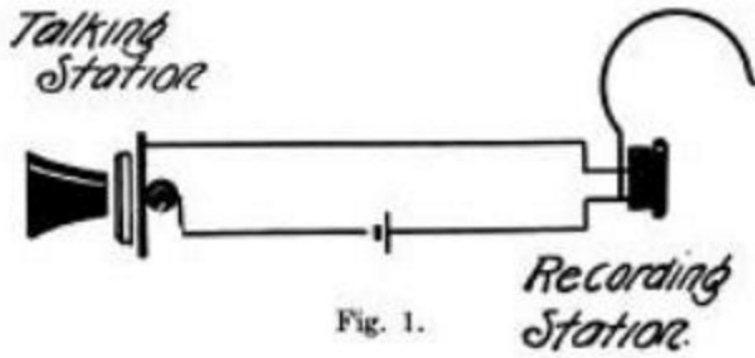


Fig. 1.

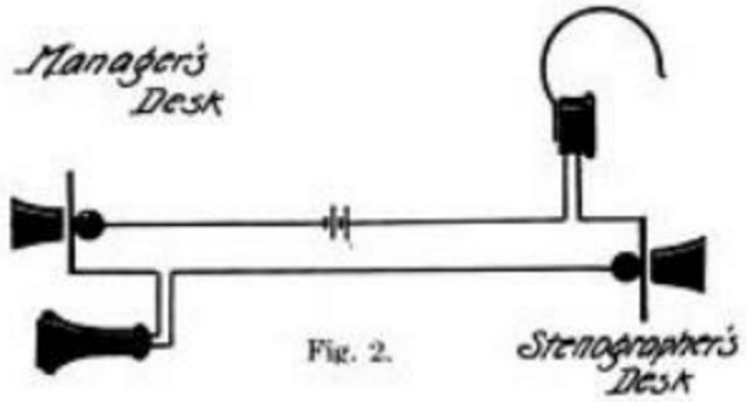


Fig. 2.

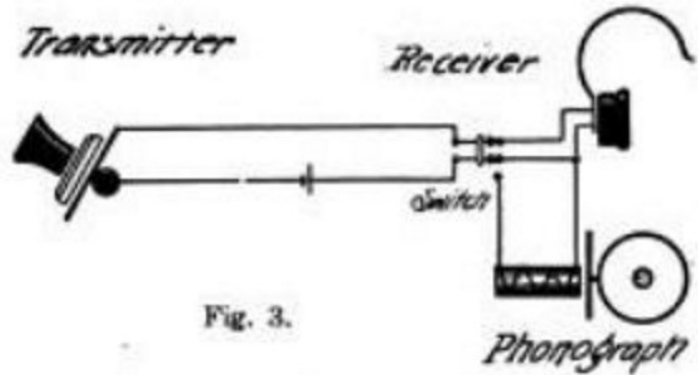


Fig. 3.

Various forms of dictographs.

Figure 2: A schematic illustrating a detective dictograph, a commercial dictograph, and a version of the device attached to a phonograph. This latter version, the accompanying article notes, never quite worked. *Scientific American* (March 30, 1912): 282.



**A COMPLETE DICTOGRAPH OUTFIT
TRANSMITTER, EARPIECE, AND DRY BATTERY**

Figure 3: The detective dictograph. *The World's Work* (May-October 1912): 38.

A 1902 article in the *Detroit Free Press* claimed that expert stenographers could tell when a witness or prisoner was lying simply by listening to the tone of their voice. The voice, the article argued, carries with it guilt or innocence, and those with an acute sense of hearing can tell the difference.⁴⁸ In many ways, the detective dictograph came to be understood as the perfect reification of the stenographer's supposed intuition, as it caught criminals in the act of confession and transmitted that confession directly to the stenographer's ears. When describing the detective dictograph, Strother frames it as a truth-capturing machine: hide it near criminals, and they will inevitably "talk of their crime, and . . . give plenty of clues from which conclusive evidence may be worked up." Indeed, for Strother, "human nature cannot endure to keep such secrets locked in silence." It is the work of the dictograph to transmit the guilty voice whenever it inevitably arises.⁴⁹ The dictograph, in this way, was positioned in contrast to the Acousticon and its ability to reproduce and amplify the exterior world. While the dictograph certainly could amplify and transmit voices, its real utility was in its ability to transmit hidden interiority — the secret or the confession. "Almost literally," notes Strother, "it becomes the voice of conscience made audible in speaking tones."⁵⁰ For his part, Burns very much agreed that the dictograph could (and should) be employed to reveal criminals' most hidden secrets, and he became central helping rearticulate what one journalist once called "merely a highly refined telephone" as a modern tool of crime detection.⁵¹

In May 1913, *The Sun* reported that Burns and Turner had parted ways and that Turner had recalled all dictographs leased to the Burns Detective Agency. The falling out allegedly

⁴⁸ "Guilt in the Voice," *Detroit Free Press*, February 9, 1902, 9.

⁴⁹ Strother, "What the Dictograph Is," 41.

⁵⁰ Ibid.

⁵¹ "Dictograph Tells Weighty Secrets in a Whisper," 8.

stemmed from a year of disputes in which Burns tried to dictate who could lease the device and insisted that Turner give his agency a discount on rental fees.⁵² Burns, the report suggested, was annoyed that Turner licensed the dictograph to other detective agencies and refused to acknowledge adequately the Burns Detective Agency's role in popularizing and promoting the machine.⁵³ His relationship with Turner was over, and so Burns searched for suitable replacements for the instrument that had made him famous. Perhaps the most obvious choice was the telegraphone, a wire recording device patented by “the Danish Edison” Valdemar Poulsen in 1898.⁵⁴ Developed as a noise-free alternative to the phonograph, the telegraphone promised to be an improvement on the dictograph when appropriated for the purposes of detection, at least insofar as it could record voices for playback at a later date. Poulsen imagined the telegraphone as a business machine that could be connected directly to a telephone line where it could function as an answering machine, making, as *The Talking Machine World* put it, “a telephone message as tangible and as safe as a written contract.”⁵⁵ *The Talking Machine World*'s use of legal language when describing the telegraphone's function would have certainly appealed to any detective looking to capture an evidentiary record of confession, and in 1912, a representative of the American Telegraphone Company allegedly sent Burns a telegraphone in the hopes that Burns

⁵² “Dictagraph Owner and Burns at Odds,” *The Sun* [New York], May 4, 1913, 12.

⁵³ *Ibid.*

⁵⁴ “The Telegraphone, the Busy Man's Friend,” *Woodland [CA] Daily Democrat*, October 23, 1912. For a history of the telegraphone, see Jentery Sayers, “How Text Lost Its Source: Magnetic Recording Cultures” (PhD dissertation, University of Washington, 2011).

⁵⁵ “Booming the Telegraphone,” *The Talking Machine World*, June 17, 1906, 17; Mark Clark and Henry Nielsen, “Crossed Wires and Missing Connections: Valdemar Poulsen, the American Telegraphone Company, and the Failure to Commercialize Magnetic Recording,” *The Business History Review* 69.1 (Spring, 1995): 7.

would agree and provide the company with a glowing testimonial.⁵⁶ While reports do exist of Burns using the telegraphphone, most prominently in an elaborate plot to entrap corrupt New York police officers, Burns discovered that it was not sensitive enough for the majority of cases.⁵⁷ When disconnected from the telephone, the telegraphphone could not reliably pick up and store voices that were not spoken directly into the receiver. Even with some news outlets reporting on Burns' use of the device, the telegraphphone was ultimately a commercial failure, and it would take until after World War II for magnetic recording to become popular in the United States.

Burns eventually turned to Gaillard C. Smith, who outfitted him with a device he called the detectaphone but which operated according to the same principles as the detective dictograph.⁵⁸ The devices were so similar, in fact, that the popular press rarely distinguished between them; after 1913, despite Burns' attempts to erase the dictograph from the history of detection, the press employed the names interchangeably.⁵⁹ Indeed, the Burns agency even tried to retroactively credit the detectaphone, and not the dictograph, for their major successes.⁶⁰ For the purposes of technological history, the most significant consequence of this shift in nomenclature was how the name 'the detectaphone' divorced the device once and for all from

⁵⁶ Robert Angus, "The History of Recording," *Modern Recording*, February/March, 1976, 22. This was apparently done without the knowledge of the President of the American Telegraphphone Company, Charles Dexter Reed, who was reluctant to publicize the machine.

⁵⁷ "Dictograph Owner and Burns at Odds." For details on Burns' use of the device in the field, see "Detective Burns Ran Gambling House," *Lowell [MA] Sun*, August 7, 1912, 1; "Burns Running Poker Place," *Helena [MT] Independent Record*, August 13, 1912, 1.

⁵⁸ "Use Dancing Balls of Carbon to Trap Criminals," *The Sun* [New York], April 27, 1913, 12. Despite the similarities of the devices, as Kerry Segrave notes, there is no evidence that Turner ever filed a patent dispute against Smith.

⁵⁹ For simplicity's sake, I will continue to employ "dictograph" except in cases where a distinction is essential. According to *The Electrical Experimenter*, by 1916, "dictograph" had become the generic term for any similar electrical devices, of which there were many. See Samuel Cohen, "The Modern Detecta-Phone," *The Electrical Experimenter*, February 1916, 540.

⁶⁰ "Use Dancing Balls of Carbon to Trap Criminals."

its roots as a hearing aid and business intercom and tied it directly to Burns' detective work. If 'the dictograph' pointed to the fluidity and malleability of technological affordances and served as a reminder for how a technology's use is in constant dialogue with the protocols that surround it, 'the detectaphone' attempted to tighten the association between the machine and Burns by fixing it exclusively within the milieu of policing and scientific detection. In many ways, Burns was successful. Even though the General Acoustic Company did continue to sell the dictograph as a hearing aid and office intercom (and it was these versions of the technology that kept the company sustainable), and even though the 'detectaphone' name never seeped into the public consciousness, between 1911 and 1920 the dictograph remained the topic of public discussion as an instrument of surveillance.⁶¹

The Protocols of Modern Detection: Detective Burns & the Dictograph

It is difficult to overstate the popularity and media presence held by William J. Burns in the teens.⁶² After spending twenty-two years exposing counterfeiting and land fraud schemes as a standout member of the U.S. Secret Service, Burns left the service in 1906. In 1921, much to the

⁶¹ The General Acoustic Company's dictograph got a small publicity boost in 1919 when they revealed that the machine had contributed to the war effort. While the company remained coy about its particular uses, claiming that they will be explicit about its wartime use "some day," evidence suggests that dictographs were largely used for domestic spying. See Francis Biddle, "Sickness of Fear," *Bulletin of the Atomic Scientists*, November 1951, 325; William G. Shepherd, "What the Censorship Hid," *The Red Cross Magazine*, January, 1919, 22. Unsurprisingly, there were anxieties that the dictograph could be used against U.S. troops. An operations memorandum sent to the U.S. Air Service ordered any captured pilots to reduce conversation to a minimum in case a dictograph was listening in. See Philip J. Roosevelt, "Operations Memorandum, September 8, 1918" in *The U.S. Air Service in World War I*, ed. Maurer Maurer (Washington D.C.: Office of Air Force History, 1979): 107. For an example of the General Acoustic Company's post-war advertising that emphasized the management problems that accompany the "business" of peacetime reconstruction, see "Advertisement," *Chicago Commerce*, January 23, 1919, 4.

⁶² What follows is only a brief sketch of Burns' career. For more detailed accounts of Burns' life and work, including his complicated, antagonistic relationship to organized labor, see Gene Caesar, *The Incredible Detective: The Biography of William J. Burns* (Englewood Cliffs: Prentice-Hall, 1968); William R. Hunt, *Front Page Detective: William J. Burns and the Detective Profession 1880-1930* (Bowling Green: Bowling Green State University Press, 1990); Matt Kuhns, *Brilliant Deduction: The Story of Real-Life Great Detectives* (Lakewood, NJ: Lyon Hall Press, 2012); Kerry Segrave, *Wiretapping and Electronic Surveillance in America, 1862-1920* (Jefferson, NC: McFarland & Company, 2014).

chagrin of the Socialist Party of America, Burns rejoined government service when he was appointed Director of the Bureau of Investigation.⁶³ It was in between his time working for the government that Burns established his career as a private detective and became, as the *Washington Post* put it in 1911, "the most talked about detective in the United States."⁶⁴ In 1909, Burns established the Burns National Detective Agency, with offices in major cities across the U.S. The agency soon became international, with offices opening in Montreal, Toronto, and London.⁶⁵ Burns' success in the Secret Service and as a private detective was well known, especially to readers of *McClure's*, where Harvey O'Higgins wrote a series of articles between 1910 and 1911 recounting Burns' exploits. By 1911, Burns and his most famous tool of detection, the dictograph, were synonymous, and their popularity could not be separated. As evidenced by the response to Burn's first use of the dictograph, the detective's name came to stand in for a broader excitement around and interest in new technologies and modern modes of detection.

Burns' first widely reported use of the dictograph took place in 1911 when the Ohio Manufacturers' Association hired the Burns agency to investigate a major graft scandal within the Ohio Legislature.⁶⁶ Upon arriving in Columbus, Burns' detectives reportedly found evidence of as many as fifty Senators and members of the lower house soliciting bribes from powerful

⁶³ An article in the *New York Call* informed its readers of Burn's history of targeting organized labor and exploiting the class struggle for his own personal gains. See "W.J. Burns Named Director of Federal Secret Service," *New York Call* vol. 14 no. 231 (August 19, 1921), 1-3.

⁶⁴ "Burns Tells of Work," *The Washington Post*, May 16, 1911, 2.

⁶⁵ Hunt, *Front Page Detective: Williams J. Burns and the Detective Profession 1880-1930*, 91.

⁶⁶ "Hopes Diegle Will Confess," *New York Times*, August 3, 1911, 16. This was not the first time Burns had used the dictograph, however, as he employed it to investigate suspicions of graft in the Illinois Central Railroad in 1910. See Samuel McCoy, "The Dictograph and the Dynamite Trial," 6.

individuals or corporations to pass or kill legislation.⁶⁷ In order to gather evidence of corruption, Burns detective F.S. Harrison posed as the representative of a corporation and rented a room in the Chittenden Hotel, in which he hid a dictograph under the sofa. With stenographers from the Prosecuting Attorney's office waiting in an adjacent room, Harrison set up meetings with suspected corrupt officials and would attempt to have them accept a bribe or otherwise admit their guilt.⁶⁸ Perpetrators, including sergeant-at-arms of the Ohio Senate, Rodney J. Diegle, were indicted for bribery and tried over the ensuing months, creating a national news story and introducing the public to the dictograph. Burns equally played up the dictograph in interviews, calling it "the greatest invention of the century."⁶⁹ That the dictograph, and not the detectives, was seen as the true hero of the story was evident in Columbus where the population held a "dictograph celebration" and bars began serving "dictograph cocktails."⁷⁰

The dictograph again made headlines in 1911 when it helped procure confessions leading to convictions in the case of the bombing of the *Los Angeles Times* Building on October 1, 1910. Between 1905 and 1911, a series of bombings took place across the United States inspired by large-scale labor disputes between construction companies and the International Association of Bridge and Iron Workers. In 1909, the McClintock-Marshall Construction Company of Pittsburgh hired the Burns Agency to investigate a bombing at Indiana Harbor. Though Burns' agents were unable to solve the case, the investigation led Burns to draw connections between the bombings and the Iron Workers' Union. He began to suspect the union's secretary-treasurer,

⁶⁷ "Burns Raids a New Nest," *Los Angeles Times*, May 2, 1911, 11; Segrave, 146.

⁶⁸ "Caught in the Act," *Cincinnati Inquirer*, May 2, 1911; Silas Bent, "Detective Burns Tells How He Laid Trap for Ohio Grafters," *St. Louis Post-Dispatch*, July 30, 1911, B2; Segrave, 147.

⁶⁹ Bent, "Detective Burns Tells How He Laid Trap for Ohio Grafters," B2.

⁷⁰ Ibid; "The Dictograph," *The Literary Digest*, June 15, 1912, 1250.

John J. McNamara, who Burns pursued after the city of Los Angeles hired him to investigate the L.A. bombing.⁷¹ A series of illicit maneuvers led to the arrest of John McNamara, his brother, James, and their accomplice Ortie McManigal on false charges. Public protests broke out across the country in support of the McNamaras and in opposition to Burns' methods, but surprisingly, on December 1, the McNamaras confessed to planning and executing the bombing. Burns, the press reported, had installed a dictograph in the jail cells, and stenographers recorded conversations between the prisoners and their visitors (including lawyers).⁷² When confronted with the damning evidence, the McNamaras, on the advice of their lawyer, Clarence Darrow, plead guilty.⁷³ Further helping establish the dictograph's credibility, authorities collaborated with Iron Workers' Union members to plant a dictograph in the Indianapolis headquarters, resulting in the indictment and conviction of thirty-eight labor union officials.⁷⁴

The earliest accounts of this case, including Burns' own in *McClure's* in January 1912, actually downplayed the role of the dictograph and instead emphasized the less technological methods of detection, such as tailing, that preceded the confession.⁷⁵ It was the procurement of the confession, however, that garnered most popular attention, and the publicity this case received as well as the technologically modern way in which it was resolved made Burns and the

⁷¹ Hunt, *Front Page Detective: William J. Burns and the Detective Profession 1880-1930*, 55-6; "How Burns Caught the Dynamiters," *McClure's*, January 1912, 326.

⁷² As is the case with many newspaper reports, it is unclear whether Burns was responsible for the installation of the dictograph himself or whether one of his agents carried out the work. What is central here, however, is not who made use of the dictograph but the fact that this use was conflated with the person of Burns.

⁷³ Hunt, *Front Page Detective: William J. Burns and the Detective Profession 1880-1930*, 63-64; "The Dictograph Hears All," *The New York Times*, December 2, 1911, 5; Kathryn W. Kemp, "'The Dictograph Hears All': An Example of Surveillance Technology in the Progressive Era," *The Journal of the Gilded Age and the Progressive Era* 6.4 (October 2007): 409-430.

⁷⁴ Segrave, 158.

⁷⁵ "How Burns Caught the Dynamiters," 328.

dictograph national celebrities, with Burns hailed as “the only detective of genius whom this country has produced.”⁷⁶ Interviews with Burns and articles about the dictograph filled the pages of popular newspapers and magazines, and Burns penned a syndicated series devoted to his “Great Cases.” Moreover, Burns became the unquestionable expert in all matters of scientific detection. Of course, the (self)reporting ensured that the complications of his work — including the Burns Agency’s antagonistic relationship with organized labor as well as charges that Burns used illegal methods, including kidnapping and torture, to procure his evidence — were not taken seriously in the popular press.⁷⁷ Instead, the tendency was to highlight and arguably overemphasize the dictograph’s role in cases, with newspapers informing the general public that science had produced a new “terror to evil doers” that has “revolutionized the science of obtaining valid evidence against criminals.”⁷⁸ Burns’ newfound popularity, in short, authorized him to write and narrate the history of modern detective work for a mass audience.

According to Burns’ account of the McNamara case in his book *The Masked War*, a prominent New York theater manager approached him immediately following the McNamaras’ confession and offered Burns a ten thousand dollar down payment and one thousand dollars per night to give a series of lectures across America.⁷⁹ According to Burns, he declined on the grounds that he did not wish to commercialize the case, and over the next three years, Burns

⁷⁶ “Apologies Due to a Detective,” *New York Times*, December 4, 1911, 12.

⁷⁷ Segrave, 155

⁷⁸ “New Terror to Evil-Doers is that Scientific Eavesdropper, the Dictograph,” *New York Daily Tribune*, February 25, 1912, 4; McCoy, 6.

⁷⁹ William J. Burns, *The Masked War: The Story of a Peril That Threatened the United States By the Man Who Uncovered the Dynamite Conspiracy and Sent Them to Jail* (George H. Doran Company, 1913): 317-318.

travelled the country to tell his story, visiting major university campuses.⁸⁰ Whether this account is completely accurate or an embellished attempt on Burns' part to address questions of his integrity is unclear. Indeed, part of Burns' publicity project was to fend off personal attacks from Samuel Gompers, President of the American Federation of Labor, as well as from "jealous detectives" who accused him of blackmail and of conspiring with the McNamaras.⁸¹ A report of a lecture for the Politics Club of Columbia University, held in the Horace Mann Auditorium only three days before the start of the McNamara trial, notes that Burns spent much of his time criticizing his detractors and accusing the majority of detectives of being "the biggest lot of blackmailers in the world."⁸² Although, as noted by the *New York Times*, Burns' lectures were replete with general reformist rhetoric and calls for the "best citizens" to take responsibility for poor political conditions, they also contained the seed of what would become Burns' most famous statement, and the philosophy that motivated and defined his engagement with popular media.⁸³ Illustrating confidence in his own abilities as well as in modern methods of detection, Burns told his audiences that "any man who uses his brain in the right manner can become a detective. Every criminal, no matter how clever, leaves his own trap."⁸⁴ Over the course of the teens, the dictograph, more than any other technology or method, would come to both validate and complicate this statement.

⁸⁰ "Detective Burns to Speak," *Columbia Daily Spectator*, October 20, 1911, 1.

⁸¹ *Ibid.*, 318-319.

⁸² "Burns on Detectives," *The Washington Post*, October 23, 1911, 6.

⁸³ "Mr. Burns as a Lecturer," *New York Times*, October 23, 1911, 10.

⁸⁴ "Detective Wm. J. Burns Gives Fascinating Lecture," *The Daily Illini*, January 28, 1914, 1.

Eluding Inscription: The Technological Limitations of Dictography

Burns' belief in the infallibility of the detective and his confidence that all criminals left behind traces of their guilt was not unique. These assumptions defined the discourse around contemporary developments in policing and the emerging field of criminology. As such, Burns' celebrity, and that of the dictograph, must be understood within the broader context of scientific detection and the debates and discussions about the changing nature of policing and detective work that had been taking place since the mid-nineteenth century. Members of the progressive movement, in particular, took an active interest in police reform and called for the professionalization of police forces as a way to curb corruption, inefficiency, and incompetence. What resulted was the increased bureaucratization of urban and municipal police forces (which would continue throughout the century) as well as the adoption and co-option of new technologies, such as the mass-produced automobile and two-way radio.⁸⁵ While Burns himself did not fit comfortably within more generalized police reform discourse, moving as he did between Federal agencies and private practice, he did see himself as a staunch progressive and understood the role of the private detective to be coincident with the aims of reformed policing institutions.⁸⁶

With the progressive emphasis on purging cities of crime and corruption, detection emerged as a cultural logic and interpretive strategy that was used to explain and understand the modern urban space. Drawing on Walter Benjamin and Dana Brand's interpretations of Edgar Allan Poe's 1845 short story "The Man of the Crowd," Tom Gunning elaborates on the utility of

⁸⁵ See Jonathon A. Cooper, *Twentieth-Century Influences of Twenty-First-Century Policing: Continued Lessons of Police Reform* (Lanham: Lexington Books, 2015); Brian Forst and Peter K. Manning, *The Privatization of Policing: Two Views* (Washington, D.C.: Georgetown University Press, 1999).

⁸⁶ Hunt, *Front Page Detective: William J. Burns and the Detective Profession 1880-1930*, 55. Burns' words, of course, did not always coincide with his methods.

thinking through modern urban spectatorship through the trope of the detective. Like Benjamin's *flaneur*, the detective is a master of observation, but with the added ability to see through deceptive appearances. Says Gunning, "the detective dwells in a space in which the relation between the signifier and signified is not immediate, but must be sorted out and uncovered, separated from misleading appearances."⁸⁷ In order to make sense of the city, the detective must see beyond the exterior spectacle of the space and into its hidden, and often nefarious, underbelly. His gaze must, in Gunning's words, adopt "the penetrating power of the x-ray to bring light to the hidden meaning of the city."⁸⁸ While we must certainly be careful not to uphold Poe's (or Benjamin's) single account of the modern condition as standing in for modern human experience writ large, these terms do resonate strongly with discourses around crime and detection that circulated within the milieu of policing. Detective work, in fact, became highly concerned with developing techniques that would allow detectives to penetrate space in order to access hidden information or locate meaning where none seemed to exist.

As scholars like Gunning and Alan Sekula make clear, the detective's gaze was not only directed at the city but at the individual body. As such, the methods of scientific detection that emerged in the mid-nineteenth century are often understood in terms of the relationship between identity, inscription and visibility. Indeed, implicit in Burns' refrain that every criminal leaves behind a trace of his presence was a fundamental faith that criminals produce indexical traces that link them directly and authoritatively to the crime. To take one example, in his discussion of the use of photography in late nineteenth century detective work, Gunning argues that due to the

⁸⁷ Tom Gunning, "From the Kaleidoscope to the X-Ray," *Wide Angle* 19.4 (1997): 37. See also Dana Brand. "From the *Flaneur* to the Detective," in *Popular Fiction: Technology, Ideology, Production, Reading*, ed. Tony Bennett (New York: Routledge, 1990): 220-238.

⁸⁸ Gunning, "From the Kaleidoscope to the X-Ray," 39.

photograph's indexical bond with its referent, photography acquired a regulatory affordance. The photographic image could identify the (criminal) body and fix it in time and space while also producing the body as information to be mobilized at will.⁸⁹ Advances in ballistics, blood stain analysis, and fingerprinting (many of which Burns wrote about in his syndicated columns) shared this same logic and were motivated by attempts to connect inscriptions (a print, a stain, grooves in a fired bullet) back to the body (or, in the case of the bullet, the gun) that produced them.

Central to this story is the assumption that not only do bodies leave traces, but these traces can also be captured and stored for later examination and use. Indexical traces are valuable to the detective only insofar as they can be mobilized as evidence — as concrete, indisputable proof that a specific body was in a specific place and committed a specific act. As Sekula argues, advances in the field detection in the mid-to-late nineteenth century were intimately tied to a broader archival and administrative imaginary that understood the human body as a set of discrete, measurable data, and that developed ways to effectively store this data. Perhaps most significantly, in the 1800s, the French police clerk Alphonse Bertillon developed a classifying system to record and identify criminals, with the goal of keeping track of repeat offenders. Bertillon's system made use of photography to take mug shots of each criminal but also supplemented the photographic images with anthropometric data, records of eleven bodily measurements taken from each criminal.⁹⁰ By breaking the body into discrete measurements, Bertillon desired not only to make identifying bodies easier, but also to allow for information to be accessed more efficiently. Indeed, as Sekula reminds us, the photographs and bodily

⁸⁹ Tom Gunning, "Tracing the Individual Body, aka Photography, Detectives, Early Cinema and the Body of Modernity" in *Cinema and the Invention of Modern Life*, eds. Vanessa R. Schwartz and Leo Charney (Berkeley: University of California Press, 1995): 19-20.

⁹⁰ Allan Sekula, "The Body and the Archive," *October* Vol. 39 (Winter, 1986), 27.

measurements were perhaps not as important as the administrative logics and filing systems Bertillon devised to allow for fast retrieval and cross-referencing of the records.⁹¹

Bertillon's system sought to be a material manifestation of the x-ray gaze, allowing the police to identify the criminal body through disguises or false documents. This, Sekula notes, was not only an implicit acknowledgement of the fluidity of identity (and the means available to the criminal to take on new identities at will) but a failsafe meant to fix a specific, assumedly authentic, identity in place.⁹² This impulse to segment, capture, and archive the individual defined the emerging forensic imagination. Moreover, Bertillon's system can be understood as part of the larger emerging relationship between detection and processes of inscription. As Sekula put it, Bertillon's work was ultimately "a massive campaign of inscription, a transformation of the body's signs into a *text*."⁹³ By measuring the body and turning it into precise numerical data, Bertillon hoped to create a database that would allow detectives to connect pieces of discrete information back to a specific, identifiable body.

This same interest in inscription made the Bertillon system obsolete. A 1915 report by the American Institute of Criminal Law and Criminology on the adoption of fingerprint systems in the U.S. detailed why the system was superior to Bertillon's anthropometric system and why it had long replaced Bertillon's methods in Europe. Where the Bertillon system was critiqued as difficult to use and inaccurate, the report argued, "there is no possible margin of error" with fingerprinting "as finger prints are taken directly from the body itself."⁹⁴ Fingerprinting made apparent the limitations of the Bertillon system and exposed his records as more transcriptive

⁹¹ Ibid., 27-28.

⁹² Ibid., 33-34.

⁹³ Ibid., 33.

⁹⁴ "The Tell-Tale Finger Prints," *The Washington Post*, November 14, 1915, M3. The article was originally published in the *Journal of the American Institute of Criminal Law and Criminology*.

than inscriptive. Bertillon's measurements were overly mediated, too dependent on the human labor that (to describe the process anachronistically) transcodes the body into numerical data. Where fingerprinting promised direct access to the human body, the Bertillon measurements were always at a remove.

An understanding of the labor of modern detection as increasingly automatic or humanless was implicit in the privileging of fingerprint data over Bertillon measurements, and the media attention given to these new methods threatened to make the traditional image of the detective obsolete. Throughout the 1910s, the popular press had a tendency to attribute agency to the technologies themselves —or, in some cases, simply to 'science' — rather than to detectives. In an article detailing how bloodstain analysis can be used to solve crimes, one journalist described the method in mystical terms, proclaiming that “science now opens the lips of dead men and virtually makes them tell who killed them. Science has become the greatest detective in the world.”⁹⁵ In this imagined relationship between potential clues and recent methods of investigation, the clue transcends its status as potential evidence and becomes instead an accusation, an impossible first-hand account of the crime. It does not merely grant access to past events, but it reanimates them. What this elides is, of course, the figure of the detective and the physical and mental labor needed to make sense of the clues and put forth a narrative of how the clue relates to the crime. These reports, in other words, performed a sort of epistemological fantasy by disavowing the conjectural, interpretive nature of detective work and reconfiguring it as purely scientific.⁹⁶

⁹⁵ “Crimes Unraveled By Science, the World's Greatest Detective,” *The Washington Post*, February 22, 1915, 9.

⁹⁶ Carlo Ginsburg has argued that the tension between conjecture and science, and indeed the confusion of one for the other, is a defining feature of modern epistemology. See, Carlo Ginsburg, “Morelli, Freud and Sherlock Holmes: Clues and Scientific Method,” *History Workshop* 9 (Spring 1980): 5-36.

Within this paradigm, it is easy to see why the detective dictograph was so appealing, and yet so troubling. On the one hand, it reframed the detective's desired x-ray gaze in terms of aurality and offered him access to the hidden sonic interiors of criminal spaces in a way that the practice of wiretapping, with its reliance on voices travelling over established communication networks, could not. The detective's "all-seeing eye," popularized through Pinkerton iconography, was now supplemented by Burns' "electric ear." Furthermore, if, as Gunning notes, the modern body under the gaze of scientific detection "has become a sort of unwilling speech, an utterance whose code is in the possession of a figure of authority rather than controlled by its enunciator," then the promise of the dictograph was to literalize this fantasy and capture actual utterances of guilt.⁹⁷ At the same time, however, the dictograph complicated this fantasy since it separated the literal utterance from the body. As the *New York Daily Tribune* noted in its otherwise glowing report on the dictograph, "the only apparent flaw in the dictograph method is the reliance upon a stenographer who reports the conversation at the other end of the wire."⁹⁸ Dictography, in other words, is related more closely to the Bertillon system than to fingerprinting, relying on human transcription rather than automatic inscription.⁹⁹ Burns' oft repeated motto that "every criminal leaves a trace" confirmed his belief in the index. The irony, of course, is that the dictograph was not a technology of inscription. The disembodied human voice mediated through a stenographer existed outside of this paradigm. The detective dictograph could not capture the voice, parse it into a series of discrete signs, and confine it to a database; the limitations of the technology always allowed for the possibility that the voice

⁹⁷ Gunning, "Tracing the Individual Body," 32.

⁹⁸ "New Terror to Evil-Doers is That Scientific Eavesdropper," 4.

⁹⁹ I should clarify that by transcription I refer only to the process of storing the spoken words through writing. In the 1930s, broadcasters adopted the term to describe the practice of recording a live broadcast onto a disk, but my use of it here does not carry with it the connotations of phonographic inscription.

would exceed or elude an identifiable body.¹⁰⁰

Nonetheless, the popular press, especially after 1911, upheld Burns as the quintessential scientific detective, and Burns' belief in the infallibility of the detective bled into his discussion of the detective's tools, which became equally infallible through association (even if, as I will discuss shortly, reports suggested otherwise). Moreover, Burns used the popular press to help write the history of the dictograph and present it as the forensic device that it could never actually be. In his series for *The Atlanta Constitution*, for instance, Burns began each installment with a simple preface framing his overall project:

It is, perhaps, not surprising that very widespread interest has been aroused by the use of the interesting little scientific instrument called the dictagraph [sic], which I employed in connection with the McNamara dynamiting cases and elsewhere. The dictagraph is only one instance of the usefulness of modern science in detective work. The successful detective of crime has now largely passed out of the old system of haphazard guesswork, and is shaping itself along the lines of more strictly scientific study.¹⁰¹

The series of articles that followed dealt with topics ranging from blood analysis to fingerprinting and bacteriology. The methods that Burns discussed, unlike the dictograph, were rooted in identifying and analyzing indexical traces of the body. Burns' framing statement, however, placed the dictograph among these methods, positioning it as a forensic, inscriptive device. Indeed, the milieu of scientific detection in which the dictograph thrived also threatened to be its undoing, especially as the press, the courts, and the general public began to understand the material capabilities and limitations of the machine. The emergence of the forensic

¹⁰⁰ Even if the dictograph could produce an inscriptive recording, it would still not be the legal equivalent of fingerprinting. A fingerprint is a form of physical evidence whereas a recording is considered documentary evidence. The law, in other words, does not recognize the indexical relationship between analog sound recordings and the natural world or human body. Under the law, all recordings are documents.

¹⁰¹ William J. Burns, "The Imaginary Exploits of 'Sherlock Holmes' Outdone," *The Atlanta Constitution*, April 14, 1912, 6.

imagination, in short, set the stage upon which the history of the dictograph would play out throughout the teens. For Burns' part, the challenge was in managing and negotiating the dictograph's instability and fluidity within the discourse of scientific detection, ensuring that the device continued to be understood as an infallible forensic technology that always worked in service of the law.

The Unstable Dictograph I: Private Acoustic Space

On October 23, 1912, prolific writer Lurana Sheldon published a poem in the *New York Times* entitled "Not Nice" that suggested that the dictograph did not fit so comfortably within the protocols of forensic detection and the law. As the poem begins:

When a fellow's gone a-courting
In the good old-fashioned way,
And has got right down to business
As regards his wedding day.
When he's on his knees and "popping,"
It's not nice to hear a laugh
And to know that some one's got him
On a pesky dictograph.

...

When you're with a fair companion
In your office, den or car,
And your thoughts are far too anxious
To be soothed by a cigar;
When you're on the verge of madness
It's not nice to halt perforce,
Lest some court hears all you've told her
When her husband seeks divorce.¹⁰²

The dictograph of Sheldon's poem is a machine that spies on private moments or, as suggested in the second stanza, stores speech to be resurrected at a later (and always inconvenient) time. It is

¹⁰² Sheldon, Lurana, "Not Nice," *New York Times*, October 23, 1912, 12. Sheldon, a prolific poet and short-story writer, was perhaps best known for her poems that frequently appeared on the Editorial page of the *New York Times*.

this image of the device that circulated through popular culture. Indeed, a series of debates and discussions played out within the pages of popular magazines and newspapers that tried to understand the detective dictograph as a material and social device which afforded a number of possible uses, though not all of them were materially viable. These tensions between what the dictograph was and what it could be point to broader technological fantasies and anxieties about the tangibility of the voice, the emergence of private acoustic space, the relationship between the voice and the body, and the capacity of technology to transform the voice into evidence or an alibi.

Mimicking the concern of journalists who worried about the commercial dictograph's ability to transmit whispers, some writers understood the technology as an inherently ambivalent and impartial threat to individual privacy. As Sterne observes, the late nineteenth and early twentieth centuries were marked by "the dissemination of a specific kind of bourgeois sensibility *about hearing*" that understood acoustic space as a potential form of private property.¹⁰³ While the threat of eavesdropping was nothing new, the threat of electronic eavesdropping, whether in the form of telephone wiretapping or dictographic surveillance, ensured that private sounds reverberating through the domestic sphere — or any other ostensibly private space — were increasingly understood as potentially public.¹⁰⁴ That the dictograph could capture any and all private speech, and not just speech transmitted over telephone lines, made it especially hostile toward the desired right to acoustic space.

¹⁰³ Sterne, *The Audible Past*, 160. See also, Richard Leppert, *The Sight of Sound: Music, Representation, and the History of the Body* (Berkeley: University of California Press, 1995).

¹⁰⁴ Segrave, for instance, describes how privacy concerns emerged alongside the telephone in the late 1800s. See Segrave, *Wiretapping and Electronic Surveillance in America, 1862-1920*, 19-24.

In its general enthusiasm over the potential of the dictograph to incriminate actual criminals, the popular press seemed to be in agreement in its opinion that not everyone was entitled to private acoustic space. The problem, however, was that the dictograph itself could not discern between respectability and criminality. Even the earliest accounts of the detective dictograph expressed anxieties about its potential abuses, especially for the purpose of blackmail.¹⁰⁵ Turner was acutely aware of this possibility and initially refused to discuss the technical intricacies of the dictograph in too much detail since they might allow “unscrupulous persons to imitate the machine, defying the patent laws, for use by criminals.”¹⁰⁶ As a further precaution, Turner promised to prevent this possibility by only renting the detective dictograph to government, policing, or accredited private detective agencies and “honest businessmen.”¹⁰⁷ Yet this promise alone was not enough to deter anxieties that individual privacy was constantly at stake and that private information, from evidence of adultery to stock tips to detailed football plays, was free and up for grabs by whomever could procure a dictograph or any of a number of similar devices that were less regulated.¹⁰⁸

To be sure, the attention the dictograph received did not accurately reflect the frequency of its use or the capacity of its affordances. Its imagined uses were much more creative and

¹⁰⁵ See, for instance, Strother, “What the Dictograph Is,” 41; “Beware the Dreadful Dictograph,” *St. Louis Post-Dispatch*, December 3, 1911, B5.

¹⁰⁶ “Dictograph Sends Whispers to King By Long Distance,” 16.

¹⁰⁷ “New Terror to Evil-Doers,” 4.

¹⁰⁸ For an account of anxieties around the dictograph’s potential use in sports, see “Spying System is Condemned,” *The Washington Post*, January 5, 1913, S3. Although the Dictograph Products Corporation tried to regulate the sale and rental of the detective dictograph, it was still possible to procure similar devices made by companies less interested in regulation (such as the Detectaphone Company of America). In 1919, the President of the Dictograph Products Corporation, C.H. Lehman (who had replaced Turner) even issued a statement to the *New York Tribune* and to the New York District Attorney and Police Commissioner insisting that the recent unauthorized use of listening devices “were not genuine dictographs or secured from our company” and reasserting his company’s commitment to regulation. See C.H. Lehman, “Misusing the Dictograph,” *New York Tribune*, September 1, 1919, 6.

varied than its actual ones, and the metaphors employed to communicate the workings of the dictograph often exaggerated its material capabilities. Nonetheless, these tales engendered not only the possibility that one's words could be overheard and mobilized by others, but the expectation that innocent, moral citizens would suffer the consequences. As one journalist put it, employing a common trope, "with the dictograph at command it is coming to be generally apprehended that walls may be supplied with ears and that no supposedly secret conference will be safe."¹⁰⁹ Implicit here is the notion that audio surveillance was quickly becoming an accepted and expected part of everyday life, with newspapers warning readers to "beware the dreadful dictograph" and reminding them that "wherever you go nowadays there's very likely to be a dictograph listening to every word you say."¹¹⁰ In the summer of 1913, such a belief compelled the Georgia General Assembly to prepare three bills dealing with the misuse of the dictograph in order to prevent it from "ruining the reputation of good citizens."¹¹¹ If the metaphor of the x-ray best describes the detective gaze and its ability to penetrate modern the early twentieth century city, then the dictograph was its sonic counterpart. Journalists even paired the two devices, with *The Sun* calling it "the X-ray of accusing and convicting sound" given its ability to penetrate "brick and plaster impediment."¹¹² That said, the dictograph must be understood as more than mere metaphor, as it was tied much more directly to lived, everyday experience, where the threat of being overheard was much more present than the threat of being seen.

¹⁰⁹ "The Useful Dictograph," *The Washington Post*, October 25, 1913, 6.

¹¹⁰ "Beware the Dreadful Dictograph," B5; "Walls Have Ears," *Los Angeles Times*, March 27, 1915, 6 [Part II].

¹¹¹ "Will Introduce Three Bills to Circumvent Dictagraph's Misuse By Unscrupulous," *The Atlanta Constitution*, June 12, 1913, 7.

¹¹² "Use Dancing Balls of Carbon to Trap Criminals." See also, "X-Ray Experts Peek in Cotton Bales Going to German Port," *The Washington Post*, December 30, 1914, 2.

The dictograph's potential for penetrating private domestic space caused the most social anxiety. In April 1912, the press credited the dictograph with its first divorce case, when Eugene Fallabom hired a private detective to hide a dictograph transmitter behind his home piano in order to overhear his wife, Marguerite, having an affair with Jonas McClintock, one of Pittsburgh's wealthiest citizens.¹¹³ In court, having denied the attempts of Mrs. Fallabom's counsel to have the dictograph evidence dismissed in court, the judge ordered detectives to read the dictograph transcripts aloud. Humiliated by her words being repeated back at her, Mrs. Fallabom reportedly "hung her head and blushed."¹¹⁴ The disruption of private lives and the ensuing public humiliation that the dictograph could potentially cause reframed the terms of public conversations around the dictograph and catalyzed debates around the ethical implications of electronic eavesdropping.

The dictograph again became the subject of national news when, on July 1, 1914, Lulu Bailey was shot dead in the office of Dr. Edwin Carman, former Health Officer of Freeport, Long Island. When investigating the Carman home, police discovered that Dr. Carman's wife, Florence, had secretly installed a dictograph in her husband's office in order to eavesdrop on him whenever he was treating women. She had apparently acquired the device directly from Turner's Manhattan office after promising that it would not be used to collect divorce evidence.¹¹⁵ According to Mrs. Carman, she had installed the dictograph merely out of curiosity and had never transcribed any of the overheard conversations.¹¹⁶ Nonetheless, Mrs. Carman almost

¹¹³ "What Her Husband Heard Through the Dictograph," *El Paso Herald*, May 7, 1912, 10.

¹¹⁴ "Dictograph Causes Blushes," *The Washington Post*, April 3, 1912, 2.

¹¹⁵ "Dictograph Put in Murder Room By Mrs. Carman," *New York Times*, July 2, 1914, 1. In interviews with the press, the manager of the General Acoustic Company's Secret Service Department, Gaston Boissonnault, insisted that Mrs. Carman had tricked him and that he regretted selling her the device.

¹¹⁶ "Burns Denounced By Mrs. Carman," *New York Times*, July 18, 1914, 2.

immediately became the chief murder suspect. The Freeport police called in William Burns to lead the investigation, and the resulting trial became a media spectacle, renewing public interest in the dictograph and its potential to intrude in private affairs.¹¹⁷

In the courtroom, Mrs. Carman's counsel, John Graham, reportedly belittled the dictograph and argued that its mere presence in the Carman home could not prove that Mrs. Carman had any motive for murder, especially in the absence of transcriptions.¹¹⁸ Outside of the courtroom, the topic of conversation ranged from Mrs. Carman's culpability to her attire to, of course, the dictograph and its social utility. *The Washington Post* initially tried to frame the debate in terms of privacy, noting that the Carman case "raises the question as to how far dictographs [sic] and similar ingenious contrivances may be employed without transgression of the law, or infringement of supposed inviolable personal privileges."¹¹⁹ Responses to this question varied. Opinion pieces tended to reframe the question as one related to morality and human fallibility. Immediately following the discovery of the dictograph in the Carman home, the *New York Times* published an editorial arguing that the dictograph "would have to be put in the same category as revolvers and other deadly weapons" since human curiosity and the impulse to use it for domestic espionage was too strong to allow the device to be used by anyone not licensed and vetted.¹²⁰ Acknowledging the importance of privacy to social life and arguing that life "would be hardly worth living if confidential communications can be safely made nowhere

¹¹⁷ For more details on the Carman case, see Segrave, *Wiretapping and Electronic Surveillance in America, 1862-1920*, 185; "Dictograph Put in Murder Room By Mrs. Carman"; "Burns Re-enacts Bailey Tragedy, *Chicago Daily Tribune*, July 7, 1914, 13; "Attorney Graham Scores Detective," *Altoona Mirror* [PA], October 19, 1914, 1; Gertrude Atherton, "Maid's Tale of Mrs. Carman's Confession Doesn't Convince Mrs. Atherton," *The Washington Post*, October 22, 1914, 2.

¹¹⁸ "Attorney Graham Scores Detective."

¹¹⁹ "Dictograph Musings," *The Washington Post*, July 4, 1914, 6.

¹²⁰ "A Weapon Truly Dangerous," *New York Times*, July 3, 1914, 8.

except in the middle of a ten-acre lot," the editorial is ultimately an indictment of jealous, curious human nature rather than of electronic eavesdropping.

An editorial in the *Detroit Free Press* similarly framed the widespread use of the dictograph as a potential moral (and not legal) problem, albeit in manner that makes explicit the gender bias implicit in much of the discourse around the case. Noting the supposed "tendency of women to fall in love with their physician," the article argued that, with the Carman case, "we are again reminded of the difficulty of playing with fire without getting the fingers scorched." The dictograph, the article concluded, leads the "woman of jealous temperament" to inevitable tragedy.¹²¹ In an attempt to curb to social anxiety surrounding the potential of "jealous" women using the dictograph, the Long Island Women's Club publicly condemned the dictograph and urged "the revival of marital confidence." Yet by 1915, the L.A. Times reported that in New York alone, fifty dictographs were purchased each week for domestic use.¹²² Although these numbers were likely exaggerated, their mention nonetheless points to the continued understanding — and even acceptance — of sound surveillance's intimate relationship with the private, domestic sphere.

The Unstable Dictograph II: The Trouble with Records

Even more common to this discourse of suspicion was an inherent mistrust of the human labor involved in audio surveillance. At least until the mid-1920s, there was much less concern (though some did exist) over the legality of sound surveillance and its implications for personal

¹²¹ "Jealousy and the Dictagraph," *Detroit Free Press*, July 15, 1914, 4.

¹²² "One Baby a Year," *The Washington Post*, October 30, 1914; "Walls Have Ears," 6 [Part II]. The article does not estimate the gender breakdown of the dictograph sales, but it would be safe to speculate that sales to men far outnumbered sales to women.

privacy than there was over the possibility that stenographers would misidentify and inaccurately transcribe the voices heard over the dictograph. These fears were not misplaced. A number of scandals emerged between 1912 and 1920 in which stenographers admitted to misattributing voices, padding their notes, or making up content outright when parts of the conversation became inaudible or when they were unable to identify the speaker.¹²³

The relative stability of the supposedly evidential dictographic record came into question during the Ohio Legislature scandals that made Burns famous, very early in the detective dictograph's life. During Rodney J. Diegle's trial, for instance, the opposing counsel only allowed a dictograph transcript to be admitted without objection after the state agreed to strike all individual names from the stenographer's transcript and replace them with the words "a voice."¹²⁴ The state's argument was that the stenographer could not prove with absolute certainty that he knew precisely who was speaking at any given moment. Unlike a fingerprint or a bloodstain, the disembodied voice could not stand in for the absence of visual evidence, as it could not be traced directly to the body that produced it.

In recognition of the 'tell tale' device's inability to speak for itself (or for the alleged guilty party), some courts began requiring stenographers to sign affidavits confirming that nothing was omitted or substituted.¹²⁵ This alone could not account for the fact that, as the *Boston Globe* noted in an assessment of the dictograph's use in court cases, the dictograph brought with it too many uncertainties: "it is not certain who is talking, it is not certain that the record has not been tampered with. . . . In itself it is neither formidable nor conclusive. But it can

¹²³ See, for example, "Dictograph is Nut to Crack," *Los Angeles Times*, July 5, 1912, 18; "Dictagraph Records Crooked, Says Gentry," *The Atlanta Constitution*, June 11, 1913, 1; "Left Fake Records in Dictograph Trap," *New York Times*, March 12, 1916, 15; "Dictograph in Error," *San Francisco Chronicle*, November 26, 1918, 2.

¹²⁴ "Accept Dictograph Record," *New York Times*, June 25, 1911, 9.

¹²⁵ "Titlebaum Will Make Affidavit," *The Atlanta Constitution*, July 19, 1912, 1.

be a great trouble maker.”¹²⁶ The affordances of the dictograph, it seems, were not valuable enough to compensate for its failings. It relied too heavily on the integrity and competence of the stenographer.

Ironically, shortly after the *Globe* predicted the decline of dictograph transcripts in court, Diegle’s case made its way to the Ohio Supreme Court, which resulted in a landmark ruling that transcripts could be admissible in court and that it was up to the jury to determine their credibility.¹²⁷ In response to this decision, the *Washington Post* cautioned its readers that “there is a good deal of confusion in the minds of many people who fail to draw a distinction between the admissibility of evidence and the value of it.” For the reporter, the issue here was the tendency of the public to put too much trust in modern technologies. As he reminded his readers, “The credibility to be given to any man’s testimony depends, not only on the machinery used to help him, but on his intelligence, integrity, and the probability of his story.”¹²⁸ The following year, *The Nation* similarly warned its readers to not trust the dictograph outright, arguing that the voices it purports to hear could be impersonated and that records can be forged. “There is,” the article concluded, “no mechanical road to truth and nothing but the truth.”¹²⁹ These critiques and other like them did more to destabilize the image of the dictograph than any privacy violation ever could. Whereas anxieties that the dictograph could be misused only reinforced and reconfirmed its technological potency, reports that it could fail to capture fleeting voices accurately threatened to undermine its status as a supposed forensic technology of modern detection by calling its truth-value into question.

¹²⁶ “The Dictagraph,” *Boston Daily Globe*, February 21, 1912, 10.

¹²⁷ “Dictagraph Gathers Evidence Otherwise Impossible to Obtain,” *El Paso Herald*, March 9, 1912, 17. The *Herald* also rightly foresaw this ruling as playing a role in the upcoming L.A. dynamite trials.

¹²⁸ “Dictagraph Evidence,” *The Washington Post*, February 25, 1912, ES4.

¹²⁹ “Detecting the Detectaphone,” *The Nation*, November 6, 1913, 427.

An implicit recognition of the ontological difference between written transcription and inscription was at the center of this controversy, as was the human labor necessary for the dictograph to work. A shorthand transcript was not equivalent to a fingerprint, and the dictograph was not, in fact, an autonomous, impartial detective. Operating the dictograph, the *L.A. Times* explained, was not easy, with stenographers stating "that it is hard to use at first until one gets accustomed to it, as other noises and buzzings are transmitted as well as the conversations."¹³⁰ During a 1912 investigation by the Burns Detective Agency into election fraud by Illinois Senator William Lorimer, Burns stenographer James E. Sheridan produced a dictograph transcript as evidence that one of the key witnesses in the trial, Charles McGowan, had committed perjury when he denied his knowledge that Lorimer bribed members of the state legislature. The voiced evidence came into question, however, when Sheridan admitted to having faked part of his notes because, as he told the court, "it is a terrific strain on the ear, this operation of this dictograph" and he could not take down the entire conversation.¹³¹ In response to a June 1913 scandal where another stenographer admitted to falsifying his notes when he could not hear what was being said, the *Atlanta Constitution* declared that "the stenographer is the heart, brain and conscience of . . . the dictagraph [sic]. The conversations of the persons under espionage can not reach the outer world until they have passed through his mind and been transcribed by his fingers."¹³²

At issue here is the question of mediation, as the journalist implicitly defined the stenographer, and not the dictograph, as the medium. It is not the dictograph that tells tales or

¹³⁰ "Dictograph is Nut to Crack."

¹³¹ U.S. Congress, Senate, *Election of William Lorimer: Hearings Before a Committee of the Senate of the United States*, 1912, 8224.

¹³² "The Dictagraph Scandal," *The Atlanta Constitution*, June 12, 1913, 4. See also, "Dictagraph Records Crooked, Says Gentry."

reveals secrets. Rather, the stenographer mediates these secrets, and it is his words that come to stand in for truth. He is the extension of the dictograph's body (its heart, brain, conscience) and not vice versa. As such, the dictograph called attention to the integral role of interpretive textual in forensic detective work that tended to be elided in accounts of modern detection. The fantasy of the bodily trace that serves as an intrinsic index of guilt was ultimately a fantasy of immediacy predicated on a belief that the body will always give itself away and speak the truth.

On the whole, however, these critiques were in the minority, and most accounts of the dictograph outright ignored these concerns and instead did frame it as a forensic, inscriptive technology by disavowing both the human labor involved in dictography as well as the material limitations of the machine. Specifically, the cultural logics and technological affordances of sound recording and sound playback, familiar to the public through the phonograph and related devices, were imaginatively displaced onto the dictograph. This confusion is perhaps unsurprising. Even when Turner unveiled the commercial dictograph, a number of journalists commented on the seemingly inappropriate name of the invention, remarking that writing or inscription was not one of its affordances. When explaining the dictograph to its readers, the *San Francisco Chronicle* noted that its name was only partially accurate: "it will talk when spoken to [but] there is nothing in its operation to suggest writing as the latter part of its name would indicate."¹³³ Where the name promises inscription and storage, it offers telephony. Making matters worse was the continual conflation of the dictograph with the "dictating phonograph" or office dictation machines. The Columbia Phonograph Company's popular version of this device was even marketed under the "Dictaphone" brand name, which would become the generic name

¹³³ "Invention Which Surpasses the Telephone," 6. See also "Telephone Improvement," *The Daily News* [Harrisburg, VA], July 29, 1907; "Now it is Possible to Hear Every Note of the Opera by Long Distance," SM11.

for office dictation machines. *Scientific American* acknowledged and attempted to correct this common mistake, stating bluntly that the dictating phonograph “has nothing in common with the dictograph used by Detective Burns.”¹³⁴ Despite these attempts to clarify and stabilize the material affordances of the dictograph, it existed much more fluidly within the popular imagination and often acquired the full affordances suggested by its name. As a result, an imaginative culture emerged around the dictograph that mythologized and romanticized it, allowing it to acquire almost mystical capabilities.

Indeed, the popular media often understood the dictograph as sharing a lineage with the phonograph as well as with the telephone and thus framed it as a long distance recording device. Shortly after the dictograph became a subject of national interest in 1911, for instance, the *St. Louis Post-Dispatch* published an article criticizing an Indiana judge for excluding dictograph evidence in a bribery case. To the reporter, this dismissal could only be attributed to the newness of the dictograph and the lack of legal precedent for dealing with “an uncanny machine [that] makes its records with mechanical precision.”¹³⁵ That said, he assures the reader that “the law will catch up with [the dictograph] eventually and may even come to admire its impartiality and accuracy.”¹³⁶ Even in this early instance, the device was imagined as a perfect witness that could hear all, remember all, and speak all without human interference. George Fitch of the *San Francisco Call* further aligned the dictograph with other technologies of inscription, referring to it as “a sort of verbal camera” and as a “phonograph with a detective annex.”¹³⁷ Other misrepresentations were more accidental, both illustrating and contributing to a broader

¹³⁴ “How Detective Burns Listened to Dynamiter Plots,” *Scientific American*, March 30, 1912, 284.

¹³⁵ “The Dictograph as Evidence,” *St. Louis Post-Dispatch*, November 12, 1911, 2.

¹³⁶ Ibid.

¹³⁷ George Fitch, “The Dictagraph,” *The Call* [San Francisco, CA], November 27, 1912, 6.

confusion about the technology. When the *Los Angeles Times* bluntly declared, “the stenographer is passing. The dictograph is superseding her as a recorder of utterances,” it was unclear that the technology under discussion was actually the Dictaphone.¹³⁸ The article’s account of the machine’s utility in the courtroom and its ability to provide verbal evidence only confused matters given the context of dictograph’s frequent and recent appearances in the news.

The point here is not to scrutinize the quality of journalism but to point out the very real and understandable discursive uncertainties around the dictograph and its affordances that marked the early twentieth century. Journalists were not alone in their confusion. Returning once more to the Lorimer case and to James E. Sheridan's padded transcript, it is important to note that not even the expert stenographer brought in to testify to the validity of Sheridan's notes had a firm understanding of how the dictograph operated. During his testimony, the stenographer, Milton W. Blumenberg, admitted to misunderstanding the dictograph until he spoke to Sheridan. Initially, Blumenberg told the court, "I had an impression . . . that the dictograph was a machine which mechanically recorded sound; that it was not a mere telephone or eavesdropping device in connection with which human agency was employed and which was, therefore, capable of error."¹³⁹

Nonetheless, even as counter-narratives emerged that threatened to destabilize the cultural meaning of the device, the imaginings of the detective dictograph as a machine that could capture and reproduce the human voice persisted throughout the teens and continued to position the device within a phonographic paradigm. Newspaper headlines announced that the dictograph had captured evidence "on a disk," or in less fortunate circumstances, that the "disk

¹³⁸ “The Dictograph,” *Los Angeles Times*, March 6, 1912, 4 [Part II].

¹³⁹ U.S. Congress, Senate, *Election of William Lorimer*, 8259.

failed to record all."¹⁴⁰ It was upheld for its supposed ability to 'tell stories' or "tattle every word you say," and syndicated articles described its supposed ability to produce records of incriminating conversations which could then be mobilized to frighten, intimidate, or prosecute the speakers.¹⁴¹ The history of the detective dictograph is the history of a technology in a constant discursive flux, its affordances and uses defined and redefined even as its material base remained stable. As the dictograph continued to circulate within the popular imagination, the gap between its material and imagined states continued to grow or retract depending on how it was presented to, and interpreted by, a broader public.

The issue of public presentation is a central part of the history of the detective dictograph that remains underexamined in this chapter. It is perhaps unsurprising that the iteration of the dictograph that garnered the most public attention was also the version that was, at least at first, publicly invisible. The detective dictograph was not available to the general public and until 1912, images of the dictograph did not circulate widely within popular culture. The detective dictograph, ironically, was itself the subject of rumor, hearsay, and confusion transmitted primarily through accounts in the popular press. In 1912, however, a rich culture of images and stories emerged that tried to explain the dictograph as a technology. This is the subject of the next chapter.

¹⁴⁰ "Bribe Tale on a Disk," *The Washington Post*, February 2, 1912, 1; "Grilled on Bribe Tale," *The Washington Post*, February 3, 1912, 4.

¹⁴¹ See, for instance, "The Dictograph Will Tattle Every Word You Say," *Logansport Daily Reporter* [IN], May 17, 1911, 4; "Dictagraph Tells Startling Story," *The Morning Echo* [Bakersfield, CA], January 20, 1916, np; "Away with Tattling Dictograph," *The Chicago Daily Tribune*, October 30, 1914, 7; "The Useful Dictograph," 6.

CHAPTER II

Taming the Tell-Tale Technology: The Visual and Narrative Cultures of the Dictograph

On July 4, 1914, weekly fan magazine *Movie Pictorial* published a letter they had received from celebrity detective and star of the U.S. Secret Service, William J. Burns, in which Burns agreed to take part in a campaign for the upcoming detective serial, *The Million Dollar Mystery* (Howell Hansel, 1914). From June through December, Burns wrote a series of columns that helped readers track and interpret the serial's clues, with the ultimate goal of teaching the magazine's readership how to think like a detective.¹ These columns were, at least according to Burns, meant to educate rather than entertain, and Burns saw them as part of his ongoing pursuit to reduce crime on a mass scale. "In view of the fact that I am greatly interested in advocating preventative measures against crime," wrote Burns, justifying his decision, "I will take great pleasure in co-operating with your publication in showing the application of my methods."²

In an interview accompanying his first *Movie Pictorial* column, Burns, who had starred in his first film the previous year, further articulated his understanding of cinema's educational potential, claiming that "the movies" could serve as the "greatest deterrent to crime in the world."³ Burns did not mean that moving picture cameras could aid in the detection of crime by

¹ These articles exploited the serial's own promotional campaign offering \$10 000 to the reader who could write in the best 100 word solution to the mystery. According to *Movie Pictorial*, Burns' articles would give its readers the best chance at claiming the prize. See "Advertisement," *The Movie Pictorial*, July 25, 1914, 3.

² William J. Burns, "Letter to *Movie Pictorial*," *The Movie Pictorial*, July 4, 1914, 8.

³ William Almon Wolff, Jr, "William J. Burns and the Movies," *The Movie Pictorial*, July 4, 1914, 7-8.

being used as surveillance devices, although the idea was popular among his contemporaries.⁴ Rather, Burns argued that by showing and dramatizing modern methods of detection, the movies would make criminals think twice about committing crimes altogether. As *Movie Pictorial* explained, “What [Burns] wants to do is to make the criminal see, before he commits the crime, what is sure to happen to him!”⁵

Making his methods visible was a central part of Burns’ broader project of educating the American public in the ways of modern detection and of proving true his oft-repeated maxim that “every criminal leaves a track by which he may be traced.” Burns’ intimate relationship with popular media was nothing new, nor was his attempt to bolster his public image as a staunch progressivist concerned with improving America’s moral character. Since his rise to national prominence in 1908, Burns, who was popularly hailed as “America’s Sherlock Holmes,” had given countless interviews and lectures, written numerous syndicated newspaper columns, and been the subject of a long-running series of articles in *McClure’s* based on his most famous cases. By 1912, however, Burns became less interested in sharing his exploits and more interested in showing the supposed infallibility of the modern detective and the tools at his disposal.

By the mid-1910s, perhaps no tool of detection was more publicly displayed or embedded within public consciousness than Burns’ famous detective dictograph. In the previous chapter, I traced the multiple histories of K.M. Turner’s voice amplification and transmission device as it became embedded within diverse sets of protocols. While the dictograph met modest success as a hearing aid and office intercom system (referred to as the commercial dictograph), it emerged

⁴ As early as 1912, the Paris police force was experimenting with installing motion picture cameras on clock towers and at street corners in order to provide continuous surveillance. See “A New Crime Detector,” *The Washington Post*, April 5, 1912, 6.

⁵ Ibid.

as a major item of popular interest and discussion once Burns adapted it for the purposes of detection and used it to solve a number of high-profile cases in 1911. As the detective dictograph's popularity grew, so too did the number of protocols within which it was popularly imagined. While Turner tried to regulate the sale of the detective dictograph, and while Burns attempted to define it as a forensic detection device operating within the frameworks of the law and in the best interests of the public, a counternarrative emerged that imagined the device being used for the purposes of blackmail, bureaucratic control, and domestic espionage. Perhaps more importantly, in the popular imagination this purely telephonic device began to acquire the properties of the phonograph, as many believed incorrectly that it transcribed sound onto physical storage media.

This chapter examines attempts to make sense of and manage the confusion surrounding the detective dictograph. Specifically, I analyze the visual and narrative dictographic culture that emerged around 1912 and the central role visual images played in disseminating technical knowledge and crystallizing public understandings of how the dictograph operated. The challenge, of course, was not in illustrating, portraying, or filming the dictograph itself, but rather in communicating visually its technological affordances, or the possible uses to which it could be put given the constraints and abilities of its material base. As such, I pay particular attention to the methods and processes through which the popular press, theatrical plays, and films mediated the dictograph and its affordances in an attempt to make the technology legible to a broader public.⁷ Due to the inaccessibility of the detective dictograph to the public at large, I

⁶ Ian Hutchby, drawing from the work of psychologist J.J. Gibson, takes the position that technologies are defined by their communicative affordances as a way to negotiate between technological determinism and social constructivism. See Ian Hutchby, *Conversation and Technology*.

⁷ Literature is, of course, a glaring omission from this list, but a full consideration of the scientific detective literature is outside the scope of this dissertation. It is worth noting briefly, however, that the scientific detective in literature did emerge in the early twentieth century as a corrective to sensationalistic sleuths as well as the model of

argue that the various, sometimes contradictory attempts to visualize and narrativize the dictograph in popular culture positioned the machine within various sets of cultural, technological, social, legal, and moral protocols. Moreover, I argue that Burns' investment in this culture provided an authoritative stabilizing narrative that placed the dictograph within the protocols of detection and policing and alongside other modern detecting methods such as fingerprinting and photography. In doing so, Burns helped widen the existing gap between the material and imagined dictograph. Using his celebrity to frame his authorized mediations of the dictograph as realistic, he attempted to transform a device that one journalist described as a "merely highly refined telephone" into an infallible forensic technology capable of recording indexical traces of criminal bodies.⁸

From Eavesdropper to Witness: Visualizing the Affordances of the Dictograph

The exclusivity of the detective dictograph — its public invisibility — contributed to the gap between the material and the imagined dictograph in the early 1910s. As a device meant only for sale to the U.S. government, city police departments, and reputable private detectives, the detective dictograph was not readily accessible to the broader public, except through hearsay or print media. For the majority of the population, then, it existed quite literally as an imaginary technology. As journalist Samuel McCoy asked readers in 1912, "Did you ever see a dictograph?"

the "Great Detective." Burns' career intersected with the development of the burgeoning genre, and his exploits inspired the work of Arthur B. Reeve, creator of perhaps the most famous fictional scientific detective, Craig Kennedy. Perhaps unsurprisingly, the dictograph appeared in a number of Kennedy stories, including "The Black Hand" (1911), "The Unofficial Spy" (1912), and "The Campaign Graft" (1912). By 1914, Reeve had joined the film industry, writing the popular serial *The Exploits of Elaine*, which can be considered a spinoff of the Kennedy stories. See "New Pathe-Hearst Serial," *The Moving Picture World*, December 12, 1914, 1529. For more on the history of the literary scientific detective, see LeRoy Panek, *The Origins of the American Detective Story* (Jefferson, NC: McFarland, 2006); Ronald R. Thomas, *Detective Fiction and the Rise of Forensic Science* (Cambridge: Cambridge University Press, 2004); Sayers, "How Text Lost Its Source."

⁸ "Dictograph Tells Weighty Secrets in a Whisper," 8.

Would you recognize one if you saw it on the street? . . . Not one person in a thousand could give you an intelligent answer to these questions.”⁹

It is curious that McCoy used the language of visibility to communicate the general public’s ignorance of the detective dictograph. As the dictograph was a sound amplification and transmission device, its functions would only be heard, not seen. Furthermore, unlike sound recording technologies such as the phonograph, the dictograph produced no visual record of inscription, no evidential testament to its affordances. Even those who could bear witness to the dictograph, in other words, came away with no visual trace of what the machine could do. There were no impressions of sound waves on wax cylinders or disks, and certainly no scraps of indented tinfoil that, as Lisa Gitelman has noted, became popular souvenirs for those in attendance at phonograph demonstrations in the late nineteenth century.¹⁰ Yet despite the fact that seeing the dictograph could communicate little of its technical capabilities or limitations, there was still a public desire to see the mysterious device.

McCoy’s observation that the detective dictograph was rarely seen coincided with the emergence of a visual and narrative culture around the dictograph that tried to show the machine at work. The dictograph was the subject of numerous newspaper and magazine features, and it became a central plot device in stories, plays, and films. This visual and narrative culture did not so much illustrate the dictograph as it imagined an idealized dictograph that disavowed the limitations of the material machine and imbued the device with the powers of a fantastical ‘perfect’ recording device. To be sure, popular science and technology magazines like *Scientific American*, *The Talking Machine World*, and *Popular Electricity* paid strict attention to the

⁹ McCoy, “The Dictograph and the Dynamite Trial.” While it is unclear exactly what knowledge one would gain by merely seeing the device, it is possible that its small size would suggest that it was not a recording device.

¹⁰ For more on the history of making sound visual, see Sterne, *The Audible Past*, 42-51; Gitelman, *Always Already New*, 25-44.

material and technical realities of the detective dictograph; they made clear that the dictograph was a telephonic device whose record depended on the labor of a skilled stenographer listening at the receiver.¹¹ When the public was still becoming acquainted with the dictograph, newspapers and magazines sometimes featured photographs or realistic sketches of Turner's invention. By 1912, however, as the dictograph began to attract popular interest and cultural potency, the popular press was just as likely to represent the detective dictograph via editorial cartoons with creative flourishes that corresponded to and reified their misunderstandings of the dictograph's affordances. While it would be easy to attribute these inaccuracies to the ignorance of the cartoonist, it is perhaps more likely that they reflect not only the difficulty of communicating the affordances of a sound-based device through visual images but also the need to illustrate the dictograph operating in various contexts as a social technology.

Given the anxieties surrounding the dictograph, it is not surprising that images of it emphasized and exaggerated its relationship to the fantasy and threat of omnipresence. A 1912 syndicated cartoon entitled "If Dictograph Gets Into General Use," for instance, depicts criminals hiding in safes, in the sewer, and even in a submarine to avoid being overheard by the scientific sleuth.¹² Not all imaginings framed the device exclusively as a threat to criminals, however, and illustrations employed similar tropes to express the pervasive fear that the dictograph will escape the grasp of an assumedly moral legal system.

The widely reported Fallabom divorce case of 1912, for instance, in which Eugene Fallabom hired a private detective who used a hidden dictograph transmitter to spy on his adulterous wife,

¹¹ See "The Dictograph," *The Talking Machine World*, May 15, 1910, 14; "How Detective Burns Listened to Dynamiter Plots," *Scientific American*, March 30, 1912, 284; Edward Lyell Fox, "Eavesdropping by Science," *Popular Electricity*, May 12, 1912, 129-132. These magazines were very clear that the dictograph, in all of its guises, was a sound amplification and transmission device and not a recording machine.

¹² "If the Dictograph Gets Into General Use," *The Tacoma Times*, February 10, 1912, 7. This cartoon was originally published in the *Chicago Daily News*.

served as evidence of the dictograph permeating private domestic space. One article about the Fallabom divorce case featured an image showing how the dictograph allowed Mr. Fallabom to listen to his wife while hiding in a house across the street. As the article described, “this whole picture diagram shows how the dictograph was hidden behind the piano in Mr. Fallabom’s house and the wires led across the street down to where Mr. Fallabom sat with the detectives.”¹³ Even as the article noted that the receiver can only pick up sounds from the room in which it is placed, the image grants the reader visual access to each room by which the dictograph wire passes and not only the room in which the receiver is located, suggesting access to sounds and spaces that the device could not provide. Moreover, the image of the dictograph (or, as the article put it, “the wonderful little mechanical tell-tale”) connects this supposed omniscience, often discussed as an attribute of the technology, to the figure of the spying husband. The machine, then, is not simply a “tell-tale,” but an instrument that empowers the husband with access to his wife’s private life and grants him the ability to disempower her both in the courts of law and public opinion.¹⁴

So prevalent were these concerns that the detective dictograph could grant individuals powers of omniscience that some journalists even displaced them onto the commercial dictograph, or the office intercom version of the device sold to a mass market. For instance, a striking full-page article in the *St. Louis Post-Dispatch* asked, “Have the Walls Got Ears Where You Work?” and suggested that managers could use the dictograph not as a way of communicating with their employees but as a means to spy on them in order to preempt striking

¹³ “What Her Husband Heard Through the Dictograph,” 10.

¹⁴ It is worth contrasting the treatment of Mr. Fallabom to that of Mrs. Carman (discussed at length in chapter one), who put the dictograph to similar ends. Whereas the popular press tended to celebrate Mr. Fallabom’s use of the machine, articles on Mrs. Carman were much more ambivalent about her appropriation of the technology and often described her with disdain as “suspicious” or “jealous.”

and quash labor unrest.¹⁵ An elaborate cartoon accompanied the article. Showing the interior of an office building, the cartoon presented the office space as an open dollhouse, allowing the viewer to penetrate the walls and look behind closed doors. Superimposed over the office was a large image of a manager, seated at his desk, listening to the dictograph. The implication, of course, was that the dictograph enabled the manager to be invisible and omnipresent by allowing him to listen in on his workers and monitor their behavior. Significantly, only one panel revealed any type of criminal activity. The other panels depicted workers engaging in various leisure activities such as smoking, sleeping, dancing, and playing cards. Framed in this way, the dictograph was imagined less as an impediment to crime than as a disciplinary device put in service of workplace efficiency and productivity. It was, in other words, reimagined and rearticulated within the protocols of office management, just as the earlier cartoons imagined it within the protocols of a patriarchal approach to marriage.

What is perhaps most striking about these cartoons is how they communicate the affordances of the dictograph by conflating the auditory and the visual. Hearing in this case is seeing. In the case of the *Post-Dispatch* article, the illustrated dictograph offers the imagined manager an x-ray view of the interior of the office, thus aligning him with the all-seeing modern detective. Moreover, it grants him the ability to 'see' activities going on in the office — smoking, for instance — that would leave no acoustic trace. The cartoon does not even attempt to represent sound; instead, it communicates the manager's power of surveillance in visual terms and, in turn, affords the dictograph with imaginary capabilities that defy its material base. In the very act of having to represent a sound-based technology through purely visual means, the artists often grant readers direct access to what the dictograph operator does not and cannot access for himself: the physical body of the perpetrator. One particularly paradoxical cartoon encapsulates

¹⁵ "Have the Walls Got Ears Where You Work?," *St. Louis Post-Dispatch*, August 31, 1913, B2.

the implications of this trope perfectly. Accompanying an article detailing Burns' capture of the Ohio grafters is an image of Lady Justice holding a dictograph receiver on the left side of the page. The wires lead from the receiver to an image of an assumed grafter, alone, hiding behind a large bag of money on the right side of the page. Lady Justice may be blind, but the idealized dictograph nonetheless grants her visual evidence of the criminal body.¹⁶

Beyond appealing to exaggerated fantasies of vision and omnipresence, other imaginings presented the dictograph as a machine that could not only eavesdrop but that could also actively tell secrets and betray criminals by playing back their own confessions. Ironically, such an image accompanied McCoy's aforementioned observation that the general public has never seen the dictograph. As a way to illustrate the dictograph's role in the *L.A. Times* bombing case, the image depicts a human body with the head of a dictograph receiver pointing an accusatory figure at a man standing trial **[Figure 4]**. The article itself argues that the McNamara case is proof that the dictograph has surpassed its role as mere eavesdropper and is now "demonstrating its value as a 'material witness'" in the trial, further anthropomorphizing the machine and depicting it as an autonomous recording and playback device.¹⁷ As one headline put it, the dictograph "never sleeps and never forgets."¹⁸

Some of these images seemed to conflate the technological affordances of the telephone, dictograph, and office Dictaphone, and others simply represented the dictograph as a phonograph. In August 1919, eight years after the detective dictograph became prominent

¹⁶ Bent, "Detective Burns Tells How He Laid Trap for Ohio Grafters."

¹⁷ McCoy, "Dictograph and the Dynamite Trial," 6.

¹⁸ "The Detectaphone will Get You if You Don't Watch Out; It Never Sleeps and Never Forgets," *Tammany Times* [NY], May 4, 1912, 73.



Figure 4: The dictograph points an accusing finger.

in the papers, C.W. Kahles' popular daily comic strip, *Hairbreadth Harry*, solidified the cultural potency of this imagining. When the comic's eponymous hero's bid for District Attorney comes under attack from corrupt politicians accusing him of theft, Harry uses a dictograph to uncover the conspiracy and clear his name. When Harry unveils said dictograph at the hearing however, the machine is depicted as a miniature phonograph playing back the voices of the perpetrators. As the corrupt judge tried to dismiss the record as evidentiary proof, the incredulous jurors, recognizing the voices of the judge and the town's political boss, declare, "Gosh! It's their

voices allright [sic] ... To jail with 'em."¹⁹

Uniting all of these images is the common disavowal of the human labor — and human fallibility — involved in the operation of the actual dictograph. The absence of stenographers in many of these images is both striking and telling, as the dictograph again is figured as an autonomous agent of detection. Working in tandem with the written discourse around the dictograph, these images reconfirm and reinforce its imaginary, almost mystical, qualities. At the same time, these images perpetuate a specific understanding of the dictographically-mediated voice, framing it as always-already guilty. As the voice passes through the dictograph's wires, these images suggest, the dictograph transforms it into evidence that brings into being its own confession. What's more, these images always connect the voice directly to the ostensible criminal body that produced it. If the methods of modern scientific detection were predicated on the assumption that criminals leave indexical traces of their own guilt, then the dictograph, imagined in these ways, was reconfigured as perhaps the ultimate modern technology.

Staging the Dictograph: *The Argyle Case*

Although the dictograph's greatest supporter, William J. Burns, did not author the images of the dictograph that populated the press, his exploits inspired many of these vernacular imaginings, and many of these images were printed alongside articles that detailed his cases. In this way, Burns became conflated with the dictograph, a living stand-in for the machine and its affordances whose celebrity authorized and validated it as a reliable tool. At the same time, however, these images did not always adhere to the message that Burns wanted to communicate.

¹⁹ C.W. Kahles, "A Daniel Come to Judgment!," *The Washington Herald*, August 17, 1919, 12.

Throughout the 1910s, Burns took advantage of his celebrity and association with the detective dictograph in order to produce and authorize his own images of the technology while simultaneously bolstering his own profile as a quintessentially modern detective. As such, Burns' forays into theater and, later, film cannot only be understood as an attempt to use his celebrity to satisfy his childhood dream of becoming a theatre actor (he did not take even a small part in the play he helped produce).²⁰ Instead, they must be understood as a way of performing the methods of detection for a mass audience in order to standardize meaning and position the dictograph within the protocols of detection and, in turn, morality. By staging and filming detective narratives that prioritized showing the processes and methods of detection over presenting audiences with exciting plots, Burns effectively produced his own versions of the famous 1878 phonograph demonstrations, but with a major difference.²¹ Whereas the lyceum demonstrations promoting Edison's invention put the technology on display outside of the specific business context in which Edison imagined it, Burns situated the detective dictograph in a context that he controlled and authorized, positioning it alongside other forensic technologies as a device crucial to the toolbox of the modern detective.²²

²⁰ Hunt, *Front Page Detective*, 5-6.

²¹ To help promote his newly invented phonograph, Thomas Edison partnered with James Redpath to grant demonstration rights to interested exhibitors across the country hoping to make a profit by showing off the newest technological attraction. This process effectively put the phonograph on a nationwide lecture circuit during the summer of 1878. See Gitelman, *Always Already New*; Walter L. Welch & Leah Brodbeck Stenzel Burt, *From Tinfoil to Stereo: The Acoustic Years of the Recording Industry 1877-1929* (Gainesville: University Press of Florida, 1994), 19-20.

²² To be sure, we cannot blame the public demonstrations of the phonograph as the reason for its failure as a business dictation machine. For discussions of the myriad social, economic, cultural and material factors that contributed to the phonograph's ultimate success as a domestic entertainment device see Gitelman, *Always Already New*; Jacques Attali, *Noise: The Political Economy of Music*, trans. Brian Massumi (Minneapolis: University of Minnesota Press, 1985). It should also be noted that, in 1910, Edison produced his own advertising film, *The Stenographer's Friend, or What was Accomplished by an Edison Business Phonograph*, which was meant to illustrate and promote the phonograph as a business device within the protocols of a gendered workplace. Framed via a fictional narrative about a female stenographer unable to keep up with the demands of her bosses, the film illustrates in meticulous detail the operation of the Edison phonograph.

In February 1912, *The Billboard* reported that the production team of Marcus Klaw & A.L. Erlanger had signed a contract with Burns to develop a detective play “based on his personal experiences in the pursuit of criminals and his methods of detection.”²³ Collaborating with playwrights Harriet Ford and Harvey J. O’Higgins, who had written a series of stories about Burns for *McClure’s* in 1911, Burns helped produce *The Argyle Case*, where he was responsible for the story conception as well as “the creation of a technically correct atmosphere.”²⁴ The play premiered on October 17, 1912 at the Apollo Theatre in Atlantic City and starred matinee idol Robert Hilliard as the not-so-subtle Burns stand-in, detective Asche “Never-Sleep” Kayton. When millionaire John Argyle is mysteriously murdered, Argyle’s son Bruce calls in Kayton to solve the crime and uncover a counterfeiting scheme producing phony hundred dollar bills. Although all clues seem to point to Bruce as well as to Argyle’s adopted daughter, Mary, Kayton employs modern methods of detection such as fingerprinting and dictography to reveal Argyle’s lawyer, James Hurley, as the actual murderer and a leading member of a counterfeiting racket. As *The Theatre* magazine told prospective audience members, however, “the story, which gives opportunities for the showing of the detective in action, is less important than the incidental scenes.”²⁵ The narrative was ultimately a vehicle for putting the methods of modern detection on display, and the dictograph turned out to be the real star of the show.

The four-act play devotes its third act, its technological climax, to demonstrating the workings of the detective dictograph in meticulous detail as Kayton uses the device to uncover

²³ “Burns to Write Detective Play,” *The Billboard*, February 10, 1912, 7.

²⁴ “A Guide for the Playgoer,” *The Washington Post*, November 2, 1913, MT3.

²⁵ “The Argyle Case,” *The Theatre*, February, 1913, 37.

the counterfeiters' plans.²⁶ The stage is divided into two sections: the counterfeiters' den on the left and a room occupied by members of Kayton's detective agency on the right. Kayton hides a dictograph in the attic of the counterfeiters' hideout and attaches it to a receiver on the top floor of the adjoining house, which he had rented.²⁷ Two stenographers then sit, ears fastened to the receivers day and night, waiting for the counterfeiters to emerge. Through this process, Hurley reveals himself to be not only a member of the gang, but Argyle's murderer. The dictograph, of course, picks up Hurley's voice flawlessly, and Kayton and his stenographers are able to transcribe every word. In the play's narrative climax, Kayton lures Hurley to his office with the promise of a major clue. There, Kayton reads the dictograph transcript to Hurley, Hurley's own words implicating him in the crimes. While Hurley at first tries to call the detective's bluff, he soon realizes that lying would only increase the severity of his sentence and decides to confess.²⁸

Hurley's confession is a necessary convenience. Like much of the popular discourse surrounding the detective dictograph, *The Argyle Case*'s script attests to the strengths and limitations of the machine. Kayton implicitly acknowledges this ambivalence when, describing the dictograph to Hurley, he notes, "It won't bite you. It doesn't do anything but listen, and it's got the longest ears." On the one hand, the dictograph in this depiction functions perfectly as a listening device, without any threat of technological breakdown. The stenographers are able to record every word, the mediated voices are clear and identifiable, and their content serves as direct confessions of guilt. On the other, it can *only* listen, and the play implicitly illustrates the gap between the stenographers' notes and a true, usable confession. It does not treat the written

²⁶ Ripley Saunders, "'Argyle Case' is Dull Melodrama Stupidly Shaped," *St. Louis Post-Dispatch*, March 20, 1914, 6.

²⁷ "'The Argyle Case' — Detective Burns Collaborates with Two Playwrights," *Current Opinion*, March 1913, 203-6.

²⁸ Hurley's logic, of course, is not legally sound, but the play was not invested in the specificities of sentencing protocol.

notes as vocal inscription, nor does it grant them ontological equivalence with the spoken voice. Instead, Hurley's words serve merely as a catalyst that compels him to utter his guilt again for the benefit of Kayton. The dictograph, in other words, does ultimately circumvent the ephemerality of the utterance, but in the most indirect way. Unable to play back Hurley's voice through technological means, the dictograph can only negotiate a replay. The simulacrum, in this case the written transcript of Hurley's surreptitiously captured confession, is meaningful only insofar as it can produce an original and thus directly connect the spoken confession to the uttering body.

The mention of Burns and the dictograph was enough to guarantee the play's success. *The Argyle Case* was an enormous hit and played at the Criterion Theater on Broadway from December 1912 to June 1913, making nearly a quarter million dollars before embarking on a successful national tour.²⁹ Advertising for *The Argyle Case*'s New York run emphasized Robert Hilliard above all else, with some ads including only a brief line acknowledging that the play was written "with the co-operation of Detective William J. Burns."³⁰ This is not to suggest, however, that the play did not exploit the popularity of Burns or the dictograph, as The Criterion reportedly "drew crowds" prior to the play's opening by organizing a window display featuring the dictograph used in the play, advertised as one used to help solve an actual grafting case.³¹ Furthermore, Burns himself appeared for the curtain call after the play's opening night

²⁹ Robert Hilliard, "The Theatrical Christmas," *The Theatre*, December, 1917, np. The play was so successful in American that Harper Books released a novelization of *The Argyle Case* in 1913 adapted by the editor of *The Theatre* magazine, Arthur Hornblow. See, "Advertisement: The Argyle Case," *New York Times*, September 31, 1913, BR478. Its London debut three years later, however, was a failure. See: "Argyle Case Fails," *Variety*, March 30, 1915, 4.

³⁰ "Advertisement: The Argyle Case," *The New York Times*, December 15, 1912, X7.

³¹ "Dictograph Draws Crowds," *The Billboard*, December 28, 1912, 54. Variety reported that the prosecuting attorney of Franklin County, Ohio, sent Hilliard the dictograph used in the Ohio grafting cases. See "With the Press Agents," *Variety*, January 3, 1913, 13.

performance on December 24 to attest to the authenticity of everything the audience had just seen.³² Burns' attachment to the production gave it an air of authenticity that helped differentiate it from other detective plays and arguably positioned it outside traditional paradigms of theater criticism. Making reference to Burns' post-performance speech at the Criterion, the *New York Times* critic deferred to the famous detective's assessment, remarking, "after such words from such an authority, will not mere critical endorsement seem like an anti-climax?"³³

As Burns' direct involvement with *The Argyle Case* encouraged audiences to receive it with an interpretive framework grounded in realism, public discussion around the play focused on the tension between dramatic merit and pedagogical value. Aligning itself with the emerging literary scientific detective genre, the play arguably sacrificed drama and mystery in favor of promoting and detailing scientific methods. A promotional ad in *The Charlotte News* even positioned the play within current debates over the moral and educational potential of detective fiction, stating, "it is a detective play, not a crook drama. It does not glorify the criminal. It demonstrates ... the latest scientific devices for confounding the wrongdoer."³⁴ The play was so intent on emphasizing the infallibility of modern detectives that Ripley Saunders of the *St. Louis Post-Dispatch* heavily criticized *The Argyle Case* for its lack of surprise or uncertainty. Describing the "stupidly conceived" act in which the dictograph is demonstrated, Saunders claims that detective Kayton "tells us precisely what he is going to do with the aid of these devices — and then he goes ahead and does precisely as he has told us he was going to do it. It's a 'sure-fire' demonstration. But it is woefully undramatic."³⁵ A reviewer for the *Boston Evening Transcript*

³² "'The Argyle Case' Brings a Thrill," *New York Times*, December 25, 1912, 11.

³³ Ibid.

³⁴ "Advertisement," *The Charlotte News* [NC], November 30, 1913, 17.

³⁵ Saunders, "'The Argyle Case.'" 6.

similarly criticized the play for lacking imagination and relying too heavily on "mechanical inventions and tricks." The play, said the reviewer, "was clearly meant to be melodrama but was thwarted by realism in the substantial person of William J. Burns."³⁶ The very involvement of Burns, it seemed, was enough to ground the play in realism as audiences and critics could not disentangle the fiction on stage from the promise of authenticity implicit in the Burns name.

Other reviewers, however, saw the detailed technological demonstration as precisely the point, and thrill, of the play, crediting *The Argyle Case*'s appeal to Burns and the play's demonstration of, as one review put it, "the much discussed but little understood dictograph."³⁷ *Variety* ascribed authorship of the play solely to Burns' and *The Billboard* claimed that "the solution of the two crimes in the play has been worked out by Burns as if undertaken in his own agency."³⁸ The *Chicago Daily Tribune*, understanding the play in the context of contemporary detective fiction, said that *The Argyle Case* was "much better as a literary product than 90 per cent of the magazine fiction, and infinitely more accurately illustrated."³⁹ The *Washington Post* tempered audience expectations, noting, "the authors make no attempt to deceive the audience. Their play does not purport to be a literary effort or an attempt to elevate the drama." Instead, the reviewer asks the audience to take a cue from Burns' name prominently displayed on the program and to interpret the play through paradigms of realism, of which the heralded dictograph scene was one example.⁴⁰ Despite its love plot and mystery elements, the play's value, these

³⁶ "Dating the Detective," *Boston Evening Transcript*, January 20, 1914, 14.

³⁷ "Robert Hilliard's Greatest Success," *Lebanon [PA] Daily News*, April 16, 1913, 5.

³⁸ "'Argyle Case' Good Story," *Variety*, December 13, 1912, 12.; "The Argyle Case," *Billboard*, October 26, 1913, 7.

³⁹ Percy Hammond, "'The Argyle Case' at the Blackstone," *Chicago Daily Tribune*, December 9, 1912, 15.

⁴⁰ F.P.M., "National — Robert Hilliard in 'The Argyle Case,'" *Washington Post*, November 4, 1913.

reviews suggested, was in its ability to show audiences the workings of devices about which they have only heard or read.

“Roney” to the Rescue: Rewriting the History of the Dictograph

As *The Argyle Case* traveled across the country, and as reviews paid more attention to the technology than the acting or narrative, advertising for the play frequently listed the dictograph among its stars.⁴¹ A newspaper ad celebrating the play’s third week at Boston’s Park Theatre announced Hilliard as appearing “with The Dictograph, Ronéophone, and Finger Prints”⁴² while an ad for a run at San Francisco’s Columbia Theater promised audiences that they could “See How the Dictograph is Worked. Hear the Ronéophone Reproduce Voices. See How Finger Prints are Taken.”⁴³ Mimicking the popular tendency to anthropomorphize the technologies of modern detection, one common tagline even announced “The Dictograph that listens! The Ronéophone that reproduces voices! The finger prints that betray!”⁴⁴

Apart from their foregrounding of the technology in general, what is especially striking about the advertisements for the touring production is the mention of the ronéophone, which did not appear in the play’s initial run, but whose inclusion offers insight into the tenuous relationship between sound reproduction, sound recording, and detective work. With the lines between narrative drama and technological demonstration continuing to blur, *The Argyle Case’s*

⁴¹ Once the national tour was over and local productions could not rely on Hilliard’s celebrity, the technologies of detection became the play’s primary draw. For instance, an advertisement for a one-week run put on by the Emerson Players of Lowell, MA announced in bold “Introducing the Dictograph and Ronéophone.” See “Advertisement: The Argyle Case,” *Lowell Sun*, October 13, 1915, 8.

⁴² “Advertisement: The Argyle Case,” *Boston Sunday Post*, February 1, 1914, 25. The advertisement also cites Boston as the play’s only New England stop.

⁴³ “Advertisement: The Argyle Case,” *San Francisco Chronicle*, April 26, 1914, 28.

⁴⁴ “Advertisement: The Argyle Case,” *The Gazette Globe* [KS], April 3, 1913, 4.

commitment to demonstrating the latest technological possibilities, as hypothetical and untested as they may be, began to undercut its claim to authenticity, with important implications for the public's understanding of the dictograph and of the material possibilities of sound surveillance.

In 1913, *The Argyle Case* was updated with changes made to the third and fourth acts in order to introduce the ronéophone (lovingly referred to as "Roney, old boy" in the play), a hybrid phonograph-dictograph reportedly invented by K.M. Turner himself that could record the voice carried over the dictograph onto a phonograph record.⁴⁵ As one of Kayton's detectives describes it in the play, "It works itself....The sound is transmitted through this dictograph wire to the disc....This is a very sensitive needle, and it records every syllable that's even whispered."⁴⁶ Said a report of the new version, seemingly certain that the opportunity to see a new technology in action would outweigh having the new ending revealed, "in addition to the convicting notes of his conversation taken down by the stenographer. . . the suspect in the Argyle murder mystery is now confronted with his own voice."⁴⁷ No longer, it seemed, would detectives (real or fictional) have to rely on written transcriptions. With Roney on the case, the technological dream of a dictograph that could record and replay the words it overheard seemed to be complete.

Unfortunately, the play's ronéophone was very likely a fraud. In actuality, the ronéophone was the name given to an office dictation machine developed by Pathé Frères in collaboration with the English Ronéo Ltd. as a competitor to Edison's Ediphone and Columbia's Dictaphone. As described in French popular science magazine *La Nature*, the machine used wax disks rather

⁴⁵ "The Stage," *Detroit Free Press*, May 3, 1913, 4; "Argyle Case," *Reading Times* [PA], September 18, 1913, 3. Interestingly, this device is very similar to the one imagined by *Traffic in Souls* (Tucker, 1913). It is also worth noting that, after 1913, there was a second minor change in that all references to the dictograph were replaced by the detectaphone.

⁴⁶ Harriet Ford and Harvey J. O'Higgins, *The Argyle Case: A Drama in Four Acts* (New York: Samuel French, 1927), 75-6.

⁴⁷ *Ibid.* Of course, this would be more re-enactment than demonstration of the device, as the record was not produced 'live' at each performance.

than cylinders but still required users to speak loudly and clearly into a speaking tube so that the sound waves could be sufficiently inscribed on the disk for future playback.⁴⁸ The device in the play was likely not the actual ronéophone but rather a similar unnamed invention that Turner had recently demonstrated.

On April 9, 1913, Turner had debuted a new “self-recording dictograph” that connected the diaphragm of the dictograph to the needle of a phonograph in order to capture sounds coming over the dictograph onto phonograph disks to be played back at a later date. Turner acknowledged the business applications of this new device, but was especially excited about how it could potentially improve the detective dictograph, acknowledging that the dictograph’s dependence on stenographic records forced some courts to reject dictograph evidence as unreliable. Now, said Turner, “the Judge can listen to the phonograph in the courtroom...and he can tell each man’s natural voice.”⁴⁹

While the device may have worked flawlessly within the confines of Turner’s West Forty-Second Street office, a *New York Times* reporter noted that the machine still had some significant flaws. It functioned best when sounds were funneled directly into the transmitter, and whispers emanating from more than five feet from the dictograph would not put enough pressure on the needle to register an impression on the disk. As such, Turner admitted that the device could only be used in conjunction with the traditional detective dictograph and that stenographers would be necessary to capture parts of the conversation.⁵⁰ Due to the impracticality and fickleness of

⁴⁸ “Le phonographie et la correspondance commerciale,” *La Nature*, August 30, 1913, np; “A New Dictating Machine,” *The Stenographer and the Phonographic World*, January 1914, 65. The magazine also suggested that the ronéophone was used as a way for pilots of military aircrafts to record their aerial observations. Some American news outlets picked up this story. See, for instance, “Phonographs for Aviation Scouts,” *Kansas City Star*, January 5, 1913, 60.

⁴⁹ “Dictograph Now Tells What it Hears,” *New York Times*, April 10, 1913, 10.

⁵⁰ *Ibid.*

Turner's new invention, it is perhaps unsurprising that there is no evidence that Burns, or any detective for that matter, used this machine consistently in actual detective work or that it was ever reliable enough to replace the stand-alone dictograph.⁵¹ In a twist of technological history that brings the detective dictograph face to face with its commercial counterpart, one of the few accounts of a successful use for this invention was to record church sermons for home consumption.⁵²

Regardless of the material history (or even reality) of the device in question, the addition of the ronéophone to *The Argyle Case* served an important imaginative function, as it implicitly responded to and corrected the perceived limitations of the dictograph. In the updated version of the play, when detective Kayton presents Hurley with the stenographer's notes that, in the previous version, served as concrete evidence of his guilt — or at least concrete enough to secure a confession — Hurley now scoffs and asks, “You think you can bluff me with a framed-up thing like that? . . . Do you expect anyone to believe that?” But Kayton is not deterred, replying, “perhaps you'll believe your own voice, if you happen to hear it,” before placing the ronéophone record on a phonograph. One report described the scene in detail: as Hurley hears the unmistakable sound of his own voice played back to him, he collapses and “throws trembling hands before his face, to shut out his own fatal utterances, voiced in his own tones.”⁵³ Performed

⁵¹ For similar reasons, detectives only rarely employed Valdemar Poulsen's magnetic recording device, the telegraphone, even though fictional detectives like Craig Kennedy made use of it. Nonetheless, it never received nearly the amount of public attention as the dictograph. Burns reportedly used the telegraphone in a few cases but found it unsatisfactory for more general use. See “Dictograph Owner and Burns at Odds,” *The Sun* [New York], May 4, 1913, 12. For information on the telegraphone and its relationship to scientific detection see Sayers, *How Text Lost Its Source*.

⁵² Turner, “Dictograph Sermons,” C4. Indeed, the first sermon that Turner recorded was the very sermon he also broadcast over the telephone.

⁵³ For a report of the revised version of the play, see Norman, “When the Criminal Hears His Own Voice Speak the Words That Doom Him,” *Des Moines News*, June 13, 1913, 4.

in this way, the scene suggests that Hurley is surprised to hear the sound of his own voice, but is still certain that his own body has betrayed him, leaving behind an incriminating trace of his guilt. The play, in other words, acknowledges the imperfections of the stenographer's record only to disavow them by imagining the dictograph as a mechanical recording device capable of capturing a perfect record of an identifiable human voice that could serve as an indisputable marker of guilt. The dictograph, attached to the ronéophone, was transformed from a device used to procure a confession into one capable of producing and reproducing the confession itself.

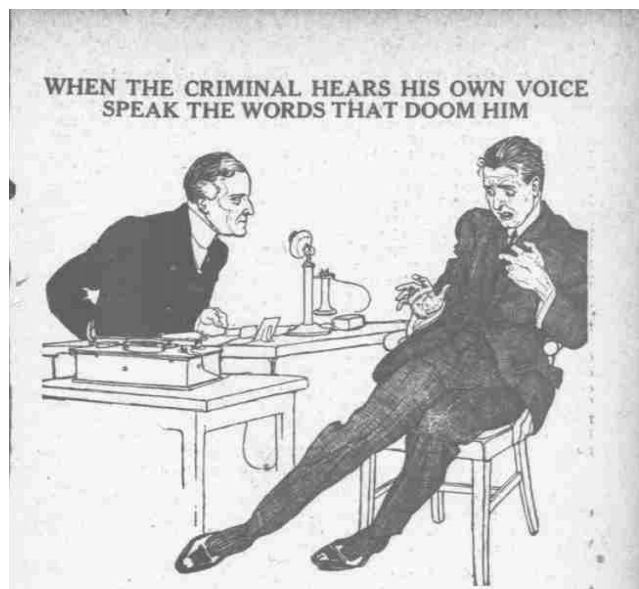


Figure 5: Hurley hears his voice on the ronéophone. *The Day Book* [Chicago], June 12, 1913.

Despite the material non-existence of the ronéophone as described in the play, these changes nonetheless speak to the material and ideological fluidity of the dictograph and of popular ideas about sound recording in the early twentieth century. More important than the inaccuracies themselves is how they frame what is technologically possible and, in turn, reinforce the dictograph's status as a forensic technology within the popular imagination. Central to this process of (re)writing technological history was, of course, Burns himself, whose name gave authority to the play and discouraged critics and viewers from questioning its accuracy.

Burns' relationship to *The Argyle Case* was one of mutual authentication. Just as the detective's words and involvement gave credibility to the play, so too did the play provide visible evidence of the efficiency and infallibility of modern methods of detection, even encouraging a *San Francisco Chronicle* reviewer to echo Burns' motto that "every criminal leaves a trace," claiming that the play "proves that detection in crime is almost sure to overtake the evildoer, no matter how clever or rich he may be."⁵⁴ The imagined phonograph of the play came to stand in for the forensic possibilities of the dictograph, both inside and outside of the fiction.

Detective Burns Goes to the Movies

The same motivation to educate the public in the techniques of modern detection that drew Burns to theater compelled him to enter the movie business. Burns wrote and/or starred in three films between 1913 and 1917, including a film adaptation of *The Argyle Case*. These films, all of which claimed to authentically represent modern techniques of detection, cannot be examined in a vacuum, but must instead be understood in relation to the development of the detective genre within American cinema and the broader cult of celebrity around Burns in the teens. Not only did Burns' name circulate ceaselessly through the popular press at the time, but Burns also took an increasingly active interest in the film industry, writing for movie magazines and lending his name as a badge of authenticity to films like Arthur B. Reeve's serial *The Exploits of Elaine* and, of course, *The Million Dollar Mystery*.⁵⁵ Motion pictures were, for Burns, a means to further leverage his name in service of educating the public on the supposed

⁵⁴ "Dictograph Has Part in Play," *San Francisco Chronicle*, August 18, 1915, 10.

⁵⁵ Burns' involvement in the film industry extended beyond production. In 1925, for instance, he sponsored Rudolph Valentino for American citizenship. See: "Valentino Seeks Citizenship Here," *New York Times*, November 11, 1925, 16.

infallibility of the modern detective, especially in contrast to the more fantastical fictional sleuths.

Burns operated from his own progressivist vernacular theory of film; he understood the medium in terms of its social potential, through cinematic realism and the realist scientific detective film in particular. There is no evidence suggesting that Burns was explicitly engaged in what Lee Grieveson refers to as the “embourgeoisement” of cinema in the early 1910s, but his thoughts on the medium were certainly consistent with industry-wide aspirations to respectability and moral uplift.⁵⁶ Burns was especially enamored with what he saw as the pedagogical possibilities of reenactment. Whereas criminologists and global policing agencies were beginning to take an interest in motion picture cameras for their inscriptive capabilities — their ability to record indexical traces of reality which could then be used as evidence — Burns was much more interested in the capacity of cinematic narrative to educate a mass public in actual methods of detection and deter crime by showing detectives at work.⁵⁷

Despite Burns’ success in communicating his methods through theater and print, cinema quickly became his medium of choice. As he explained, “I don’t know any other way to reach so many people. And not only that: it reaches them in a particularly convincing, impressive way when they see it on the screen. What they see in a picture has really happened, they seen it done.

⁵⁶ Lee Grieveson, *Policing Cinema: Movies and Censorship in Early Twentieth-Century America* (Berkeley: University of California Press, 2004): 27.

⁵⁷ For examples of experiments with motion picture cameras in policing or where filmed footage was used as evidence in court, see “A New Crime Detector,” 6; “Suggests Filming of Criminals,” *Billboard*, May 16, 1912, 15, 63; “Police Trying Pictures,” *Variety*, May 2, 1913, 8; “Motion Picture Convicts Rioters,” *San Francisco Chronicle*, September 21, 1913, 4. For a longer history of the use of film in the courtroom, see Louis-George Schwartz, *Mechanical Witness* (Oxford: Oxford University Press, 2009); Christian Delage, *Caught On Camera: Film in the Courtroom from the Nuremberg Trials to the Trials of the Khmer Rouge*, ed. and trans. Ralph Schoolcraft and Mary Byrd Kelly (Philadelphia: University of Pennsylvania Press, 2014).

It means something definite, concrete.”⁵⁸ In an article for *The Motion Picture News*, Burns reasserted his belief that cinema was the ideal medium for portraying this work in a realistic manner and claimed that past adaptations left him disappointed because they never “seem[ed] real enough.”⁵⁹ As he argues:

The best writers cannot visualize or convey to the reader in article or story forms, any idea of the strategy employed in the swift moving drama of hunting down criminals in real life. The scenes are also too varied and too numerous to be suitable for vivid reproductions behind the footlights. Only in motion pictures can the painstaking shadowing, the one hundred and one detective ruses, and the fast-following events be shown with all their realism.⁶⁰

Although Burns never articulates fully his definition of cinematic realism, he does seem to equate diegetic realism with naturalism, rhetorically if not in practice. For Burns, the value of detective stories correlated directly with their capacity to depict accurately the methods of modern detection, or more specifically, with their capacity to convince audiences that they were realistic depictions of detection.

For this reason, it was not enough to film fictional detective narratives; the stories themselves had to be grounded in reality. Cases that were pure inventions of an author’s imagination or those that emphasized the supposedly thrilling aspects of detective work were, to Burns, intrinsically inferior in their social and moral worth. If, as he believed, “the best way to educate the public in preventative measure is to familiarize it with detective methods,” then the producers of the detective film had a moral imperative to aspire to realism.⁶¹ Indeed, the stakes

⁵⁸ Wolff, Jr. “William J. Burns at the Movies,” 8.

⁵⁹ Ibid. It is perhaps for this reason that Burns seemed to have little interest in radio. In fact, as Burns later told *Radio Digest*, his primary interest in the medium was its ability to transmit police warnings. See “Radio Joins Crime War,” *Radio Digest*, January 20, 1923, 1-2.

⁶⁰ William J. Burns. “The Detective on the Screen,” *Motion Picture News*, July 1914, 75.

⁶¹ Ibid.

were high. “A great many criminals are still at large,” argued Burns, “because the public and certain police officials have absorbed their detective ideas from fiction rather than from actual cases. . . . Fiction has spoiled a whole lot of detectives that might otherwise have been good.”⁶² In lieu of portraying detectives as masters of disguise and as exhibiting “astounding bravado,” Burns described the real modern detective as an everyman who could “pass for a business man” and solve cases using scientific tools and common sense alone.⁶³ For fictional accounts to suggest otherwise was not only inaccurate but also, for Burns, detrimental to the future of crime solving.

Oliver Gaycken argues that French crime serials of the early 1910s, while grounded in sensation and not explicitly educational, can nonetheless be thought of as a form of popular-science film depicting modern scientific and technological innovations.⁶⁴ But whereas serials like *Zigomar* and *Fantômas* exhibit a “fantastic realism” rooted in the uncanny tendency of modern technologies to make the everyday strange, Burns was interested in the capacity of film to make modernity legible.⁶⁵ Moreover, the tendency of the French crime dramas to depict modern technologies as ultimately ambivalent, ready to be appropriated by the forces of good or evil, directly contradicted Burns’ project, which depended upon a very specific framework that contained the technology within the protocols of detection and law enforcement. In fact, when theater impresario and critic Robert Grau questioned Burns on his thoughts regarding film censorship, Burns replied that he would consider advocating for censorship due to the fact that

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Oliver Gaycken, *Devices of Curiosity: Early Cinema and Popular Science* (Oxford: Oxford University Press, 2015), 14.

⁶⁵ For a discussion of French crime melodrama in relation to fantastic realism, see Gaycken, *Devices of Curiosity*, 161-6.

film producers who glorify criminals and crime, “attracted by the lure of quick profit,” could push some spectators to take up a life of crime themselves.⁶⁶

Burns’ understanding of cinema and the detective film’s role within cinematic culture can thus be positioned within ongoing debates around crime films that marked the early 1910s. Richard Abel counts Burns’ first picture, the three-reel *The Exposure of the Land Swindlers* (1913), as part of a spate of American scientific detective films that emerged, in part, as “an ‘appropriate’ variant of [French] sensational melodrama.”⁶⁷ Whereas the French crime thriller emphasized underworld life, violence and criminality, the American detective film was more aligned with middle class morality in its insistence on uncovering crime and restoring order, themes that spoke precisely to Burns’ interest in the genre.⁶⁸ Like the French crime thrillers, these films engaged with the movements and technologies that defined modern life, but they also held modernity firmly in check and subject to the legal apparatus.

As Burns authorized and legitimized his films as accurate representations of the reality of detective work, giving them added value in an increasingly crowded marketplace, he simultaneously differentiated his films from other American detective films that might otherwise seem similar. Through his hyperbolic contempt for fictionalized detective narratives and his insistence on the intrinsic superiority of films that aspired to realism, Burns delegitimized even those films that seemingly adhered to the scientific detective model as less authentic and less respectable. There is a stark contrast, for instance, between Burns’ understanding of the role of the cinematic detective and that later espoused by leading man and frequent detective of the

⁶⁶ Robert Grau, *The Theatre of Science* (New York: Broadway Publishing Company, 1914): 88-9.

⁶⁷ Richard Abel, *Americanizing the Movies and “Movie-Mad” Audiences, 1910-1914* (Berkeley: University of California Press, 2006), 204.

⁶⁸ For an extended account of the emergence of the American detective film and its relationship to sensational melodrama, see Abel, *Americanizing the Movies*.

screen King Baggot. Where Burns saw the modern detective as an everyman guided by the methods and tools of science, Baggot saw the “modern up-to-date” scientific sleuth as a “superman” constantly engaged in thrilling mental and physical adventures.⁶⁹

Burns’ attempts to differentiate detective narratives in such clear-cut terms should not, of course, be taken at face value. Burns’ invocation of “the painstaking shadowing, the one hundred and one detective ruses, and the fast-following events,” for instance, was tinged with sensationalism that seems at odds with the sobering, almost documentary realism for which he advocated. Moreover, as the (largely fictionalized) stage version of *The Argyle Case* suggested, Burns’ commitment to the reformist project and to his own self-promotion ultimately superseded his interest in communicating accurate scientific knowledge. To be clear, Burns’ goal was not to transmit scientific knowledge, but rather to instill faith in the technologies of modern detection generally and the dictograph if particular. While the dictograph’s legal, ethical, and practical value was still uncertain, Burns’ turn to cinema served as a way to show a mass audience the dictograph as Burns wanted it to be seen, his own biased imaginings protected by the carefully curated veneer of realism.

The Detective Dictograph on Screen

Burns’ films were neither the first nor the only to incorporate the dictograph as a narrative device. While films throughout the 1910s used the dictograph for a variety of purposes, from facilitating a romance between a stenographer and her boss in *A Record Romance* (1912) to aiding a criminal hypnotist in *Duel in the Dark* (1915) the dictograph was, unsurprisingly, most commonly featured in detective films. As Burns’ celebrity grew, the dictograph became a fashionable prop that distinguished certain detective films as up-to-date and granted them added

⁶⁹ “Sleuthing as a Fine Art,” *Photoplay*, March 19, 1919, 59.

cultural cachet and marketing potential. On April 29, 1912, for example, Selig released the one-reel film *Exposed by the Dictograph* (Richard Garrick), which claimed to introduce “for the first time in motion pictures, the world-famous Dictograph.”⁷⁰ Although official advertising did not mention Burns directly, Burns’ work clearly inspired the film’s plot, and articles about the film often made mention of the dictograph’s recent use in major detective cases, with *The New York Clipper* citing Burns explicitly.⁷¹ Telling the story of Detective Lyle Russell, who uses the dictograph to uncover a Senate grafting scheme, the film purported to show the installation and work of the dictograph in detail, including a scene in which Russell strings the dictograph’s wire from the corrupt Senator’s library to an adjacent room where he and his stenographer lay in wait.⁷² When Senator Mason discovers the dictograph, he attempts to destroy the stenographer’s notes. Although Russell is able to restrain him, the film nonetheless points to the fragility of the dictographic record.

The dictograph was put to more sensational and melodramatic use in *A Suspicious Wife* (August 1914) based on the infamous, and at the time ongoing, Carman trial.⁷³ Despite the fact that the film aspired to realism and that the dictograph’s inventor, K.M. Turner, appears in the film in order to introduce and explain the dictograph, critics rejected *A Suspicious Wife* for being

⁷⁰ “Advertisement,” *New York Clipper*, April 20, 1912, 5; “Advertisement,” *Moving Picture World*, April 20, 1912, 301.

⁷¹ “The Dictograph Used in Selig Picture,” *New York Clipper*, April 20, 1912, 5; “A ‘Dictograph’ Picture,” *Moving Picture World*, May 4, 1912, 411.

⁷² “Release Flier for Exposed by the Dictograph,” 1912, William Selig Papers, Margaret Herrick Library, Academy of Motion Picture Arts and Sciences (AMPAS), <http://digitalcollections.oscars.org/cdm/ref/collection/p15759coll1/id/250>.

⁷³ See chapter one for a discussion of the dictograph’s role in the Carman trial. 1914 also saw the release of another film inspired by the case, *The Tenth Commandment*. See “The Tenth Commandment,” *The Moving Picture World*, October 3, 1914, 66.

in poor taste.⁷⁴ *The Moving Picture World* described the film as “yellow,” and the film was banned in New York “because it prejudged the Carman case.”⁷⁵ What is most interesting about the film, however, is precisely how it rewrote the ending of the real-life Carman case. In the film, Mrs. Warren (the titular wife and Mrs. Carman analog) does install a dictograph to spy on her husband’s interactions with his patients, but Dr. Warren quickly proves himself to be loyal, and Mrs. Warren disconnects the dictograph. Through a series of coincidences and cases of mistaken identity, however, a murder does still take place, with all signs pointing to Mrs. Warren as the perpetrator. Fortunately, the dictograph makes a second appearance near the end of the film when the real murderer, drug-addled and seeking employment, coincidentally enters the Dictograph Department of Turner’s General Acoustic Company. As she walks through the office, she begins muttering and gloating about her crimes. The dictographs in the office pick up and transmits her voice, exposing her as the culprit and resulting in her arrest and Mrs. Warren’s exoneration.⁷⁶

Mrs. Warren was not the only one of the film’s characters to experience redemption. In rewriting the history of the Carman case and repositioning the role of dictograph within it, *A Suspicious Wife* ultimately redeemed the dictograph as well. Transforming the dictograph from a tool of domestic espionage that incites murder into a technology of detection (albeit an unintentional one), the film recuperated the machine’s social value and attempted to appease public anxieties around its illicit uses⁷⁷ While this new, contrived ending and reframing of the

⁷⁴ “A Suspicious Wife,” *The Billboard*, August 29, 1914, 59.

⁷⁵ Hanford C. Judson, “A Suspicious Wife,” *The Moving Picture World*, August 29, 1914, 1217; “Neutrality for ‘Movies,’” *The Washington Post*, September 16, 1914.

⁷⁶ Mary Louise Farley, “20th Century,” *The Moving Picture World*, August 29, 1914, 1290.

⁷⁷ Indeed, there is a marked shift in tone between the portrayal of the dictograph in *A Suspicious Wife* and its representation in editorial cartoons following the Carman case (discussed in chapter one).

dictograph certainly helps explain Turner's presence in the film, it also speaks to a broader trend in how films employed dictographs as narrative devices. Even as the popular press was filled with stories about the ineffectiveness of the dictograph or of it being used in unsavory ways, the film industry tended to ground the device firmly within protocols of crime solving.⁷⁸

While the image of dictograph as crime solver tended to be consistent, other films were more liberal in their use of the device, privileging the dictograph's dramatic potential over realism and imagining the device in phonographic terms. Most famously, George Loane Tucker's 1913 film, *Traffic in Souls*, which was released shortly after Burns' first film in November 1913, incorporates a modified dictograph at the center of its mystery. In order to uncover a major human trafficking ring, the film's heroes, Mary Barton and Officer Burke, appropriate a device invented by Mary's father that is used, an intertitle tells viewers, for "intensifying sound waves and recording dictagraph [sic] sounds on a phonographic record."

Scholars like Gunning and Kristen Whissel rightly note that *Traffic in Souls*' dictograph initially appears under the control of the head of the slave traffic, William Trubus, who uses the device to maintain a purely technological relationship to the trade. The dictograph allows him to conduct his transactions in private and keep his identity hidden and untraceable.⁷⁹ In this way, the dictograph is configured as part of a larger modern technological network that allows the traffickers, in Whissel's terms, "to plug into and thereby exploit the already-existing technological structure of everyday traffic" in order to elude detection.⁸⁰ As Gunning and

⁷⁸ *The Ear in the Wall*, a 1915 episode of Pathé's *Exploits of Elaine* serial, penned by Arthur B. Reeve, got the closest to dramatizing dictographic breakdown, but even it recuperated the dictograph showing it only to be fallible when in the hands of criminals.

⁷⁹ Kristen Whissel, *Picturing American Modernity: Traffic, Technology, and the Silent Cinema* (Durham: Duke University Press, 2008), 181; Gunning, "From the Kaleidoscope to the X-Ray," 48-49.

⁸⁰ Whissel, *Picturing American Modernity*, 174.

Whissel rightly acknowledge, the film's plot turns on the notion that these technological networks can be reversed and used against the criminals.⁸¹ Mary accidentally comes across the dictograph on Trubus' desk and, listening in, recognizes the voice of the man who kidnapped her sister on the other end. Realizing that she is connected to the trafficking network (quite literally, it turns out), she carefully follows the dictograph wire from the receiver, out the office window, and down the fire escape until she locates the source of the voice. Importantly, the film connects the aural and the visual to communicate the potency of the dictograph in visual terms, granting Mary (and the viewer) access to the bodies she hears. As Gunning observes, this is the moment when Mary acquires the detective's x-ray gaze and reveals, through the dictograph wire, the physical trace that leads her to "the actual relations of power and profit which technology strives to conceal."⁸²

When Mary discovers the indexical trace linking the crime to the criminal body, the fantasy of the detective is fulfilled, but the film is also aware that this discovery is insufficient as it fails to provide Mary with tangible evidence. In order to properly contain the criminal threat, the dictograph requires Mary's father's invention. In their analyses of *Traffic in Souls*' relationship to modern technology, neither Whissel nor Gunning considers the broader implications of this purely imaginary apparatus that exists only within the film's diegesis. Whistle's argument that *Traffic in Souls* points to the intrinsic ambivalence of modernity is convincing, but it ignores the fact that the film's tensions can only be resolved through fantasy and not through the materiality of modern technology. Instead of analyzing what the film might be able to communicate about specific technologies, the argument treats the film's mediations of technology as stand-ins for

⁸¹ Ibid., 183; Gunning, "From the Kaleidoscope to the X-Ray," 49.

⁸² Gunning, "From the Kaleidoscope to the X-Ray," 49.

the concept of ‘modernity’ as a whole, characterized broadly by new spatiotemporal relations and an increase in flows of human and non-human traffic. While *Traffic in Souls*’ narrative may work toward closure that disavows the dystopian understanding of modern life it initially presents, its resolution, when reading the film alongside broader discourses surrounding the dictograph, seems quite bleak.

Considering the instability of the dictograph as a material and imagined technology, it is telling that, in *Traffic in Souls*, it is only successfully contained within the protocols of detection once it is given an imaginary extension. Much like *The Argyle Case*, *Traffic in Souls* acknowledges the material limitations of the dictograph and imagines an alternative where the dictograph is transformed into an inscriptive device. The major difference, in this case, is that this is treated as fiction — Mary’s father needs to invent to device — rather than a matter of reality. The aural and visual information that Mary gathers by following the dictograph wire was ephemeral and thus insufficient as evidence, so she had to acquire a device that would make the information tangible. Through her father’s invention, information is reified, inscribed on cylinders that can be carried around and inserted into legal and judicial networks as evidence that points directly back to a criminal body. As an intertitle so pointedly says, the evidence can literally be “placed in the hands of Burke’s captain.” When Burke’s captain finally confronts Trubus, he grants the new invention a degree of autonomy and authority, telling the criminal, “the invention of the father of the girl you sought to ruin will convict you.” Then, reinforcing the materiality of the evidence, the captain holds out the phonograph cylinders in front of Trubus, who tries to grab them before turning away in shame and defeat. Unlike *The Argyle Case*’s James Hurley, Trubus need not hear the sounds of his own voice; the cylinders are enough to confirm his guilt. The fictionalized, idealized dictograph is yet again a material witness.

Dramatizing the Mundane in *The Exposure of the Land Swindlers*

Running parallel to *Traffic in Souls* was *The Exposure of the Land Swindlers*, which starred William J. Burns for the first time. Released seven months prior to Tucker's film, *Swindlers* promised a realistic presentation that served as a pre-emptive counterpoint to the later film's treatment of detection and technology, and the popular press highly anticipated Burns' approach to the detective genre. Indeed, the trade press saw it as a major coup for the Kalem Company when they secured Burns to star (alongside Kalem leading woman Alice Joyce) in a three-reel film based on his own exploits for the cost of \$8 000, later reported to be "the largest amount ever paid to a single individual for work in one picture."⁸³ The resulting film mobilized Burns' name and the authenticity it provided as a central part of its marketing strategy. In the trades, Kalem often cited Burns as "The World's Most Famous Detective" and hailed the film as "The Most Extraordinary Film Ever Produced" due to the fact that, as the studio liked to remind potential buyers and audiences, *The Exposure of the Land Swindlers* was the only film starring Burns himself.⁸⁴ Fan magazines and the popular press tended to repeat this fact, with the *Motion Picture Story Magazine* even claiming to have a letter from Burns attesting to the film's authenticity and reminding readers that it is the only film he officially authorizes.⁸⁵

The mere mention of Burns' name served as shorthand that positioned the film within a specific moral milieu. It distinguished Burns' film from both less socially acceptable crime melodramas and other scientific detective films by emphasizing its authenticity, didactic

⁸³ "4-Reel Kalem's for Regular Service Every 2 Weeks," *Motion Picture News*, Vol.11, No. 22 (June 1915), 52.

⁸⁴ See for instance "Advertisement," *The Evening Tribune* [Albert Lea, MN], April 14, 1913; "Advertisement," *The Billboard*, March 22, 1913, 154.

⁸⁵ Allen Stanthope, "Detective William J. Burns in *The Exposure of the Land Swindlers*," *Motion Picture Story Magazine*, April 1913, 85.

qualities, and commitment to upholding the law. The studio, the distributors (General Film Company), and the popular and trade presses also reinforced this fact at every turn. In typical fashion, during the lead-up to the film's release, Burns ensured that the press understood that his film was not a typical detective story. Recounting his negotiations with the studio, Burns claimed to have warned Kalem that "the detective of fiction and the detective of reality are two entirely different persons. If you propose to portray my methods, you will find none of the blood and thunder common associated with the imaginary sleuths because my work is conducted along scientific lines entirely."⁸⁶ After the film's release, the General Film Company continued to position the film strategically within discourses of morality and realism, reminding prospective audiences in *The Motion Picture Story Magazine* that the film is not only thrilling but "educates as well, since it shows the modern scientific methods of bringing criminals to justice."⁸⁷ With this rhetoric setting the expectations for the film, it is perhaps unsurprising that, in their feature articles and reviews, the popular press tended to downplay the film's more sensational moments, including a climactic car chase and a romantic subplot, by positioning the film's supposedly authentic portrayal of modern methods of detection as the actual source of its drama.

The Exposure of the Land Swindlers' opening scene establishes the film's pedagogical impulse through its address to Burns' imagined passive, attentive cinematic spectator. The film's romantic leads, Mary Archer and her congressman boyfriend, George Gordon, attend one of Burns' lectures where, a title card informs the viewer, Burns astounds the audience with his most famous motto: "every criminal leaves a track through which he may be traced. There are no mysteries, and a failure to obtain the results indicates that the matter has not been properly or

⁸⁶ "Detective Burns in the Films," *El Paso Herald*, March 29, 1913, 11.

⁸⁷ "Advertisement," *Motion Picture Story Magazine*, May 1913, 161.

thoroughly investigated.”⁸⁸ The lecture framework not only confirms that, for Burns, his filmmaking pursuits were part of the same overall project as his nationwide speaking engagements or editorials, but it also immediately differentiates Burns from his more “blood and thunder” counterparts. Mary, perhaps echoing the thoughts of some viewers, leaves the lecture impressed with Burns but disappointed that her romantic notion of the detective “with his pocketful of disguises” does not reflect the work of the modern detective as Burns defines him.

Mary has a change of heart, however, when Gordon, heading up a committee tasked with investigating wholesale land fraud in the South, cannot find sufficient evidence to indict the Nelson Land Company or identify any of the company’s accomplices. At a loss, Gordon calls upon Burns who, using his scientific techniques, is able not only to capture the eponymous Nelson (after a dramatic chase sequence that includes Nelson’s car being hit by a train) but to identify Nelson’s chief ally: Mary’s father, Senator Archer. Upon hearing that Burns has uncovered his involvement in the scheme, Senator Archer promptly drinks a vial of poison, thus, according to the film, confessing his guilt.

Given these melodramatic and sensationalistic flourishes, it is no wonder that *The New York Daily Mirror*’s review of *The Exposure of the Land Swindlers* described it as “half-truth, half-fiction, and all absorbing.”⁸⁹ Nonetheless, it was the ‘half-true’ part that garnered the most attention from the popular press, who praised the film’s “realistic” glimpses of rarely seen locations like Burns’ New York office and the House of Representatives as well as, of course, the “actual practice” of detection.⁹⁰ Press for the film even cited the latter as the main factor

⁸⁸ “Detective Burns in Vivid Kalem Drama,” *New York Daily Mirror*, March 19, 1913, np. To lend further legitimacy to this claim, the title card is even marked with Burns’ signature.

⁸⁹ Ibid.

⁹⁰ See, for instance, “Burns Sleuthing on the Screens,” *Fort Wayne Journal-Gazette*, March 16, 1913, 18. The syndicated article, which appears in newspapers across the U.S., calls the House of Representatives scene “one of

distinguishing *The Exposure of the Land Swindlers*' sensational aspects from those of other detective films, saying that "the detective work illustrated is . . . vastly different from that presented for so many years in the usual detective melodrama, and its sensationalism stands out with similar difference."⁹¹



Figure 6: The dictograph exposes the land swindlers. *Motion Picture Story Magazine*, (April 1913): 91.

Specifically, the review continued, "the drama of the films pictures Burns doing his work as he does it in daily life. It is based wholly upon facts. Its sensationalism is that of intense realism."⁹² What is striking, in other words, is how the press framed the mundane and the everyday (at least relative to Burns) as the very source of the film's sensations, even as it

the greatest achievements in photo-play productions." A less hyperbolic mention of the film's locations can be found in "At the Theaters," *Oakland Tribune*, April 6, 1913, 7.

⁹¹ "Burns Sleuthing on the Screens," *Fort Wayne Journal-Gazette*, March 16, 1913, 18.

⁹² Ibid.

acknowledged a climactic scene is which a train crashes into an automobile. Indeed, the official press for the film framed the more spectacular scenes as outdated, if not obsolete, asking audiences to interpret the relationship between the detection scenes and the action scenes as a clash between two competing modes of detective fiction.

In its review of the film, *The Motion Picture World* reproduced the same rhetoric, noting that Burns “and his instrument of detection, now very well known as the dictagraph [sic], are introduced on the screen with telling and sensational effect. . . .The installation of the dictagraph [sic] and its practical workings are shown very plainly in all their detail and are full of interest.”⁹³ The thrill for the reviewer was derived not from the ‘what’ of the moment-to-moment action, but rather from the explanation of how the criminals were discovered and traced. As an advertisement for the film’s Toronto premiere succinctly put it, “Great Detective Burns Exposes Swindlers. How it is done may be seen next week.”⁹⁴ This announcement, like the majority of paratexts surrounding Burns’ film, prepared viewers for the revelation that Mary Archer finds so shocking. That the mystery is solved was presented as inevitable. The allure of the film was in its technological realism that functioned to both overshadow and undercut its more traditional — and purely imaginary — sensations.

A publicity bulletin for the film in *Moving Picture World* effectively captures the tension between these textual logics. Promising potential exhibitors a “sensational masterpiece,” the ad simultaneously assures them that the film “vividly portrays the scientific methods of criminal investigation” and that the story is “based on actual experiences in Burns’ career.” Images depicting some of the film’s key scenes adorn the ad, but while the ad incorporates production

⁹³ W. Stephen Bush, “A Novel and Timely Subject,” *The Moving Picture World*, February 22, 1913, 759.

⁹⁴ “Great Detective Burns Exposes Swindlers,” *The Globe and Mail* [Toronto], April 5, 1913, 23.

stills to show Burns at work identifying fingerprints or setting up the dictograph, it uses illustrations to represent the sensational action sequences, such as an express train running into one of the swindlers' cars.⁹⁵ The advertisement, in other words, differentiates between the realistic and sensational aspects of the film and posits them as ontologically distinct. The juxtaposition asks audiences to understand the scenes of detection as having a different relationship to reality than the action sequences. Even though the film was a reenactment of past events, it still promised to capture on film an actual dictograph being operated precisely as it was in an actual case. The scenes of detection effectively become actuality footage, and the paratexts surrounding the film ask audiences to understand them as such.

The advertisements, reviews, interviews, and press materials all asked audiences to believe in the reality of the profilmic field, especially as it related to Burns' technological demonstrations. As Philip Rosen notes, it is important to not discount the historical record that even fictional or fictionalized films create, as the visual documents created by the camera attest to the presence and actuality of objects within the profilmic field, regardless of whether or not the objects are "routed through the rationalization of narrative."⁹⁶ In this case, the paratexts reminded audiences that they were bearing witness to an actual dictograph in use and at work.

Habeas Corpus: The Cinematic Dictograph and Forensic Detection

According to Tom Gunning's accounts of filmic telephones and telegraphs, pre-classical cinematic form must be understood within larger networks of technological change,

⁹⁵ To be sure, the publicity for the film did not always conform to this logic and production stills of the action sequences did circulate within newspapers and fan magazines. Nonetheless, the ad in *Motion Picture World* still serves as a visual representation of the general discourse surrounding the film that differentiated between different hierarchies of realism. "Advertisement," *The Moving Picture World*, March 21, 1913, 1351.

⁹⁶ Philip Rosen, *Change Mummified: Cinema, Historicity, Theory* (Minneapolis: University of Minnesota Press, 2001), 166.

transformations in sensory perception, and new understandings of time and space that marked the early twentieth century.⁹⁷ In relation to technology, he argues that “newly emerging forms of filmic narration display a relation (simultaneously thematic and structural) to the way technology structures modern life.”⁹⁸ As such, a technique like parallel editing, when motivated and naturalized through the use of the telephone, became legible as a visual representation of the collapse of space and time brought on by contemporary ‘tele’ technologies.⁹⁹ While the precise relationship between the history of film form and large-scale sociocultural shifts remains a matter of debate, it is still instructive to examine specific localized instances of how early cinema imagined and mediated technological affordances, especially when these affordances are aural or temporal rather than visual or spatial.¹⁰⁰ While I maintain that cinema and cinematic form has much to say about the detective dictograph’s acquired meaning, I hesitate to suggest that thinking about the mediation and narrativization of the dictograph in *The Exposure of the Land Swindlers* offers insight into the broader history of film form. Rather, the dictograph’s visual and thematic role can offer clues into the history of how the dictograph circulated within the popular imagination and how the film mediated a specific, and in this case idealized, cultural understanding of the machine and its abilities.

⁹⁷ See, Tom Gunning, “Heard Over the Phone: *The Lonely Villa* and the De Lorde Tradition of the Terrors of Technology,” *Screen* 32.3 (Summer 1991): 184-196; “Systematizing the Electric Message: Narrative Form, Gender, and Modernity in *The Lonedale Operator*,” in *American Cinema’s Transitional Era: Audiences, Institutions, Practices*, ed. Charlie Keil and Shelly Stamp (Berkeley: University of California Press, 2004): 15-51.

⁹⁸ Gunning, “Heard Over the Phone,” 187.

⁹⁹ Ibid.

¹⁰⁰ For a concise and insightful gloss of the history of what David Bordwell has called “the modernity thesis,” see Ben Singer, *Melodrama and Modernity: Early Sensational Cinema and its Contexts* (New York: Columbia University Press, 2001); Charlie Keil and Shelley Stamp, eds., *American Cinema’s Transitional Era: Audiences, Institutions, Practices* (Berkeley: University of California Press, 2004).

If cinema was, for Burns, the best way to communicate the supposed infallibility of the detective to a broad audience, then it was also the best way to communicate the supposed infallibility of the detective's tools. To be clear, I do not mean to imply that the mediation of the dictograph's affordances in *The Exposure of the Land Swindlers* is purely intentional or the result of a carefully orchestrated plot on the part of Burns or the film's director, Kenean Buel. Instead, I argue that the affordances and limitations of cinema mediated a specific experience of the dictograph that emphasized its spatiotemporal attributes while deemphasizing its reliance on transcription. In other words, it highlighted its access to a distant voice and disavowed the difficulties in connecting that voice to a body. In doing so, cinematic form did the rhetorical work that allowed Burns to have his cake and eat it too by depicting the dictograph realistically while also suggesting visually its affiliation with technologies of inscription. Through cinema, in other words, the idealized and fantastic x-ray vision that marked editorial cartoons became incorporated into a realist paradigm.¹⁰¹

As in *The Argyle Case*, the dictograph plays a fundamental role in the capture of the criminals in *The Exposure of the Land Swindlers*, and the film's central (and most discussed) scene is a demonstration of the dictograph's installation and use that takes up the majority of the film's second reel.¹⁰² After learning the meeting place of Senator Archer and his accomplices, Burns has his assistants hide the dictograph's transmitter behind a large calendar on the wall and then connect the transmitter to a receiver in a room across the hall in which Burns, Gordon, and a stenographer wait to take down every word. Unlike *The Argyle Case*, which had to imagine a

¹⁰¹ Neil Verma has observed a similar phenomenon in film noir, arguing, "In noir, eavesdropping is often misrecognized as voyeurism because it has a way of securing impressions of the latter." As I have argued throughout this chapter, however, the conflation of eavesdropping with voyeurism — of hearing with seeing — is a central part of the history of visually representing audio surveillance. See Neil Verma, "Radio, Film Noir, and the Aesthetics of Auditory Spectacle," in *Kiss the Blood Off My Hands: On Classic Film Noir* ed. Robert Miklitsch (Champaign: University of Illinois Press, 2015), 93.

¹⁰² "Amusements," *Lewiston Evening Journal* [ME], April 16, 1913, 2.

working ronéophone in order to manage the limitations of the dictograph, *The Exposure of the Land Swindlers* takes advantage of the affordances of cinema to show the dictograph in its idealized form and communicate the competency of the sound-based device visually. The viewer's trust in the image is a simultaneous trust in the accuracy and fidelity of the unheard sound. It is important to recall that Burns' interest in the cinema was in its ability to allow audiences to *see* modern methods of detection, despite the fact that the technology for which he was best known was sound-based. Showing the dictograph at work, even without the ability to hear it at work, was enough to convince audiences of its potency.

Although it is impossible to know precisely how the dictograph scenes were shot without access to the actual film, publicity stills, story transcriptions, and detailed plot summaries provide enough clues to the sequence's basic structure.¹⁰³ By all accounts, the dictograph's telephonic affordances were, following the established conventions for representing telecommunication, represented through parallel editing patterns, alternating between the room containing Burns, Gordon, and the stenographers, and the room containing the criminals.¹⁰⁴ This pattern does more than simply establish the dictograph's telephonic ability to collapse space. Cutting between the detective/stenographer and the criminals, *The Exposure of the Land Swindlers* communicates the transmission of sound visually and inscribes the dictograph within a visual regime that can, at least metaphorically, frame and authorize the dictograph as a forensic device with similar affordances to fingerprinting or photography. Although the viewer cannot

¹⁰³ Unfortunately, all of Burns' films from the teens are presumed lost, although detailed accounts of *Exposure of the Land Swindlers* do remain.

¹⁰⁴ Ibid., 188. For more on early representations of telephonic or telegraphic communication see Tom Gunning, "Heard Over the Phone;" Jan Olsson, "Framing Silent Calls: Coming to Cinematographic Terms with Telephony," in *Allegories of Communication: Intermedial Concerns from Cinema to the Digital*, ed. John Fullerton and Jan Olsson (Rome: John Libbey, 2004); Eileen Bowser, *The Transformation of Cinema, 1907-1915* (Berkeley: University of California Press, 1990).

hear the criminals' words, the images verify and confirm that the sounds are being transmitted clearly and recorded accurately — the official studio press materials, adhering to the established, if inaccurate, tendency to personify the dictograph and imbue it with storage capabilities, claim that the machine itself “records the conversations.”¹⁰⁵ In this circuit of communication, there is only signal and never noise. Regardless of the machine's actual capabilities and limitations, the filmic dictograph makes the human voice tangible and usable. Furthermore, by granting the viewer access to the criminals' room, the scene suggests that the voice *can* be traced directly back to the criminal body. Importantly, this is a trace that only the viewer, and not the diegetic detective, can make with complete certainty. It is the viewers, and not Burns or his stenographer, who are able to access the fantasy of omniscience promised, but never fully fulfilled, by the dictograph.

Like Burns' lectures and writings, *The Exposure of the Land Swindlers* functioned as a form of anxiety management, as it emphasized the infallibility of crime prevention and mitigated, or ignored outright, the threat of technological breakdown common to many technology-centric films in the 1910s. As the real life anxieties around the dictograph's use and misuse indicated, assurance meant positioning the technology as an autonomous listener and speaker, free from the faulty ear or hand of the human stenographer. Whereas the telephone fulfilled its promise by connecting dispersed bodies through the transmission of the voice, and the phonograph fulfilled its technological promise by splitting the proximate voice from the body and preserving it for posterity, the detective dictograph's success and value was predicated on the distant transmission, separation and subsequent reconnection of the ephemeral disembodied voice to a (guilty, tangible) body. As illustrated in the debates around its actual courtroom utility, to be an

¹⁰⁵ See, for example, “Detective Burns in the Films,” 10. As this description was part of the official press materials, it is repeated continually within the popular press.

actual threat to criminals, the dictograph must be able to produce a specific individual body and recount the body's words with certainty. Under the guise of technological realism, *The Exposure of the Land Swindlers* perpetuated and partook in precisely this media fantasy.

After the fraudsters meet, Senator Archer discusses a date for the next meeting and pulls the calendar from the wall. Seeing and recognizing the dictograph transmitter, the group traces the wire under the hall carpet to the adjacent room where Gordon confronts them. While it was likely included for dramatic purposes, the scene serves a broader thematic purpose, illustrating how electricity connects the sounds heard over the dictograph to the speaking bodies, once again positioning the dictograph among the other tools of modern detection and tethering the visible to the knowable, this time for the benefit of the diegetic detectives and not just for the viewer. The irony, of course, is that the detectives gain this benefit only after the hidden dictograph has been uncovered (but, conveniently, once the incriminating words have already been spoken). The dictograph is assumed to be so infallible in this case that the corrupt senator takes his own life upon realizing that his words have been overheard, thus absolving the detectives (or the film) of the burden of convincing a court to accept the stenographer's notes. As Burn's own synopsis of the film put it, "Suicide is confession."¹⁰⁶

Despite some legal troubles that were eventually settled out of court, *The Exposure of the Land Swindlers* was by all accounts a huge success, receiving "considerable advance billing" and playing for multiple nights in theaters across the country.¹⁰⁷ Shortly before the film's initial

¹⁰⁶ William J. Burns, "How I Caught the Land Grafters," *Salt Lake City Tribune*, October 22, 1912, Magazine Section.

¹⁰⁷ The General Film Company sued Kalem in April 1913 claiming breach of contract. General accused Kalem of selling prints of the film to the Kinetograph Company despite having signed a one year distribution agreement with General. The case was settled out of court in October. See, "General Film Restrains Kalem," *The Billboard*, April 12, 1913, 15; "Film Companies Settle Suit," *The Billboard*, November 1, 1913, 5; "The Capture of the Land Swindlers," *Variety*, March 28, 1913, 14.

release, however, Burns and K.M. Turner had a major falling out that threatened to disrupt the dictograph's cinematic legacy. Because Turner agreed to supply competing detective agencies with dictographs, an angered Burns decided to cut ties with the inventor and refused to promote the dictograph further. Moreover, he demanded that references to the dictograph be removed not only from advertising for *The Exposure of the Land Swindlers*, but from the film itself, with the dictograph scenes to be replaced by a still image of Burns holding a microphone. Turner filed an injunction, and the original film was ultimately shown, but Burns was no longer invested in the 'dictograph' brand, instead preferring to use a very similar device he called the detectaphone.¹⁰⁸ Unfortunately for Burns, the popular press and the general public had already become used to the dictograph name, and it continued to be used interchangeably with (and more often than) the detectaphone.¹⁰⁹

Conclusion: The Detective Dictograph and Media Archaeology

Despite these troubles, Burns continued to make films, taking another starring role in the six-reel *The \$5,000,000 Counterfeiting Plot* (August 1914), based on one of his early Secret Service cases. Again, Burns promoted the film as an accurate representation of detective work and as another corrective to romanticized understanding of detection, stating in interviews that he has “endeavored in ‘The \$5,000,000 Counterfeiting Plot’ to show how naturally real detectives do act, and how naturally they must act in order to trap criminals.”¹¹⁰ Connecting his current work

¹⁰⁸ “Dictograph Owner and Burns at Odds,” 12.

¹⁰⁹ The press was explicit about its indifference, even noting that “the mechanical and technical differences between the two instruments are of no interest to the reader.” See “New York Day by Day,” *The Evening Times* [Grand Fork, ND], March 31, 1913, 9.

¹¹⁰ Burns, “The Detective on the Screen,” 75.

to his past, Burns even reframed his interest in the film industry slightly, saying that the motion picture would come to be a valuable tool of detection just like the dictograph.¹¹¹

The film garnered much less press than *The Exposure of the Land Swindlers*, even though it ends with a much-publicized scene in which Burns meets Arthur Conan Doyle, whom he had befriended, and who confirms Burns' cultural status by restating his belief that Burns is "America's Sherlock Holmes." Reviews in the trades were mixed, with some reviewers praising the film as not only "instructive," but also "absolutely absorbing," while others concluded that it contained "too much detail."¹¹² Furthermore, Burns began to betray frustration with the film industry. Despite his assurance that the film would aspire to portray the events of the case as accurately and realistically as possible, the film diverged from the actual story in a number of significant ways, including a love plot and a dramatic chase sequence.¹¹³ Before a packed house at the New York Theater, Burns admitted that the producers claimed they were entitled to take "a few liberties with the action."¹¹⁴ Even still, *Variety* argued that the film contained "less action than the picture public demands in a melodrama."¹¹⁵ Less remarked upon was the film's fictionalized addition of a recording device as the technological catalyst resulting in the arrest of the counterfeiters.¹¹⁶ It is unclear whether the device in question is yet another imagined variant

¹¹¹ Hanford C. Judson, "The \$5,000,000 Counterfeiting Plot," *The Moving Picture World*, August 22, 1914, 1083.

¹¹² See, "The \$5,000,000 Counterfeiting Plot," *The Motion Picture News*, August, 1914, 48; Judson, "The \$5,000,000 Counterfeiting Plot," 1083.

¹¹³ *The Motion Picture News* referred to the love plot as "the only part of the picture which is not absolutely authentic." See "The \$5,000,000 Counterfeiting Plot," 48.

¹¹⁴ Judson, "\$5,000,000 Counterfeiting Plot," 1083.

¹¹⁵ "The \$5,000,000 Counterfeiting Plot," *Variety*, August, 1914, 21.

¹¹⁶ "The \$5,000,000 Counterfeiting Plot," *The Moving Picture World*, September 26, 1914, 1830. It is unclear based on the available evidence whether the device was a variation on the dictograph. What is clear, though, is that Burns did not use this device in the actual case.

of the dictograph. What is clear, however, is that the inclusion of the device, which was not used in the actual case, confirmed Burns' ongoing commitment to authorizing sound-based technologies as legitimate modes of detection.

Apart from the 1919 film adaptation of *The Argyle Case* that, like the theatrical version, credited Burns as a technical consultant, Burns' star turn in Hollywood ended with *The \$5,000,000 Counterfeiting Plot*.¹¹⁷ His relationship with Hollywood continued, however, once he became head of the Bureau of Investigation in 1921 and even after his unceremonious and scandalous resignation in 1924.¹¹⁸ Nonetheless, his contribution to the cultural imagination of the workings and possibilities of sound surveillance had a lasting impact on how the popular press discussed the dictograph and how Hollywood filmed it. Burns' dictograph was not the imaginary dictograph of *Traffic in Souls*, nor was it the device actually used in detective work. Instead, it straddled the material and the imaginary, becoming a telephonic device that contained forensic, inscriptive properties, operating in the ears of detectives, yet imbuing them with x-ray vision. The visual and narrative treatment of the dictograph, in other words, helped position it within this technological purgatory, between the material and the imagined. This gap between the technology as imagined and the technology as material is precisely what defined the dictograph from 1910 to 1920. As courts increasingly accepted evidence procured via dictograph and treated it as forensic evidence, the dictograph, for all intents and purposes, became a forensic recording

¹¹⁷ Also like its theatrical predecessor, *The Argyle Case* was acclaimed for its demonstration of modern tools of detection, including the dictograph that, accounts suggest, was not renamed in the film version. See "Hawkshaw Had Nothing on William J. Burns," *The Washington Times*, March 4, 1917, 8; "Second Selznick-Young Picture Ready," *Motography*, December 20, 1916, 1429.

¹¹⁸ Burns' interest in Hollywood went from establishing surveillance over alleged Hollywood radicals to sponsoring Valentino's bid for citizenship. In the 1930s, he returned to film making, writing and starring in a number of one-reel shorts based on his exploits. See: Steven J. Ross, *Hollywood Left and Right: How Movie Stars Shaped American Politics* (Oxford: Oxford University Press, 2011); John Sbardellati, *J. Edgar Hoover Goes to the Movies: The FBI and the Origins of Hollywood's Cold War* (Ithaca: Cornell University Press, 2012); "Valentino Seeks Citizenship Here," 16.

device capable of connecting a voice to its body despite its materiality. Because so few people had access to the dictograph, and because the popular misunderstanding had real material effects, we cannot consider the dictograph outside the process of its mediation.

The dictograph, in other words, came to stand in for the imaginative possibilities (and not realities) of sound recording in the early 20th century. Its popularity spoke less to the ways it was actually used and more to the public desire for (and fear of) a machine that could eavesdrop on far-away individuals, capture their voices, and play them back clearly as evidence of their guilt. If material technologies are fluid and mutable, entangled in multiple histories and existing within diverse and sometimes competing sets of protocols, then so too are technological affordances. As the case of the detective dictograph illustrates, sound amplification, transmission, and recording existed as concepts separate from their material bodies, free to float among and between numerous technological histories, at least within the popular imagination.

The case of the detective dictograph hums in the background of the chapters that follow. While the various dictation machines and tape recorders that serve as the primary objects of study through the rest of this dissertation may seem immediately more familiar and accessible than the dictograph, they nonetheless require a similar method of analysis. The practice of media archaeology, it can be said, is a perpetual game of telephone — or, perhaps more appropriately, a game of dictograph. Competing utterances ensure that meaning is constantly in flux and that distortion is not only inevitable but also very often desired. Doing media archaeology, at least as I conceive of it, is not about putting forth a corrective history, but it is about engaging fully in this playful game. It locates meaning somewhere between nonfiction and fiction, between the material and the imagined, between the hearing aid invented by Miller Reese Hutchison and the forensic sound recording machine narrated and illustrated by popular media and by William J. Burns.

CHAPTER III

The Threat of Fugitive Voices: Procedurals, Crime Dramas, and the Overlapping Histories of Audio Surveillance

While the popular interest in the dictograph may have waned into the 1930s, the broader question of sound surveillance continued to permeate popular media. In his classic study of film noir narration, J.P. Telotte cites the problem of communication as one of noir's central topics, arguing that film noir presents "a narrative world in which individuals constantly lie to or trick each other, where they always find communication difficult or simply irrelevant."¹ If we accept the conventional periodization that labels a number of stylistically similar crime films produced between 1941 and 1958 as noir, then it is tempting to understand Telotte's observation that "characters in these films seem singularly distanced from each other and unable to achieve any kind of intimate or meaningful communication" as symptoms of the cultural and industrial conditions in which these films were produced.² Indeed, fears of promiscuous language and anxieties over eavesdropping resonated throughout America after the attack on Pearl Harbor in December 1941. Shortly after the attack, Los Angeles naval authorities launched a campaign telling Americans to remain silent about any knowledge they may have of ship movements lest enemy agents overhear the information.³ In 1942, the War Advertising Council, operating in conjunction with the Office of War Information, produced extensive propaganda featuring the soon-to-be ubiquitous wartime slogan "Loose Lips Sink Ships," which painted a dire picture of

¹ Telotte, *Voices in the Dark: The Narrative Patterns of Noir* (Urbana: University of Illinois Press, 1989), 45.

² *Ibid.*, 28.

³ "Don't Let Tongue Slip," *Los Angeles Times*, December 28, 1941, A1.

an always-eavesdropping enemy willing and able to intercept even the most benign communication.⁴

The self-imposed policing of "sabotalk" or "careless talk" became a central feature of wartime signs, stickers, and posters, with citizens reminded at all times to monitor their communication.⁵ To help the war effort, former Army major Porter F. Leech even began a voluntary campaign to curb the "careless spreading of gossip in wartime." Organizing his campaign around the famous idiom that "The Walls Have Ears," Leech gathered American artists to contribute posters depicting the threat of eavesdropping that he then offered to the U.S. government and exhibited in museums across the U.S. and Canada.⁶ The Cold War climate that followed the 1945 armistice only enabled these slogans to resonate more strongly throughout American culture, where the repercussions for unencumbered speech could take the form of nuclear annihilation. During this same period, Hollywood was still contending with its own climate of self-censorship imposed by the (gradually weakening) Production Code Administration (PCA). Filmmakers often devised creative ways to work around the code, grounded in exploiting the nuances afforded by cinematic and verbal language, operating via intimation or suggestion rather than explicit statement.⁷ Communication, in other words, was an ongoing process of negotiation, with meaning often distorted, indirect, and coded.

⁴ Kalman Applbaum, *The Marketing Era: From Professional Practice to Global Provisioning* (New York: Routledge, 2004), 197.

⁵ Lawrence Stessin, "Signs of War," *Los Angeles Times*, August 2, 1942, G10; "Careless Talk Costs Lives," *New York Times*, January 25, 1942, E6; "No Sabotalk," *Variety*, February 18, 1942, 1.

⁶ "The Walls Have Ears," *The New York Times*, October 4, 1942, SM11; "Caution Joins Art," *The Globe and Mail*, February 3, 1943, 4.

⁷ See, for instance, Sheri Chien Biesen, *Blackout: World War II and the Origins of Film Noir* (Baltimore: The Johns Hopkins University Press, 2005). These attempts to circumvent the letter of the code were not, of course, unique to noir. The generic characteristics of screwball comedies, for instance, emerged partly out of needing to negotiate the dictates of the PCA. See, for instance, Jane M. Greene, "A Proper Dash of Spice: Screwball Comedy and the Production Code," *Journal of Film and Video* 63.3 (2011): 45-63.

In this chapter, I revisit a number of crime dramas produced between 1944 and 1958 in order to examine the relationship between these enduring anxieties around communication and technologies of audio recording. Instead of suggesting that the films produced during this period are symptomatic of a historical and industrial context highly attuned to the intricacies of communication, however, this chapter considers these films as constituent parts of this context. The problem of communication, as Telotte has pointed out, is a recurring thematic and narrative concern, one which, I argue, takes on even greater significance when examined through the lens (or speaker) of the technologies that make communication possible or that threaten to interfere with or prevent the communicative process altogether. In other words, the context provides a way to think through the function of the technologies in the films and in their broader social and cultural spheres. Although the films I examine in this chapter are often placed under the rubric of film noir, I do not analyze them from a genre-studies perspective nor do I stake a claim in the ongoing debates as to whether noir constitutes a genre, cycle, style, or movement. Film noir is, as James Naremore puts it, “an unusually baggy concept, elaborated largely after the fact of the films themselves.”⁸ By starting with the “fact of the films themselves,” I set aside the historiographical baggage that accompanies film noir as a structuring concept and instead treat these films as part of contemporary cultural conversations around privacy, surveillance, national security, and technology.

Scholars of film noir like Paula Rabinowitz, Edward Dimendberg, and Nicholas Christopher all note how crime films of the early post-WWII and early Cold War period exhibit, in Christopher’s words, “an ongoing fascination . . . with electronic devices,” but their adherence to genre analysis prevents them from dealing with technology in its material or cultural

⁸ James Naremore, *More Than Night: Film Noir and its Contexts* (Berkeley: University of California Press, 1998), 5.

specificity.⁹ Instead, they tend to attribute the fascination with modern technology writ-large to a general symptomatic preoccupation with, for instance, the mechanization of war or the sprawl of modern urban space. By zooming in on the multiplicity of sound recording media (wax, wire, tape) at play and on display during this period as well as the phonographs, Dictaphones, tape recorders, Minifons, and SoundScribers that framed their use, I aim to deal with the diverse and competing sets of meanings that accompanied sound recording media in the post-WWII period. Using a series of crime films as entry points into broader cultural issues, I trace the integration of sound recording devices into systems of policing as well as into the rhythms of everyday life and argue that, no matter how disparate the uses of sound recording technology may seem, they all ultimately speak to a contemporary conversation around privacy and the vulnerability of the human voice to technological capture and control.

The first half of this chapter looks at the emergence of the police procedural and positions technologies of sound recording within it. I argue that these films depict historically specific anxieties around radio transmission and posit recording devices as a means of halting the potentially dangerous flow of voices. Policing in these films becomes a matter of communicative control, and struggles over sound technologies become matters of national security. Through my analysis, I aim to reintroduce storage media into the wartime and post-WWII histories of surveillance and policing in order to complicate the tendency to think of the modern surveillance state primarily in terms of technologies of transmission and simultaneity that enabled near-instantaneous and near-omniscient communication over vast distances.¹⁰ I suggest

⁹ Nicholas Christopher, *Somewhere in the Night: Film Noir and the American City* (New York: The Free Press, 1997), 89-90. See also, Paula Rabinowitz, *Black & White & Noir: America's Pulp Modernism* (New York: Columbia University Press, 2002); Edward Dimendberg, *Film Noir and the Spaces of Modernity* (Cambridge, MA: Harvard University Press, 2004).

supplementing the metaphors of the all-seeing eye or all-hearing ear with eyes and ears that record and store information for posterity. With the technological fantasy of sound surveillance devices that could ostensibly hear all and store all becoming a reality, and with an increased push to bureaucratize and systematize law enforcement agencies, this chapter argues that we need to understand wartime and post-war surveillance media not only in terms of simultaneity and transmission but also in terms of interception and storage.

In the second half of the chapter, I look at the integration of sound recording technology into the realm of everyday life. Taking *Double Indemnity* (Billy Wilder, 1944), *The Unsuspected* (Michael Curtiz, 1947), and *Sudden Fear* (David Miller, 1952) as my primary case studies, I argue that crime melodramas of the 1940s and 1950s subverted the prescribed or dominant uses of these technologies (as stated in advertising or promotional materials) by bringing them into contact with the alternate media histories that their present form attempts to disavow. Multiple histories of sound recording media resonate throughout the films, producing technologies that are amorphous and ambivalent and that blur the lines between detection and surveillance, on the one hand, and business and domestic use on the other. These films illustrate that the sets of protocols binding machines to their specific uses are ultimately arbitrary constructs capable of falling apart at any moment. In each of these cases, sound recording technologies are constantly thrust into crisis and refuse to function according to the ostensibly stable uses to which they are put. Eavesdropping systems are put into the service of administrative control and machines intended for business or the home become part of surveillance apparatuses. These imagined, narrativized tensions sometimes have the capacity to reverberate, in turn, back through the material histories of the technologies themselves, destabilizing their function outside of the films, if only briefly.

¹⁰ For a discussion of how the police car and radio transformed Depression-era policing, see Kathleen Battles, *Calling All Cars: Radio Dragnets and the Technologies of Policing* (Minneapolis: University of Minnesota Press, 2010).

By examining sound recording media within the protocols of the wartime and postwar law enforcement as well as within seemingly more innocuous domestic or business protocols, I not only catalog some of the various cultural and social uses of postwar sound recording media, but I also aim to illustrate how all of these uses speak, at least in part, to similar cultural anxieties around the captured human voice. Taken as a whole, this body of films complicates Burns' straightforward project of tying a criminal voice to a guilty body. In these films, binaries that the justice system tries to uphold such as innocence and guilt, loyalty and treason, and criminal and victim reveal themselves to be fluid, ambivalent terms whose definitions are technologically produced. These films, in other words, redefine surveillance and counter-surveillance as ongoing practices of communicative control and disruption. The captured voice, to be sure, maintains its cultural status as evidence, but the power to define what the voice serves as evidence *of* lies not with some universal notion of justice but rather in the hands of those who capture the voice and mediate the terms of its reception.

Electronic Eavesdropping After the Dictograph

The interest in “scientific eavesdropping” that marked the teens waned as Burns exited the national spotlight and as the dictograph became less an object of national fascination and more a fact of everyday life. The story of the dictograph from the 1920s onward was defined by its continued, but relatively infrequent, use in surveillance and evidence collection as well as continued attempts to deal with its technical limitations. Taking advantage of technological advances in sound transmission and recording, private investigators and self-proclaimed “sound technicians” attempted to connect the dictograph to a sound recording device well into the 1930s, but with mixed results. In 1936, a Los Angeles judge allowed records resulting from connecting

a dictograph to a “machine for making records” to be played in court. For over an hour a jury listened to the records over a loudspeaker. While voices could occasionally be heard clearly, extraneous noises made the words difficult to hear, and the jury was left to interpret the sounds on their own.¹¹ In a slightly more successful attempt two years prior, the defense in a New Jersey case attempted to introduce into evidence phonographic records containing conversations recorded via dictograph. While the technology functioned satisfactorily in this case, the court refused to permit the use of the records since they contained an entire conversation, parts of which may have been irrelevant to the case.¹² The New Jersey Supreme Court similarly refused to consider the records as evidence, claiming that there is no precedent for dealing with phonograph records of conversations and, further, that there is no way of knowing whether the conversation was edited.¹³

These ensuing concerns over dictographic evidence took place within a much larger context of legal debates around the evidentiary value of sound surveillance and the right to aural privacy. As the culmination of an increased use of police wiretapping during the Prohibition era, in 1928, the topic of electronic surveillance made its way to the Supreme Court when bootlegger Roy Olmstead appealed a conviction made on the basis of evidence obtained from federal wiretaps. Olmstead’s lawyers argued that the phone tap violated the Fourth Amendment protection against search and seizure, but the divided Court ultimately decided that the tap, which was installed

¹¹ “Werner Dictograph Installer Testifies,” *Los Angeles Times*, December 10, 1936, A1; “Werner Jury Hears Voice Recordings,” *Los Angeles Times*, December 15, 1936, 1, 14. An alleged confession recorded via dictograph was also put forth as evidence in a murder trial in 1944. Although voices could be heard, much of the record was said to be “indistinct and almost inaudible.” Moreover, the defense contended that the record was the result of “ventriloquism.” The accused was acquitted. See “Court Hears Dictograph in Death Trial,” *Los Angeles Times*, January 14, 1944; “Ventriloquy ‘Confession’ Charge,” *Los Angeles Times*, January 13, 1944, 7; “Cafe Man Freed in Death Case,” *Los Angeles Times*, January 28, 1944, 14.

¹² M. Pashman, “Dictograph Records as Evidence,” *New Jersey Law Review* (May 1935): 176.

¹³ *Ibid.*

without trespassing on the defendant's property, was legal and that seizure applies only to physical property and not to overheard words. Because "the evidence was secured by the use of the sense of hearing, and that only," federal officers had committed no crime.¹⁴ In a famous dissenting opinion, Justice Louis Brandeis argued that the Fourth and Fifth Amendments are in place to guarantee a general right to privacy, which he defined as "the right to be let alone."¹⁵ For Brandeis, the legality of wiretapping should not be contingent on the physical placement of the tap. "It is immaterial," Brandeis continued, "where the physical connection with the telephone wires leading into the defendants' premises was made."¹⁶ Regardless of the material nature of the phone tap itself, in other words, for Brandeis wiretapping alone constituted an unlawful invasion of privacy.

Although Brandeis' reasoning did not prevail, the *Federal Communications Act* (FCA) of 1934 effectively overturned *Olmstead v. United States*. Meant to regulate the rapidly expanding communications industry, portions of the act could be (and were) interpreted broadly to apply to electronic eavesdropping. Section 605, in particular, stated, "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."¹⁷ The FCA of 1934 is particularly striking because of its language that offers an implicit definition of privacy that increasingly gained cultural and legal currency. The act never protects the "right to be let alone;" rather, as the Supreme Court suggested in a ruling that would have a great impact

¹⁴ *Olmstead v. United States*, 288 U.S. 438 (1928).

¹⁵ *Olmstead v. United States*, 288 U.S. 438 (1928) (Brandeis, J., dissenting).

¹⁶ *Ibid.*

¹⁷ *Federal Communications Act, 1934*, Pub.L. 73-416, 73rd Cong., June 19, 1934, s. 605. In 1937, the Supreme Court interpreted the FCA to mean that even wiretapped evidence obtained from federal officers was inadmissible in court. See *Nardone v. United States*, 201 U.S. 379 (1939).

on the decade to come, it protects the message at the moment of its technological transmission but not the secrecy of the conversation itself. In *Goldman v. United States* (1942), the Court differentiated Burns' old standby, the dictograph (referred to as the detectaphone), from wiretapping stating that overhearing via dictograph does not constitute interception of a message "throughout the course of its transmission by the instrumentality or agency of transmission."¹⁸ As Garry R. Bullard observed, this interpretation of Section 605 also separated a message's "interception" from its recording or storage and, in doing so, framed even surreptitious recordings made at either end of the communication as perfectly legal to obtain and use.¹⁹ Moreover, the conspicuous "and" in Section 605 of the FCA (no person shall intercept *and* divulge any communication) suggested that message interception was legal so long as the "contents" of the message are not put to use.²⁰ Even though, as Edmund Schaefer argued in the *Washington and Lee Law Review*, dictographs were perhaps "more objectionable than wire tapping, since even the most intimate conversations can be overheard by its use," the language of the FCA only applied to wiretapping, ignoring the material and technological realities of the microphone-based sound surveillance that had long appealed to federal, state, and private agencies.²¹ In theory, the FCA put a hold on sound surveillance, at least at the federal level, but

¹⁸ *Goldman v. United States*, 316 U.S. 129 (1942).

¹⁹ Garry R. Bullard, "Wiretapping and the Supreme Court," *Journal of Criminal Law and Criminology* 49.4 (1959): 345.

²⁰ This language grounded the Supreme Court's decision that evidence obtained via wiretap was inadmissible in court in *Nardone v. United States* (1939).

²¹ Edmund Schaefer III, "Protection Against Invasion of Privacy in Communications: The Olmstead Case Sustained," *Washington and Lee Law Review* (Spring 1942): 280. As Priscilla M. Regan notes, the inability of the FCA to account for technological change is due, in part, to its grounding in legislation from 1912. See Priscilla M. Regan, *Legislating Privacy: Technology, Social Values, and Public Policy* (Chapel Hill: The University of North Carolina Press, 1995): 114.

in practice, (largely illegal) wiretapping and (legal) microphone surveillance continued largely unabated, reaching almost epidemic proportions in the late 1940s to mid 1950s.²²

Criminal Records: Audio Surveillance & J. Edgar Hoover's FBI

As these debates around the public and private use of audio surveillance were taking place, Burns' successor as director of the Bureau of Investigation (the BOI was renamed Federal Bureau of Investigation in 1935), John Edgar Hoover, attempted to situate the morally and legally ambiguous field of electronic eavesdropping within the principles of scientific management. The infamous Teapot Dome bribery scandal had sullied the reputation of Burns' BOI when congressional hearings uncovered that BOI agents had instituted extensive surveillance operations on members of Congress, including illicit wiretapping and breaking and entering.²³ As Burns' replacement, Hoover aimed to repair the reputation of the FBI through increased professionalization and administrative reform.

The BOI was already known for its extensive record keeping system, but Hoover's push to expand the bureau's records would combine the principles of scientific management with those of scientific detection. In July 1924, Hoover realized Burns' dream of establishing a nationwide fingerprint registry with the creation of the National Division of Identification that integrated hundreds of thousands of fingerprint records and photographs into extensive filing systems that would become a symbol of bureaucratic efficiency.²⁴ By 1932, Hoover had established a soon-

²² See Jacob Smith, *Vocal Tracks: Performance and Sound Media* (Berkeley: University of California Press, 2008), 165-172; Dash, Schwartz, and Knowlton, *The Eavesdroppers*; Hochman, "Eavesdropping in the Age of *The Eavesdroppers*."

²³ Theoharis, *The FBI: A Comprehensive Reference Guide*, 11.

to-be-famous Crime Laboratory dedicated to forensic investigation that, as Hoover wrote proudly in *The Scientific Monthly*, proved essential to the war effort.²⁵ Under the auspices of the rationalization of police work, Hoover, in other words, worked to fulfill the promises of Bertillonage, subjecting individual bodies (of potential criminals) en masse to the logics of bureaucratic filing systems.

Electronic eavesdropping, as the case of William J. Burns illustrated, never fit perfectly within these logics of scientific and bureaucratized investigation, but Hoover nonetheless attempted to systematize the practice, if only for himself. Largely due to the moral and legal purgatory within which audio surveillance practices continually found themselves, Hoover was not only not a public proponent of eavesdropping methods but was known for publicly denouncing wiretapping as unethical.²⁶ Behind the closed doors of his office, however, Hoover was much more open to controversial methods made famous by his predecessor. Indeed, Hoover's interest and faith in sound surveillance throughout his career eventually led to the establishment of the FBI's secret "sound school" in the late 1950s to train new agents in emerging methods of electronic eavesdropping and recording.²⁷ I will return to the specificities of Hoover's approach to systematizing surveillance in the next chapter. For the remainder of this chapter, however, I want to examine the relationship of sound recording media and surveillance during World War II and in the early Cold War period. In doing so, I aim to reassert the

²⁴ See J. Edgar Hoover, "The National Division of Identification and Information," *The American Journal of Police Science* 2.4 (1932): 241-251; Max Lowenthal, *The Federal Bureau of Investigation* (New York: William Sloane Associates, 1950).

²⁵ J. Edgar Hoover, "FBI Laboratory in Wartime," *The Scientific Monthly* 60.1 (1945): 18-24.

²⁶ Ray Wannall, *The Real J. Edgar Hoover: For the Record* (Paducah, KY: Turner Publishing, 2000), 36, 45. Wannall, who headed the FBI's Intelligence Division under Hoover, makes the case that Hoover only reluctantly engaged in electronic eavesdropping when ordered by the President. FBI records suggest otherwise.

²⁷ See William W. Turner, "I was a burglar, wiretapper, bugger, and spy for the F.B.I.," *Rampart's* 5 (November 1966): 51-55.

centrality of storage media in wartime and postwar surveillance practices. Turning to popular mediations that put these uses on display, I then look at the tensions between and within semi-documentary procedurals and fictional crime melodramas and argue that these films pointed to an emerging understanding of the recorded voice as ambivalent, caught between the increasingly blurred forces of order and corruption.

Lightning in a Bottle: Audio Recording and Wartime Surveillance

Although the Second World War is often referred to as the “radio war,” or as Friedrich Kittler (playing on the concept of blitzkrieg) calls it, a “lightning war” defined by “transmission media,” one cannot overemphasize the transmission or broadcasting of signals at the expense of considering the ways in which the “lightning” was stored.²⁸ Advances in magnetic wire recording technology, perhaps most famously spearheaded by Marvin Camras of the Armour Research Foundation, led to the widespread use of wire recorders by numerous branches of the U.S. military.²⁹ Relatively portable, long-recording, and “almost indestructible,” these recorders were most popularly used for journalism and war reporting, providing the OWI sounds from the battlefield to incorporate into its programming.³⁰ The Navy also used wire recorders for purposes of dictation and to make detailed reports to supplement ship logs.³¹ Wax cylinders, flexible discs, and plastic belts also aided in the war effort, allowing members of the Signal Corps and the

²⁸ Friedrich Kittler, “Media Wars,” in *Literature, Media, Information Systems*, 123. Kittler does acknowledge the role of storage media in World War 2 in his discussion of the German Enigma cipher machine.

²⁹ See Mark H. Clark, “Steel and Wire Tape Recorders,” in *Magnetic Recording: The First 100 Years*, ed. Eric D. Daniel, C. Dennis Mee, and Mark H. Clark (New York: IEEE Press, 1999); David Morton, *Off the Record: The Technology and Culture of Sound Recording in America* (New Brunswick: Rutgers University Press, 2000), 60-1. Many of Camras’ technological discoveries had already taken place in Japan and Germany, but, as Mark H. Clark notes, “wartime limitations on patent searched meant that the Armour inventor got his patent anyway.” Clark, 42.

³⁰ Joseph M. Guilfoyle, “Talking Wire,” *Wall Street Journal*, February 4, 1944, 1,5; Morton, *Off the Record*, 61.

³¹ “New Trick in the Recording Field,” *Daily Boston Globe*, August 22, 1943, C6.

FCC's Radio Intelligence Division to take advantage of the careless speech of the enemy, either by recording the interrogation of prisoners or, more significantly, "cruising the spectrum" in search of enemy shortwave radio transmissions.³² Stationed at secret listening posts across the U.S., specially-trained "monitors" recorded enemy propaganda programs and intercepted and recorded the often-coded enemy signals, either in the form of voice communication or Morse code which would be translated, analyzed, deciphered, and transcribed.³³

The Allies were not alone in employing sound recording devices for the war effort and, as they discovered after the war, the German army possessed much more sophisticated recording technology. While American publications during the war were hailing magnetic wire recording as the successor to plastic and wax storage media, the Germans had begun perfecting magnetic tape recording. The German electronics company AEG demonstrated a magnetic tape recorder publicly for the first time at the Internationale Funkausstellung Berlin (Berlin Radio Exhibition) in 1935, and, after a few modifications over the next few years, the Magnetophon could record and reproduce sound with unprecedented clarity and fidelity.³⁴ Appropriated by the Nazis, Magnetophons became a powerful surveillance device, used, like disk, cylinder, and wire recorders in the U.S., as a central component in eavesdropping and wiretapping projects.

Perhaps even more significantly, they became central to the Nazi propaganda machine when combined with radio networks. Nazi use of radio as a means of transmitting ideology

³² C. King Woodbridge, *Dictaphone: Electronic Genius of Voice and Typed Word* (New York: The Newcomen Society in North America), 16; Stefan Jean Rundt, "The Boys Who Listen," *New York Times*, July 26, 1942, X8.

³³ Rundt, "The Boys Who Listen"; George E. Sterling, *The History of the Radio Intelligence Division Before and During World War II, 1940-1945*, ed. Albert A. Evangelista, E. Merle Glunt, and Dan Flanagan (2012), 134, <http://users.isp.com/danflan/sterling/ridhist.pdf>. Telegraph messages were also recorded using paper tape recorders. For more on Signals Intelligence during the war, see James L. Gilbert and John P. Finnegan, eds., *U.S. Army Signals Intelligence in World War II: A Documented History* (Washington, D.C: Center of Military History, 1993) as well as the November 1942 special issue of *Radio News* dedicated to the Signal Corps.

³⁴ Friedrich K. Engel, "The Introduction of the Magnetophon," in *Magnetic Recording: The First 100 Years*, ed. Eric D. Daniel, C. Dennis Mee, and Mark H. Clark (New York: IEEE Press, 1999), 56-65.

and propaganda is well documented, as are contemporary studies investigating the supposed “effects” of radio on mass publics.³⁵ Less commented upon was the Nazis use of tape recorders, operating via time-delay, to broadcast music and Hitler’s speeches across space and at all hours of the day. The quality of the recordings even confused Allied forces when seemingly live broadcasts by top German officials emanated from all parts of the Germany and late into the night.³⁶ The seeming omniscience and omnipresence afforded by a machine (and radio network) that could enable such tricks of ventriloquism inverted the fantasy of sound surveillance. The tape recorder in this instance did not connect an overheard voice to a guilty, speaking body but rather produced a facsimile of the body convincing enough to be taken as real and live, if only for a short while. Hitler’s use of the tape recorder transformed it from an agent of surveillance into a machine that could elude and confuse surveying eyes and ears. On the one hand, as Michael Davidson observes, Hitler’s use of the tape recorder to separate voice from speaker serves as a case study of Walter Benjamin’s critique of the aestheticization of politics.³⁷ On the other, it serves as a sobering reminder of the cultural specificity of technologies and the interpretive practices associated with them. After the war, German engineers were reportedly baffled that Allied forces were confused by the broadcasts, which were never actually intended to deceive, but to an outsider unfamiliar with the character of Magnetophon recordings and the logics of time delay broadcasts, what the engineers were accustomed to recognize as a recording

³⁵ See for instance Hadley Cantril, Hazel Gaudet and Herta Herzog, *The Invasion from Mars: A Study in the Psychology of Panic* (Princeton: Princeton University Press, 1940); Robert K. Merton, Marjorie Fiske Lowenthal, Alberta Curtis, *Mass Persuasion: The Social Psychology of a War Bond Drive* (New York: Harper and Bros., 1946).

³⁶ Peter Hammar and Don Ososke, “The Birth of the German Magnetophon Tape Recorder 1928-1945,” *db: The Sound Engineering Magazine* (March, 1982): 52.

³⁷ Michael Davidson, *Ghostly Demarcations: Modern Poetry and the Material World* (Berkeley: University of California Press, 1997), 200.

could very understandably be interpreted as live.³⁸ Communicative control, as certain films of the period will make clear, involves not just control over the transmitted message, but also control over the conditions of its reception.

The technology behind the Magnetophon did not remain unique to Germany long after the war. In July 1945, Jack Mullin, a Signal Corps technician assigned to investigate captured German technology, discovered the source of the long-playing, high-fidelity radio broadcasts that he had been hearing during the war. Mullin shipped two Magnetophons and fifty reels of tape to the U.S. and would soon revolutionize the culture of sound recording and radio broadcasting in America (with the help of Bing Crosby).³⁹ Although most histories of magnetic tape emphasize its role in the American entertainment industry, technologies from overseas were also infiltrating the milieu of policing and social control.⁴⁰ At the FBI Academy's graduation ceremony in June 1954, film and television pioneer (and Brigadier General of the Signal Corps) David Sarnoff gave an address to the graduating class on the topic of "electronics and law enforcement." Sarnoff described a "whole spectrum of scientific tools" at their disposal including, of course, recent developments in police radio and closed-circuit television.⁴¹ He also

³⁸ Hammar and Ososke, "Birth of the German Magnetphon," 52.

³⁹ See Richard James Burgess, *The History of Music Production* (Oxford, Oxford University Press, 2014); Martin McQuade and Pete Hammar, "Bing Crosby's Magnetic Tape Revolution," in Ruth Prigozy and Walter Raubicheck eds. *Going My Way: Bing Crosby and American Culture* (Rochester: University of Rochester Press, 2007), 151-159; Don Rushin, "Hi-Fi to High Definition: Five Decades of Magnetic Tape," *db: The Sound Engineering Magazine* (January/February, 1991): 50-54.

⁴⁰ While my emphasis in this chapter is on police work, tape recorders were also used as part of similar projects with disciplinary or bureaucratic ends. Jennifer Stoever, for example, positions the tape recorder within a history of disciplinary projects disguised as social reform and as a technology that reproduced "cold war ideologies of race, gender, technology, and citizenship." See Jennifer Stoever-Ackerman, "Reproducing U.S. Citizenship in a Blackboard Jungle: Race, Cold War Liberalism, and the Tape Recorder," *American Quarterly* 63.3 (September 2011): 781-806. For more on the police's use of the tape recorder, see "Vandals' Confessions Recorded By Police for Playback to Parents," *New York Times*, February 20, 1950, 19.

⁴¹ David Sarnoff, "Addresses," *FBI Law Enforcement Bulletin*, September 1954, 3.

looked to the future and informed students of technologies “just over the horizon” such as “miniature battery-powered magnetic tape recorders [that] will be so compact and self contained that they may easily be concealed on the person, and capable of recording for an hour or more.”⁴² What Sarnoff failed to mention, as the *Dragnet* film would reveal just three months later, was that similar wire recorders were already in use. Moreover, the recorders that Sarnoff promised were likely closer than he suggested. By the mid-1950s, tape recorders were becoming part of the police force’s technological repertoire, being demonstrated at policing “open houses” and employed as part of police Mobile Crime Detection Units in order to record confessions or witness statements at the scene of the crime, and incorporated into police station surveillance systems.⁴³

State-Sponsored Surveillance As Communicative Control: Storage and Transmission in the Crime Procedural

Even without Burns spurring the development of films meant to educate the public in the techniques of modern policing, the cinema remained the primary site for popular audiences to see the incorporation of new technologies in policing and detective work, especially with the development of the semi-documentary police procedural. Aesthetically caught between 1940s documentary and crime melodrama (which would come to be known as film noir), the police procedural is often discussed as existing in generic purgatory. Raymond Borde and Etienne Chaumeton, in their classic study of noir, argue that the “police documentary,” as they call the procedural, is not noir proper. Whereas film noir looks at crime “from within,” the procedural

⁴² Ibid. 4.

⁴³ “A Cooperative Program for Crime Prevention,” *FBI Law Enforcement Bulletin*, September 1955, 21; John J. Kelly, “Equipping and Using a Mobile Crime Laboratory,” *FBI Law Enforcement Bulletin*, May 1955, 14; George J. Maxin, “Mobile Units Form Essential Part of Crime Laboratory,” *FBI Law Enforcement Bulletin*, September 1956, 12; Russell D. Archer, “A Modern Police Building for a Small Department,” *FBI Law Enforcement Bulletin*, October 1957, 12.

examines crime from the perspective of an unambiguously righteous policing agent or organization.⁴⁴

Following scholars like Edward Dimendberg, Christopher Wilson, and Haden Guest, I want to think about these procedurals less in terms of the context of film noir and more in terms of the context of an increasingly professionalized, bureaucratic policing system.⁴⁵ In other words, I am interested less in debating the generic boundaries of these films and more in how they functioned as key sites for putting wartime and Cold War technologies on display while promising audiences realistic depictions of policing agencies at work. In many respects, procedurals continued the cinematic project begun by William J. Burns in the 1910s and help realize Burns' fantasy of sound recording devices becoming an accepted part of the broader policing and detecting apparatus, presenting technologized police procedure as "a sign of supposed postwar cultural consensus."⁴⁶ As William Luhr and Peter Lehman argue, the procedural frames state-sponsored surveillance within a benign state that employs modern technology in order to protect individual liberty against an ever-expanding criminal underworld.⁴⁷

Because modern policing agencies were forced to confront crime spanning across sprawling urban landscapes, if not across the globe, there is a tendency among scholars to privilege methods of surveillance grounded in transmission and simultaneity such as radio and, later,

⁴⁴ Raymond Borde and Etienne Chaumeton, "Towards a Definition of Film Noir," in *A Panorama of American Film Noir (1941-1953)*, trans. Paul Hammond (San Francisco: City Lights Books, 2002), 20-1.

⁴⁵ Dimendberg, *Film Noir and the Spaces of Modernity*, 65-6; Christopher Wilson, *Cop Knowledge: Police Power and Cultural Narrative in Twentieth-Century America* (Chicago: University of Chicago Press, 2000), 63; Haden Guest, "The Police Procedural Film: Law and Order in the American Cinema, 1930-1960" (Ph.D. Dissertation, University of California, Los Angeles, 2005).

⁴⁶ Wilson, *Cop Knowledge*, 72.

⁴⁷ William Lehman and Peter Luhr, "Experiment in Terror: Dystopian Modernism, The Police Procedural, and the Space of Anxiety," in *Cinema and Modernity*, ed. Murray Pomerance (New Brunswick NJ: Rutgers, 2006), 176-7.

television.⁴⁸ Many procedurals, to be sure, demonstrated an interest in police radio communications networks and a parallel anxiety that such networks could be circumvented. Perhaps most famously, Albert Werker and Anthony Mann's *He Walked By Night* (1948) expressed anxieties over the potential disruption of law enforcement's technological and communicative advantages. As the film's authoritative voice-over narrator tells viewers, the Communications Division of the LAPD ("the ears and voice of the police") is what enables the police to survey the vastness of modern Los Angeles. The greatest threat to this modern policing apparatus, the film posits, is an electronics expert turned criminal. *He Walked By Night's* cop-killing villain, Roy Martin, employs his expertise developed as an army radio technician to maintain his anonymity even in the face of modern image-compositing techniques and communications systems due to his ability to intercept police radio signals. Always aware of the location of his would-be surveillers, Roy is essentially able to escape the gaze of modern technology, living as if, the narrator notes, "he lived in the 16th Century." While the LAPD do locate (largely by chance) and kill Roy following a shootout in the sewer system, *He Walked By Night's* ending points as much to the surveillance system's failures as it does to its successes.

While transmission is central to *He Walked By Night*, the film more broadly posits the problem of modern surveillance as one of communicative control, where communications networks and free-floating voices and signals have become the battleground on which the struggles over crime and, in turn, ideology takes place. With this in mind, I want to refocus the discussion of state-sponsored surveillance in procedurals around the often-ignored sound recording devices that populate them. In doing so, I argue that state-sponsored surveillance is, at least in part, about the ability to access, intercept, store, and transmit the voices of criminals. In

⁴⁸ Dimendberg, 207-241; Eloise Ross, "Sounds From the City in Film Noir," *Senses of Cinema* 62 (April 2012), <http://sensesofcinema.com/2012/feature-articles/sounds-from-the-city-in-film-noir/>.

bureaucratic terms fitting of the FBI, surveillance was framed not only as the process of seeing (or hearing) all, but as the act of collecting and filing, and of containing the unfettered transmission of criminal messages (which, more often than not, are stand-ins for subversive ideology) through technological means.

Hoover Goes to Hollywood: Procedurals and Federal Collaboration

Working under William J. Burns, Hoover had taken part in large-scale surveillance operations meant to identify radicalism in Hollywood and curb the spread of supposed Communist propaganda.⁴⁹ Hoover shared Burns' belief in cinema's ability to educate and influence mass audiences. He grew especially wary of Communists infiltrating Hollywood after the outbreak of World War II, and as director of the FBI, he institutionalized a mass surveillance of Hollywood that dwarfed the earlier projects set up under Burns. As John Sbardellati notes, the FBI's interest in Hollywood radicalization not only long preceded that of the House Un-American Activities Committee, but FBI intelligence operations laid the groundwork for the 1947 HUAC trials and the Hollywood blacklist.⁵⁰

The same belief in the power of cinema to influence the masses that spurred Hoover's FBI to investigate Hollywood convinced the Bureau to get into the movie business itself. The popular cultural myth of the heroic FBI agent, or "G-Man," preceded the outbreak of war and perhaps reached its zenith in the gangster films, radio plays, comics, and pulp fiction of the 1930s, but these action-oriented images of the FBI were often far from Hoover's idealized professional, scientific organization man. For almost the entirety of his career, Hoover battled with the

⁴⁹ John Sbardellati, *J. Edgar Hoover Goes to the Movies: The FBI and the Origins of Hollywood's Cold War* (Ithaca: Cornell University Press, 2012), 19.

⁵⁰ Sbardellati, *J. Edgar Hoover*, 7.

entertainment industry over the image of the FBI and, like Burns before him, used popular media as a potential corrective to the unauthorized imaginings of the Bureau.⁵¹ A 1936 documentary short, *You Can't Get Away With It*, brought the scientific, bureaucratic inner-workings of the Bureau to the silver screen, as did *March of Time* newsreels such as *Men of the FBI* (1941) and *The FBI Front* (1942). Most significant of all, however, was the FBI's collaboration with *March of Time* producer Louis de Rochemont on *The House on 92nd Street*, which not only adapted authorized FBI stories into a full-length feature but also laid the formal and thematic groundwork for the semi-documentary police procedural, a cycle of films dedicated to showing and imagining realistic methods of detection and state-sponsored surveillance at work.

In 1943, de Rochemont left his position at Time, Inc. to produce feature films for Twentieth Century-Fox.⁵² After producing the Academy Award winning documentary *The Fighting Lady* (1944), de Rochemont and director Henry Hathaway worked in full cooperation with the FBI to bring a story directly from the FBI's wartime espionage to the screen. De Rochemont's vision reportedly "coincided with Hoover's ideas of what a motion picture about the Bureau should be" and, as such, Hoover provided the filmmakers with access to FBI facilities and files. Moreover, Hathaway insisted that the actors, cameraman, and sound engineer "watch thousands of feet of secret motion pictures, and hear hundreds of phonograph recordings FBI Agents had made of the enemy agents."⁵³ The resulting film, *The House on 92nd Street* (originally titled *Now It Can Be*

⁵¹ For an extended discussion of Hoover's relationship with popular culture, see Richard Gid Powers, *G-Men: The FBI in American Popular Culture* (Carbondale: Southern Illinois University Press, 1983).

⁵² Charles Affron and Mirella Jona Affron. *Best Years: Going to the Movies, 1945-1946* (New Brunswick, NJ: Rutgers University Press, 2009), 214.

⁵³ Eugene Schrott, "FBI Secrets Filmed," *FBI Law Enforcement Bulletin* (November 1945): 21-2.

Told) not only was a surprise hit, but it provided the template for the semi-documentary police procedural.⁵⁴

A fictionalized retelling of FBI double agent William G. Sebald's infiltration and exposure of the Duquesne spy ring, *The House on 92nd Street* bridged the crime film of the 1940s with documentary form and, borrowing formal elements from the newsreel, grounded the film in realism and authenticity.⁵⁵ The film opens with a series of title cards (written on official F.B.I. stationery) attesting to the story's roots in real F.B.I. case files and its official sanctioning by the Bureau.⁵⁶ An establishing shot of the Capitol cuts to a shot of the exterior of the F.B.I. headquarters. As the image cuts to a shot of Hoover working at his desk, again reinforcing the film's authenticity, the booming, authoritative voice-of-God narration (*March of Time*'s Reed Hadley) explains the Bureau's "war with Germany."⁵⁷ A Hooverian dreamscape accompanies the narration: the mise-en-scene depicts an efficient bureaucracy at work and the files and filing systems that make this work possible. The camera cuts from images of women pulling records from filing cabinets to men in lab coats demonstrating, the narrator tells us, "the new techniques of crime detection." These techniques, we learn, are all in the service of the bureaucratic goal of

⁵⁴ The film was such a hit that Fox produced a quasi-sequel in 1948. William Keighley's *The Street with No Name*, produced without de Rochemont's participation, is stylistically similar to its predecessor and contains some recurring characters and musical motifs.

⁵⁵ Naremore, *More Than Night*, 142-3. These films, like Burns' films before them, were less tied to depicting or reenacting reality than they were to producing a sense of reality through mise-en-scene, cinematography, and narration. See Telotte, *Voices in the Dark*, 134-153.

⁵⁶ The title cards also inform viewers that the film was shot largely on location and that actual members of the FBI play all non-leading roles.

⁵⁷ The third-person, omniscient narration that became colloquially known as "voice-of-God" was a technique initially borrowed from radio. Its use in *The March of Time* helped make it the de facto mode of documentary (and semi-documentary) narration throughout the 1940s and 1950s, though, as Sarah Kozloff notes, some films diverted from or implicitly challenged this norm. Sarah Kozloff, "Humanizing 'The Voice of God': Narration in *The Naked City*," *Cinema Journal*, 23.4 (Summer 1984): 41-53. By the 1980s, scholars were highly critical of the ideological underpinnings and ostensible claims to realism that this form of narration signified. See Mary Ann Doane, "The Voice in Cinema: The Articulation of Body and Space," *Yale French Studies* 60 (1980): 33-50; Bill Nichols, "The Voice of Documentary," *Film Quarterly* 36. 3 (Spring 1983): 17-30.

information management. Over images of agents carefully sifting through intercepted mail, the narrator frames and justifies the state-sponsored surveillance in a central maxim: “War is thought, and thought is information, and he who knows most strikes hardest.” The role of the Bureau counterintelligence is, ultimately, to disrupt the “secret channels of communication” that threaten American society.

In *The House on 92nd Street*, communication is a matter of nuclear annihilation. The film’s hero, Sebald stand-in William Dietrich, is tasked with going undercover as a German spy in order to stop a New York-based espionage ring from acquiring “Process 97,” a key component of the atomic bomb. Dietrich poses as an engineer, sets up a small decoy office and takes on his role as embodied conduit of information, tasked with controlling and halting communicative flows. From a “secluded cottage less than an hour’s drive from Manhattan,” Dietrich operates a short-wave radio transmitter through which he is meant to send and receive messages but which he uses instead to short-circuit spy communications by rerouting them to an American listening station manned by transcribers and turntable recorders.⁵⁸ Moreover, Dietrich’s New York office is a front for an elaborate surveillance operation taking advantage of the FBI’s latest surveillance technologies.

The surveillance apparatus is put on display when one of the German spies, Col. Hammersohn, visits Dietrich at his office. As Hammersohn enters the office, the camera cuts to an agent in an adjacent room listening in on and recording the conversation. The camera cuts back to the office where Hammersohn, suspicious of electronic eavesdropping, casually searches the space for surveillance devices.⁵⁹ As he admires himself in the mirror of the medicine cabinet,

⁵⁸ These messages, the narrator tells viewers, were sent to Washington for examination and were often doctored to mislead or confuse the enemy. What the film omits, not surprisingly given the tedium involved, is the necessary and unglamorous labor required to transform a voice recording into a usable record within the FBI’s paper filing system.

the camera cuts once more to a second agent filming the scene through an x-ray mirror, providing the FBI with visual evidence of the identity of the speakers.



Figure 7: An FBI agent secretly records Hammersohn.

While this scene attests to the potency of the FBI's wartime surveillance apparatus, it also offers a glimpse of the material limitations of 1940s American surveillance technology. As the agent turns on the turntable recorder, viewers take on the aural perspective of the agent; we hear Hammersohn and Dietrich, but their voices, transmitted via hidden microphone, sound distant and tinny, especially when combined with the constant hum of the recorder. Furthermore, it is only within the confines of Dietrich's office that the F.B.I.'s extensive video surveillance is able to acquire an audio track. Despite the "continuous photographic surveillance" of the German embassy and other known locations of spy activity, the split between visual and audio

⁵⁹ Earlier drafts of the scripts gave viewers visual evidence of the microphone hidden in a sprinkler. The final draft leaves the material microphone to viewers' imaginations, its presence confirmed only through aural cues.

surveillance ultimately limits the information the FBI agents can obtain and control. As in Burns' earlier films, however, editing fills in the gap between the historical realities and imagined possibilities of surveillance. The surveillance of Lange's bookshop, a known German drop-off point, for instance, is shot without dialogue, but interior shots and close-ups that would have been impossible for the FBI surveillance to obtain make up for the lack of audio. In the end, *The House on 92nd Street* is a triumph of FBI surveillance and scientific investigation, as the agents are able to locate and dismantle the spy ring, ultimately disrupting a central Nazi communication network — and the ideology it transmits — once and for all.⁶⁰

Tape and Testimony: Containing Ideology During the Cold War

The tendency of narrative to expose technological failings followed the procedural into the 1950s, where the pressures of the Cold War had transformed the state-sponsored procedural into explicitly anti-Communist propaganda serving an ideological double-whammy of Hooverism and McCarthyism. In 1952, de Rochemont again collaborated directly with the FBI to produce *Walk East on Beacon*, directed by Alfred L. Werker and based on, as the advertising for the film reminded potential viewers, a *Reader's Digest* article by Hoover himself. *Walk East on Beacon* turns on the tension between recording and transmission media and the tendency to think of storage and transmission as necessarily separate operations. When a mathematician working on a secret American defense project decides to dictate his theorems into a tape recorder so as to leave no written trace, the reel of tape containing the defense information becomes the film's central plot device. What the FBI fail to realize as they strive to protect the reels from

⁶⁰ The U.S. Treasury Department also collaborated with Hollywood in the late 1940s. In one such film, *Trapped* (Richard Fleisher, 1949), government agents set up a rudimentary bugging and tape recording system to spy on counterfeiters. The counterfeiters, however, locate the hidden microphone and play loud music to distract the listening agents from their actions. Whereas earlier scenes equated what agents could overhear with what viewers could see, giving the sound surveillance apparatus classical x-ray powers, the agents are now oblivious to the goings-on in the apartment and lose their investigative power.

falling into enemy hands, however, is that stored messages are, more than ever, susceptible to subsequent transmission and recording.

The irony of the film rests on the assumption that the tape is a record that leaves no record since its "content" is the ephemeral voice. What this assumption ignores, *Walk East on Beacon* posits, is that the real "content" of tape, in McLuhanesque terms, is its malleability and reproducibility. After the scientists listen intently to the dictated theorems, lead scientist Dr. Wincott hands the tape to Harry Mason for safekeeping, completely unaware that a Russian spy has already produced a copy of the tape by tinkering with the intercom system in the room where the tape was played. The message to be controlled has already proliferated and escaped the FBI's grasp. While the FBI is able to locate and reclaim the tape through the use of its own extensive radio communications system, the ease with which the FBI loses control of its message proves disconcerting. *Walk East on Beacon* is not necessarily the administrative triumph its creators intended it to be. Too invested in the separation of storage and transmission, the film refuses to acknowledge the increased convergence of these affordances in the era of tape.

Outside the official purview and influence of federal agencies, a number of studios produced crime dramas based on real events and shot in the semi-documentary style that continued to imagine the role of recording devices in modern policing, though not always with desired results. Columbia's *Walk a Crooked Mile* (Gordon Douglas, 1948), for instance, begins with the failure of FBI wiretapping that, unlike the microphone surveillance of *The House on 92nd Street*, limits the range of the agents' ears to the telephone and, as such, deafens them to the full array of enemy movements.⁶¹ Although some reviewers were under the impression the film was made in

⁶¹ The agent's recording equipment is quite archaic by the standards of 1948, but the scene in which he records Radchek's call is nonetheless one of the most detailed demonstrations of the work involved in the recording process. Once the agent overhears a call being placed, we see him place the recording stylus on the record and brush away residue as the record is being made.

collaboration with the FBI, the ineptitude of the federal agents, combined with the revelation that an American scientist is in cahoots with Soviet spies should have suggested otherwise.⁶²

When Gordon Douglas revisited the FBI three years later with the red scare semi-documentary *I Was a Communist for the FBI*, double agent Matt Cvetic (based on the real life double agent of the same name) made use of more modern methods of audio surveillance to great success.⁶³ An image of a tiny microphone receiver is superimposed over a close-up of a light fixture to communicate the relative size of the modern bugging device hidden in the Communists' office, and an agent records the overheard conversation on a new reel-to-reel tape recorder (agents explicitly complement the clarity of the surveillance). Using this system, agents are able to identify, expose, and monitor Communist spy Eve Merrick, who has been tasked with shadowing Cvetic. The same system, however, also captures Eve's passionate speech expressing her disillusionment with communism and denouncing the party. FBI surveillance, the film argues, is pervasive, but impartial, capturing incriminating and redemptive speech.

Sound recording technologies and accompanying anxieties over the transmission or circumvention of messages were also central to a series of films in the early 1950s that capitalized on the increased interest in organized crime and the U.S. Senate committee investigation headed by Senator Estes Kefauver. As Jack Shadoian notes, the resurgence of cinematic gangsters in 1950s noir exhibit prevalent cold war tensions that corruptive ideologies

⁶² In his review for the *Washington Post*, Richard L. Coe even makes explicit note of the frequent FBI “bumbling.” Richard L. Coe, “The FBI Detours Crooked Mile,” *Washington Post*, October 1, 1948, C9; Bosley Crowther, “Walk a Crooked Mile,” *New York Times*, October 13, 1948, 31. In direct response to Crowther’s review, Hoover wrote to the *Times* to clarify that the FBI “had nothing whatsoever to do with the production of this picture.” J. Edgar Hoover, “FBI Disavows,” *New York Times*, October 24, 1948, X4.

⁶³ As the FBI’s extensive file on *I Was a Communist for the FBI* indicates, many critics and viewers assumed the FBI has collaborated with the filmmakers.

and networks have infiltrated the American way of life.⁶⁴ For instance, coded or misleading language is a major thematic concern of *The Enforcer* (Bretaigne Windust and Raoul Walsh), a 1951 procedural based on the Murder, Inc. trials of the early 1940s.⁶⁵ Members of the organized crime ring, aware that their voices are always subject to interception, speak of "hits" and "contracts" to confuse potential eavesdroppers, and crime lord Albert Mendoza creates a climate of intimidation that scares members of the underworld into silence.

The Enforcer, with its structure of layered flashbacks, is a film of remembering and recuperation as District Attorney Ferguson pores over his files, which play the role of a psychoanalyst helping him "dig out" his repressed memory as he reconstructs his history with the case, step by step. Though Ferguson's own memory proves faulty, he is able to find his clue through his encounter with a prosthetic memory that replays the voices of the dead. A flashback of Rico exposing Mendoza to Ferguson dissolves to a close up of a running tape recorder, Rico's voice providing a sound bridge between the past and present, the living and the dead.⁶⁶ The tapes, as Ferguson notes, are not admissible in court. Nonetheless, as Nelson plays and replays Rico's testimony (imagining, he tells Ferguson, "how nice it would be if Rico were on the stand saying this), Ferguson hears an essential detail that makes him realize that a single witness, Angela Vetto, still exists who would be willing to testify against Mendoza. If the masking of language enables criminals to disrupt police audio surveillance systems, then the tape recorder

⁶⁴ Jack Shadoian, *Dreams and Dead Ends: The American Gangster Film* (Oxford: Oxford University Press, 2003), 176.

⁶⁵ In its original run, *The Enforcer* began with a short foreword by Senator Kefauver, which worked to add a "note of documentary realism." This prologue did not play for the entirety of the film's run, however. See Richard L. Coe, "Murder, Inc. Story Overwhelms Itself," *The Washington Post*, March 2, 1951, 6; J. Hoberman, "When Senator Kefauver Inspired the Scripts," *New York Times*, February 16, 2014, AR11.

⁶⁶ The film gives no explanation for how Ferguson acquired the recording, as he not carrying a recording device when he meets Rico in secret at Pier 16.

with its capacity to preserve and replay speech — even that belonging to the dead— serves as the material and thematic antidote to a criminal culture that thrives on controlling or impeding verbal communication.

A tape recorder is also the hero of United Artists' surprise hit *The Captive City* (Robert Wise, 1952), which provided an even more cynical look at the criminal underbelly of modern America, locating it outside of urban centers and in the seemingly idyllic Midwestern town of Kennington.⁶⁷ The film begins with its hero, newspaper editor Jim T. Austin, and his wife driving to escape gangsters and running desperately into a small police station. Austin, suspicious of the officer on duty but hopeful that he hasn't been affected by rampant corruption, asks for an escort to the capital where he is due to testify before the Kefauver Committee. Hearing that the police chief will not be back at the station for an hour, Austin asks to use the office tape recorder (offering to pay for the tape) to make a record, he says, "in case anything happens to me before I have a chance to tell my story to the public." Hunched in a chair behind the spinning reels of the tape recorder, Austin's panicked voice begins to recount his story, recalling the narrative framework of *Double Indemnity* and motivates the flashback that makes the rest of the film.⁶⁸ As Austin finishes his exposé and catches up to the present, the image

⁶⁷ Part of the film's popularity could possibly be attributed to the promotion it received as part of Kefauver's 1952 bid for the Democratic Party nomination. "Kefauver-for-President Workers Take Stump for 'Captive City,'" *BoxOffice*, June 14, 1952, 48. Visually, the film exposes the town's facade, contrasting images of brightly lit parks and country club dances with scenes of violence marked by the high-contrast lighting and canted angles that have come to define urban noir. It also eschews the authoritative voice-of-God narration that accompanies the FBI procedurals, and with good reason. As the displacement of the G-Man or police hero with a newspaperman suggests, corruption runs deep in Kennington, and all authority figures are suspect; the traditional procedural form is impossible when the police are in the pockets of the mob. Despite its divergence from the conventions of other procedurals, however, critics still discussed *The Captive City* in terms of its "documentary realism." See Derek Walker, "The Film That Set Them Talking," *Picturegoer*, August 9, 1952, 11; "The Captive City," *Variety*, March 26, 1952, 6.

⁶⁸ Unlike in *Double Indemnity*, Austin's narration remains unbroken, and the film only returns to the office in which he narrates as he nears the end of his story. Richard L. Coe of *The Washington Post* praised the film for employing a flashback technique in which "the thread is not broken." Richard L. Coe, "'The Captive City' is Worth Seeing," *The Washington Post*, June 18, 1952, 27.

dissolves to a close up of the tape recorder, and he concludes, "My only feeling is that this must be told to somebody. Somebody big enough to do something about it."



Figure 8: Jim Austin records his testimony in *The Captive City*

In this moment, Austin aligns the diegetic tape with the film itself and invests both forms of recording media with moral authority. Indeed, as Austin hands the officer the completed tape, he tells him to "hang onto it . . . just in case," confirming the tape as a viable substitute for his speaking body and as evidence of the corruption that has consumed Kennington. Protected by a police escort, Austin arrives at the capital where, just as he is about to enter the committee hearing, a mysterious passerby slips him a note with a simple message: "Don't talk. You can name your own price." Austin shrugs off this desperate final attempt to hinder his speech and enters the room, though this is ultimately unnecessary, the tape recording, like the film, has become a concrete record attesting to and exposing state corruption. In an epilogue, granting the film further authoritative power, Senator Kefauver himself reassures viewers that the publicity resulting from Austin's "bold action" forced public change but that "it's up to [them]" to curb the

impact of organized crime. A film unsubtle about its ideology, *The Captive City* attempts to perpetuate the culture of self-surveillance and ‘naming names’ that defined Cold War America. In both the narrative, through Austin’s live and recorded testimony, and in the meta-narrative, through Kefauver’s authorization of the film as brave testimony, *The Captive City* encourages citizens to take advantage of the control that stems from their speech and their ability to go “on the record.”

Perfecting the Dictograph: Audio Recorders and *Dragnet*

Throughout the 1950s, the American public was perhaps most likely to see post-war sound recording technologies put to use for the purposes of policing in television’s most famous crime drama, *Dragnet* (1951-1959). The cinematic police procedural had a direct impact on the form and content of *Dragnet*, as Jack Webb’s brief stint as a lab technician in *He Walked By Night* inspired him to create the hit radio (and later television and film) series⁶⁹ While on the set of Anthony Mann’s procedural, Webb befriended the film’s technical advisor, LAPD Detective-Sargeant Marty Wynn, who suggested that Webb make stories about real policemen based on real cases (which Wynn could provide). Webb was dismissive at first, but a few weeks later he and radio producer Bill Rousseau arrived at the Los Angeles police academy and asked to ride on calls with Wynn. Wynn agreed, and Webb quickly developed a fascination with the day-to-day procedure of police work that would become the basis of his programs.⁷⁰ *Dragnet* debuted on NBC radio on June 3, 1949 and, due to popular and critical success, premiered on television on December 16, 1951. The show had the full support of the LAPD (who vetted the scripts) and

⁶⁹ While *Dragnet* in many ways set the precedent for the form and tone of the television crime genre, it is also notable for being the first successful telefilm crime show. Webb’s insistence that the show be filmed and not shot live in a studio not only caused tension with NBC but, more significantly, it enabled Webb to give *Dragnet* its distinct style. Hayde, *My Name’s Friday*, 41.

⁷⁰ “Jack, Be Nimble,” *Time*, March 15, 1954; Hayde, 18.

claimed to illustrate the authentic methods of modern policing, with Webb's famous character Sgt. Joe Friday reminding audiences at the start of every episode, in words borrowed from the opening title card of *He Walked By Night*, "The story you are about to hear is true. Only the names have been changed to protect the innocent."⁷¹

Dragnet was also one of the first television programs to incorporate new recording devices into its narratives and, in doing so, into the LAPD's technological repertoire.⁷² To take just one example, in "The Big Trunk" (1954), a third season case that could have been ripped from the William J. Burns case files, the suspenseful climax turns on the question of whether murder suspects, left together in a bugged room, will confess their guilt before realizing they are being overheard and recorded. The episode illustrates the process of bugging and recording in detail. In close-up, we see the hand of a member of the LAPD "sound crew" install a dictograph transmitter in a desk calendar and thread a wire through a hole in the blotter and down the leg of the desk and to recording equipment in an adjacent room. As the suspects' muffled conversation plays over the soundtrack, aligning out acoustic perspective with that of eavesdroppers, the cinematography and editing patterns reinforce its technological mediation and capture. Close-ups of the tape recorder alternate with shots of Friday and his partner Frank Smith listening through headphones and shots of the bugged desk. The attentive strain on Friday and Smith's faces coupled with our own lack of visual access to the bugged room reinforces the difficulty of making sense of low-fidelity acoustic information. Despite one of the suspects suspecting that the room is bugged, he is unable to locate the surveillance device, and Friday and Smith are able

⁷¹ For more on *Dragnet's* generic debt to the semi-documentary crime procedural, see Jason Mittell, *Genre and Television: From Cop Shows to Cartoons in American Culture* (New York: Routledge, 2004): 121-153; R. Barton Palmer, " 'The Story You Are About to See is True': *Dragnet*, Film Noir and Postwar Realism," in *Television and Criticism*, eds. Solange Davin and Rhona Jackson (Chicago: University of Chicago Press, 2008), 61-75.

⁷² Webb's affinity for tape recorders even extended to the show's production, as he insisted on using the device to record authentic sound effects. See Hayde, 37.

to capture the eventual confession. When the suspect denies confessing, the dictograph is finally able to fulfill the promise it set up in *The Argyle Case*, as the knowledge of the tape recording results in narrative closure when he offers a complete confession and explanation for the LAPD and for viewers.⁷³

Dragnet's interest in state-of-the-art recording devices reached its own culmination when Webb brought *Dragnet*, at the peak of its popularity, to the silver screen in 1954. In a twist unique to the film, though perhaps less immediately striking than the color film stock, *Dragnet* gives viewers access to the central crime in its bloody opening scene when gangster Chester Davitt, aided by crime syndicate leader Max Troy, shoots ex-con Miller Starkie at close range with a sawed-off shotgun. Friday and Smith, working for the first time with the LAPD's Intelligence Division, are tasked with solving the case using all possible scientific methods of detection at their disposal. In terms of audio surveillance, the dictographs of the television show would no longer suffice. Instead, Webb used the occasion of the big screen to debut a new cutting-edge surveillance device: the Minifon.

A long-recording, pocket-sized wire recorder originally designed to covertly record business conversations but sold on the American mass market as a portable dictation machine, the West-German Minifon infiltrated the American popular imagination as a potential instrument of surveillance even before its feature appearance in *Dragnet*.⁷⁴ Developed in 1951 and reaching U.S. markets in 1953, the Minifon was thrust into the protocols of surveillance almost immediately. General Motors employees, for instance, followed the impulse behind the Minifon's initial creation and secretly carried the machines to a New York auto show in order to

⁷³ An earlier episode, "The Big Phone Call" (1952), also reached its resolution when a dictograph paired with a magnetic tape recorder helped Friday procure a jewel thief's confession.

⁷⁴ Although no long-form histories of the Minifon exist in English, in 2001, Roland Schellin published *Minifon: Der Spion in der Tasche* [*Minifon: The Spy in the Pocket*]. See Roland Schellin, *Minifon: Der Spion in der Tasche* (Idstein: Walz, 2001).

record candid responses from patrons to be sent back to G.M. officials.⁷⁵ As this type of covert “market research” — explicitly encouraged by Minifon manufacturers — illustrates, the presence of the Minifon continually blurred the line between business and surveillance applications. By April 1953, local Minifon distributors were demonstrating the machine’s surveillance capabilities, including an accessory that concealed the microphone in a fake watch, directly to city and police officials. As a manufacturer’s representative pointed out, “it has obvious uses in the field of criminal investigation.”⁷⁶ An article in *Radio-Electronics* failed to mention its potential use as a business device and instead framed it only in terms of its capacity for eavesdropping. Featuring images of the body harness accessory, allowing for easy concealment, and oft-mentioned wristwatch microphone, the article notes that the Minifon is perfect “for making concealed recordings.”⁷⁷ Like Burns’ dictograph, the Minifon was not only met with excitement and fascination, but with suspicion as well. As some news outlets warned their readers, “There is no telling where this Minifon thing may lead. The possibilities are frightening. Our advice . . . is to say nothing to anyone unless you have thoroughly frisked him (or her).”⁷⁸

Dragnet disavows these concerns and treats the Minifon like one of its stars. Promotional materials for the film not only emphasized Webb’s relationship with the LAPD and the procedural’s claims of “documentary quality and realism,” but it also paid attention to the

⁷⁵ Boyd Wright, “Be Careful What You Say, for a ‘Minifon’ may be Eavesdropping,” *The Wall Street Journal*, February 19, 1953, 1.

⁷⁶ “Wrist Watch Recorder Is Demonstrated to Police,” *Council Bluffs Nonpareil* [IA], April 23, 1953, 12. The wristwatch microphone was merely one of many attachments available for the Minifon. See “Bill’s Minifon Wasn’t the First Here,” *the Washington Post and Times Herald*, June 18, 1954, 70.

⁷⁷ “Pocket-Size Wire Recorder,” *Radio-Electronics* (August, 1953): 145.

⁷⁸ “What Big Ears,” *The Brandon Daily Sun* [Man], July 9, 1953. This was a syndicated article originally published in the *Denver Post*.

technologies put on display.⁷⁹ Film stills accompanying official advertising gave readers a sneak peek of the Minifon and tape recorder used in the film; promotional copy promised potential viewers that they would see “a wire recorder small enough to conceal in a woman’s handbag” and a “‘bug’ listening post” set up “like a real police stakeout.”⁸⁰

The scene introducing the Minifon plays out in a similar fashion, serving as a promotional demonstration convincing the viewing public of the machine’s investigative value. After failing to gather meaningful information from the Red Spot Grill, a known “hoodlum hangout,” Friday decides to send in officer Grace Downey to pose as a customer and eavesdrop on conversations, the implication being that the criminals would be less cautious around a woman. Friday and Smith equip Downey with the Minifon, but only after a thorough demonstration of the device which, the men assure her, will fit in her purse. With the Minifon in close-up, its casing removed, Friday explains its interior components (the spool and battery) and shows Downey how it records with the flip of a single switch. The camera lingers on the running Minifon before cutting to an impressed Downey who notes, “Seems simple enough. Just that one button, huh? It sure is small and compact. Must be good when you want to record someone and not have them know it.” The camera cuts back to a close-up of the Minifon to show Friday pushing a few buttons to rewind the wire before attaching the machine to a large Revere-brand tape recorder in order to play back Downey’s voice, as she smiles and shakes her head in disbelief. Downey later returns to Friday and Smith with the Minifon in tow — the wire is too sensitive to play back without a proper

⁷⁹ “Production Notes on *Dragnet*, Warner Bros. Studios,” Folder 14, Harry B. Friedman Collection, *Dragnet* Publicity, Margaret Herrick Library.

⁸⁰ “*Dragnet* Publicity,” Folder 14, Harry B. Friedman Collection, Margaret Herrick Library.

headset, so they listen to Downey's captured voices as they transfer the recording to the more durable medium of magnetic tape.⁸¹



Figure 9: Voices recorded on the Minifon (left), played through the magnetic tape recorder, reveal an essential clue.

The sequence that follows emphasizes the centrality of this new technology to the interception of criminal voices, validating the investigative utility of the tape recorder at the expense of Downey. As the camera cuts between the Minifon, the tape recorder, Friday, and Smith, Troy's disembodied voice makes mention of a potentially incriminating package in the bartender's car. The detectives have a new lead, but Downey is implicitly not given credit for providing the information. Because the film suggests that the content of the recordings can only be retrieved by attaching the Minifon to a tape recorder, Downey must rely on the technical expertise of Friday and Smith for her labor to have any investigative value. Her omission from

⁸¹ As magnetic tape recorders became more portable and able to record for longer durations, they eventually replaced wire recorders altogether, and by 1959, Minifon had released version of its famous portable recorder that used tape cartridges. *Dragnet* captures a moment when both media were used, as their affordances complemented each other.

the shot-reverse-shot sequence is telling, as the machine takes her place in the conversation as the transmitter of information. The gendered separation of Friday and Smith's active investigative work from Downey's supposedly more passive surveillance work is reinforced when Downey explains that she merely turned the Minifon on when Troy sat at the bar and left her purse on the barstool as she pretended to make a phone call. Any usable recording would be complete happenstance and due to the work of the machine.

In the end, it is Friday and Smith's own audio surveillance that allows them to solve the case. In a scene strikingly similar to one in Burns' *The Argyle Case*, the police bug the Red Spot and maintain 24-hour surveillance at the listening post across the street, with the tape recorder replacing the need for a stenographer in this case. After four days of waiting, they finally get a lead when they overhear that Davitt had been killed in Cleveland. The film provides viewers with visual confirmation of the speaking bodies, but in this case it is unnecessary, as the tape recorder records every word. While the recorded conversation itself provides little evidence, Friday and Smith employ a familiar strategy and use the recorded voice to procure a confession. They play back the tape for Davitt's wife, Belle who, moved to tears, hands the detectives the murder weapon she had been hiding for her husband and agrees to testify in court.

Dragnet frames this conclusion as the reassuring and inevitable result of proper police procedure. In a pivotal scene earlier in the film, *Dragnet* openly acknowledges contemporary moral and legal concerns around the interception and capture of the human voice only to dismiss them as impediments to justice. Testifying before a grand jury, Friday presents his most compelling evidence: an analysis of a list of subpoenaed telephone records that, he argues, "form a probable pattern of murder." The jury members are not impressed, as the records provide only the names and locations of the callers and the time and date the calls were made rather than the

linguistic content of the conversations.⁸² As Friday explains, to actually know what was said would require a wiretap. In a didactic shot-reverse-shot exchange, Friday listens to the jurors concerns (“why, that’s an invasion of privacy!”) but explains that a court ordered wiretap could have prevented the murder altogether. The jury remains unconvinced, and the suspects are not indicted.

The film, as a critical Bosley Crowther noted in his review, is not sympathetic to what may seem to be a sensible defense of privacy.⁸³ *Dragnet* instead takes the position that privacy can be traded off for safety and invites viewers to share Friday’s frustration with the grand jury.⁸⁴ Unlike the members of the jury, an attentive viewer already knows that Friday’s conclusions are correct. In perhaps the most significant change to the *Dragnet* formula, the film opens by showing the crime in its entirety, exposing Davitt as the murderer and Troy as his accomplice. The viewer’s foreknowledge reduces the grand jury members to the status of straw men whose arguments serve as an impediment to justice rather than a check on the overuse of power by the justice system. This same logic would then justify, at least according to *Dragnet*, the LAPD’s use of tape recording and bugging equipment. Employing legal loopholes that would be central in public debates around electronic eavesdropping by the end of the decade, the police replace one type of telephone record with another; inadequate paper files make way for the audio files that serve as conclusive evidence of guilt. Were Friday to have his way, all citizens would be subject to the technologies of interception and storage (through court order, of course), guilty until

⁸² Although the term “metadata” was not yet in common usage, this scene illustrates that concerns about the relationship between privacy and ‘data about data’ are not new.

⁸³ Bosley Crowther, “Dragnet,” *New York Times*, August 21, 1954. Crowther is particularly disturbed by Friday’s “pitch” for wiretapping and his “obvious distaste for the Fifth Amendment.” Says Crowther of Friday, “He is a pretty brutal and ruthless sort. And if that’s what the TV audience worships, it’s a frightening and unfortunate thing.”

⁸⁴ This position, which is used as justification for mass surveillance to this day, will play out over the remaining chapters.

proven innocent. When one of the grand jury members expresses concern that the police would listen to all citizens' conversations, Friday merely confirms her worry, telling her "we would, if you talk murder."

The descent of these technologies back into the protocols of espionage was hardly surprising, especially given the fraught wartime history they could never escape fully. Indeed, *Dragnet's* popularity had another (perhaps unintended) effect on popular understandings of new sound recording technologies, as advertising campaigns for both the Minifon and the Revere tape recorder emphasized the devices' role in the film. Product placement and advertising tie-ins were nothing new for *Dragnet*, its commitment to corporate synergy, perhaps best exemplified by its partnership with its sponsor, Chesterfield cigarettes. The translation of the recording devices from the film to the real world proved to be slightly more complicated, as there was a significant gap between their diegetic and extra-diegetic uses. In a reversal of the dictograph's development and promotion, these ads acknowledged the use of their devices within protocols of policing, detection, and surveillance (as seen in the film) but attempted to reframe them as business machines.

The Revere Camera Company, for instance, designed an ad campaign around the film's release with advertisements for its T-700 tape recorder to be released in city newspapers simultaneously with *Dragnet's* opening.⁸⁵ In large type over a film still of Sgt. Friday and Frank playing back a recording to Belle Davitt, the ad proclaimed that readers could "See How Revere Tape Recorder 'Cracks' Murder Case in 'Dragnet.'" The ad copy continues to define the machine's utility in terms of policing, noting that its "fidelity" and "ease of operation" allowed the LAPD to capture "irrefutable evidence in the solution of a brutal crime." Below the image, in much smaller type, the ad acknowledges that readers "may never have to solve a crime" and lists

⁸⁵ "Revere Camera Company," *Advertising Agency and Advertising & Selling* 47 (1954): 158.

a number of alternative uses for the tape recorder at home or in business.⁸⁶ Advertising for the Minifon, a device already facing an uphill battle to be disassociated from its use in espionage, similarly told readers to “see it in *Dragnet*” upon the film’s release, though the rest of the advertising copy tried to locate it firmly within the realm of business applications. Nonetheless, its claim that it “works unseen” and that it “clearly records your words — or those of others — for up to 2 1/2 hours at a time” certainly took on slightly ominous connotations given the Minifon’s history.⁸⁷

Reclaiming the Voice: Noir Media Fantasy and Everyday Recording Cultures

In the case of both the Revere tape recorder and the Minifon, the promotional short-circuiting pointed to the fluid boundaries between technological protocols and the increasingly blurred logics of detection, business, and cold war espionage. Tape recording’s past could only continue to weigh upon its present, especially as popular media continued to associate recording and surveillance. As crime procedurals were imagining sound recording technologies as part of an ongoing ideological tug-of-war with forces attacking the American way of life, crime melodramas (as the trades called film noir *avant-la-lettre*) worked through the implications of the struggle over the recorded voice at a more local level. Taking the recording phonographs, gramophones, and dictation machines that populated American homes and businesses, these films put the mundane, everyday technologies into perpetual crisis by bringing to life the more insidious affordances that these machines tried to suppress but that also seemed natural, if not desirable, in the police procedurals.

⁸⁶ “Advertisement,” *New York Times*, August 29, 1954, 68.

⁸⁷ “Advertisement,” *The Atlanta Constitution*, September 14, 1954, 2.

As discussed in the previous chapters, the fear that everyday recording devices could acquire surveillant powers emerged within the popular imagination alongside the very idea of mechanical sound recording itself. The image of the phonograph or office dictation device that accidentally overheard and recorded conversations was a long-established cinematic and narrative trope that, according to critics, was already an “old standby” by 1929.⁸⁸ The crime films of the 1940s and 1950s, however, employed the trope of sound recording devices being appropriated for purposes beyond their stated intent as more than a convenient plot device.⁸⁹ The three films that make up the following section demonstrate imaginative uses of mundane, everyday sound recording technologies — the Dictaphone, transcription phonograph, and SoundScriber — and enact media fantasies that serve as reminders of the multiple interlocking histories of sound recording and the volatile, artificial nature of the protocols that have been put in place in an attempt to stabilize and control technological meaning. Audio surveillance, these films posit, is not simply an effect or symptom of policing bodies appropriating technology but it is rather an unavoidable component of the history of sound recording. The human voice, in turn, is always up for grabs and subject to control.

⁸⁸ “Newspaper Life in Film,” *New York Times*, October 7, 1929, 29. In Gregory La Cava’s 1929 film *Big News*, for instance, an accidentally produced Dictaphone recording becomes evidence that indicts one character and exonerates another.

⁸⁹ *Nightmare Alley* (Edmund Goulding, 1947) and *Whirlpool* (Otto Preminger, 1949), for instance, combined the postwar cultural interest in psychoanalysis and clinical hypnosis with anxieties around the ability of recording devices to capture unconscious words spoken in a vulnerable state. These records of interior truth could then, these films suggested, become valuable as evidence of guilt or as tools of blackmail or extortion.

Records of Insurance: Resisting Administrative Surveillance in *Double Indemnity*

"Save it. I'm telling this."

— Walter Neff to Phyllis Dietrichson in *Double Indemnity*

Double Indemnity provides perhaps the most iconic image of everyday recording technology in film history when insurance salesman Walter Neff, fatally wounded from a gunshot, narrates the series of events that led to his injury into an office Dictaphone. Addressing his dictation to his boss (and amateur sleuth) Barton Keyes, Neff describes how he conspired with Phyllis Dietrichson to murder her husband, framing the murder as suicide, in order to claim his insurance money. Neff's dictation positions him as *Double Indemnity*'s primary speaking agent whose voice, though lacking the authority and acousmatic powers of the voice-of-God, structures the film's narrative.⁹⁰ For *New York Times* film critic Bosley Crowther, this framework is among the film's major flaws. Crowther argues that *Double Indemnity* would have been more "absorbing" had it been narrated from Keyes' perspective, that is, had it been structured more like a traditional detective narrative. With Neff narrating the story and establishing himself as Mr. Dietrichson's murderer outright, the film effectively flips the murder mystery on its head. Moreover, Crowther ponders, "why in the heck did [Neff] stop to tell his whole tale to a dictaphone? Such nice consideration for the record is quite unusual in a murderer on the lam."⁹¹

While Crowther's questioning of Neff's logic is compelling, his critique ultimately ignores the stakes of recording that *Double Indemnity* sets up. The film's use of the Dictaphone functions as more than a clever method of motivating the film's flashback. In what follows, I propose a reading of *Double Indemnity* that places sound recording and Neff's relationship to modern

⁹⁰ This narrative framework is one of the film's greatest deviations from the James M. Cain novel upon which it is based. In the novel, Barton Keyes forces Walter Huff (whose name was changed for the film due to legal concerns) to write out his confession.

⁹¹ Bosley Crowther, "Oops — Sorry!" *New York Times*, September 24, 1944, X1.

technologies and bureaucracies at the center of the analysis. I read *Double Indemnity* as a story of technological appropriation and communicative fantasy with Neff taking control, if only momentarily, of a seemingly alienating machine in order to resist an oppressive and surveillant bureaucracy. The Dictaphone, in other words, stands in not *for* his alienation but rather as a potential way out.



Figure 10: Walter Neff narrates his story into the Dictaphone. The length of his story has already used up six wax cylinders.

Even before Neff begins narrating his story into the Dictaphone, the image track presents Neff as trapped in the alienation of the modern city and workspace. When Neff exits the elevator at the Pacific All Risk Insurance Company at the very beginning of the film, he stares almost with disdain into the room below. As Neff continues toward his office, the camera tracks forward and lingers over the balcony to show a dark room filled with rows of identical desks in a shot that James Naremore argues is indicative of “the tendency of modern society to turn workers into

zombies or robots.”⁹² While Neff’s privileged position within the insurance company allows him to, quite literally, look down upon the rows of mechanized labor, he is not immune to bureaucratic or urban alienation or their panoptic gaze.⁹³ A man who goes bowling alone, Neff seems to claim only his mentor, Keyes, as a friend, and not once does Neff mention family or any other type of social network.⁹⁴ He floats anonymously and alone across L.A. selling life insurance, a product for which the modern alienated loner has no need. Even after his encounters with (and seduction by) Phyllis, the image track accompanying Neff’s narration portrays his relationship to Phyllis as one defined by barriers both literal and symbolic — staircases, doorways, husbands, and nosy employers always get between Phyllis and Neff and impede their direct communication.⁹⁵

The constant disruption of Neff and Phyllis’ private conversation can be interpreted as symptomatic of the pervasive mundane, routine — or “soft” — surveillance that defines both the rationalized workplace and the modern urban environment, always leaving their subjects under supervision.⁹⁶ Moreover, as Frederick Whitling argues, *Double Indemnity*’s obsession with statistical probabilities poses further threats to individuality and individual agency, as statistics

⁹² Naremore, *More Than Night*, 88.

⁹³ A low-angle tracking shot of Neff walking across the hallway to his office follows the shot from the balcony. This exact shot is repeated numerous times over the course of the film, reinforcing the routine, repetitive nature of Neff’s job.

⁹⁴ The phrase “bowling alone” has since become synonymous with the supposedly increased detachment from social and civic culture in America. The phrase is most often associated with Robert Putnam’s influential study published in 2000, but the anxieties that Putnam outlines are themselves recurring cultural tropes in American culture that date back to at least the 1920s. See Robert Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000); Robert Staughton Lynd and Helen Merrell Lynd, *Middletown: A Study in Contemporary Culture* (New York: Harcourt, Brace, 1929).

⁹⁵ Telotte suggests that “practically every incident turns upon” broken or disrupted communication. Telotte, *Voices in the Dark*, 45.

⁹⁶ Christian Parenti teases out the connections between scientific management and surveillance in *The Soft Cage: Surveillance in America from Slavery to the War on Terror* (New York: Basic Books, 2003).

become significant tools of detection and, more significantly, identity formation.⁹⁷ As illustrated by the fact that Barton Keyes concludes that Mr. Dietrichson did not commit suicide because there are no recorded cases of suicide by jumping off the back of a moving train, empirical clues are less important than mathematical probabilities.⁹⁸ The insurance company functions as the film's ultimate site of law and order and Keyes is its primary detective, his interest and faith in numbers serving a "policing function," with Neff caught in the middle.⁹⁹ In the actuarial world of *Double Indemnity*, people (dead people, in particular) and their situations exist only insofar as they can be accounted for statistically. Numbers, not people, tell stories. Statistics define and construct people, and though they may individualize the mass, they also group diverse individuals, rendering them traceable and countable.¹⁰⁰ Keyes is not interested in the narrative or plot surrounding Mr. Dietrichson's death; he is interested only in defining the situation in terms of numbers. The threat of becoming a statistic is, I suggest, a driving force behind Neff's narrational project. If Neff cannot write and perpetuate his own story before his death, others will define his identity, and he will be lost among numbers.

⁹⁷ Frederick Whitling, "Playing Against Type: Statistical Personhood, Depth Narrative, and the Business of Genre in James M. Cain's *Double Indemnity*," *Journal of Narrative Theory* 36.2 (Summer, 2002): 190-227. Although Whitling discusses Cain's novel rather than Wilder's film, his insights regarding the role of statistical analysis are relevant to both the novel and its cinematic adaptation.

⁹⁸ See Joan Copjec, "The Phenomenal Nonphenomenal: Private Space in *Film Noir*," in *Shades of Noir: A Reader*, ed. Joan Copjec (London: Verso, 1993), 168. David Bordwell has offered a scathing critique of the "associational reasoning" he identifies at the heart of Copjec's argument that *Double indemnity* equates "numbers" with "detection." While Bordwell is right to critique the moments of "bricolage" that often inform Copjec's interpretation, and while I am not committed to her psychoanalytic reading of the film, I do think that Copjec's argument insightfully points to a relationship between statistics, identity, and detection that the film itself sets up. See David Bordwell, "Contemporary Film Studies and the Vicissitudes of Grand Theory," in *Post-Theory: Reconstructing Film Studies*, ed. David Bordwell and Noel Carroll (Madison: The University of Wisconsin Press, 1996), 3-37.

⁹⁹ Jonathan Auerbach, *Dark Borders: Film Noir and American Citizenship* (Durham: Duke University Press, 2011), 68. For more on the role of the institution of the insurance company in *Double Indemnity*, see Anna Siomopoulos, *Hollywood Melodrama and the New Deal* (New York: Routledge, 2012).

¹⁰⁰ Copjec, "Phenomenal Nonphenomenal," 175. For a historical account of the American fascination with quantification and statistical knowledge in the early to mid twentieth century, see Sara E. Igo, *The Averaged American: Surveys, Citizens, and the Making of a Mass Public* (Cambridge: Harvard University Press, 2007).

Many accounts of *Double Indemnity* interpret Neff's use of the Dictaphone as confirmation of his alienation and find tragedy in the fact that, in a film that is visually and thematically obsessed with broken communication, coded language, and missed connections, Neff can only locate true companionship in his relationship with a machine.¹⁰¹ This reading is certainly consistent with the historical role of dictation devices in the modern office that served to segregate managerial labor from secretarial labor in the name of efficiency and speed.¹⁰² Aside from maintaining an often-gendered hierarchy of labor and knowledge (in this case, Neff is firmly on the masculinized side of management), dictation machines simultaneously promised the segregation of communicative bodies. As a major advertising campaign for the Dictaphone in 1942 noted, the machine's greatest virtue is how it allows for one-person, one-way dictation. "No need to buzz for your secretary," the ad told executives, "just reach for the speaking tube and start to dictate. This frees your secretary to do other important work for you."¹⁰³ Positioning interpersonal interaction as the enemy of efficiency, the advertising campaign promised productivity through technological alienation.

Neff's narrative project, however, is more interested in communicative recordkeeping than in interpersonal communication. To understand Neff's almost symbiotic connection with the Dictaphone as only a symbol of his alienation ignores Neff's appropriation and transformation of the device that enables him to communicate in ways that two-way media do not. In an early version of the screenplay from June 1943, Wilder and co-writer Raymond Chandler demonstrate

¹⁰¹ Telotte, for instance, understands the Dictaphone as a substitution for Keyes. Similarly, Barbara Mennel interprets Neff's interaction with the technology as a sign of his alienation from human contact in the modern urban space. See Telotte, *Voices in the Dark*, 46; Barbara Mennel, *Cities and Cinema* (New York: Routledge, 2008), 58.

¹⁰² Contemporary advertising for the Dictaphone reinforced these supposed virtues. See, for instance, "To Ease the Strain of Office Routine," *Los Angeles Times*, June 16, 1940, 2; "Tell it to the Dictaphone," *Chicago Tribune*, March 18, 1942, 4. For more on the history of office dictation machines, see Morton, *Off the Record*, 74-107.

¹⁰³ "Tell it to the Dictaphone."

a strong awareness of the relationship between humans and various communications media that is elided from the final version of the film. In this version, Neff first calls Keyes from his office, but when Keyes picks up, Neff decides to abandon the telephone and move to the Dictaphone. After replacing the old wax cylinder with a new one (a detail that remains in the finished film), Neff begins his narration. His voice, the screenplay notes, is "thick at first, slowly difficult, becoming more fluent as it proceeds." Neff begins, "This is Walter [Neff]. I'm talking to you, Keyes. To you and nobody else. Hello, sucker!" As Neff becomes comfortable in his role as narrator, the screenplay indicates, the machine becomes attuned to the emotive qualities of Neff's voice and to the rhythms of his pacing: Neff "grins wearily, leans head back against back of chair, releases switch button, the sound of the buzzer is heard, the cylinder stops revolving. [He] takes a deep breath and the machine starts again."¹⁰⁴

In the final version of the screenplay, Neff heads directly to his office and to the Dictaphone, but this discrepancy between the scripts still offers a clue to help explain Neff's relationship with his machine. The telephone offers two-way interpersonal communication and, with it, the threat of further interruption or disruption, as Keyes could interject or end the communication at any moment. Neff revels in the communicative inequality the Dictaphone affords, taking advantage of the separation of bodies and hierarchies of knowledge that the machine helps produce. Neff tells his story in full and on his own terms, controlling the tone and pacing of the narrative as he produces a personal, detailed record of his experience.¹⁰⁵

¹⁰⁴ Billy Wilder and Raymond Chandler, "Story Line: Sequence 'A,'" June 2, 1943, Folder 14, Billy Wilder Papers, Margaret Herrick Library. The attribution of activity and agency to the machine is likely a quirk of Wilder and Chandler's writing style, but it is one that nonetheless takes on great significance in the context of the film.

¹⁰⁵ The image track, in this case, helps Neff enact the fantasy of uninterrupted communication as it never pauses for Neff to replace the wax cylinder. By the end of Neff's story, there are six cylinders on his desk, but the image track disavows the material conditions of Neff's narration in order to let him speak uninterrupted.

Anticipating his death, Neff uses the Dictaphone to prepare the stage for his possible resurrection. As John Durham Peters observes, recording media have always been viewed as having the ability to summon the absent.¹⁰⁶ By recording his story, Neff strives for immortality. Not wanting to become a statistic, he must attach himself to a specific narrative that can be summoned and repeated *ad infinitum* so that the events of his life can exist *as events* and not as numbers. If Keyes' statistics and facts are forms of ordering and tracking, then Neff's long-form narrative storytelling functions as a way to exert pressure on a system intended to control him and resist the dominion of Keyes' surveillant information. As the wax cylinder spins, engraving the sound waves produced by Neff's voice onto the storage media, Neff writes his autobiography, or, in the language of the film, his insurance policy.

By framing Neff's narration as an insurance policy — as a means of security after death — I move away from the common interpretations of Neff's narration as memorandum or as confession. Neff does begin his dictation as a formal office correspondence, but this adherence to the technological protocols surrounding the office Dictaphone becomes parody as Neff turns dictation into storytelling. By replacing the alienating protocols of office communication with narrative, affect, and conversation, Neff demonstrates an awareness of and a resistance to the bureaucratic logics of efficiency and productivity. Indeed, the accumulation of wax cylinders on Neff's desk over the course of film is indicative of the material and communicative excesses of his project. Furthermore, Neff actively resists having his words interpreted as confession. As he tells Keyes, "I suppose you'll call this a confession when you hear it. I don't like the word confession. I just want to set you right about one thing you couldn't see, because it was smack up against your nose." While the Walter Neff of the film is not quite the braggart of the earlier script where he called Keyes a "big, clumsy, chimpanzee," his narrative tone is more boastful

¹⁰⁶Peters, *Speaking Into the Air*, 39.

than confessional.¹⁰⁷ Neff's record is certainly not the divinely approved confession that marks the end of Leo McCarey's infamous Red Scare melodrama *My Son John* (1952), where the titular character embraces Communist ideology but finds redemption through the tape recorder.¹⁰⁸ Neff's intentions are not so selfless nor are his rewards so great. His goal is not to exonerate his conscience but rather to tell his story and make concrete the fact that he was able to elude Keyes' famous intuition (his "little man") and the statistics that drive his inquiry. If, as Michael Paul Rogin notes, *My Son John* equates tape with John's soul, then *Double Indemnity* equates the Dictaphone's wax cylinders with Neff's body, as he attempts to produce a material record of his existence to prevent being assimilated by alienating bureaucratic logics.¹⁰⁹

Neff's technological recording fantasy is ultimately short-lived. Just as Neff finishes dictating, he slowly looks over his shoulder, finishes his sentence with his mouth away from the Dictaphone and mutters, "Hello, Keyes." Ruining the fluidity of Neff's narration, Keyes' physical presence is the final and most significant interruption. As Jonathan Auerbach observes, "with the sudden intrusion of Keyes, the entire movie's frame of retrospective narration collapses."¹¹⁰ Furthermore, when Neff asks Keyes for the "big speech" that will condemn but,

¹⁰⁷ Billy Wilder and Raymond Chandler, "Test Scene" June 24, 1943, Folder 12, Billy Wilder Papers, Margaret Herrick Library.

¹⁰⁸ In that film, after being killed by Communist agents, John is able to exonerate himself before the law and God when, in his dying breath, he requests that a tape recording of a commencement speech he had been practicing be played for the graduating class at his alma mater. At commencement, a heavenly beam of light envelops the podium, highlighting John's absent body while his voice resonates throughout the auditorium, acknowledging that he was the "servant of a foreign power" before recognizing the ills of his ways. Upon the film's release, many critics made note of the virulent excesses of *My Son John*'s anti-Communist message. See Gwendolyn Audrey Foster, "My Son John and the Red Scare in Hollywood," *Senses of Cinema* 51 (July 2009), <http://sensesofcinema.com/2009/feature-articles/my-son-john>.

¹⁰⁹ Michael Paul Rogin, *Ronald Reagan, the Movie and Other Episodes in Political Demonology* (Berkeley: University of California Press, 1987), 260.

¹¹⁰ Auerbach, *Dark Borders*, 87.

more importantly, recognize his actions, Keyes subverts Neff's expectations, merely telling him that he is "all washed up."¹¹¹

The analogy between Neff's recording and his body extends to the fragility of bodily matter and recording media; even as Neff frees his words from the limitations of his own body, he is storing his voice in a new technological body that is just as vulnerable as his own. As Jonathan Sterne reminds us, the permanence of the recorded voice is much more imagined than real, always subject to the limitations of the technology.¹¹² Neff's new presence will exist just until the storage medium deteriorates, is lost or destroyed. Moreover, as Neff illustrates when listening to Keyes' Dictaphone messages, the true control over the recorded voice and the conditions of listening lies with the listener. Control over the technology, then, still rests with Keyes. When Neff asks Keyes how long he had been watching him, Keyes merely replies "long enough." Though Keyes certainly missed a large portion of Neff's story, he believes he has heard all he needs to, and it is unlikely that he will ever choose to resurrect Neff by listening to the tapes. On the other hand, even if Keyes were to listen to his story, the narration would end with a devastating, jarring interruption. Neff's voice would be heard fading away mumbling his final words before acknowledging Keyes' presence and then ending for good not on his own terms, but on Keyes.'¹¹³

¹¹¹ Ibid., 88.

¹¹² Sterne, *The Audible Past*, 288-9.

¹¹³ The technological tragedy of *Double Indemnity* was only reinforced in 1956 when Peter Godfrey's *Please Murder Me* appropriated *Double Indemnity's* framing device, but to different ends. In this film, the magnetic tape on which defense lawyer Craig Carlson (Raymond Burr) narrates the events of the film becomes a record that convicts the film's nefarious *femme fatale* Myra Leeds (Angela Lansbury).

“I Rather Enjoy Playing God:” The Fantasy of Liveness in *The Unsuspected*

If *Double Indemnity*'s thwarted media fantasy relied on the endurance of the recording media to produce and reproduce Walter Neff's story, then the fantasy at play in *The Unsuspected* is one that imagines the perceived erasure of recording media altogether. Partway through the film, recording-obsessed "true-crime" radio personality Victor "Grandi" Grandison confronts Press, an accidental murderer, with his own confessing voice.¹¹⁴ Press, it turns out, had come to Grandison to purge his conscience when Grandison decided to secretly record Press' words on 16" transcription discs through the use of a hidden microphone attached to his recording turntable. Grandison adapts Press' story into one of his "best programs" and preserves the physical record of confession as a tool of blackmail and as a sign of his power over Press. Now, with Press' guilty voice on tape, Grandison can order his subject to commit murders for him. As he tells Press, "I rather enjoy playing God."

Indeed, playing God is Grandison's vocation as host of a weekly mystery broadcast. In an early sequence, as he reads from his script in his studio, delivering his listeners yet another story from "from the files of the nation's unsolved crimes," the camera, serving as an analog for the technological transmission of Grandison's voice, cranes up and tracks forward into a loudspeaker. His voice continues to narrate his tale as we see yet-to-be-introduced characters listening with rapt attention to his radio show, brought together through his authoritative disembodied voice.

Outside of his studio and denied the power of patriarchal omniscience offered by his radio narration, Grandison employs the technologically captured and mediated voices of others to

¹¹⁴ As Robert Miklitsch observes, Grandison's first name (as in the Victor Talking Machine Company) associates him with the history of sound recording. Robert Miklitsch, *Siren City: Sound and Source Music in Classic American Noir* (New Brunswick, New Jersey: Rutgers University Press, 2011), 106.

enact his radio power fantasies. Having rigged his home with intercom systems and microphones attached to his recording device, he records every conversation that might help him claim power and control in the real world. When his niece Althea and her husband Oliver begin to argue, for example, Grandison turns on his surveillance system and quickly runs to his office where he puts a fresh disc on the turntable and begins recording. Not only does he secretly record conversations for the purposes of blackmail, but in his most nefarious strategy, he also uses these voices to cobble together his own programming, to be played back out of context. When Grandison discovers that Althea suspects him of murdering his secretary, he invites Althea to his office where he pulls out a gun as Althea pleads with him not to shoot. The camera cuts to a close-up of Grandison's recording turntable as a gunshot plays on the soundtrack. With the recording device still in the foreground, we see Althea's now-dead body collapse on the floor as the camera tracks in even closer to the turntable.

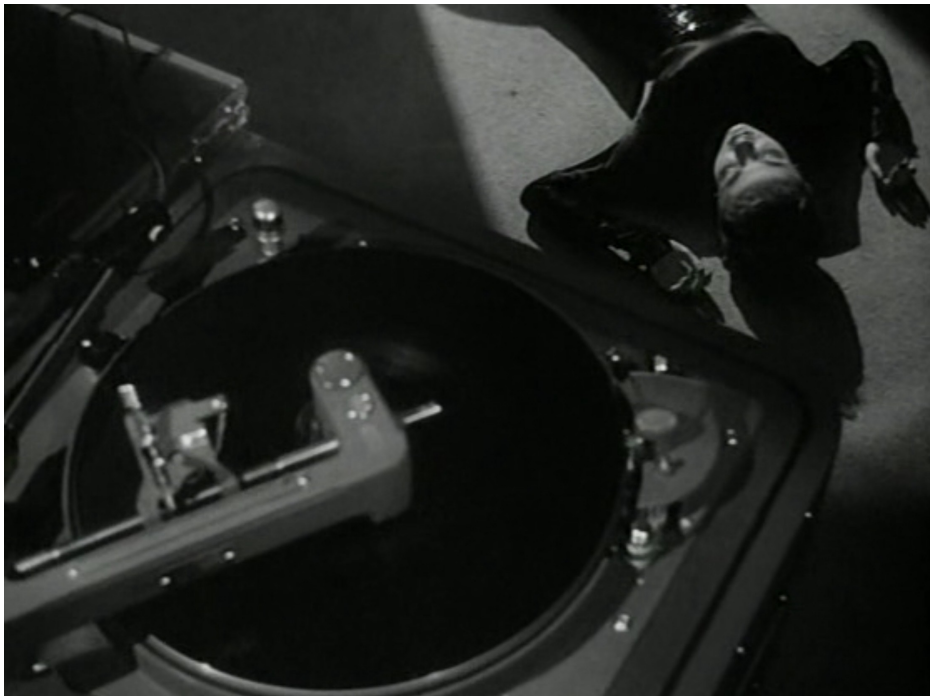


Figure 11: Grandison records Althea's death.

Grandison's body soon appears reflected in the turning transcription disc as he raises the recording stylus. This record of Grandison's crime becomes his alibi when he edits his recording of the murder with his record of Althea and Oliver's argument in order to frame Oliver. Later that night, he plays the record at high volume so the sounds of the argument resonate throughout the house. Pretending to be worried that Oliver is in a drunken "blind rage," Grandison calls Matilda and Steven's attention to the argument. As they rush to stop the arguing couple, they hear Althea's pleas and the telltale gunshot, believing them to be live. Oliver, their ears tell them, has murdered Althea.

In its negotiation of the tension between live and recorded sound, Grandison's plot hinges on a technological fantasy that was the subject of much debate in the contemporary popular and trade presses. In a stroke of coincidence, *The Unsuspected* opened just days after the second season premiere of Bing Crosby's *Philco Radio Time* on ABC that, for the first time ever, incorporated magnetic tape into the production process. In the fall of 1946, Crosby, tired of performing live, had jumped ship from NBC to ABC because the latter network was willing to let Crosby prerecord his shows on transcription discs.¹¹⁵ When *Philco Radio Time* debuted, industry fears were realized: the program sounded "flat" and "tinny" when compared to live broadcasts, and ratings quickly began to decline.¹¹⁶ Moreover, editing programs on disc was a technological nightmare and could only be accomplished via disc-to-disc transfer, which would further hinder sound quality of the final disc.¹¹⁷ Crosby's introduction to the Magnetophon helped save his radio career. For the second season, Crosby recorded and edited his program on

¹¹⁵ At the time, NBC and CBS refused to air prerecorded programming. See Mark C. Carnes, *The Columbia History of Post-World War II America* (New York: Columbia University Press, 2007), 61.

¹¹⁶ Carnes, *Columbia History*, 61; "Crosby: Tip Top Tape," *Variety*, October 8, 1947, 24; "Crosby Show in Turmoil," *The Billboard*, November 16, 1946, 6; "Waxery Future Hinges on Hypo," *Variety*, November 13, 1946, 23.

¹¹⁷ Carnes, *Columbia History*, 61.

tape before transferring the tape to disc.¹¹⁸ According to the trades, the change made all the difference, and the program regained its "live" aesthetic and sound.¹¹⁹

While I do not mean to claim that *The Unsuspected* is in any way a response to the concerns around the validity of sound recordings plaguing the radio industry, I do think that the case of Crosby provides a productive entry point into thinking through the technological imaginary at play in *The Unsuspected*. If, following Neil Verma's lead, we think about *The Unsuspected* in terms of the contemporary radio culture and listening practices with which it is engaged, then Grandison and his project must be understood as a radio fantasy that negotiates between recording and live transmission.¹²⁰ Because storage and playback are mistaken for simultaneity and liveness within the diegesis, the film at once enables Grandison's technological frame-up and resolves the problem of contemporary American sound recording media by disavowing the limitations of the recording device. In passing off his edited record as reality, Grandison in effect gains the power to construct and edit his own reality from his collection of captured voices. His media coup is that he is able to (re)produce the conditions and affect of live radio even through the edited, "canned" sound of his transcription discs and the hum of his playback device. In doing so, he is able to retain some of the authorial and interpretive control that he possesses through his own voice on the radio.¹²¹

¹¹⁸ It was not yet possible for broadcasters to air programs directly off tape, but the success of Crosby's experiment almost immediately spurred engineers to look into developing a tape-only system. "Now Bing May Come Directly Off the Tape," *The Billboard*, October 11, 1947, 7.

¹¹⁹ "Crosby: Tip Top Tape."

¹²⁰ Verma argues that media scholars should more strongly consider the close overlap between classical noir and the "golden age of American radio drama" in general and the proliferation of crime and mystery programs in particular. A full consideration of these implications for the study of *The Unsuspected* is beyond the scope of this dissertation, but it is an avenue worth exploring further. See Neil Verma, "Radio, Film Noir, and the Aesthetics of Auditory Spectacle," in *Kiss the Blood Off My Hands*, ed. Robert Miklitsch (Chicago: University of Illinois Press, 2014), 80-1.

Because the tools of control in this case take the material form of the records, however, Grandison's path to omniscience is much more unstable. When Steven locates Grandison's record collection and plays back the record of Althea and Oliver's fight, he exposes the facade of liveness so central to Grandison's ruse. Despite Grandison's best efforts to prevent Steven from making use of this information, it ultimately leads to his capture.¹²² Even still, when the police arrive at the radio station to arrest Grandison, it is the radio host who gets the last word. Seeing the police, he turns his broadcast into a live confession and uses the affordances of radio to conclude on his own terms. With the camera framing his face in extreme close-up, Grandison reveals himself as "the unsuspected" and, as Miklitsch notes, the author of the film.¹²³

“The Lady is Scared:” *Sudden Fear* and the Trauma of Playback

The relationship between audio surveillance and authorship is also explored, but to very different ends in *Sudden Fear* (David Miller, 1952) where the accidentally recorded confession becomes an instrument of terror. The film begins with Broadway playwright Myra Hudson (Joan Crawford) ironically falling in love and marrying Lester Blaine (Jack Palance), an actor she had recently fired from one of her plays because he was not her “idea of a romantic leading man.” When Lester first visits Myra at her home, Myra brings him to her study and demonstrates her elaborate home sound recording system, paying attention to its centerpiece: a SoundScriber dictating machine (which Lester jokingly mistakes for a guided missile). As Myra explains, she has had five microphones installed throughout her study so she can dictate while walking around,

¹²¹ The connection between radio broadcasting and authorial control is again made explicit when Grandison later tricks Matilda into writing her own suicide note under the guise of dictating a radio script.

¹²² Grandison initially sends Press to kill Steven, but the police are able to intervene thanks to, ironically, the communicative power of police radio.

¹²³ Miklitsch, *Siren City*, 108.

the SoundScriber capturing every word on its discs. She flips the master switch, and tells Lester to test out the system. With the knowledge that he is being recorded, Lester performs for the machine and recites lines from Myra's play, proving his ability to be a romantic lead much to her delight. Myra plays back Lester's speech to demonstrate the function of the machine, and the two kiss as Myra's authored words, spoken by Lester, fill the room.

This demonstration, which aligns Lester with machinic playback, establishes Myra's control of the relationship. Aligning herself more with the likes of Winston Churchill, who used the SoundScriber to narrate his memoirs, than with the secretaries for whom the machine was primarily intended, Myra has appropriated the machine for the purposes of her own authorship, inverting the gendered dynamics that had become associated with dictation machines meant to segregate clerical workers from their employers and from institutionalized knowledge.¹²⁴ Indeed, advertising for the SoundScriber positioned the device within the protocols of rationalized, scientific labor, emphasizing, above all else, the machine's efficiency and its ability to increase secretarial productivity.¹²⁵ While the device promised "faithful voice reproduction" and eliminated the need to shave dictation cylinders, its real power, like that of all dictation machines, was in its ability to separate the act of authorial dictation spatially and temporally from the act of listening to the playback and transcribing the contents performed by the secretary.¹²⁶

¹²⁴ "Churchill Gets Recorder to Dictate His Memories," *New York Times*, March 22, 1926, 3. For more on the relationship between office recording, scientific management, and the politics of gender, see Morton, *Off the Record*, 76.

¹²⁵ No longer, for instance, will secretaries need to waste valuable time shaving wax cylinders. See "Hair-dos Are Expensive, and SoundScriber Means Something to Me," *The Atlanta Constitution*, March 25, 1946, 15; "Advertisement," *Wall Street Journal*, May 12, 1952, 20; "More SoundScribers In Use," *Traverse City Record-Eagle*, March 25, 1948, 10; Stanley Kemper, "The SoundScriber," *Radio News* (September 1944):43, 103-8. To be sure, the new technology did promise to make secretarial labor itself more comfortable, but the majority of the advertising emphasized the benefits to the business over the benefits to the laborer.

¹²⁶ "Hair-dos Are Expensive," 15.

Although Myra's use of the machine subverts this distinction and confirms her role as author, her authority is short-lived, and we learn that Lester's expressions of love have always been performance. When Lester's former lover and criminal partner, Irene Neves, appears in San Francisco, Lester learns that Myra plans to donate her fortune to charity. In reality, Myra has decided to leave everything to Lester, but party guests arrive just as she is about to dictate the terms of her new will. In the commotion of the party, Myra forgets to turn off the SoundScriber, and it continues to record the sounds in the study for the rest of the night. The following morning, Myra returns to her study and, with the intention of continuing her dictation, plays back the record. To her shock, she hears Lester and Irene, still under the assumption that Myra is willing her estate to a foundation, professing their love to each other and plotting Myra's murder.

On the one hand, this unintentional exchange of knowledge has generic implications, preventing *Sudden Fear* from becoming a technophobic Gothic thriller in the vein of *Sorry, Wrong Number* (Anatole Litvak, 1948).¹²⁷ The recording provides Myra with enough information to give her an advantage over the conspirators, and she makes use of this imbalance of knowledge to stage a counter-attack.¹²⁸ The spatial and temporal separation of speaker and listener that the SoundScriber affords here works to Myra's benefit, as technological alienation enables her to stay apart from, and ahead of, individuals who wish to do her harm.

Myra's knowledge, however, comes with a cost, and her encounters with the SoundScriber ultimately make her the subject of machinic control. The seven-minute sequence where Myra listens back to the record is an extended demonstration of the impact of the recorded voice on

¹²⁷ In Litvak's film, as in the radio play upon which it is based, the telephone becomes an instrument of terror that resists and subverts its utopian promise of connection.

¹²⁸ Myra plans to murder Irene and Lester herself but gets cold feet, ultimately preventing the film from completing its generic transition from woman-in-peril film into revenge thriller. Nonetheless, Myra escapes unscathed, as, just as Lester learns of Myra's plan, a case of mistaken identity causes Lester to run down Irene in his car, killing them both in the process.

Myra's body and psyche (a theme that will reemerge in chapter five). As David Bordwell notes in his analysis of Crawford's performance in this scene, Myra transitions from euphoria upon hearing Lester's voice to shock when she realizes that he is in love with Irene to terror when she learns of the murder plot.¹²⁹ A close up of the SoundScriber cuts to a medium close-up of Myra, staring at the machine as Lester reveals his plans. Her eyes well up with tears as his voice spits "I'd like to see her face." Myra turns away from the machine, but the voices continue as, another cut reminds us, the SoundScriber disc continues to spin. Treating the recording device as if it were Lester's body, Myra retreats from the machine as Lester's voice articulates his murderous plans. Irene's voice claims that "I know a way" to kill Myra, and it is on this phrase that the needle of the machine sticks, repeating the phrase while Myra processes the information and, her body having reached its limits, runs to the bathroom to throw up. Having heard enough, Myra rushes to the machine to claim the record, but she accidentally shatters it before she can save the evidence for later. Without a material record of the conspiracy, Myra finds herself alone against her would-be murderers.



Figure 12: Myra's SoundScriber becomes an instrument of terror.

¹²⁹ David Bordwell, "Play it Again Joan," October 25, 2011, <http://www.davidbordwell.net/blog/2011/10/25/play-it-again-joan/>

As a feature article in *Life* made clear, Myra's technologically-acquired knowledge does not result in empowerment but in paranoia, as she "screeches, shivers, and writhes" through the film.¹³⁰ Even with the record destroyed, Myra remains haunted by replay. As she sits in bed staring, silent and afraid, at Lester's pillow, Lester's words play back on the soundtrack. Myra rushes from the bed to the divan, but she cannot escape the words echoing through her psyche and continuing to affect her body. Lester's insistence that he will make Myra's murder look like "an accident" loops on the soundtrack as Myra brings her hands to cover her ears, but this act does not stop the words from playing through her head. She has nightmares of her own murder, and her unconscious screams only end when their cause, Lester himself, appears to placate her. Myra continues to wear the paranoia brought on by her encounter with the SoundScriber record for the remainder of her film; her movements become more tentative, and her interactions with Lester and Irene are a self-conscious facade intended to hide her fear.

Given the record's status in *Sudden Fear* as an object that produces terror and paranoia, it is curious that SoundScriber used the occasion of the film for a major publicity push. A national advertising campaign featured still from the film as well as Crawford's personal endorsement of the device.¹³¹ Crawford also recorded a special promotional disk that was sent out to SoundScriber sales representatives as well as to secretarial and business schools in order to promote the picture.¹³² At the Poli Theatre in New Haven, SoundScriber paid to have 800 members of the local plant attend the film, and, in a modern restaging of Edison's Phonograph demos, the company coordinated with theaters to have a SoundScriber on display in the lobby for

¹³⁰ "The Lady is Scared," *Life*, September 1, 1952, 57.

¹³¹ "SoundScriber Promotes 'Sudden Fear' Locally," *Box Office*, September 20, 1952, 6.

¹³² "National Pre-Selling Guide," *Box Office*, July 19, 1952, 17.

audiences to try, allowing them to take a disc home as a souvenir.¹³³ The use of Crawford as a spokeswoman for SoundScriber made sense, as the actress reportedly used the machine to respond to fan mail.¹³⁴ The elaborate advertising campaign that tied the device to *Sudden Fear*, on the other hand, only exposed the discrepancy between the SoundScriber's intended real-world use as a dictation machine and its in-film role as, ultimately, an accidental surveillance device and an object of trauma that reminds Myra of her alienation from, and her vulnerability to, her husband.

When the material SoundScriber is brought into contact with a film meant to promote it, the multiple histories of the machine also enter into contact with each other. This produces an irresolvable tension between competing social meanings of office dictation machines that positioned them as tools of authorship, associated with dictation, and as tools of patriarchal control, associated with listening and playback. In its mediation and narrativization of the technology, *Sudden Fear* ultimately adheres to this distinction, associating playback with loss of control, alienation, and trauma. Even in its attempt to displace the dictation machine from the patriarchal space of the office, *Sudden Fear* can nonetheless only subject Myra to the oppressive logics that tend to accompany the female voice throughout its historical encounters with sound media.¹³⁵

¹³³ "National 'Fear' Deal Gives Rosenthal Hook for Local Tie-Ins," *Box Office*, September 13, 1952, 216; Walter Brooks, "National Pre-Selling," *Motion Picture Daily*, September 10, 1952, 2.

¹³⁴ Ruth Waterbury, "Joan Proves She Can Do the Impossible," *The Cedar Rapids Gazette* [IA], August 4, 1952, 10.

¹³⁵ I have touched on this theme in the previous chapters and will return to it again in chapter five.

Conclusion: *Touch of Evil* and the Borders of Technological Paranoia

By the mid 1950s, the police procedural, as will be discussed further in the following chapter, had moved almost exclusively to television, and the crime melodrama had largely given way to neo-realist social-problem pictures, futurist spy narratives, and historical epics.¹³⁶ As such Orson Welles' 1958 film *Touch of Evil* or, in Paul Schrader's words, "film noir's epitaph" seems to arrive a few years too late.¹³⁷ In terms of its technological imagination, however, *Touch of Evil* serves as the perfect hinge film (or border film, in terms more fitting of the film's thematic preoccupations) between the debates around privacy and surveillance that marked the 1940s and those that would come to dominate the 1960s.

Touch of Evil can be considered the technological inverse of *Double Indemnity*, as a recording device is employed to take down a corrupt detective who, much like Barton Keyes, relies on his intuition as his primary tool of investigation. Welles' iconic Hank Quinlan is renowned for his "game leg" that functions, like Keyes' "little man," to justify his presumptive and otherwise unjustified conclusions. *Touch of Evil*, however, is much more overtly critical of this mode of investigation, and "intuition" becomes a euphemism for Quinlan's tendency to frame alleged criminals. In one such instance, after narcotics officer Mike Vargas finds evidence of Quinlan's involvement in his wife's torture and in framing her for murder (which Quinlan himself perpetrated), he gets Quinlan's partner, Pete Menzies to wear a microphone transmitter in hopes of capturing evidence against Quinlan on tape.

¹³⁶ Naremore, *More Than Night*, 21. Naremore notes that studio pressures to combat television with spectacle as well as the blacklisting of many writers and directors spelled the end of what would become know as film noir.

¹³⁷ Paul Schrader, "Notes of Film Noir," in *Film Noir Reader*, eds., Alain Silver and James Ursini (New York: Limelight Editions, 2005), 61.

As Michael Ondaatje notes in an interview with famed editor Walter Murch, Vargas uses “a microphone instead of a rifle to hunt down the guilty.”¹³⁸ His quest for a tape-recorded confession marks the climax of the film, and the scene builds tension through sound design that emphasizes the technological affordances and limitations of Vargas’ eavesdropping apparatus. Vargas’ system consists of a microphone transmitter, a radio receiver, and a tape recorder, and these three components come into contact with each other and threaten to disrupt Vargas’ investigation. As Vargas demonstrates when testing his system on Tana’s porch, the microphone picks up the sound and transmits it to the receiver, where the sound plays audibly through the speaker and is recorded onto the magnetic tape.

Vargas’ plan goes into action when Menzies lures Quinlan away from a loud piano at Tana’s place that makes capturing a recording impossible. With Quinlan and Menzies on the move through a labyrinth of oil derricks and trash, Vargas shadows them, carefully balancing his need to stay out of view with his need to be in range of the transmitter. Each time the camera cuts between Quinlan and Vargas and his receiver, our aural perspective shifts, and we often lose Quinlan’s voice completely as Vargas adjusts the frequency on the receiver. Murch, who headed the 1997 re-edit of the film, identifies three aural registers connecting voices to the characters that produce them and the spaces in which they are heard:

“When you’re close to Quinlan and Menzies, they sound normal. When you’re with Vargas and his tape recorder, they sound distorted, like voices over the telephone. And when you are far away from both the hunter and the hunted, you hear the voices in a sort of echoey field of sound.”¹³⁹

Close-ups of the receiver and extreme long shots of Menzies and Quinlan remind viewers that control is located in aural and not visual mastery. Moreover, Vargas’ power in this scene

¹³⁸ Michael Ondaatje, *The Conversations: Walter Murch and the Art of Editing Film* (London: Bloomsbury, 2008), 194.

¹³⁹ *Ibid.*, 195.

relies not only on him and his technology remaining out of view but also on his ability to keep voices separate. As Vargas passes under a bridge, unmediated and mediated voices converge to transform the space into an acoustic funhouse, and Quinlan hears the sound of his own voice echoing back to him unnaturally. Although Vargas remains invisible, Quinlan becomes attuned to his presence and begins speaking to him through the microphone. Realizing that Menzies has betrayed him, Quinlan shoots his former partner, placing the gunshot on the record alongside his confession. Quinlan threatens to frame Vargas for the murder, but Vargas remains undisturbed, knowing that Quinlan's own recorded voice will betray him. With more than a hint of irony, he tells Quinlan, "I'm afraid this is finally something you can't talk your way out of." After a dying Menzies shoots Quinlan, the District Attorney's assistant Al Schwartz arrives on the scene and plays back the incriminating tape. A close up of the speaker replaying Quinlan's confession cuts to a close-up of the dying police captain, listening in silence as his voice plays on the soundtrack. The tape has replaced his body as the locus of truth, and, in a victory of recording over liveness, the recorded voice is established as credible evidence.¹⁴⁰

While *Touch of Evil* initially seems to confirm the utility of sound surveillance in detective work, in actuality, it sits not-so-comfortably between the trust in recording devices as tools of detection that defined police procedurals and the public distrust of institutionalized sound recording that would reach yet another crescendo the following year when Philadelphia District attorney Samuel Dash published the results of his inquiry into electronic eavesdropping (see chapter four). Universal infamously edited Welles' film prior to its initial release, and Vargas' more nuanced relationship to electronic eavesdropping was omitted when the second half of the

¹⁴⁰ Welles original edit made the connection between Quinlan's body and the tape recorder even more explicit, as a shot of Schwartz snapping the case of the tape recorder shut serves as a graphic match to Quinlan stumbling into the river to die once and for all.

scene where he relates his surveillance plan to Menzies was left on the cutting room floor.¹⁴¹ The 1975 re-issue of *Touch of Evil* reveals the narcotics officer's highly ambivalent attitude toward his use of the tape recorder when, while testing the device with Menzies, Vargas remarks, "I hate this machine. Spying, creeping in back alleys...." This seemingly minute addition reframes Vargas' subsequent surveillance of Quinlan and aligns Vargas' actions with the corrupt policing tactics against which he positions himself. What, in the original theatrical version, was presented as a collaboration between Vargas and the machine now becomes an uneasy alliance and a sign of Vargas needing to stoop to Quinlan's level to bring the murderer to justice. The moral conundrum precipitated by the revelation that Quinlan's intuition about Sanchez was correct now reverberates onto Vargas and his technological tactics.

According to Welles' memo, the cutting of the second half of Vargas' scene with Menzies, "resulted only from the fact that the sudden silence where the recording device is intended to 'playback' was not understood."¹⁴² In a curious twist of technological history, the tape recorder's silence — the absence of the playback of Vargas and Menzies' voices that was meant to be added in postproduction — shielded the technology from Vargas' critique. In doing so, it added to the tension between *Touch of Evil* as "intended" and *Touch of Evil* as released and again positioned the film a seminal border film, serving as a hinge between the social meaning of the tape recorder within the protocols of policing in the 1940s and the 1960s. In its original theatrical release, *Touch of Evil* looked backward to an understanding of police sound surveillance as a means of containing and creating a record of crime and corruption. The version of *Touch of Evil* that has since become canonized, however, looks ahead by articulating, if only briefly, social

¹⁴¹ For more on the fraught history of *Touch of Evil* see Peter Alilunas, "The Past is All Used Up: Orson Welles, *Touch of Evil*, and Erasure," *Screening the Past* 27 (May 2010), <http://www.screeningthepast.com/2015/01/the-past-is-all-used-up-orson-welles%C2%A0touch-of-evil-and-erasure/>.

¹⁴² Orson Welles to Edward I. Muhl, December 5, 1957, http://wellesnet.com/touch_memo1.htm.

anxieties around audio recording that would play out in courtrooms, newspapers, and on television sets over the next decade but that would only be crystallized in the cinema with the resurgence of the detective film in the late 1960s and early 1970s.

CHAPTER IV

Tape Recorders & Martini Olives: Recording Networks of Paranoia

“It is this ability to re-create reality — again and again — for aesthetic experience or mundane use — that explains the tape recorder’s ubiquitousness. That and the fact that when it all becomes too much one has only to press a button and erase the works.”

— Sherwin D. Smith, *New York Times*

In 1957, Dick Hodgson and H. Jay Bullen published the bluntly titled *How to Use a Tape Recorder* as a response to the commercial tape recorder craze. Intended primarily as “a guide to the applications of the tape recorder as a modern-business machine,” the book also accounts for the proliferation of tape recorders on the consumer market and the increase of tape recorder use in the home by including a section on “non-business uses” that details a number of tape-centric hobbies and party games.¹ The instructions for one such game, “Hidden Mike,” are straightforward: “Just hide a microphone close to the spot where guests congregate, turn on the recorder and let it play the role of an eavesdropper.” This, the authors note, “is usually good for plenty of laughs — particularly in groups where a recorder is still a novelty.”² The next decade would prove that the broader implications of this game were no laughing matter, as the tape recorder’s ability to capture voices secretly took on increasingly ominous connotations that threatened to disrupt the foundations of American society. As the *New York Times*’ Sherwin D.

¹ Dick Hodgson and H. Jay Bullen, *How to Use a Tape Recorder* (New York: Hastings House, 1957), 107.

² *Ibid.*, 114.

Smith put it, in reference to the clandestine use of tape recorders at parties, “Hearing one’s voice is disconcerting at best. Hearing one’s voice taken unaware in the inanities of conversation can be anything from boring to disastrous.”³

This chapter places the tape recorder within a broader context of paranoia around electronic eavesdropping in the 1960s and 1970s prior to the Watergate scandal. As this chapter and the next argue, Watergate was not a catalyst of technological anxiety but instead was the culmination of a popular imagination that had grown mistrustful of recording technologies, the information they stored, and the emerging surveillance networks that incorporated recorded voices into a fluid informational economy. The 1960s in particular were marked by debates around privacy, ethics, technology, and the informational nature of the recorded voice. I argue that the central source of cultural anxiety was not the revelation that, as Jack Schwartz put it, “the hearing Tom is everywhere,” but rather the myriad ways in which recorded voices were being put to use and, in the process, transforming public understandings of individual privacy.⁴ Moreover, as real-life “Private Ears” like Bernard Spindel and Hal Lipset began populating the mainstream news, and as governmental agencies used voice recordings to intimidate and threaten so-called “subversive organizations,” television programs like *Naked City* (1960-1963), *The F.B.I.* (1965-1974), and *Perry Mason* (1957-1966) and films like *The Anderson Tapes* (1971) all imagined tape recorders within the context of new modes of audio expertise. They made once-familiar technologies uncannily foreign to everyday users and reframed the history of tape recording around questions related to the flow and management of information.

³ Sherwin D. Smith, “All Wound Up in Tape,” *New York Times*, April 12, 1964, SM59.

⁴ Jack Schwartz, “The Hearing Tom is Everywhere,” *Newsday*, January 9, 1965,

The consumer tape recorder was not understood as disastrous by nature, and the popular press in the early 1960s continually reported on its various more positive communicative affordances. Tape recorders appealed to more than just the audio professionals or amateur gadget lovers to whom *Tape Recorder* magazine was targeted, and by the early 1960s, the tape recorder craze had affected more than seven million Americans who imagined myriad uses for the device.⁵ As an entertainment device, tape recorders enabled users to record and trade music (including the latest radio hits, which led some radio DJs to remind listeners to support recordings artists by buying their records instead) or to create narration for home movies.⁶ As educational devices, they could be used to learn languages or as a means to ‘correct’ accents, or they could be used within the home as a means of storing recipes, recording bedtime stories, or taking “sound snapshots.”⁷ They were also appropriated for prospective social uses, such as curbing juvenile delinquency or serving as tools for journalists and historians.⁸ Perhaps the greatest rearticulation of the device was its use on the Arctic Distant Early Warning Line during the Cold War, where there were reportedly more tape recorders per capita than anywhere in the world. The recorders allowed DEW-Liners to communicate with their families via the spoken word, which offered much greater morale boosts than conventional letters.⁹

As the decade wore on, however, the tape recorder became associated with activities much more ethically ambiguous than recording radio music. In the March 1966 issue of *Police*

⁵ Ibid., 54.

⁶ Smith, “All Wound Up,” 62; Art Zuckerman, “New Tape-Recorder Magic,” *Popular Mechanics*, August 1960, 189-192.

⁷ “Tape Plays Wide Role,” *Los Angeles Times*, March 8, 1964, 56-57.

⁸ See “Tape Recorder Makes Ruffians Go Straight,” *The Washington Post*, August 5, 1962, A5; Joel Lieber, “The Tape Recorder as Historian,” *Saturday Review*, June 11, 1966, 98-99; Bruce Lawson, “The Man Who Helps History Break the Sound Barrier,” *The Globe and Mail*, October 30, 1965, 17.

⁹ “A Voice to Break the Loneliness,” *Daily Defender* [Chicago], April 28, 1960, 11.

Journal, Detective Sergeant R. D. Ostler praised the portable tape recorder's utility for recording details at a crime scene or conversations with informants and criminals. Yet the public's concerns about the tape recorder's use in police and detective work, already heightened by Cold War anxieties, grew as people became increasingly aware of the tape recorder's more technologically advanced accomplices, like the microtransmitter and directional microphone, that made the surreptitious capture of sound seemingly easier and more frequent than ever.¹⁰ As magazines like *Popular Science* and *Popular Electronics* showed readers how to create their own bugging systems cheaply and with little technical skill, and as they simultaneously ran advertisements for mail-order spying devices, anxieties that the tape recorder's new electronic counterparts would soon join it in the home or the office reached a fever pitch. The "Tape-Recorder Magic" promised by *Popular Mechanics* became much more ominous when paired with a transmitter, encouraging the popular press to constantly remind the public of the well-trodden trope that "The Walls Do Have Ears."¹¹

¹⁰ R.D. Ostler, "The Pocket Tape Recorder and Detective Work," *Police Journal*, March 1966, 131-135. *The Cold War* context certainly contributed to the general technophobia, especially after May 1960 when U.S. Ambassador Henry Cabot Lodge demonstrated Soviet spy techniques at the United Nations. Most famously, Lodge produced a large wooden replica of the Great Seal that had been present in the U.S. embassy in Moscow since 1945. As was discovered only in 1952, the unassuming seal had been bugged. Hidden within was a microphone and a passive cavity resonator developed by Leon Theramin that could transmit sound when activated by external radio signals. "The Thing," as the bug would be later called, captivated public attention and made bugging a household word. Importantly, bugging also became a household concern as news came out with great frequency reminding the public that electronic eavesdropping was not limited to international espionage and the KGB but was very much an everyday domestic issue secretly perpetrated by police, private detectives, and even amateur electronics buff. See Erick C. Jones and Christopher A. Chung, *RFID in Logistics: A Practical Introduction* (Baton Rouge: CRC Press, 2008), 11-12; William J. Jordan, "Spy Devices Used by Soviets Shown," *New York Times*, May 28, 1960, 5; Robert J. Brown, *The Electronic Invasion* (Rochelle Park: Hayden Book Company, 1967), 2.

¹¹ Zuckerman, "New Tape-Recorder Magic," 189; Bem Price, "In Washington, the Walls Do Have Ears," *Montana Standard*, January 18, 1959, 13; Vance Packard, "The Walls Do Have Ears," *New York Times*, September 20, 1964, SM23.

Discovering the Eavesdroppers

*“Electronic aids add a wholly new dimension to eavesdropping. They make it more penetrating, more indiscriminate, more truly obnoxious to a free society. Electronic surveillance, in fact makes the police omniscient, and police omniscience is one of the most effective tools of tyranny.”*¹²

—Justice William Brennan’s dissenting opinion in
Lopez v. United States

The history of tape recording in the 1960s is intimately intertwined with the emergence of new technologies that put individual privacy at risk. On February 18, 1965, the Senate Judiciary Subcommittee on Administrative Practice and Procedure opened its investigation into alleged mass government spying by calling San Francisco-based private investigator and sound recording expert Harold “Hal” Lipset to testify before the congressional hearing. Lipset was a leading expert on electronic surveillance and would serve as the inspiration for Harry Caul, the protagonist in Francis Ford Coppola's *The Conversation*. Ironically, Lipset initially employed secret tape recordings in order to legitimize his practice and the labor of the private detective; because the testimony of private detectives was often not taken seriously in court, the recorder was a way for him to prove the reliability of his evidence. As he told his biographer, Patricia Holt, "It was like hiring a witness for every investigation, every interview we conducted, only the witness wasn't human — it was electronic and so, we felt, more reliable."¹³ Now, however, Lipset's expertise was being employed to illustrate how widespread, accessible, and disreputable electronic eavesdropping practices had become.

¹² *Lopez v. United States*, 343 U.S. 427 (1963). Brennan’s dissenting opinion in one of the landmark electronic eavesdropping cases of the early 1960s in many ways outlines a vernacular Foucauldian theory of audio surveillance. The advent of new technologies that remain unregulated by existing laws effectively establishes a panoptic (and panacoustic) society in which technological mastery is equated with omniscience.

¹³ Patricia Holt, *The Good Detective: True Cases from the Confidential Files of Hal Lipset, America’s Real-Life Sam Spade* (New York: Pocket Books, 1991), 25.

At the request of Chief Counsel Bernard Fensterwald, Lipset, accompanied by his electronic engineer Ralph H. Bertsche, explained methods of electronic eavesdropping to the congress, emphasizing the diversity and versatility of eavesdropping tools as well as their ease of use. During his testimony, Lipset demonstrated parabolic microphones, tapped a Senate telephone (with subcommittee chairman Senator Edward V. Long playing straight man on the other end of the line), and produced a number of miniature microphones and radio transistors concealed in a variety of everyday objects, from wristwatches and cigarette boxes to, most famously, a martini olive, complete with antenna masquerading as a toothpick. In the middle of his testimony, in a characteristic performative flourish, Lipset played back a recording of Senator Long's opening remarks through the room's amplification system. Long's words, Lipset explained, were recorded using a "little transmitter about the size of [his] thumbnail" hidden in the roses in front of him and stored on a tape recorder concealed in Bertsche's briefcase.¹⁴ Following the demonstration, when questioned by Fensterwald, Lipset revealed perhaps the most concerning information yet: with the exception of his custom-built devices, such as the martini olive bug and cigarette box, "all or some type of [the devices] are available to anyone who has the purchase price."¹⁵

Although the investigation included testimony from a number of other experts and equipment manufacturers, Lipset was the star of the hearings, and while the subject of new technological developments in electronic eavesdropping had been a prevalent topic in the media and the courtroom since the late 1950s, Lipset's 1965 performance seemed to resonate with a

¹⁴ *Invasions of Privacy (Governmental Agencies): Hearings Before the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary United States Senate*, 89th Cong., 1st sess., 14 (1965) (statement of Hal Lipset).

¹⁵ *Ibid.*

broader public. According to Lipset, Fensterwald asked him to be dramatic in order to attract the media's attention, and the response to Lipset's testimony suggested that his tactics worked, as his demonstration quickly became national news.¹⁶ In yet another instance of the public's fascination with eavesdropping devices taking precedence over technological reality, the martini olive bug became a defining image of 1960s surveillance culture even despite its material limitations.¹⁷ Indeed, the "bug in the martini olive" served as rhetorical shorthand that encapsulated at once the public's fascination with the novelty of the electronic devices as well as the genuine anxiety over the realization that one's words could be heard and captured anytime, anywhere, and by anything. *The Washington Post*, for instance, remarked on the playfulness of Lipset's demonstration while still referring to the martini olive transmitter, with only a hint of irony, as "bad news for the cherished institution of the Washington cocktail party" and "the ultimate weapon" against privacy.¹⁸ By the mid-1960s, the mass media had once again come to the conclusion that everyone was secretly listening, and that it could be taken for granted that government agencies were eavesdropping on citizens, corporations on employees, and neighbors on each other. As Robert Brown puts it in the opening to his 1967 book on the topic, "Every schoolboy today knows that a martini olive . . . can be turned into a mechanical spy."¹⁹

The new miniaturized transmission devices enabled by the development of the transistor were the subject of the majority of the media's attention, and their glamorous, almost futuristic form aligned these devices more closely with the emerging image of the urbane, sophisticated

¹⁶ Holt, *Good Detective*, 65.

¹⁷ As Brian Hochman notes, the bug was not reliable enough to be used in public and, perhaps even more damning, it would be short-circuited should it come into contact with gin. See Brian Hochman, "Eavesdropping in the Age of The Eavesdroppers; or, The Bug in the Martini Olive," *Post 45*, February 3, 2016.

¹⁸ Laurence Stern, "Don't Talk to a Martini, Olive May be Listening," *The Washington Post*, February 19, 1965, A1.

¹⁹ Brown, *The Electronic Invasion*, 1.

1960s spy than with the gritty noir detective. Nonetheless, it is essential to recognize the role of recording devices, and the comparatively mundane tape recorder in particular, in this history.



Figure 13: The famous "bug in the martini olive." *Life*, May 20, 1966, 38.

As Raymond Jones notes in his 1975 report on electronic surveillance to the U.S. Department of Justice, "in gathering legal evidence through electronic surveillance, the tape recorder is an indispensable item. Whether the surveillance method is a radiating system involving transmitters and receivers or a wired system using a telephone tap or a concealed microphone, a tape recorder

is invariably involved.”²⁰ Senator Long was just as concerned about the recording process in 1965. Throughout Lipset’s demonstration, Long repeatedly asked Lipset to reiterate that all technologically transmitted messages can be recorded. Later, Ralph Ward, the Vice President of Mosler Research Products, confirmed that it could be taken for granted that clients looking to purchase electronic eavesdropping equipment intend to record what they overhear.²¹ The seemingly futuristic devices that captured the minds of the courts and public only gained their potency when combined with an object that, by 1965, many Americans already had in their homes.

Following the discovery of bugging equipment, including a tape recorder, radio receiver and a cigarette-pack transmitter, in the Mayflower Hotel in Washington, D.C. in April 1962, it became glaringly obvious that traditional wiretapping was the least of anyone’s worries.²² By mid-decade, there was so much confusion over the legal status of electronic eavesdropping on the state and federal levels that Senator Long asked the Legislative Reference Service at the Library of Congress to compile a bibliography on wiretapping and eavesdropping that was then made into a committee print.²³ The confusion and pursuant attempts to explain the technologies and their implications spilled into the popular sphere. Newspapers and magazines were replete with feature articles describing the uses and abuses of the new devices, ways to detect or prevent

²⁰ U.S. Department of Justice, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, *Electronic Eavesdropping Techniques and Equipment*, by Raymond N. Jones, LESP-RPT-0207.00 (Washington, D.C.: United States Government Printing Office, 1975), 34.

²¹ *Invasions of Privacy (Governmental Agencies): Hearings Before the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary United States Senate*, 89th Cong., 1st sess., 14 (1965) (statement of Ralph Ward), 31.

²² See Lawrence Laurent, “Electronic ‘Bug’ Eludes Law’s Gasp [sic],” *The Washington Post*, April 6, 1962, A5; “Sizes of ‘Bugs’ Vary From Bees to Beetles,” *Washington Post*, September 26, 1962, C2; Gene Sherman, “Wee Spy Ears for Sale,” *Los Angeles Times*, August 18, 1963, H1.

²³ See Grover S. Williams, *Laws Related to Wiretapping and Eavesdropping*, printed for the use of the Senate Judiciary Subcommittee on Administrative Practice and Procedure, 89th Cong., 1966, Committee Print.

bugging, and the growing marketplace supporting bugging and anti-bugging, and numerous books were written on the topic of eavesdropping and privacy, including one by Senator Long himself.²⁴ Indeed, the public interest in electronic eavesdropping was so high that, by 1965, NBC had already broadcast its second documentary devoted to what they called “The Big Ear.”²⁵

Big Ears & Electronic Memory: A Brief History of Privacy in the Age of Bugging

The 1965 hearings were not the first time Lipset explained and defended his use of recordings before Congress, and the Senate Subcommittee hearings were part of a much longer attempt to manage and understand the threats to privacy brought on by new technology. While it is impossible to present a detailed legal history here, it is worth illustrating the extent to which discussions around technology and technological affordances were integral to the ensuing debates.²⁶ Microtransmitters and tape recorders — “big ears” and “electronic memory” — I argue, fundamentally transformed legal and popular understandings of privacy and framed privacy as, above all, a technological and informational issue.²⁷

²⁴ See Don Meilke, “Nosy ‘Bug’ Is Snug in Rug or Anywhere,” *Chicago Tribune*, May 10, 1964, A1; Jack Boettner, “Manufacturer Claims Threat From ‘Bugging,’” *Los Angeles Times*, July 5, 1964, OC11; “When Walls Have Ears, Call a Debugging Man,” *Business Week*, October 31, 1964; “Bug Thy Neighbor,” *Time*, March 6, 1964; Ben H. Bagdikian, “Big Brother is Listening,” *Saturday Evening Post*, June 6, 1964; Edward V. Long, *The Intruders: the Invasion of Privacy by Government and Industry* (New York: Praeger, 1966); Vance Packard, *The Naked Society* (New York: David McKay Co., 1964); Myron Brenton, *The Privacy Invaders* (New York: Coward-McCann, 1964); Alan F. Westin, *Privacy and Freedom* (New York: Atheneum, 1970); Brown, *The Electronic Invasion*; Jack Gould, “Are You Listening,” *New York Times*, November 7, 1965, X23.

²⁵ Reuven Frank produced the 1965 documentary special. NBC Kaleidoscope ran a similar special in March 1959 that examined “the techniques, history, legal aspects and significance of wiretapping and electronic eavesdropping.” The special consisted of a series of interviews with telephone company officials, attorneys (including Sam Dash), electronic experts, and private detectives. See “The Big Ear,” *Los Angeles Times*, March 22, 1959, G9-11

²⁶ For a detailed legal history, see Westin, *Privacy and Freedom*; Frederick S. Lane, *American Privacy: The 400 Year History of Our Most Contested Right* (Boston: Beacon Press, 2009).

²⁷ Gene Sherman, “Law Disturbed by Electronic Spies,” *Los Angeles Times*, August 19, 1963. Sherman claims that “electronic memory” is a “new euphemism” in the bugging community. The metaphor also gained momentum within the advertising community who used it to sell tape recorders to the mass public. See, for instance, “New

In 1957, a Supreme Court of the United States decision reiterated that all wiretap evidence was inadmissible in court on the grounds that, as per the 1934 Communications Act, the interception of telephone conversations was a federal crime in spite of a state court order.²⁸ Many state and federal officials saw the Supreme Court ruling as directly interfering with the investigative process, and confusion remained as to whether individual state statutes, many of which allowed for wiretap evidence to be admitted in court, were unconstitutional.²⁹ The overlapping discussions around wiretapping and eavesdropping amounted to a discursive dog's breakfast. Everyone seemed to know that wiretapping was practiced, but there was no clear information on the extensiveness, the methods, or the legality of the practice. In response to this confusion, between 1958 and 1961, the Senate Subcommittee on Constitutional Rights engaged in what it referred to as a "detailed and far-reaching investigation of wiretapping and eavesdropping." This investigation was meant to outline the technical possibilities and modern methods of electronic eavesdropping, assess the implications of eavesdropping on constitutional rights, and determine the extent to which existing laws protected these rights.³⁰

It was as part of these hearings that Lipset first appeared before Congress to discuss the legality of recording phone conversations and to demonstrate the latest gadgets of the day, including a microphone hidden in a watch and what was perhaps his most essential piece of equipment: the voice-actuated, battery-operated Minifon tape recorder, as illustrated in the

Executive Recorder," *New York Times*, September 16, 1962, 176; "Miniature Executive Recorder," *Wall Street Journal*, January 13, 1965, 4.

²⁸ *Benanti v. United States*, 355 U.S. 96 (1957).

²⁹ Frederick S. Lane, *American Privacy*, 135; Samuel Dash, Richard F. Schwartz, and Robert E. Knowlton, *The Eavesdroppers* (New Brunswick: Rutgers University Press, 1959), 395.

³⁰ U.S. Subcommittee on Constitutional Rights, "Wiretapping and Eavesdropping: Summary—Report of Hearings, 1958-1961" (Washington D.C.: U.S. Government Printing Office, 1962), 1.

1954 *Dragnet* film. In his testimony, Lipset attested to his unwavering faith in the tape recorder as a reproduction technology and in the secretly recorded human voice as a vessel of truth. Justifying his trust in the technology, Lipset asked the Senators to “please take into consideration the most important thing about recordings. They are a faithful and true reproduction of what was said, including the tone of voice used. Unlike the testimony of an individual, a recording is not subject to bias, prejudice, accuracy, intelligence, reliability, memory, and interpretation.”³¹ Tape recording, argued Lipset, intrinsically provides information that written accounts or even precise transcripts cannot. They can account for tone and inflection and, as such, serve as guides to how one’s words should be interpreted. Senator Hennings, however, was more concerned with how recordings can just as easily distort meaning via editing. When pressed on this question, Lipset reconfirmed his faith in tape recording, claiming that audio experts can easily detect edits or other forms of tampering with the original recording.³² In an article for *Rampart’s* in 1968, Lipset elaborated on his position that tape recording constitutes a forensic method of detection, arguing that “a tape recording is as distinctive as a fingerprint; *any* editing can be detected, more easily and just as accurately as a difference in fingerprints or ballistic markings.”³³

Also testifying at the May 1961 hearings was Samuel Dash, a Philadelphia attorney who had published an extensive study on the topic of electronic eavesdropping two years prior.³⁴ While the actual public reach of this study, the near five hundred-page *The Eavesdroppers*, is unclear, its publication made national news, with major news outlets reporting a summary of its

³¹ Ibid., 1445

³² Ibid. 446.

³³ Harold Lipset, “A Case for Bugging,” *Rampart’s*, September 7, 1968, 44.

³⁴ “Wiretaps Found on Rise in Nation,” *The New York Times*, October 26, 1959, 18. Rutgers University Press agreed to publish the study in October 1959 “as a public service,” agreeing to take a loss even in the event that the book’s initial 5 000-copy run sold through.

findings for the American public.³⁵ The popular press distilled the study into three major points: electronic eavesdropping is practiced widely by government agencies, businesses, and private individuals; existing legal structures do little to curtail the practice; and despite the prevalence of wiretapping, it is a minor problem compared to the use of microphones, bugs, and tape recorders.³⁶ This problem, Dash observed, was only exacerbated by the fact that existing wiretapping laws could not limit or prohibit the use of newer technologies that did not rely on physical trespassing to transmit sound.³⁷

Indeed, the eavesdropping issue was, in a fundamental way, tied to the material affordances of various eavesdropping technologies. Because wiretapping laws were still grounded in the language of the 1934 Communications Act and the Fourth Amendment, there was no effective ban against eavesdropping, only against using information obtained through conventional wiretapping in court. As William R. Holland explained, existing laws only regulated the means of eavesdropping, not the act, and as such, wiretapping was increasingly becoming obsolete and replaced by newer technologies that functioned similarly but well within the constraints of the law.³⁸ The overarching ideological issue of privacy that so dominated media debates, in other words, ultimately took a back seat to a discussion of technological affordances.

In 1966, the FCC attempted to keep pace with technological shifts by exercising its jurisdiction over radio waves to declare electronic eavesdropping devices illegal. Making

³⁵ Dash, Schwartz, and Knowlton, *The Eavesdroppers*, 6. For more on *The Eavesdroppers* and the wiretapping problem of the 1950s, see Hochman, "Eavesdropping in the Age of The Eavesdroppers."

³⁶ See "Find Wide Use of Wiretaps by Cops, Firms," *Chicago Daily Tribune*, October 26, 1959, C3; "Electronic Eavesdrops Reported in Wide Use," *Los Angeles Times*, October 26, 1959, 8. This syndicated article was reprinted in numerous local and national newspapers across the U.S.

³⁷ Dash, *The Eavesdroppers*, 6.

³⁸ See William R. Holland, "The Wiretapping — Eavesdropping Dichotomy," *Student Law Journal* 10 (1964): 10.

reference to the “now famous martini olive” and citing “growing public indignation” with ever-increasing threats to privacy, the FCC instituted a \$500 per day fine to anyone, with the exception of law enforcement agencies, caught using radio devices to eavesdrop on or record private conversations without the consent of all parties involved.³⁹ Not everyone was convinced that these new regulations would be effective. The *New York Times*’ legal correspondent, Fred P. Graham, argued that the FCC regulations still could not account for the technology at play. Regulating radio eavesdropping did nothing to address the use of concealed tape recorders, parabolic microphones or bugs and transmitters that do not rely on radio transmission. For Graham, this served as an example of the law trying to play catch-up with technology but still plodding behind. Instead of describing technology as running ahead of the law, however, it is more accurate to understand the complexity of regulating electronic eavesdropping as demonstrative of technology moving between laws, with methods and machines being employed as their affordances allow users to take advantage of legal loopholes.

The mid-1960s were marked by this back and forth, as governmental institutions continued to employ measures meant to regulate rampant electronic eavesdropping, including that performed by government agencies. In June 1965, President Lyndon B. Johnson illustrated his distaste for eavesdropping by issuing a memo expressing his opposition “to the interception of telephone conversations as a general investigative technique.”⁴⁰ Johnson’s memo, though not carrying the weight of an executive order, effectively banned all wiretapping by federal employees except in cases of national security and with the permission of the Attorney

³⁹ “Listening ‘Bugs’ Outlawed,” *Boston Globe*, March 1, 1966, 1; “Private Use of Eavesdrop Units Barred,” *Chicago Tribune*, March 1, 1966, 6.

⁴⁰ Memo from Lyndon B. Johnson to Heads of Executive Departments and Agencies quoted in Athan Theoharis, *From the Secret Files of J. Edgar Hoover* (Chicago: Elephant, 1993), 146-7.

General.⁴¹ The Department of Justice also tried to improve its ability to oversee and control eavesdropped information through bureaucratic means. In 1966, the Department ordered the FBI to establish a centralized data retrieval bank for its microphone (bugging) and wiretap records. Although J. Edgar Hoover was initially adamant that existing FBI filing procedures were sufficient, he eventually consented, and the resulting alphanumeric electronic surveillance (ELSUR) Index system recorded the names of all persons overheard via electronic surveillance, their location, and any names mentioned during the conversations on index cards from January, 1960 forward. There were, to be sure, gaps in the system. Not only did records remain incomplete due to misheard or omitted information or an inability to properly identify the people under surveillance, but the FBI intentionally did not index all of its surveillance (some records, for instance, were assigned to a ‘special’ file under June Mail procedures that Hoover instituted in 1949 to keep reports obtained via controversial methods locked in a secret file).⁴² Control over information was, in other words, articulated in bureaucratic and administrative terms, with power plays being made in and through competing informational filing systems.⁴³

⁴¹ Westin, *Privacy and Freedom*, 200; Fred P. Graham, “The Law: On Bugs and Wiretaps,” *New York Times*, July 24, 1966, 134; Joseph A. Califano, *The Triumph and Tragedy of Lyndon B. Johnson: The White House Years* (New York: Touchstone, 1991), 183. Acknowledging that the law was less clear in relation to other means of electronic eavesdropping, Johnson permitted non-wiretap eavesdropping but requested that all agencies consult first with the Attorney General. See “The F.B.I. Eavesdrops,” *The New York Times*, May 29, 1966, E8.

⁴² U.S. Congress, Senate, Select Committee to Study Governmental Operations with Respect to Intelligence Activities, *Final Report*, April 23, 1976, 94th Cong., 2nd Sess., 1976, 307; “‘Weakness’ in Filing System Left Many Off Wiretap List,” *The Globe and Mail*, June 6, 1975, 11; Athan G. Theoharis, ed., *The FBI: A Comprehensive Reference Guide* (Phoenix: Oryx Press, 1999), 31. As the Senate Committee to Study Governmental Operations with Respect to Intelligence Activities (the Church Committee) reported, only proper names, and not phonetic spellings, could be entered into the Index. If it was impossible for the Bureau to identify the proper name, it was left out of the record.

⁴³ For more, see Alexander Charns, *Cloak and Gavel: FBI Wiretaps, Bugs, Informers, and the Supreme Court* (Champaign: University of Illinois Press, 1992).

Recording Industry: The Informational Economy of Eavesdropping

Summarizing the historical debates around privacy for the *New York Times* in 1969, Yale law professor Joseph W. Bishop, Jr. argued that the majority of popular and legal opinion fell somewhere in between what he called the “Dick Tracy view,” which argued that only criminals would care so ardently about protecting their constitutional rights, and the “American Civil Liberties Union” view which understood electronic eavesdropping as intrinsically immoral, unconstitutional, and ideologically bankrupt.⁴⁴ For Congress and for the vast majority of citizens, Bishop argued, carefully regulated electronic surveillance was a necessary evil in the face of the realities of modern crime.⁴⁵ While Bishop’s discussion effectively places the 1968 Crime Control Act, which permitted law enforcement officers at the federal and state levels to use taps and bugs so long as they obtained approval by a judge, within a broader legal and discursive history dating back forty years to *Olmstead v. United States*, he articulates the debates around electronic eavesdropping only in terms of polarized positions. Understanding electronic eavesdropping as positioning the right to privacy on the one hand and “the desire to catch criminals . . . with any weapons available” on the other, Bishop ultimately ignores the significant ways in which the popular and legal spheres were rethinking privacy as not only a legal category and individual right, but also as part of emerging networks of informational exchange.

As Hal Lipset’s biographer, Patricia Holt, notes, in language that conflates the realities of detective work with the myths of detective fiction, “secrets became marketable commodities when hard-boiled detectives realized they were in the business not of solving crimes but of

⁴⁴ Joseph W. Bishop, Jr., “Privacy vs. Protection: The Bugged Society” *New York Times*, June 8, 1969, 117. The fact that Bishop cited Dick Tracy to make his point again attests to the capacity of popular cultural images to undergird popular understandings of criminal practice and procedure.

⁴⁵ *Ibid.*, 121.

selling information."⁴⁶ Although Holt's assertion ignores longer histories of blackmail and espionage (it is difficult to think of a time when secrets were not marketable commodities), it does acknowledge the emergence of a new large-scale, loosely regulated and, at the time, perfectly legal marketplace grounded in the back-and-forth exchange of secretly recorded private information.⁴⁷ Firms like Mosler Research Products, Kel Manufacturing Corporation, and Fargo Police Equipment, Co. produced and sold bugging and anti-bugging technologies to government and policing agencies, corporations, and individuals, and in turn perpetuated a self-sustaining culture of spying and counter-spying that benefited only the manufacturers and vendors of the bugging and recording equipment and the experts hired to put it to use.⁴⁸ While amateur tinkerers could assemble rudimentary bugging and recording systems out of mass-produced consumer electronics, some firms, such as Mosler, claimed to only sell their highly specialized equipment to police or licensed agencies. This, however, did not stop the equipment from being readily available to those who could afford it, and licensed private detectives merely became the middlemen brokering transactions between the manufacturers who supplied the technology and the unlicensed individuals or corporations who hired them.

Once stored on tape, the "contents" of the human voice, here conceived of as "secrets" or, more simply, as potentially meaningful information, became objects to be sold on an open market that existed outside of, and often in tension with, the legal structures that aimed to contain and make use of the recordings. Extracted from networks of legal power, data that might

⁴⁶ Holt, *The Good Detective*, 55.

⁴⁷ It is outside the scope of this project to historicize fully the emergence of private "information" as a valuable (or evidential) commodity. Alexander Welsh, however, discusses the emergence of blackmail as a legal category related to the illicit capture and use of information in nineteenth century England. See Alexander Welsh, *George Eliot and Blackmail* (Cambridge, MA: Harvard University Press, 1985).

⁴⁸ See U.S. Congress, Senate, Subcommittee on Administrative Practice and Procedure, *Invasions of Privacy*, 27-58; "When Walls Have Ears, Call a Debugging Man," 154; Don Mileke, "Nosy 'Bug' is Snug in a Rug or Anywhere," *Chicago Tribune*, May 10, 1964, A1.

otherwise serve in court as evidence could be sold to the highest bidder. Moreover, free market rhetoric enabled vendors and private investigators to disavow any complicity with any unsavory uses of bugging and recording technologies. Framing their services in purely economic rather than moral or legal terms, manufacturing firms did not discriminate between bugging and anti-bugging technologies, and detectives freely operated simultaneously as planters and sweepers.

This understanding of electronic eavesdropping and the use value of recorded information points not only to the industrial ambivalence toward eavesdropping that made its continued practice possible but also to how the materials of electronic eavesdropping — specialized objects like microtransmitters and directional microphones as well as mass-produced consumer goods like tape recorders — became integrated into networks of informational capital. Once an industry emerged that took the recorded voice as its central commodity, secretly recorded voices became a form of currency both metaphorically, when functioning as evidence or alibi, and also literally, when exchanged for money as part of blackmail plots or industrial espionage. In this way, the human voice was transformed into concrete, usable information that was then, in Dan Schiller’s terms, commodified and sold on the information market.⁴⁹ This eavesdropping industry described its products and services in terms echoing what contemporary sociologist Daniel Bell would call the “post-industrial” society grounded in a knowledge-based economy of information.⁵⁰ To be sure, unlike Bell, the industry was not engaging with the apparent

⁴⁹ Dan Schiller, *How to Think About Information* (Urbana: University of Illinois Press, 2007): 20-22.

⁵⁰ My discussion of the informational economy of sound recording is as indebted to Manuel Castell’s conception of the “network society” and “informational capitalism” as it is to Daniel Bell’s conception of the post-industrial society. Although I argue that these theories provide useful frameworks for thinking through the use of sound recordings, I hesitate to place too much stock in these terms here since they refer specifically to complex, large-scale social transformations beginning, the authors argue, in the mid-1970s. Understandings of the recorded voice as a commodity and the structures of technical expertise that exerted control over that commodity certainly resonate with Castell and Bell’s ideas, but they are in no way a microcosm of them. See Manuel Castells, *The Rise of the Network Society* (Malden MA: Wiley-Blackwell, 2010); Daniel Bell, *The Coming of Post-Industrial Society* (New York: Basic Books, 1973).

computerization of society, but it nonetheless understood the cultural, social, and monetary value of storable, usable information. Furthermore, whereas Bell understood the computerized post-industrial society as a new social formation, the industrial discourse suggests that it is actually a rearticulation of capitalist relations that replicated existing logics of power.

Despite the fact that the commodification of voiced information ultimately benefited the electronics industry, the power to control information and, in turn, the terms of exchange, rested with those who put the technology to use. Moreover, this conception of recorded information spurred new understandings of modern privacy that went beyond the terms previously discussed in courts. Charles Fried, writing in the *Yale Law Journal* in 1968, articulated a definition of privacy accounting for technological change and that, as the previous chapter illustrated, was already familiar to many protagonists (and antagonists) of crime melodrama. As Fried described, “privacy is not simply an absence of information about us in the minds of others; rather it is the *control* we have over information about ourselves.”⁵¹ Electronic eavesdropping technologies as well as new methods of data storage and retrieval complicated one’s ability to control information and hinder one’s pursuit of self-definition. As long as these technologies remained unregulated, they created a hierarchy of privacy control with the technologically illiterate on the bottom, amateur mechanics in the middle, and experts on the top selling their services to protect (or violate) the privacy of the other groups. If, in other words, the Fourth Amendment understood privacy in terms of property and Warren and Brandeis understood it in terms of the right to be left alone, private investigators, like Fried, understood it as a matter of informational control and exchange perfectly commensurate with their understanding of eavesdropping as an industry.

⁵¹ Charles Fried, “Privacy,” *Yale Law Journal* 77:4 (1968): 475 at 482. Fried’s larger argument is that privacy need not be understood only in instrumental terms but that it should be seen as essential for the development of trust, friendship, and love.

Lipset's personal justification for eavesdropping reinforced this understanding of privacy and made more explicit connections between privacy, technological mastery, and informational control. In a special edition of the *Minnesota Law Review* put out in response to the publication of *The Eavesdroppers*, Lipset outlined "The Private Investigator's View," a view that he held for the rest of his career. Here, Lipset defended the (restricted) use of eavesdropping as working in the service of privacy. As he put it, "a private citizen's right to record should be protected from any encroachment, because recording under such circumstances affords a measure of self-protection to the party directing the recording."⁵² For Lipset, recording was a way to keep the institutions that regulate civic life in check by allowing individuals to record, archive, and control information circulating about them. Indeed, Lipset's idea of privacy is not a world where no conversations are recorded, but one in which tape recorders capture all conversations in order to confirm and verify the truth.⁵³ As he told Holt, "Why wait for Big Brother to take [the tools of eavesdropping] over when you, as a consumer, as a citizen, have a right to control the electronic age as well?"⁵⁴ Lipset's understanding of privacy is not a moral one, and it is tied as much (if not more) to consumer rights than to assumed constitutional rights. It is about the right to employ technology to procure and control information in order to defend oneself from false accusations or from misinformation. Lipset never goes so far as to refer to recorded information, or privacy for that matter, as a commodity, but it certainly functions as such within his business model.

⁵² Harold K. Lipset, "The Wiretapping-Eavesdropping Problem: A Private Investigator's View," *Minnesota Law Review* 44.5 (April 1960): 877.

⁵³ Lipset even hailed the use of modern recordings as "the greatest advance toward ascertaining the truth." See *Invasions of Privacy*, 1467. Lipset's use of surveillance to counter surveillance in many ways anticipates Steve Mann's concept of "sousveillance," or the practice of using the tools of surveillance to "observe the organizational observer." See Steve Mann, Jason Nolan, and Barry Wellman, "Sousveillance: Inventing and Using Wearable Computing Devices for Data Collection in Surveillance Environments," *Surveillance & Society* 1(3) (2003): 331-355.

⁵⁴ Holt, *The Good Detective*, 58.

In May 1966, another famous eavesdropper, Bernard Spindel, made this connection very clear when *Life* magazine ran a cover story detailing the pervasiveness of electronic eavesdropping in American society, or as the magazine termed it, “the Big Snoop.” Featuring glossy full-color photographs of miniature bugging devices, including the famous martini olive, and carefully composed black-and-white images of “master eavesdroppers” at work, the article’s layout was in tension with its tone and paranoid message, warning readers of the inevitable “electronic assault on privacy.”⁵⁵ As if echoing Lipset’s testimony the year prior, the article emphasized the ubiquity of the practice and the unassuming facade of the destructive bugs hidden in picture frames, electrical sockets, telephones, pens, and other household items “that the eye might overlook.”⁵⁶ At the center of the article was an extensive profile of Spindel, perhaps most famous for his work for union leader Jimmy Hoffa. The article portrays Spindel as a modern gun-for-hire for whom morality and legality are no match for the draw of the dollar.⁵⁷ Equally content planting bugs or sweeping for them, working for the labor unions, cosmetic companies, foreign dignitaries, or underworld crime bosses, Spindel understood his labor as a service. As imagined by the article, Spindel operated outside of the concerns of the public at large, conceiving of the practice of electronic eavesdropping in largely economic terms. Information was his stock in trade, and surreptitiously captured voices were his currency. His tape recorder reified the captured voice and readied it for exchange or negotiation in the marketplace. Spindel linked his compulsion to bug with tapping his first pay phone at the age of twelve and, in doing so, made explicit the connection between knowledge, power, and monetary currency. Said Spindel, “It began to give me a very peculiar feeling of power, to know what

⁵⁵ “The Big Snoop,” *Life*, May 20, 1966, 38.

⁵⁶ *Ibid.*, 41.

⁵⁷ John Neary, “On Assignment with the Ace of the Bugging Business,” *Life*, May 20, 1966, 44.

everyone in that building was saying and what they were doing. I've never lost the feeling. I have knowledge that no one else in the world has."⁵⁸ This power is construed in utilitarian terms, and even information that he does not shop around is commodified. Referring to his vault of sensitive recordings in terms that would make Walter Neff proud, he says simply, "I'm well insured."⁵⁹ The concretized knowledge was his insurance policy.⁶⁰

Tape on Television I: The Politics of Tape on Television

As modern methods of electronic eavesdropping were being discussed in courtrooms and the popular press, television crime and detective series became major sites in which the legal, moral, industrial, and informational understandings of the recorded voice were debated from multiple political and ideological viewpoints. Although Lipset criticizes TV detectives in an October 26, 1959 article in *Time* magazine for being "altogether too tough" and ignoring "the real Eye's trick device and subtle techniques — the telephone tap, the hidden recorder, the infra-red camera, the fishhook microphone," television series over the next decade began illustrating, and sometimes critically interrogating, the tools and methods of the contemporary detective and the detective's role within modern economies of information.⁶¹ While bugging devices and tape recorders also made cameo appearances in popular spy shows of the 1960s such as *Mission: Impossible* (1966-1973), *Get Smart* (1965-1970) or *The Man From U.N.C.L.E* (1964-1968),

⁵⁸ Ibid. 44.

⁵⁹ Ibid.

⁶⁰ In his autobiography, *The Ominous Ear*, published two years later, Spindel portrays himself much more sympathetically and offers an understanding of his practice that strongly echoes Lipset's. Surprisingly, like Lipset, Spindel declares that he is opposed to eavesdropping except for the purposes of "self-defense" and maintains that all of his work has been part of "'self-defense' installations." Spindel, *The Ominous Ear* (New York: Award House, 1968), 240.

⁶¹ "Television: These Gunns for Hire," *Time*, October 26, 1959, 49.

these shows tended to be grounded more in science fiction than reality, and they took Cold War paranoia to hyperbolic, if not comic, extremes.⁶² The detective genre, on the other hand, appealed to realism, imagining the technologies within existing social relations, technical possibilities, and legal schemas, and it was often more interested in exploring the broader ethical and legal implications of recorded information than in examining the latest illicit tools of its capture. Furthermore, while some hard-boiled detective shows like *Peter Gunn* (1958-1961) and *Mike Hammer* (1958-1959) tended to use recordings as part of traditional blackmail plots, in which the physical recording simply becomes a MacGuffin or a concrete, tangible object to be passed back and forth between interested parties, shows like *Naked City* and *The F.B.I.* positioned their narrative sound recordings within much more complicated, politicized networks of informational power and control.⁶³ These shows did not simply imagine recordings as information like any other. Instead, they depicted them as a specific type of evidentiary information with its own material base and communicative affordances, and they thought through questions of interpretation, replication, authenticity, and reliability according to their specific, highly politicized, points of view.

Naked City, for instance, seemingly rejects the marketplace of information altogether and incorporates the tape recorder into its larger critique of police procedure and forensic evidence. As Ronald Wilson notes, *Naked City* is often understood, perhaps erroneously, as the ideological

⁶² While the television spy genre is outside the scope of this dissertation and its focus on recording technologies, I do not mean to undermine the strong relationship these shows had with their cultural context. See, for instance, Michael Kackman, *Citizen Spy: Television, Espionage, and Cold War Culture* (Minneapolis: University of Minnesota Press, 2005).

⁶³ See, for instance, the *Peter Gunn* episodes “Vendetta” and “Serpent’s Tooth” and the *Mike Hammer* episodes “Swing Low, Sweet Harriett” and “The New Look.”

counterpoint to *Dragnet*.⁶⁴ Regardless of whether this comparison holds up to extended scrutiny, *Naked City*'s approach to crime, criminals, and the justice system did tend to disrupt rather than legitimize procedure. The show was shot on location in New York and borrowed the stark imagery and semi-documentary style of Jules Dassin's 1948 *The Naked City*, granting it a claim to visual and psychological realism.⁶⁵ With its emphasis on character psychology and emotion, the show attempts to depict urban spaces and the people within them stripped bare of the veneer of black-and-white morality that social systems and institutions attempted to impose on them. Exhibiting a liberal consciousness that would come to mark many socially aware television programs of the early 1960s, *Naked City* deals with social issues ranging from poverty and addiction to mental health, and it treats criminals sympathetically as victims of circumstance or of a social order that could not accommodate them.⁶⁶ Through the voice of its ideological center, Detective Adam Flint, *Naked City* displayed an interest in criminal motivation and circumstance that replaced a Joe Friday-esque obsession with facts with empathy.⁶⁷

A third-season episode "Portrait of a Painter" (1962), illustrates how the show inflected its ideology onto contemporary issues of electronic eavesdropping. The episode begins when Roger Barmer, a struggling Greenwich Village painter with a history of mental health issues, wakes to

⁶⁴ Ronald Wilson, "Naked City," in *Cop Shows: A Critical History of Police Dramas on Television*, ed. Roger Sabin et al (Jefferson, NC: McFarland & Company, 2015), 36.

⁶⁵ Dassin's film took its own inspiration from photojournalist Arthur "Weegee" Fellig's 1945 photography book of the same name.

⁶⁶ Wilson attributes the networks' turn toward socially aware programming as a response to FCC chairman Newton Minow's famous condemnation of television as a "vast wasteland." Ibid. For more on this impulse, see Michael Curtin, *Redeeming the Wasteland: Television Documentary and Cold War Politics* (New Brunswick: Rutgers University Press, 1995).

⁶⁷ For an overview of *Naked City*, especially in contrast to other crime shows of the 1950s and 1960s, see David Boroff, "Television and the Problem Play," in *TV as Art*, ed. Patrick D. Hazard (Champaign, Ill: National Council of Teachers of English, 1966); Mark Alvey, "Naked City," in *Encyclopedia of Television*, ed. Horace Newcomb (New York: Fitzroy Dearborn, 2004), 1587.

find his wife Jan dead on the floor of his studio. Barmer, yelling "I didn't do it," runs from his apartment to the office of his psychiatrist, Stanley Wilford, who records Barmer's account of events on his reel-to-reel recorder. Through a series of leading questions, Wilford agitates Barmer until he screams "I'll kill you too," and mimes plunging a knife into Wilford's chest, his words — his confession — caught on tape.

Tensions over the resultant recording and its methods of production form the basis of the episode's conflict. Where Wilford and Flint's superiors hear confession, Flint hears "the third degree" and refuses to accept Barmer's recorded voice as evidence of his guilt.⁶⁸ Flint eventually learns that Barmer did murder his wife, but the process through which he arrives at this conclusion serves as a critique of police procedure and its faith in technology. Indeed, "Portrait of a Painter" is a tale of two confessions where art trumps science in the realm of conscious and unconscious emotional truth, and where the methods of art criticism are aligned with empirical evidence and those of science with intuition and interpretation. When psychiatry, polygraphy, and forensics all fail to produce a convincing confession, Flint solicits an art dealer to analyze Barmer's paintings in order to "find out who Barmer really is." The art dealer explains that the progression of Barmer's techniques reveals a man gradually losing control of self-restraint and giving into pure emotion, who would be "quite capable of murder." The paintings, as Flint and the viewers come to understand, are Barmer's true confession.⁶⁹ Whereas Flint suspected the taped confession to have been produced not only by but also *for* the tape recorder, with Wilford manipulating Barmer's words only to play them back as though they stood in for an authentic

⁶⁸ It is worth noting that the District Attorney advises the police not to present the recording in court, but not for the reasons Flint outlines. Instead, the D.A. worries that it infringes on doctor-patient confidentiality and that a skilled lawyer could use it to set up an insanity plea.

⁶⁹ Though Flint later visits Barmer in prison where he regains his memories and admits to killing Jan, *Naked City* presents Barmer's speech as redundant, as merely confirming what Flint (and the viewer) already knew for certain.

performance, Flint understands the paintings as offering unmediated access to Barmer's emotions. Standing outside the informational economies of which Flint is so suspicious, Barmer's paintings contain an authenticity and authority that the tape does not.

Flint's humanism manifests as technological suspicion, if not outright technophobia. Science and technology do not provide conclusive evidence but rather muddy the field, providing the detectives with more variables to consider. Flint's rejection of the recorded confession also presents a compelling case against the use of sound recordings in court — even those obtained legally — in informational rather than legal or moral terms. Recordings do not and cannot fully disclose the conditions of their production, and they necessarily impose a barrier between the original utterance (a confession, a threat, a clue) and the listener (the police, the court). As such, they cannot attest to their authenticity. At stake in the episode, in other words, is not the legality or ethics of mobilizing the recording, but the legitimacy of the information it purports to provide. When Barmer asks Flint why he held out hope that he was not the murderer, Flint responds simply, "Because I'm a policeman, and the way your confession was gotten out of you was enough to make me doubt it." With his interest in the production and ambiguity of information, perhaps Flint's most radically humanist stance comes in his insistence that individuals cannot be reduced to data, even if the data initially seems to be a confession.

On the opposite end of the political spectrum was *The F.B.I.* (ABC, 1965-1974). The television legacy of *The House on 92nd Street*, *The Street with No Name*, and *The FBI Story* in ideology if not in form, *The F.B.I.* eschewed the former films' semi-documentary style in favor of Hollywood set-piece action sequences but still retained their commitment to portraying the Federal Bureau of Investigation as an all-seeing, all-hearing institution. Premiering two years after the end of *Naked City*'s run and produced in cooperation with (if not in deference to) the

actual FBI, the show, grounded in real case files, aimed to illustrate the necessity and legitimacy of the FBI and its procedures. As Hoover made clear to *TV Guide*, it was imperative that he and the FBI maintain close control over the show's sponsorship, personnel and, most importantly, scripts in order to ensure that "the FBI and other law-enforcement agencies would be portrayed accurately in every episode of the series."⁷⁰ Given the show's connection to the real-life FBI, its conservatism and positive portrayal of the Bureau was expected. As Ronald Wilson notes, the show appealed primarily to conservative, suburban, white audiences and functioned as an implicit defense of the FBI against the growing critiques from the 1960s counterculture.⁷¹ Never explicitly addressing the electronic eavesdropping controversy, the show nonetheless presented FBI eavesdropping as part of the everyday labor of the institution and as a necessary method of keeping America safe, ultimately rejecting Flint's suspicions about the value of the recorded voice as evidence.⁷²

The F.B.I.'s understanding of modern sound recording is best illustrated in "The Minerva Tapes," a seventh season episode which won a Freedoms Foundation award for Distinguished Service in the Governmental Unit Activity.⁷³ The episode begins with the FBI intercepting communist telephone communications and becoming aware of the Minerva Tapes, key artifacts

⁷⁰ J. Edgar Hoover, "How J. Edgar Hoover Felt About TV's *The FBI*," *TV Guide*, May 20, 1972, 29.

⁷¹ Ronald Wilson, "The F.B.I.," in *Cop Shows: A Critical History of Police Dramas on Television*, edited by Roger Sabin et al. (Jefferson, NC: McFarland & Company, 2015), 50.

⁷² The short-lived 1980s post-Watergate/post-Hoover update of the show, *Today's F.B.I.*, was much more explicit about the use of electronic surveillance technologies. Among the regular cast of characters was Al Gordean, the team's electronics expert who, of course, always obtained a warrant before bugging rooms and tapping phones. In the original series, Erksine's team did occasionally eavesdrop, warrant in hand, on suspected criminals tapping their phones and secretly recording their voices, though it was even more common for an agent, in a clear visualization of the one-party consent rule in practice, to simply listen in on another. The episode "Summer Terror" (1970), for instance, contains a series of carefully orchestrated scenes of F.B.I. agents listening in on a kidnapper's blackmail calls. For other episodes involving the use of magnetic tape for the purposes of blackmail, extortion, or for the transportation of secret messages, see "Gamble with Death" (1969) and "Counter-Stroke" (1967).

⁷³ "Both 'FBIs' Honored By Freedoms Foundation," *Harrison Daily Times* [AR], March 30, 1973, 19.

in an ongoing power struggle within a communist spy ring. As the show's lead and moral center, Inspector Lewis Erskine, learns while undercover as a communist agent, one of the heads of the communist network (the eponymous Minerva) has committed all of his knowledge about the spy ring to tape.⁷⁴ Fearing that he is becoming "expendable," Minerva echoes both Walter Neff and Bernard Spindel and transforms his knowledge into a concrete "insurance policy" to be given to the United States government should anything happen to him. The ensuing plot not only reinforces Fried's notion that contemporary privacy involved the right to control information about oneself, but it also implicitly argues that it is the duty of the FBI to control and manage this information. Whereas *Naked City* rejects the validity of the economies of information that emerge once information is recorded on tape, *The F.B.I.* takes these information networks for granted and posits that it is the responsibility of policing agencies to halt flows of information or intervene and exploit them for their own benefit.

"The Minerva Tapes" plays on the central fantasy that, in an age of electronic eavesdropping, all information is accessible and up for grabs. To be sure, it is this understanding of information that motivates Minerva to create his tapes in the first place. His knowledge — his confession — only acquires value once committed to storage media. At the moment of their creation, the tapes simultaneously become more valuable than Minerva himself and the guarantor of his continued existence. In contrast to the function of a taped confession in *Naked City*, it is essential to Minerva's plan that his recordings be taken for granted as impartial information and that they remain between competing networks of control, as they lose their value once outside of

⁷⁴ Erskine was famously portrayed by Efrem Zimbalist, Jr. Not only did Zimbalist's character become so associated with the F.B.I. that Hoover received letters asking him to give his regards to Inspector Erskine, but the actor himself became so aligned with the Bureau's PR machine that popular humorist Art Buchwald, in a post-Watergate story detailing the "first man to tap [a telephone]," depicts a Hoover-surrogate who, under orders from a Nixonian Ulysses S. Grant to tap Alexander Graham Bell's phone, rents a room under the pseudonym "Zimbalist." See Hoover, "How J. Edgar Hoover Felt," 29; Art Buchwald, "The Father of the Wiretap," *Los Angeles Times*, January 30, 1975, G2

circulation. As Erskine puts it, "the tapes are like a bomb;" they are most potent and volatile when unaccounted for. Once the flow of information is halted, in this case when the FBI recovers the tapes and arrests the communists, including Minerva, Minerva loses the leverage his confession might otherwise afford.

The episode makes literal the status of Minerva's confession within a system of exchange when communist agents kidnap Minerva's daughter Carol and demand that he turn over the tapes in exchange for her safe return. The substitution of Carol with the tapes at once transforms Carol into a commodity within a network of informational exchange and reinforces the ideological value of the tapes. Carol, the episode posits, is on a slippery slope to becoming her father. Already a "subversive" (in Hoover's terms), Carol is a leader in a student activist movement, an unnamed but thinly veiled stand-in for the Students for a Democratic Society (SDS), critical of the "total Establishment."⁷⁵ Minerva's progeny, his tapes and his daughter, are both potential "bombs," and the episode equates the defusing of one with the other. With the tapes under FBI control and Minerva on his way to prison, Minerva warns his daughter to avoid getting involved with "the struggle against society." Carol's expression tells viewers that she takes this very seriously. By conflating the capture of the tapes with the transformation of Carol's political leanings, "The Minerva Tapes" legitimizes the FBI's desire (or, as Hoover might say, its duty) to police the flows of information in order to identify "subversives" and trace the perpetuation of their ideology through social and political networks. *The F.B.I.* resurrects the more open stance toward government eavesdropping that marked the World War II period but that had since come under sustained scrutiny even amidst Cold War anxieties. The process of informational control,

⁷⁵ As Hoover made clear in a 1970 open letter to college students, one of the primary tactics of the SDS was to "convert you to the idea that your college is 'irrelevant' and a tool of the 'total Establishment.'" See J. Edgar Hoover, "An Open Letter to College Students," September 21, 1970, <http://www.nixonlibrary.gov/virtuallibrary/documents/jul10/58.pdf>.

the show posits, is not an invasion of privacy but a measure necessary to keep the channels of American ideology free of destructive content.

Tape on Television II: *Perry Mason v. Electronic Eavesdropping*

"I do what Paul Drake does . . . And 90% of what Perry Mason does, too."
— Hal Lipset⁷⁶

On February 4, 1965, a mere two weeks before the 1965 Senate hearings, debates around electronic eavesdropping took place in a much more public courtroom when television's popular defense lawyer (and *de facto* amateur detective), Perry Mason, was charged with solving "The Case of the Telltale Tap."⁷⁷ As if responding directly to the anxieties and debates playing out in courtrooms, magazines, and newspapers nationwide, the episode not only depicts in detail the installation, use, and discovery of a radio frequency (RF) telephone tap that could wirelessly transmit both ends of a telephone conversation to a nearby wire recorder, but it also presents a summary of the key legal issues involved. Over the course of the episode, Mason deals with issues ranging from the facility with which any "two bit keyhole peeper" can make use of electronic eavesdropping technologies and the differences between physical and documentary evidence (the spool of wire itself vs. the conversation it contains) to the ever-ambiguous legality of telephone tapping and bugging under state laws.

Since its inception in 1957, *Perry Mason* was frequently invested in narratives related to the evidentiary status of the recorded voice, with Mason having to contend with phone taps,

⁷⁶ "The 'Super Snooper,'" *San Antonio Light*, April 12, 1973, 4A.

⁷⁷ Critics often describe Mason as a "lawyer-detective," acknowledging not only that Mason's work involved locating and interpreting clues (often with Paul Drake's help) but that the structure of *Perry Mason* adhered quite closely to that of detective fiction. See Phil Hardy, *The BFI Companion to Crime* (Berkeley: University of California Press, 1997), 201-2.

bugs, and tape recorders. While some episodes did employ sound recording technologies according to well-trodden narrative tropes, the show, often through the device of Mason's PI friend Paul Drake (and Hal Lipset's stated role model), didactically demonstrated and explained eavesdropping technologies to the audience, and Mason himself performed the law for the benefit of home viewers.⁷⁸ By 1957, there was generally accepted legal precedent for the admission of audio recordings into evidence; however, as Perry Mason often demonstrated, the matter of proving that, for instance, an audio recording was not doctored, was not always straightforward.⁷⁹ Existing between the ideological poles of *Naked City* and *The F.B.I.*, *Perry Mason* posited legal expertise as the corrective to technology gone awry. At once didactic and reassuring, the show implicitly argued for the legal system as the site capable of stopping and scrutinizing informational flows.

Perry Mason sets up a tension between the authenticity of the confession produced by Mason in the courtroom and the one produced and reproduced through electronic means. Having to contend with a tape recording – or, as Mason frames it on more than one occasion, “an unsworn recorded voice not subject to cross-examination” – proves an added challenge, as it takes away Mason's ability to cross-examine witnesses to the point of contradiction or confession. Initially less interested in the political or moral implications of using sound recording in detection, *Perry Mason* takes legal theory as its topic and emphasizes the concrete, practical concerns of dealing with sound recordings (and the methods of obtaining them) within the legal

⁷⁸ The show was so concerned with communicating legal issues around electronic eavesdropping that many scenes served no narrative or dramatic purpose but existed simply to discuss and debate the details of the law.

⁷⁹ Peter P. Roper, “Sound Recordings Used as Evidence,” *Cleveland State Law Review* Vol. 9, No. 3 (September 1960): 523-534. Roper identifies seven rules for the admission of sound recordings into evidence: [1] The recording device must be shown to have been capable of taking the recording. [2] The operator of the recording device must be competent. [3] The authenticity of the recording must be established. [4] The recording must not contain any changes, additions, or deletions. [5] The manner of preservation must be shown. [6] Speakers must be identified. [7] The testimony must have been elicited freely and voluntarily. This last rule made it difficult for surreptitiously obtained recording to be used as evidence, as witnesses could claim privilege against self-incrimination.

system, or at least the legal system as it exists within the world of the show, wherein legal and moral truth are congruent.⁸⁰

This world-view was especially troubling for members of the legal profession due to the show's ostensible, though ultimately unsubstantiated, claim to realism and legal accuracy.⁸¹ In 1959, *Variety* reported that a sample of forty Philadelphia lawyers decided to hold court on the show and deemed the show "unrealistic," with many participants stating that Mason provides a disservice to the legal profession by presenting an inaccurate image of the lawyer.⁸² Citing Mason's ability to win all of his cases and his reliance on legal pyrotechnics during cross examination — preferring to produce a confession rather than argue a case grounded in legal fact — many lawyers critiqued the show for its dangerously inaccurate depiction of legal procedure.⁸³ In the words of Los Angeles attorney Paul Caruso, *Perry Mason* was "the despair of every defense attorney in the country."⁸⁴

⁸⁰ Thomas M. Leitch, *Perry Mason* (Detroit: Wayne State University Press, 2005), 55.

⁸¹ Although *Perry Mason* attempted to communicate legal realism through its pedantic dialogue and extended courtroom scenes, this façade could not hide the show's roots in melodrama. The show's editing, for instance, functioned to create sympathy for Mason's eventual clients at the beginning of each episode before shifting the focalization to Mason himself, who becomes the seeker and purveyor of truth. See Leitch, *Perry Mason*, 45-8.

⁸² "Perry Mason Faces His Peers (Philly Lawyers) and is Found Wanting," *Variety*, November 18, 1959, 2,54. The criticisms only increased with the debut of *The Defenders*, a legal drama grounded more strongly in courtroom procedure, in 1961. Interestingly, a majority of these same lawyers found Mason's use of Paul Drake to be realistic.

⁸³ In many ways, *Perry Mason* defined the cultural definition of "legal pyrotechnics" which only reinforced the show's status as melodrama despite its claims to legal realism. Courtroom dialogue, for instance, almost always crescendoed in a dramatic revelation or introduction of evidence that produced a confession from the guilty party, and editing patterns during these scenes emphasized the reactions of those involved in the case. See Hal Humphries, "'Get Me Perry' or 'Get Me Larry'?" *Los Angeles Times*, February 16, 1962, C15; "Brooklyn's Prosecutor Worried by TV Show," *The New York Times*, August 10, 1961, 15; Doc Quigg, "At Last — An Authentic Series About the Law," *Chicago Daily Tribune*, September 10, 1961, N10; Leitch, 48-9.

⁸⁴ Paul Caruso, "Law Shows Get Cross-Examined," *Los Angeles Times*, August 5, 1962, B2. The legal community's reaction to *Perry Mason* was not all negative. The Judge Advocates Association, for example, saw the show as a public service and invited Raymond Burr to speak at their annual meeting in 1960. See "'Perry Mason' Will Address 1960 JAA Meeting," *The Judge Advocate Journal*, 1960, 4.

Implicit in these responses is a general assumption that the viewing public will receive this portrayal of the legal system as realistic. The show's production team helped reinforce this interpretation, insisting that it presented legal issues and structures realistically even within the show's unrealistic formula. Perry Mason's creator, Earl Stanley Gardner, was trained as a lawyer, as were the show's producers, Gail Patrick Jackson and Ben Brady, as well as writer and story editor, Gene Wang.⁸⁵ As Jackson told the *New York Times*, the writers and producers were aware of their audience of lawyers and judges, so they took extra care to ensure that the show was "technically correct."⁸⁶ *Perry Mason* does not just engage with legal issues, but it attempts to actively perform and debate them within its fictional courtroom, teaching its viewers some aspects of the contemporary legal system in the process.

Perry Mason engages directly with fears that audio surveillance could provide key witnesses or even full confessions in court, but at the same time, it serves to assuage fears that the law could not keep pace with technological change while still being upfront about the possibilities of electronic eavesdropping. The technologies of the show are always subjects of and subject to the law. The show's structure, which Thomas Leitch calls "perhaps the most rigid in the annals of television drama," serves an important rhetorical function in this regard.⁸⁷ As J. Dennis Bounds observes, *Perry Mason* episodes involves two discrete movements. The first movement establishes the problem or crime, and the second pairs Mason with a seemingly guilty client, often with the incriminating combination of strong motive and weak alibi, whose innocence he must prove.⁸⁸ The first, in other words, illustrates a world in disarray that Mason

⁸⁵ Pat Nogler, "An Open Case: Snooping Behind Scenes Pays Off," *Pasadena [CA] Independent Star News*, July 20, 1958, TV Week 1-2.

⁸⁶ "Brooklyn's Prosecutor Worried by TV Show," 15.

⁸⁷ Leitch, *Perry Mason*, 23.

must set in order by uncovering some immutable truth through his mastery of legal procedure and cross-examination, even if it means sometimes toying with the law and exploiting legal loopholes to do so.⁸⁹ Placed within this narrative structure, technologies of electronic eavesdropping are active and allowed to run amok within varying competing systems of exchange within the first half of the episode, only to be tamed and made inert and legible by the legal system in the second half, with Mason's performance of the law overruling the performance of the technology. The intersection of technology with legal discourse doesn't end in anxiety or confusion but instead assimilates technology within a system that can effectively control it. By relocating eavesdropping and recording technologies in the courtroom, Mason effectively impedes them from operating within the black-market informational networks that the culture of the 1960s saw as so threatening to individual privacy. Over the course of the series, Mason's philosophical stance toward recorded confessions changes little, but he becomes more adept at containing them within the boundaries of the law, often by manipulating the eavesdropping apparatus.⁹⁰ In order to locate and halt informational flows, Mason sometimes becomes an eavesdropper himself, and in one instance, he erases recordings that were being used as blackmail. Always operating in the moral right, Mason's ends justify his means, even if they exist in legal gray areas.

In contrast to the detectives who almost always take a tape recording and its contents to be incontrovertible fact, Mason approaches their status as evidence with suspicion. One of

⁸⁸ J. Dennis Bounds, "Done to Death?: Formula and Variation in *Perry Mason*," in *The Detective in American Fiction, Film, and Television*, by Jerome H. Delamater and Ruth Prigozy (New York: Praeger, 1998), 124.

⁸⁹ Indeed, as Leitch observes, Mason was never beyond concealing or fabricating evidence, deceiving the authorities, or intimidating witnesses in order to produce the confession that will prove his client's innocence. See Leitch, *Perry Mason*, 29.

⁹⁰ See, for example, "The Case of the Green-Eyed Sister" (1958), "The Case of the Bedeviled Doctor" (1959) and "The Case of the Latent Lover" (1964).

Mason's greatest recurring challenge is convincing the court of the unreliability of taped information that, as he reminds viewers, can be staged, manipulated or “faked as well as photographs.” In one of his earliest cases, "The Case of the Demure Defendant," Mason must follow the lead of Adam Flint in arguing that the method of voice capture must be considered alongside the physical recording itself after his client confesses to the murder of her uncle while under the influence of a so-called truth-serum and while being recorded by her doctor. Where Lieutenant Arthur Tragg hears a confession, Mason hears only "an overactive imagination.” Unfortunately for Mason, the judge ultimately permits the submission of the recording.

Two competing philosophical understandings of the status of the recorded voice are at stake in this discussion. Mason, approaching the recording from a position of suspicion, sees the tape as part of a larger context of production that must be retraced and verified for the words on the recording to carry any evidential weight. District Attorney (and perennial Mason rival) Hamilton Burger, on the other hand, understands the recording only as content completely divorced from its source or mode of production. The recording is, in Bruno Latour's words, black boxed, emptied of its history and reduced solely to its input and output.⁹¹ As such, Burger can treat the recording as one piece of information among many. The recorded words become a confession not because they speak a truth but because other evidence corroborates them. The tragedy of the episode is not that Mason's client is found guilty (Mason very rarely loses a case) but rather that his defense must capitulate to the cultural and legal potency of Burger's position. Mason, in other words, learns what William J. Burns always knew, namely that the affordances of a technology depend, at least in part, on its public perception. A confession is a confession if it is said to be so.

⁹¹ Bruno Latour, *Science in Action: How to Follow Scientists and Engineers through Society* (Cambridge: Harvard University Press, 1987), 3.

Mason again contends with the informational economy of electronic eavesdropping in "The Case of the Golden Fraud" (1959), perhaps the series' most extended meditation on electronic surveillance and the evidentiary status of the recorded voice. The episode opens with Sylvia Welles inviting bugging man Rip Connors into her home to install a bug and then cut and splice the resultant tape. It's for "a little joke," she tells him. For the benefit of educating home viewers, Connors explains in detail how he will hide the transmitter behind a picture frame and run wires along the baseboards, leading to a tape recorder hidden in Welles' bedroom. When Welles asks if this will really "pick up everything" her target says, Connors attests to the power of the apparatus by replying, "it will pick up everything this guy thinks."

It is no surprise that Welles' "joke" is not so innocent. It is instead part of an elaborate plot to discredit investment company employee Richard Vanaman, orchestrated by Doris Petrie, the wife of Vanaman's closest competitor. When Vanaman arrives at Sylvia's apartment, ostensibly to discuss her account, Sylvia coerces Vanaman into speaking words that, when taken out of context, could implicate him in an affair. When Sylvia turns up dead and Vanaman becomes the prime suspect (and Perry Mason's client), Connors' edited tape recording becomes a valuable commodity, caught in an ideological and monetary bidding war with multiple parties vying for the information it contains. For Petrie, the spliced tape serves as incontrovertible proof that Vanaman and Welles were having an affair. Agreeing to pay Connors for the tape, she justifies the high price by convincing herself that she is "paying \$1000 for the Vice Presidency." For Burger and Tragg, the tape holds little evidential value since it has been cut and spliced back

together.⁹² Fortunately for Burger, there is an unedited portion of the tape. The section where Vanaman found the microphone and berated Welles, Connors reports, remains intact.

The question of copy versus original is central to the resulting trial. During his cross-examination of Connors, Burger plays back the tape, explaining that he is playing the part of the tape "that has not been touched." When pushed by Mason, he explains further, "the first part of this tape is a composite made up of words and phrases taken out of context. It has no meaning in fact." Burger wheels out the recorder and plays back the section where Vanaman finds the microphone. The camera, treating the tape recorder as though it were any other witness, cuts between close ups of the recorder giving its testimony and reaction shots of the other characters implicated in the case. The editing pattern invites viewers to understand the recording, like Burger does, as a reputable witness. Mason's cross-examination, in contrast, demonstrates a more nuanced understanding of how the tape can function as evidence. For Mason, the edited section of the tape, the very section that Burger argues is irrelevant, is pivotal. The real murderer, it turns out, is Eliot Hale, the night clerk at Welles' apartment who had become infatuated with her. Hale overheard the edited tape being played back and, assuming it to be a live conversation, flew into a jealous rage and killed Welles. As Mason plays back the edit, the image of the recorder is superimposed over a close up of Hale's face. The use of superimposition as opposed to a shot/reverse shot structure suggests a blurring of temporalities and realities as Hale realizes that his understanding of reality was electronically manufactured. It is the edited part of the tape that becomes the meaningful evidence that spurs an authentic, in-person conversation from the murderer. The edited disembodied voice, in this case, carries an authenticity dependent on the

⁹² In a rare instance of demonstrating his own technical knowledge, Burger asks Tragg to play the tape at a high volume so he can point out popping noises that indicate that the tape has been cut and spliced back together. Connors, as Burger explains, didn't use demagnetized shears.

conditions of the listener. Only when we consider the tape within this more complex milieu can we hear what it is actually saying.



Figure 14: Hale encounters the reality produced by the tape recording.

By 1965, and even despite an episode where Mason puts the much-discussed martini olive bug to use, *Perry Mason* seems to doubt the ability of the legal system to contend with advances in electronic eavesdropping.⁹³ In the most paranoid episode of the show's lengthy run, "The Case of the Baffling Bug," Mason takes on, as Burger puts it in his dramatic opening statement, "The Cold War of industrial espionage." Rooms are bugged (including Mason's own office), phones are tapped, conversations are recorded, and private information flows fluidly, despite attempts to check for surveillance and the use of state-of-the-art anti-bugging devices. Mason is, of course, able to solve the case by exploiting a bug in his office. Exhibiting the kind of technological awareness and mastery associated with the great scientific sleuths, Mason plants

⁹³ In the season 9 premiere episode, "The Case of the Laughing Lady," Mason uses the martini olive bug during a cocktail party in order to transmit a telltale laugh to Drake, who operates the tape recorder. It should be noted that this is an idealized version of the device that does not short-circuit when in contact with liquid.

false information for the eavesdropper, leading to her discovery. Nonetheless, Mason comes out of the case demoralized. The episode ends with its major characters ruminating on the state of privacy in the mid-1960s when Mason breaks the jovial mood and reminds everyone that the invasion of privacy is "nothing to joke about." "Consider what it would ultimately mean," he continues, "No privacy in police investigation, no privacy in the judge's chambers, not even in the jury room." Mason's words suggest an expectation of invasions of privacy taking place in the domestic or industrial milieus — indeed, these are the realms in which crimes take place. For these technologies to enter the milieu of the law, on the other hand, and to tamper with the measures put in place to impede and disrupt their power is, for Mason, the worst possible scenario. Mason concludes that there is "one sure way" to combat invasions of privacy. His solution, "plain old fashioned personal integrity," is one of resignation and vulnerability. Mason's appeal to morality as separate from the law is an admission that technological developments, when combined with individuals willing to put them to nefarious use, may impede the legal process. When Della tries to break the tension by quipping that "maybe it would be easier if we all lived in cocoons," Drake responds with a humorous, sobering insight: "There's one thing you can always find inside a cocoon: a bug." The legal system may not be the hermetically sealed world that Mason believes in and tries to uphold; even it is permeable and threatened by the team of bug and tape recorder. Even though *Perry Mason* never wavers in its belief that unruly eavesdropping technologies can be made legible and docile once placed in the courtroom, it is much less confident in the ability of policing agencies and legal institutions to identify and halt the increasingly powerful flow of eavesdropped information.

The Failure to Communicate: Surveillance Networks and Imagining Big Data in *The Anderson Tapes*

At his most pessimistic, Perry Mason still overestimated the law's ability to manage threats to personal information. Although wiretapping, bugging, and tape recording dominated the privacy debates of the 1960s, the emphasis on audio eavesdropping arguably ignored a much larger threat to personal privacy. During his own testimony at a 1967 hearing before the Senate Subcommittee of Administrative Practice and Procedure, University of Michigan law professor Arthur R. Miller reframed the question of privacy in terms of digital informational flows and computerized networks. Critiquing the Johnson government's proposal to establish a centralized National Data Center to combine the databases of twenty federal agencies, Miller argued that the centralization of large amounts of data, especially without sufficient security or regulation, was the greatest threat to individual privacy. Although he acknowledges that current technology may make his fears that the data center could track and store information on every American seem hyperbolic, Miller asked the court to consider how quickly advances in electronics had made protections against electronic eavesdropping obsolete. Similarly, as if echoing concerns around the dictograph more than a half century earlier, Miller worried that the technological system would be considered infallible and immune to the very real possibility of human error.⁹⁴

Miller consolidated his arguments in a widely read 1971 book, *The Assault on Privacy*. Engaged in emerging understandings of the economics of information and espousing an understanding of privacy very much in line with Fried's, Miller implores his readers to "begin to realize what it means to live in a society that treats information as an economically desirable

⁹⁴ Arthur R. Miller, "The Computer and Individual Privacy: Excerpts from the Testimony Before U.S. Senate Subcommittee on Administrative Practice and Procedure, May 14, 1967," *University of Michigan Official Publication* Volume 68, Issue 133 (1967): 10-11. Columbia law professor Alan F. Westin articulated similar concerns about computerized surveillance in his 1967 book, *Privacy and Freedom*. Westin even imagined the development of a high speed computer "that could search eavesdropping tape recorders to locate a specific speaker in a large mass of different voices." See Westin, *Privacy and Freedom*, 87.

commodity and a source of power.”⁹⁵ Miller predicts that the computer would play an increasingly central role in the organization, management, and control of personal information and, as such, describes the 1968 Crime Control Act, with its emphasis on regulating the interception and storage of the human voice, as a “technological anachronism” that ignores the transmission of digital data that would define “the information-based society.”⁹⁶ Nonetheless, he still took seriously the threat of electronic eavesdropping, imagining a world not only in which machines eavesdrop on each other, but also in which voices are digitized and the audio technologies of the early 1970s combine with the affordances of computerized databases.⁹⁷

While Miller’s fears did not seem to gain much traction with the eavesdropping-obsessed popular press, a novel by first-time novelist Lawrence Sanders and its cinematic adaptation made waves with their own vision of the surveillance society. Neither version of *The Anderson Tapes* references Miller or his critiques explicitly, but they both develop them as their implicit topic, asking what happens when the recorded voice becomes part of large networks of information. For the remainder of this chapter, I make a case for both versions of *The Anderson Tapes* as enacting what Thomas Y. Levin refers to as “surveillant narration,” or a structural rather than purely thematic relationship to surveillance technologies and practices.⁹⁸ Surveillance in *The Anderson Tapes* has to do not with the individual instances of eavesdropping and recording but with the labor of making sense of the seemingly endless reels of audio. Surveillance, in other

⁹⁵ Ibid., 23.

⁹⁶ Arthur Miller, *The Assault on Privacy: Computers, Data Banks, and Dossiers* (Ann Arbor: University of Michigan Press, 1971), 20, 162. Although it is outside the scope of this dissertation, I should note that audio recording and computerized data storage both emerge out of a shared history of magnetic tape.

⁹⁷ Ibid., 163-168. See also Arthur R. Miller, “The National Data Center and Personal Privacy,” *The Atlantic*, November 1967, 53-7.

⁹⁸ See Thomas Y. Levin, “Rhetoric of the Temporal Index: Surveillant Narration and the Cinema of ‘Real Time,’” in *CTRL [SPACE]: Rhetorics of Surveillance from Bentham to Big Brother*, 578-593.

words, becomes not about record-making but record *keeping* and the work that goes into making audio recordings usable. Furthermore, *The Anderson Tapes* enacts a vernacular theory of information and surveillance technology that engages with contemporary moral and legal concerns and that thinks through an imagined convergence of ‘old’ and ‘new’ surveillance techniques. Specifically, it considers the implications of the recorded voice as part of an economy of information and displays anxiety over the surveillance network’s ability to sustain the informational excesses of the voice. However, while the novel uses its epistolary structure to disavow these limitations and recuperate the network fantasy, Sidney Lumet’s film adaptation exhibits greater suspicion of the legal, social, and technological structures that uphold the surveillance society, to such an extent that the film questions its own status as a record.

The story of *The Anderson Tapes* does little to distinguish it from a typical heist thriller. John “Duke” Anderson has just been released from Sing Sing and has hooked up with the recently separated Agnes Everleigh who lives in a posh apartment on Manhattan’s Upper East Side. Drawn to the thrill of the crime, Duke plans one final heist that involves cleaning out the entire apartment complex over Labor-Day weekend in 1968. The novel follows Anderson as he assembles the necessary funding and accomplices and almost performs a successful operation before meeting his tragic end. The novel’s popular success, however, can be attributed not to the story but to its central conceit. *The Anderson Tapes* is the epistolary novel of the electronic eavesdropping age, crafting its narrative using only, as advertising copy put it, “a superdocumentary second-by-second technique — simulated eyewitness accounts, transcripts from bugging devices, and other modern crime detection methods” in an attempt to achieve “an

amazing degree of authenticity and realism.”⁹⁹ Each of its ninety-four chapters is made up of a different record, and the novel is very much about how to manage recorded information.

For the novel’s narrator, a fictionalized Lawrence Sanders, the finished manuscript is a meditation on the times and on the secret integration of eavesdropping into everyday life.¹⁰⁰ In the novel’s prologue, Sanders introduces himself as a crime reporter and calls attention to the construction of the narrative as an assemblage of sources that he has compiled and organized “as part of a continuing investigation into the uses and abuses of electronic surveillance equipment by public and private agencies.”¹⁰¹ What follows is a series of transcripts depicting an extensive bugging and wiretapping network that runs throughout New York, set in place by a number of Federal, State, and City agencies, all unaware of each other’s presence. Sanders’ “sources” include transcripts of conversations recorded by the FBI, the Frauds Division of the New York State Income Tax Bureau, the NYPD, the Food and Drug Administration, the Bureau of Narcotics, the Department of Treasury, the IRS, and local “Peace of Mind” private investigators, to name only a few. Importantly, only the NYPD are intentionally eavesdropping on Duke. The other organizations only happen to capture Duke’s comings-and-goings incidentally as they, for instance, spy on Mrs. Everleigh on behalf of her estranged husband seeking proof of adultery, or eavesdrop on a crime boss who agrees to fund Duke’s excursion for a cut of the take. The central irony of the novel, as many book critics pointed out, is that no single agency is able to figure out

⁹⁹ “Advertisement: The Anderson Tapes,” *Chicago Tribune*, March 1, 1970, P2.

¹⁰⁰ The real Sanders’ intentions may have been more practical than ideological. In an interview, he mentioned that he decided on the technique because he enjoyed writing dialogue. John Barkham, “Books and Things,” *The Victoria Advocate* [TX], March 1, 1970, 14.

¹⁰¹ Sanders, 6.

that a major robbery is about to take place; they are all listening in the wrong places.¹⁰² This failure to communicate was the novel's ultimate source of anxiety.

The Anderson Tapes was the product of the political and technological climate that marked the late 1960s. Its publisher expected it to be a bestseller, which it was, and advertising for the book claimed that it was “so realistic you have to turn to the title page to make sure it’s fiction.”¹⁰³ Critics, for the most part, concurred that it captured the technological realities of the “electronically immoral age.”¹⁰⁴ Even *The Wall Street Journal*'s Edmund Fuller had to end his largely negative review by warning his New York readers that “after reading ‘The Anderson Tapes’ you may never leave your apartment again — on the other hand, you may never stay home again. It’s risky either way.”¹⁰⁵ The conflation of the narrator with the author, the explicit connection made between the novel and the topics and tropes that saturated popular journalism, and the novel’s polylogic epistolary style, it seems, account for many of the claims to realism. As Webster Schott of the *New York Times* noted, the novel’s structure “creates a continuous authenticity” as Sanders “inflames our fears that technology may be turned in on us nowadays as we secretly turn on.” Moreover, claims Scott, Sanders’ technique makes the reader feel “the novel as actually happening. You become part of the eavesdropping apparatus.”¹⁰⁶

Schott’s claim must be qualified. The reader is not part of a real-time eavesdropping apparatus, but is rather part of a fantastic, perfected, omniscient version of the eavesdropping

¹⁰² See, for instance, Louise Bechmeyer, “Novel Records the Voice of Crime,” *Pacific Stars & Stripes*, May 24, 1960, 14.

¹⁰³ “This Year’s Godfather,” *Los Angeles Times*, March 8, 1970, N48.

¹⁰⁴ Pearl Schiff, “‘The Anderson Tapes’ Original, Fascinating,” *Boston Globe*, March 26, 1970, 23.

¹⁰⁵ Edmund Fuller, “Criminals and Bugs in the Big City,” *Wall Street Journal*, April 8, 1970, 20.

¹⁰⁶ Webster Schott, “The Anderson Tapes: The Bugs Were Everywhere,” *New York Times Book Review*, March 1, 1970, 328.

apparatus that has the benefit of time and hindsight. The surveillance apparatus depicted in the book's story is not the one that the reader encounters in the finished novel. As reviewers noted, the book imagines a world ripe for paranoia where every location is monitored by hidden audio surveillance technologies that not only transmit the comings and goings of day-to-day life but also record them for posterity. What is most frightening (or comforting, depending on one's point of view) about the surveillance as it appears in the book is its archival quality. One's movements, and more importantly one's words, can never be fleeting, but are instead filed away in the event that they may become useful at a later date, an unexpected node in a potential future story. More anxiety-inducing still is that the records in *The Anderson Tapes* almost always reveal more than is necessary to uncover the details of the heist, and it is this excess of information that most closely speaks to the cultural anxieties of the 1960s. Eavesdropping, as the *Washington Post* noted a decade prior, "cannot be done selectively."¹⁰⁷ Details about Duke's crime become inseparable from, for example, intimate details about his sex life, and Duke's interlocutors, whether complicit in the crime or not, become subject to the memory of the machine (and the public record) by association, their words caught in the crossfire.¹⁰⁸ The recorded voice, as the novel illustrates, can never be understood as 'raw' data, a term that Lisa Gitelman reminds us is itself an oxymoron, as data is always-already framed and replete with cultural meaning even prior to its formal interpretation.¹⁰⁹ The recorded voice always contains more information than is absolutely necessary. With signal comes noise.

¹⁰⁷ "Listening In," *The Washington Post*, April 10, 1961, A10.

¹⁰⁸ In this way, *The Anderson Tapes* enacts a concern put forth by a 1961 *Washington Post* editorial that argued against legalized wiretapping since it "cannot be done selectively." See "Listening In," *The Washington Post*, April 10, 1961, A10.

¹⁰⁹ Lisa Gitelman and Virginia Jackson, "Introduction," in *Raw Data is an Oxymoron*, ed. Lisa Gitelman (Cambridge: The MIT Press, 2013), 3.

The paranoid's only solace is that the structure of surveillance in the book is fractured, with no agency aware of the presence of the others. The world of *The Anderson Tapes* is one in which a far-reaching surveillance network is only a series of disconnected nodes and where recorded data is always short-circuited before it can become meaningful information. Taken as a series of solitary nodes, the story of the heist never comes together, and Duke slips away as a bit player (lover, accomplice, acquaintance) in a series of other stories rather than the protagonist of his own. While, as John Blades put it, "the whole world seems to be listening," the whole world is not listening for Duke.¹¹⁰ Duke benefits from remaining outside of the narrative, his recorded words treated as meaningless and ephemeral, as though they were not recorded at all. In the end, the police do arrive at the hotel and kill Duke and some of his accomplices in a blown-out massacre. The violent ending, however, is not a validation of police procedure but instead an indictment of the police's inability to manage information and preempt the crime.

Fundamentally, *The Anderson Tapes* is a novel of plot rather than story, and its structure disavows the limitations of its narrated technologies. At the end of the novel, the reader is presented with an excerpt of Police Captain Edward X. Delaney's final report.¹¹¹ Reflecting on how the robbery ended in bloodshed and the excessive use of police force, Delaney argues that the nature of criminal activity has changed and that New York is "now faced, not with individual criminals, but with organized bands, gangs, national and international organizations."¹¹² These crime networks, according to Delaney, operate according to military logics and, as such, he understands the situation as "a classic military problem requiring the strategic, and heavy, use of

¹¹⁰ John Blades, "As the World Listens," *Chicago Tribune*, April 10, 1970, 16.

¹¹¹ Delaney would become a central figure in Sanders' later novels.

¹¹² Lawrence Sanders, *The Anderson Tapes* (New York: Putnam, 1970), 218.

force.”¹¹³ The book’s structure, however, contradicts Delaney’s initial analysis, suggesting that functional and integrated communications and surveillance networks (and the ability to sift through them) are needed rather than military tactics. One of the book’s final chapters consists of an addendum Delaney attaches to his final report, reflecting a change of opinion:

“It has been brought to my attention that the attempted armed robbery of the premises at 535 East Seventy-third Street, New York City, on 31 August - 1 September, 1968, might have been prevented if there had been closer cooperation between agencies of the city, state, and federal governments, and private investigative agencies. . . Admittedly, no *one* agency was in possession of *all* of the facts or all the details regarding the proposed crime — such as address, time, personnel involved, etc. And yet, if a central pool or clearing house (computerized, perhaps?) for electronic surveillance had been in existence, I have little doubt that the crime in question could have been forestalled.”¹¹⁴

I will return to Delaney’s dream of digital preventative surveillance in this dissertation’s concluding chapter, but for the time being it is worth noting that the construction of the novel is an act of recuperation and a proof of concept for Delaney’s mythical complete surveillance network. It enacts a technological fantasy that places voice recordings, or more specifically, the pertinent data and metadata extracted from these recordings, at the center of an information processing system. Unfortunately for Delaney, this fantasy was disrupted as *The Anderson Tapes* moved from page to screen and had to do away with the epistolary structure that at once enacted and preserved this fantasy.

***The Anderson Tapes* and the Fantasy of Information Processing**

Friedrich Kittler reads what is perhaps the nineteenth century’s most famous epistolary novel, Bram Stoker’s *Dracula*, as a story of the modern (circa 1897) bureaucratic revolution, a story of writing machines and information processing wherein Dracula is ultimately defeated by

¹¹³ Ibid., 219.

¹¹⁴ Ibid., 248.

Mina Harker's secretarial and journalistic labor. Armed with her typewriter, or "discourse machine gun," Mina compiles, collates, transcribes, analyzes and disseminates information stored in personal letters, newspaper articles, shorthand journals, or on phonograph cylinders in order to produce, mechanically and technologically, the conditions of Dracula's demise.¹¹⁵ Dracula's downfall, in other words, is his inability to control informational flows, or to prevent the (re)production and circulation of many of the documents that come to make up the edited work that is *Dracula*.¹¹⁶ That the construction of the (diegetic) narrative comes at the expense of the narrative's subject is an irony not lost on Kittler, for whom the ending is ambivalent. After all, becoming a technologized, mechanical bureaucratic subject is not necessarily preferable to (or that different from) becoming a vampire. As he says, "*Dracula* is no vampire novel, but rather the written account of our bureaucratization. Anyone is free to call this a horror novel as well."¹¹⁷ While I resist the technological determinism of this reading, Kittler's understanding of *Dracula* can help elucidate the implications of *The Anderson Tapes*' explicitly technologized structure as well as the labor, and resultant fantasies, implicit in the narrative's construction.

The act of narration is central to *The Anderson Tapes*' technological fantasy even as it tries to remain invisible. The fictionalized Sanders, as Louise Bachmeyer insightfully notes in her review of the novel, performs the analytical work of an idealized "objective super-computer."¹¹⁸

¹¹⁵ Friedrich Kittler, "Dracula's Legacy," in *Literature, Media, Information Systems*, ed. John Johnston (Amsterdam: G+B Arts, 1997), 63. For similar readings that emphasize the construction of the narrative and secretarial labor, see Jennifer Wicke, "Vampiric Typewriting: *Dracula* and its Media," *ELH*, 59 (1992): 467-93; Jennifer Fleissner, "Dictation Anxiety: The Stenographer's Stake in *Dracula*," *Nineteenth Century Contexts*, 22 (2000): 417-55; Leah Richards, "Mass Production and the Spread of Information in *Dracula*: "Proofs of so wild a story," *English Literature in Transition 1880-1920*, 52:4 (2009), 440-457.

¹¹⁶ Fleissner, "Dictation Anxiety," 430. Fleissner argues that, in Dracula's place, the novel raises the specter of unruly, promiscuous data, or information overload, that threatens to slip through the grasp of any agents of control. As such, she understands the novel as an attempt to contain information and the clerks who encounter it.

¹¹⁷ Kittler, "Dracula's Legacy," 73

¹¹⁸ Bechmeyer, "Novel Records the Voice of Crime," 14.

Unlike Mina Harker, whose labor is largely that of an amanuensis, Sanders performs the authorial work of the detective, collecting and poring over transcripts in search of clues and, in a type of secondary revision, producing a new, coherent, explanatory narrative out of the cacophony of competing and overlapping voices. In Sanders' novel, much of the secretarial work is already complete. Though Sanders does have to perform some stenographic work and collect official testimony himself, many of the tapes have been transcribed and labeled, and reports have been filed.¹¹⁹ While the novel's implied but invisible secretaries must treat all voices equally in preparing their transcripts, Sanders, the story's real detective, is allowed the privilege of deciding which voices are meaningful and which are not and of transmitting this information to the public. Honing in on Duke and tracing him from node to node until a coherent narrative takes shape, Sanders becomes author, detective, and computer.

With such a system in place, Sanders reconfigures individual tape recordings as potential nodes in future *possible* networks, voices laying dormant and dead until they are resurrected again to haunt the living and bring the past into the present. Under Sanders' control, Duke's meeting with Everleigh in March becomes the logical beginning of a story that would reach its conclusion the following September. Once Sanders filters the sound data and reconstructs it as narrative, the crime seems inevitable and, importantly, preventable. *Of course* Duke's seemingly innocuous comments were not so innocent. How could the investigators be so deaf to their meaning? *If only* the eavesdropping organizations could consolidate their information. *If only* a complex network of surveillance could allow agents of the law to accumulate and share enough

¹¹⁹ These materials, of course, were all legally obtained, preserved, and made available to Sanders so he could complete his work. Access to the materials, in other words, is an important part of the novel's fantasy.

data. As Mark Andrejevic observes, this belief that enough data, if properly analyzed, could enable the police to predict and preempt crime is the ultimate data-centric policing fantasy.¹²⁰

Where William J. Burns turned to cinema to dissuade potential criminals from committing crimes, Sanders understands pre-emption in a way dependent on the technological advancements and limitations of his own time.¹²¹ As the Johnson Administration's interest in the National Data Center suggests, real world organizations were interested in the potential of major searchable, networked databases before the publication of Sanders' novel.¹²² The FBI, for instance, established the National Crime Information Center (NCIC) in 1967, which gave state and city police forces access to consolidated databases on missing persons, stolen property, and wanted criminals.¹²³ Implementing ELSUR records into this system, however, would not solve the existing problems with the FBI's existing manual recordkeeping system, as the records could not account for the overheard conversations themselves. These records, meant primarily as a way to track FBI surveillance, contained only metadata detailing the names of individuals overheard and the dates and locations of the eavesdrops. For the records to be meaningful in terms of crime prevention, they would need to be cross-referenced with the logs created by the stenographers at

¹²⁰ Mark Andrejevic, *Infoglut: How Too Much Information is Changing the Way We Think and Know* (New York: Routledge, 2013) 29. Philip K. Dick's 1956 science fiction short story "The Minority Report" is concerned with precisely this fantasy.

¹²¹ In this way, *The Anderson Tapes* reframes the pre-emptive policing fantasy of Philip K. Dick's 1956 short story "The Minority Report," replacing Dick's fantastical "precogs" with contemporary or near-future information processing technology.

¹²² Although it would remain a complete secret for many decades, the National Security Agency (NSA) was already laying the groundwork for its massive satellite signals intelligence network, popularly called Echelon. Matthew M. Aid and Cees Wiebes, eds. *Secrets of Signals Intelligence during the Cold War and Beyond* (New York: Frank Cass, 2001); Patrick Radden Keefe, *Chatter: Uncovering the Echelon Surveillance Network and the Secret World of Global Eavesdropping* (New York: Random House, 2006).

¹²³ The NCIC launched in January 1967 with five files and included fifteen state and municipal law enforcement agencies, but it quickly expanded. See "FBI Deploys Potent Weapon Against Crime," *Los Angeles Times*, January 28, 1967, B3; J. Van Duyn, *Automated Crime Information Systems* (Blue Ridge Summit [PA]: TAB Books, 1989); U.S. Department of Justice, *National Crime Investigation Center: The Investigative Tool* (Washington D.C.: U.S. Department of Justice, Federal Bureau of Investigation, 1984).

the time of the eavesdrop which may or may not contain pertinent keywords.¹²⁴ As *The Anderson Tapes* implicitly argues, the importance of certain words may only become apparent long after they have been spoken.

Even as Sanders' labor narratively enacts the technological fantasy of the at-the-time impossible surveillance network, it too can only fall short and can only ever point to what might have been rather than what can be. As Delaney's aside in his final report — "(computerized, perhaps?)" — indicates, there is a desire, if not need, for Sanders' labor to become electronic or algorithmic. Detectives are too slow as information processors to properly collect, parse, and synthesize the data. At the same time, as film and television continually make clear, sound recordings must be considered as a specific type of information with its own set of organizational and interpretive challenges. The temporality intrinsic to tape-recorded evidence offers an additional problem, as it must be listened to, at least once, in real time. Since its memory can only be accessed sequentially, the tape recorder's words can only be easily cross-referenced and analyzed once transcribed, and the process of transcribing the data is time consuming and difficult, especially when, as we have seen, voices or words are hard to distinguish. What's more, the process of transcription necessarily does a poor job of translation, often losing potentially pertinent information. Again, returning to *Dracula* is instructive. As Mina transcribes Dr. Seward's phonographically recorded journal, she remarks that the phonograph "is a wonderful machine, but it is cruelly true. It told me, in its very tones, the anguish of your heart . . . I have copied the words on my typewriter, and none other need now hear your heart beat, as I did."¹²⁵ Transcribed, the mechanically reproduced voice undergoes an even more severe process of

¹²⁴ It would likely be impossible to search across full complete transcripts since verbatim transcripts were only produced when deemed necessary and the tapes were often erased after a two-week period. Curt Gentry, *J. Edgar Hoover: The Man and the Secrets* (New York: W.W. Norton and Company, 1991), 635.

¹²⁵ Bram Stoker, *Dracula*, ed. Nina Auerbach and David J. Skal (New York: W.W. Norton & Company, 1997), 197.

translation that flattens the affective ‘excesses’ of the voice and extracts as the written word what is assumed to be the voice’s meaningful content. Yet as Adam Flint reminds viewers in *Naked City*, context matters, and a system of translation that cannot account for the nuances of the voice cannot be evidence of anything at all.

Moreover, the speed with which information can be transmitted to the eavesdropping detectives far outpaces the speed at which the information can be managed and interpreted. This preponderance of data relative to processing power is, in other words, a problem of information overload, or big data in the analog age.¹²⁶ Even assuming that the surveillance network could function as such and consolidate its information, it is unlikely that the narrative could have been reconstructed in time to prevent it. Andrejevic’s assessment of twenty-first century “infoglut” speaks retrospectively to the central problem of *The Anderson Tapes*, even calling Sanders’ account into question. As he argues, “It is not just that there is more information available, but that this surfeit has highlighted the incompleteness of any individual account. An era of information overload coincides, in other words, with the relative recognition of the constructed and partial nature of representation.”¹²⁷ The novel is the material manifestation of this problem, and its diegetic “publication” nearly two years after the date of the purported crime is a sign of the failure of surveillance networks and of the labor involved in processing data and reconstituting it as legible information. Sanders’ account, even if readers take its accuracy for granted, at once illustrates how power (in this case, authorial control over the narrative) is directly linked to information processing and how this is, ultimately, a power fantasy. While the

¹²⁶ My use of “big data” here understands size in terms of logistical management challenges rather than in terms of the types of conclusions the data can help reach. Admittedly, the data in *The Anderson Tapes* could be understood as small in the sense that it points only to a single event and not to larger patterns of crime. For a discussion of alternate definitions of what constitutes big data, see Christine L. Borgman, *Big Data, Little Data, No Data: Scholarship in the Networked World* (Cambridge: The MIT Press, 2015), 6.

¹²⁷ Andrejevic, *Infoglut*, 3.

novel lets Sanders get away with his narrative control and never explicitly calls his account into question, the film adaptation of *The Anderson Tapes* treats the relationship between sound recording, information processing, and knowledge even more cynically and plays with questions of epistemology even as it purports to show all to its viewers.

The Anderson Tapes was expected to be so successful and to hit such a public nerve that Robert Weitman bought the rights to the novel prior to its release and began developing a film adaptation starring Sean Connery as Duke, with Sidney Lumet attached to direct. Although it never acquired the cultural cachet of Coppola's *The Conversation*, *The Anderson Tapes* nonetheless offers perhaps the most compelling cinematic glimpse into the complexities of electronic eavesdropping in the 1970s.¹²⁸ While the film is, on first glance, a straightforward adaptation of Sanders' novel, it contains significant differences that imagine the surveillance networks and the information they could potentially carry in ways that exhibit greater suspicion of the legal, social, and technological structures that uphold the surveillance society. Structurally, the film aims to mimic the novel's rhetorical strategy, but in much looser terms, as the medium does not allow strict adherence to the epistolary form. On the one hand, scenes are justified through their connection to surveillance, and spaces are established through the agencies and technologies surveilling them. A scene may open with a shot of the surveilling bodies looking in on or listening into the action or, in other cases, it may cut to people listening to tapes, revealing that the scene is actually a re-enactment of the conversation caught on tape. It is ultimately

¹²⁸ *The Anderson Tapes* maintains an unglamorous position within film history, often forgotten even among discussions of surveillance cinema. This is likely due to the fact that, even despite its financial success, *The Anderson Tapes* was considered a run-of-the-mill heist film upon its release. Sidney Lumet had not yet established himself as a New Hollywood *auteur*, and as such, *The Anderson Tapes* is often a footnote at best in critical or scholarly histories of the period.

unclear whether the viewer is supposed to understand these scenes as flashbacks or as hypothetical visualizations of the recordings that function to lend them credibility.¹²⁹

While *The Anderson Tapes* establishes that all of its central characters and spaces are being surveilled, not everything the viewer witnesses or hears is also being recorded. In this way, the film, much like the novel, presents an idealized, fantastical understanding of surveillance even within its ostensibly realist facade. In the book, Sanders is the detective who reconstructs the narrative and attempts to imbue his interpretation with authority and authenticity. Sanders' only filmic counterpart is the cinematic apparatus itself that, in a bit of unintentional meta-commentary, acknowledges its own complicity in producing the record. Due to the film's use of classical editing patterns, the labored construction of the 'record' is able to remain invisible, only rarely calling attention to its production during the flashback sequences. Moreover, as in William Burns' silent films, it is cinema that lends credence to the audio recordings, effectively limiting the horizon of interpretation with which even the most skeptical attorney could approach them. These are not Sanders' filtered and interpreted transcripts that remove the character and texture of the original recordings. Instead, the film allows viewers to hear the voices in a way the book does not (and that Sanders did not). We are located temporally in the present (even during the flashbacks) because we have access to the playback that makes the voices live again. We either hear the voices as they are recorded or during playback, privy to the full 'content' of the recordings, or at least the illusion of it. The film, of course, only gives viewers Anderson's story and provides information that exceeds what any diegetic recording can capture, but its structure does a much better job of hiding the fact that the selected narrative is only one of many offered by the fractured database of recordings.

¹²⁹ The script does not make this distinction any more clear.

The film understandably puts a greater emphasis on the combination of image and audio than the novel does, even introducing viewers to its protagonist through audio-visual recordings. Its opening shot is of video footage of Duke explaining the allure of safecracking to the prison psychiatrist.¹³⁰ A running tape recorder is in the frame next to the television monitor, giving Duke's image voice. We learn that, after a ten-year sentence, Duke is being released back into a world that he sees as corrupt and morally bankrupt. The bureaucratic, economic, and social institutions that govern and police the country are, for Duke, the real criminals. The rest of the opening sequence follows him as he leaves with two other inmates, The Kid and William "Pop" Myer. As Duke leaves his cell, the camera cuts to a grainy, black and white CCTV monitor focused on the prison cells as Duke makes his exit while Quincy Jones' high-pitched, paranoid electronic soundtrack sets the tone and establishes an audio motif that will come to stand in for all electronic eavesdropping devices. The crane shot that follows reinforces the film's surveillance theme and acknowledges the visual privilege offered to the viewer. As the camera dollies back from the television screen, the viewer is freed from the static, undefined image of the monitor and is granted mobility within the space. The viewer is able to survey Duke closely even as he escapes the purview of the prison security cameras. Duke raises his middle finger to the security camera as he leaves, but the camera that provides viewers with their privileged vantage point remains invisible and unacknowledged. As the functional stand-in for the novel's Sanders, it tracks Anderson and makes sense of his actions in ways that the governmental agencies surveilling the film's characters cannot.

The mix of electronic eavesdropping sources depicted allows the film to engage with the legal structures within which the technologies circulate in a much more overt way than does

¹³⁰ As Peter Collopy notes, the field of psychiatry adopted videotape in the 1960s and 1970s believing that patients or prisoners encountering their recorded selves could aid in the therapeutic process. See Peter Sachs Collopy, "The Revolution Will be Videotaped" (PhD diss., University of Pennsylvania, 2015).

the novel. The novel leads readers to assume that all recordings were made legally and that they are all a matter of public record. The film, on the other hand, acknowledges the public preoccupation with the legal status of electronic eavesdropping and includes scenes commenting on the capacity of officials to work through or ignore bureaucratic red tape. In one such scene, FBI agents, investigating the interstate smuggling of antiques, request court approval to install a wiretap in an antique store tied to the alleged crimes. The judge approves the tap almost immediately, making it perhaps the only means of legal surveillance in the film. The private detective's tap is clearly unwarranted as are, we eventually learn, much of the governmental surveillance efforts occurring throughout the film. The film even includes a scene making explicit the extent to which the law's preoccupation with audio surveillance has allowed visual surveillance to slip through legal cracks unimpeded. The Narcotics Commission, tracking The Kid, employs both (legal) silent visual and (illegal) audio surveillance. When they realize that, fortunately enough for them, their video surveillance can be interpreted with the aid of a lip reader, they decide to pull the illegal bug "before somebody finds it and we got trouble."

Not all visual records are shot in such a fortuitous way, and as the film makes clear, visual surveillance is nowhere near as versatile as audio surveillance. As such, the film follows the novel in taking eavesdropping as its primary topic. Like the novel, the film presents a world of ubiquitous surveillance where the characters are photographed, overheard, and recorded at every turn. Again, Jones' unsettling electronic soundtrack attempts to communicate the overwhelming presence of electronic devices, with the electronic beeping and whirring suggesting the constant transmission of sound waves and images. Unlike the novel, the film spends much more time cataloguing the variety of devices at work. The technologies themselves are much less abstract than in the novel, as the cinematography

tries to account for the differences in communicative affordances between devices and communicate them visually.

The eavesdropping technologies in the film adaptation of *The Anderson Tapes* are more alive and active than they could ever possibly be in the novel or in the safety of Perry Mason's courtroom. The film's cinematography follows, sometimes literally, the logics of the surveillance infrastructure, and it is attuned to the (im)materiality of the network. The camera is obsessed with technologies of eavesdropping, often diverting from its path to linger on a close up of a camera, hidden tape recorder, parabolic microphone or bowtie transmitter. When Duke first arrives at Ingrid Everleigh's apartment, for instance, the camera diverts its attention from the ensuing striptease to emphasize Everleigh's phone.¹³¹ With a slow tracking shot, the camera follows the telephone wires to the phone jack in the wall as we begin to hear (but not see) Duke and Everleigh having sex. The sounds of their dalliance bridge a dissolve to a continued tracking shot of wires across door moldings and light fixtures, down a wall, and leading to a Peace of Mind private investigator's voice actuated tape recorder, its reels turning and recording every sound. When an RF microtransmitter hidden in a pen transmits Pat Angelo's words to an IRS agent listening in on a boat, the camera whip pans from the pen to the boat to illustrate the instantaneous and wireless transmission of information over radio waves. Sound and the voice in particular, though invisible, are often treated as more important characters than the humans that produce them, their rhythms and movements determined by the technologies that transmit and capture them. In the novel, the records are already tamed and flattened as written transcripts culled and reassembled for the viewer. Much like Duke, they begin the novel already dead, and their reconstruction in the form of the novel is presented as inevitable. As the film makes clear,

¹³¹ The character of Ingrid Everleigh is not in the book but is rather a composite of the book's Agnes Everleigh and Ingrid Macht.

however, these recordings do not appear *ex nihilo* but are the result of intentional human labor combined with sometimes-specialized and sometimes-everyday technologies and communications infrastructures. The film's records are very much alive, in motion, subject to interception or erasure, and constantly in the process of being produced or played back.

These sounds and voices, however, cannot move as freely as the camera suggests. Partway through the film, we see Duke confronted by his own voice in Everleigh's apartment when Everleigh's jealous benefactor, Werner, returns with the tapes he commissioned from the "Peace of Mind" detective. Werner reveals that he knows all about the heist and uses the tapes to blackmail Anderson. Werner's presence adds a significant twist to the story; in this case, a character does have the required information to foil the burglary, but for Werner, the tapes are more valuable as a means of exchange for Everleigh. Furthermore, the law, it turns out, is actually on Duke's side. When Duke worries that the private detective who made the recordings might squeal, Werner assures him that nobody will find out because "nobody tells nobody nothing. If they did, they'd all wind up in jail."

Werner's words echo the central problem of *The Anderson Tapes* and foreshadow the disastrous failure of communication that prevents Duke's burglary from being preempted. Because the film is not a strict retrospective assemblage of recordings, it enables viewers to witness first hand the disorganization and disconnect that defines the potential surveillance network. After the private detective working on behalf of the Treasury Department bugs and records the meeting between Duke and Pat Angelo, son of mob boss Poppa Angelo, he brings it to his employers to identify the voices and fill in the context of the conversation. He identifies Duke's voice and tries to explain who Duke is when the IRS officer, only interested in Angelo, snaps, "We don't care about him." Even though Duke plainly lays out his plans to rob Everleigh's

apartment building, this information is treated as irrelevant. Similarly, we see the House Internal Security Committee (the recently renamed HUAC) survey a Black Panther headquarters from an apartment across the street with cameras and a wall of tape recorders attached to parabolic microphones. They, too, identify Duke meeting and recruiting "non-political" Edward Spencer, but they of course pay Duke no heed.

The encounter with Werner also hints at Duke's tragically ambivalent relationship with the surveillance technologies that he is able to elude for much of the film but that are ultimately turned against him. During the heist, Duke's initial plan is to use the building's surveillance devices to his advantage. He stations the elderly William "Pop" Myer at the front desk where he is meant to pose as the doorman and, more importantly, use the CCTV monitors to follow the heist so that he can phone Duke if something goes wrong. In the end, though, it is surveillance equipment that gives Duke away. Wounded, Duke hides in Everleigh's fireplace to elude the police. As he tries to make his escape, crawling across her floor, he accidentally knocks over her telephone before collapsing in pain, breathing heavily. When the police reach the basement of the building, they discover the Peace of Mind detective's tape recorder still running and, the levels on the machine tell them, recording sound live. Delaney, exclaiming that "there better be a warrant for this," puts on the headphones, hears Duke's breathing, and rushes to Everleigh's apartment where they arrest Duke, making this ending perhaps even more tragic than his death in the novel. While Duke is able to benefit from the broken networks of illegal surveillance that cover his movement and make him impossible to trace, the film rewrites the ending as one in which a single illegal telephone tap operating far outside any possible official surveillance networks leads to Duke's capture.

If Duke's unfortunate encounter with the privately operated bug serves as implicit critique of institutionalized surveillance, so too does the presence of an amateur in the face of audio experts. As Duke and his accomplices move through the apartment building, they come across Gerry Bingham, a young boy confined to a wheelchair. Assuming that the boy is harmless, the burglars leave him in his room where, unbeknownst to them, he uses his ham radio to call for help.¹³² Another ham radio operator in Wichita, Kansas picks up the message and tries to relay it to the NYPD. The film uses this as another opportunity to illustrate the futility of communication in a world of disconnected bureaucratic networks. As a call comes into the police department trying to report the burglary, the camera cuts to a wall full of tape recorders recording every call before cutting back to the police department operator. What follows is a darkly humorous back-and-forth between operators trying to make a connection while navigating the finer points of collect calling. A cut to a tangled web of wires on the operator's switchboard serves as a visual analog of the problem of communication within a bureaucracy. Implicit in the film with the constant cutting away to the wall of tape recorders but made perfectly explicit in the novel is the fact that the police only investigate because they are being recorded. They doubt the veracity of the calls, but decide to investigate anyway because "with all this stuff on tape, who can take a chance?"¹³³ The knowledge of being recorded, in other words, is what makes the police accountable, and it is Gerry's amateur knowledge of communications technology that ultimately prevents the burglary from succeeding, even in spite of the elaborate bureaucracy that seems intent on not allowing his information to flow thorough their networks. Importantly, the boy operates a device that allows only for transmission, disavowing the ongoing public debate around

¹³² Gerry is 1970s version of the literary stock character of the boy-hero. In particular, he is the contemporary iteration of the boy-inventor hero that, according to Susan Douglas, dates to the early 1900s. See Susan J. Douglas, *Inventing American Broadcasting, 1899-1922* (Baltimore: John Hopkins UP, 1989), 192-4.

¹³³ Sanders, *The Anderson Tapes*, 225.

putting potentially dangerous devices in the hands of amateurs. Gerry's association with transmission rather than recording absolves him of any suspicion and confirms him as the novel and film's true hero.¹³⁴

The film treats the representatives of the law with much greater ambivalence, and in a twist unique to the film, the various state and federal policing agencies put the film's own existence into question. After news of Duke's capture reaches the various surveilling agencies, they realize that the illegal recordings they have been making throughout the film (and, indeed, that have been forming the very basis of the film) might be traced as the police undergo an investigation. In the film's final sequence, the camera cuts between agencies demanding that the tapes be erased. The film's final image is of yet another close-up of a tape recorder, but this time it is not recording. The magnetic tape unreels quickly over the machine's erase head until, finally, it comes to a stop. At this point, the frame freezes, halting the moving image. *The Anderson Tapes*, the film posits, no longer exists. With the erasure of the tapes comes the end of communications networks, informational flows, and of the possibility of a narrative. The film's ending is not just a comment on the shady ethical and legal practices performed by governmental agencies, but it is also the uncanny erasure and annihilation of the film — the evidence of the story — itself. Although *Variety* argues that the ending merely makes “the cliché moral point of 'crime doesn't pay,’” the film leaves its viewers with a much more profound question: if a heist occurs and nobody is around to record it (or preserve the recorded information), did it really take place?¹³⁵

¹³⁴ The original ending of the film saw the burglars escaping successfully, but Columbia reportedly ordered the ending to be changed so that the film could be sold to television. See “Report ‘Anderson Tapes’ Got New End to Make It Suitable For Sale to TV,” *Variety*, July 28, 1971, 25.

¹³⁵ “Report ‘Anderson Tapes’ Got New End to Make It Suitable For Sale to TV,” 25.

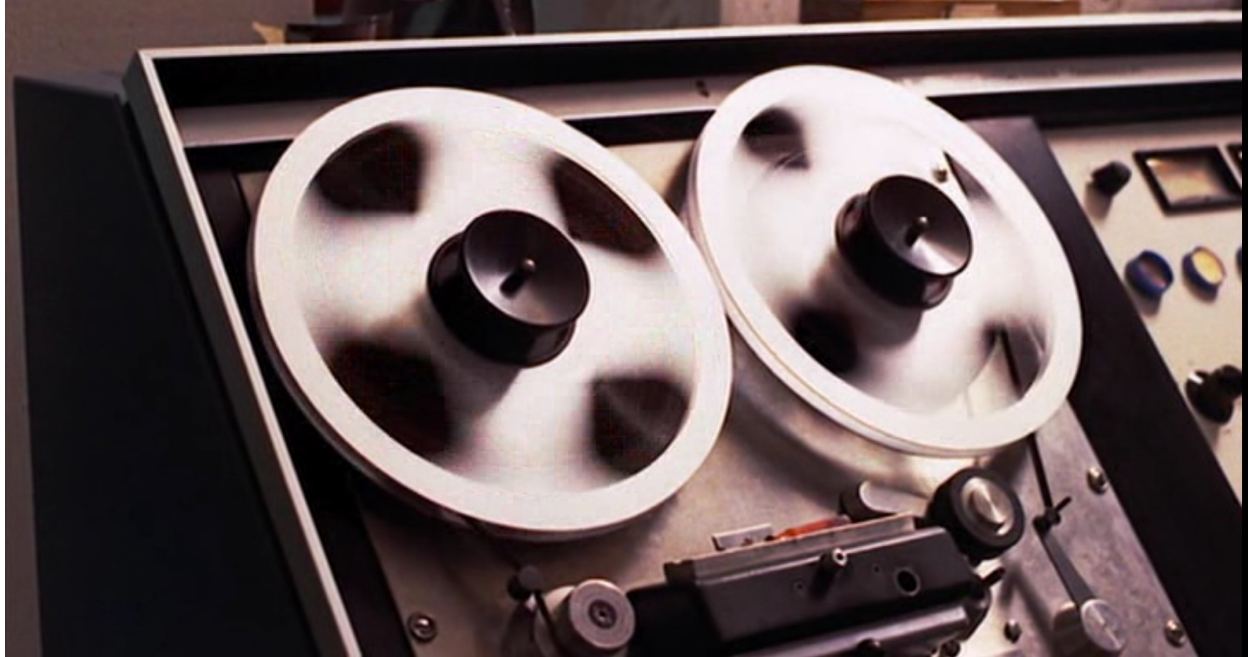


Figure 15: The erasure of *The Anderson Tapes*

What is perhaps the film adaptation of *The Anderson Tapes*' most forceful provocation is its suggestion that, in a society that takes audio surveillance for granted, events cease to exist when they cease to be reproducible. There is such faith in the existence of the information trail that the absence of a trail can be interpreted as absence altogether. This assumption is especially troubling when, in reality, tape recordings were never used in actual cases nearly to the extent to which they were debated in the legal and public spheres.¹³⁶ The perception of the threat of electronic eavesdropping, as Miller argued, far exceeded the actual threat.

The failure of the surveillance network, moreover, points to the tension between what is theoretically possible and what is materially and institutionally possible. Duke's tragic death is reassuring, as it confirms the inefficiency of the surveillance infrastructure to see and hear all, at least for the time being. Miller's fears of a computerized surveillance network still linger

¹³⁶ Miller, *The Assault on Privacy*, 167.

throughout the pages and frames of both versions of *The Anderson Tapes*, but the informational density and excessiveness of sound recordings prevents them from being integrated fully into the logics of the database. Tape recorders make for poor tracking devices, especially when those making use of the machines are unsure who should be tracked.

At the same time, to treat the use or contents of sound recording abstractly as a theoretical issue ignores the very concrete impact electronic eavesdropping has had on individual lives. Indeed, the limiting consequences of thinking about sound surveillance in terms of large-scale issues and in terms of (relatively) large sets of data are that the specificities of difference that often motivate surveillant practices in the first place become elided. It is not enough to claim that sound recordings carry meaningful information or that this information has the potential to subvert and short-circuit surveillance networks when, in fact, tape recordings disrupted personal and individual lives throughout the 1960s and 1970s. If this chapter examined bugging and recording on an institutional level and in terms of large-scale questions of law, privacy, morality, and technology, then the following chapter zooms in on tape recording in order to explore what happens when tape recordings become intertwined with individual identity.

CHAPTER V

Gods From the Machine: Narration and the Politics of Playback

In November 1964, FBI agent Lish Whitson sent a package containing an audio tape and a letter to the Southern Christian Leadership Conference (SCLC) headquarters addressed to civil rights leader Martin Luther King, Jr.¹ King was away at the time and the staff members who received the package put it aside, assuming it to be a recording of one of King's speeches. When Coretta King found the package and played back the tape, she heard her husband's voice, but it was not delivering a speech. When King himself listened to the tape, he was haunted by the sound of his own voice telling rude jokes and engaging in sexual activity. As King and his aides correctly surmised, the FBI had bugged his hotel rooms over the past year. The tape was a compilation of the most salacious and incriminating moments.² The letter, likely written by FBI Assistant Director William C. Sullivan but disguised as the work of a disillusioned civil rights supporter, elaborated on the rationale behind sending the tapes. It was intended to embarrass and shame King, berating him for his "low grade, abnormal personal behavior [sic]." Making explicit reference to the tape, the letter instructs King:

"Listen to yourself you filthy, abnormal animal. You are on the record. You have been on the record — all your adulterous acts, your sexual orgies extending far into the past. This one is but a tiny example. Yes, from your various evil

¹ Ward Churchill and Jim Vander Wall, *The COINTELPRO Papers: Documents from the FBI's Secret Wars Against Domestic Dissent*, Boston: South End Press, 1990, 97.

² David Garrow, *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference* (New York: William Morrow, 2004), 373-4.

playmates on the east coast to [redacted] and others on the west coast and outside the country you are on the record. King you are done.”

The letter then becomes more ominous. Telling King, “there is only one thing left for you to do. You know what it is,” the writer threatens to make the tapes, the supposed evidence of King’s “filthy, abnormal, fraudulent self,” public should he not commit suicide.³ Although, as David Garrow notes, King’s private life was an open secret among activist, the tapes nonetheless took a psychological toll on King, who became unable to sleep and increasingly anxious of further FBI surveillance, claiming that the agency intended to “break [his] spirit.”⁴ The FBI was initially hoping to record information connecting King to the Communist Party. When King failed to produce such information, they instead used his voice — which is implicitly tied to his reputation and identity — against him as a method of intimidation.

King was not alone as a subject of tape recorder surveillance. Since its inception in 1956, the FBI's Counterintelligence Program (COINTELPRO), in particular, employed surveillance techniques in their attacks on civil rights, Black Nationalist, feminist, and New Left groups.⁵ The FBI employed this method of what Brian Glick calls "conspicuous surveillance" not to “collect information (which is done surreptitiously), but to harass and intimidate.”⁶ Indeed, Hoover

³ Parts of this letter have been released in heavily redacted form since the 1970s. The *New York Times* published the entire letter in 2014. See Beverly Gage, “I Have a [Redacted],” *New York Times Magazine*, November 16, 2014, MM15.

⁴ Garrow, *Bearing the Cross*, 374. The validity of these concerns, which King expressed to friends over the phone, was confirmed by the fact that these words were also surreptitiously recorded.

⁵ See Athan Theoharis, *Abuse of Power: How Cold War Surveillance and Secret Policy Shaped the Response to 9/11* (Philadelphia: Temple University Press, 2011). While my emphasis here is on COINTELPRO, it should be noted that more localized versions of their surveillance program took place across the United States, many in collaboration with the FBI. Perhaps most prominently, the Mississippi State Sovereignty Commission used tape recorder to eavesdrop on civil rights groups. See Ralph Brauer, *The Strange Death of Liberal America* (Westport CT: Praeger, 2006), 112; Stephen A. Barry, *The Jim Crow Routine: Everyday Performances of Race, Civil Rights, and Segregation in Mississippi* (Chapel Hill: The University of North Carolina Press, 2015): 132.

⁶ Brian Glick, *War at Home: Covert Action Against US Activists and What We Can Do About It* (Cambridge: South End Press, 1989), 53.

explicitly directed his agents to "expose, disrupt, misdirect, discredit, neutralize, or otherwise eliminate" dissident groups and their leaders".⁷ When COINTELPRO's surreptitious campaign against citizens was finally exposed in 1975, among the revelations of the investigation was the extent of its surveillance tactics and the program's tendency to target individuals in an attempt to destroy their personal lives.⁸ For the FBI, the personal was a means of accessing and disrupting the political, and shame and humiliation were powerful tools for achieving their ends.

Several years later, in a pivotal scene in Alan J. Pakula's 1971 thriller, *Klute*, former sex worker and aspiring actress Bree Daniel (Jane Fonda in an Oscar winning performance), returns to her apartment one night to find it ransacked. As Bree surveys the damage (which includes, most horrifically, semen-stained underwear), the telephone rings, and when Bree answers it, she hears only the sound of her own voice played back on the other end. The recording is of Bree with a john, reminding her of her life as a sex worker — or, in the film's terms, a "call girl." Bree's words ("I can be a very bad girl, you know. I sometimes need a spanking") are quite literally haunting, reminding Bree of a past she has been trying to abandon and eliciting a horrified scream. Bringing her hands to her mouth in terror, Bree seems to temporarily lose control of her own voice in the present. In the following scene, Bree is in a catatonic state, silent, scared, ashamed and vulnerable. When we see and hear Bree next, several scenes later, she has apparently regressed to her past life and rejoined her abusive former pimp, Frank Ligourin. A record of the past had dragged her back with it.

⁷ See Jules Boykoff, "Surveillance, Spatial Compression, and Scale: The FBI and Martin Luther King, Jr.," *Antipode* 39.4 (September 2007): 743.

⁸ The Committee noted the FBI's willingness to use illegal tactics in order to get individuals fired from their jobs, ruin their marriages, or have them arrested. See "FBI Urged King Suicide?," *The Atlanta Constitution*, November 19, 1975; Nicholas M. Horrock, "Senate Intelligence Panel Told of F.B.I. Attempt to Discredit Dr. King in 1964," *New York Times*, November 19, 1975.

The fictional and non-fictional history of tape coincides in one final anecdote: In the midst of the Watergate hearings in 1973, prolific editorial cartoonist Robert Grossman published a cartoon in *New York* magazine commenting on the discovery and erasure of tapes that purported to elucidate, once and for all, Nixon's role in the break-in at the Watergate complex. The cartoon depicted a long-nosed, snakelike Richard Nixon asking his now-disgraced secretary Rose Mary Woods (depicted as an anthropomorphic worm) to demonstrate how she can "erase tape and answer the phone at the same time." Over a sequence of three panels, Woods' tail end becomes caught in the spinning tape recorder that ultimately consumes her entire body. "Ah well," sighs Nixon, "Erased secretaries tell no tales."⁹ Although she did not have her own tape-recorded voice used against her, Woods' interaction with Nixon's surveillance apparatus meant that she potentially had knowledge that could dismantle the administration. As a result, she became subject to the tape recorder and, as Grossman's cartoon illustrates, her identity, reputation and body were inextricably connected with the processes and logics of recording, playback, and erasure. Indeed, Woods' encounter with technologically recorded voices, though not her own, haunted her from the moment of her testimony until her death, forever entangling her within Nixon's infamous reels of tape.

I will return to these three scenes shortly, but I present them here side by side not to equate them but rather to highlight the appropriation of the tape recorder and/or the surreptitiously recorded voice for projects of racism and misogyny meant to both terrorize and control supposedly dissident citizens. Tape recorders in these instances were not used to tie bodies to crimes, but were instead used to produce bodies and to discredit and destabilize them by framing them as deviant. The mechanics of playback, in differing ways and to various degrees, worked to

⁹ Robert Grossman, "Cartoon," in *Watergate Without Words*, ed. Jean-Claude Soares (San Francisco: Straight Arrow Publishers, 1975), 44.

produce shame, embarrassment, or humiliation for the purposes of narrative, and in turn, corporeal control. Whereas the previous chapter examined the mass-produced tape recorder's place within a large-scale, abstract informational economy, this chapter looks more closely at the tape recorder's relationship to individual bodies and argues that, throughout the 1960s and 1970s, cultural anxieties around audio surveillance intersected with the tape recorder's use as a tool of identity formation and narration.

Cutting Up History: The Tape Recorder and Storytelling

For sound scholar Paul Hegarty, tape's linear materiality "is uniquely oriented to narration," and recording practices that developed in the 1960s took advantage of the medium's supposed propensity for capturing and playing back narrative.¹⁰ As Jesper Olsson notes, the availability of tape recorders on the mass market made it possible for more people on a larger scale "to encounter their voices through an exterior source" and highlighted the ambivalence of the tape recorder's technological affordances.¹¹ It at once made more people subject to a "gap in the experience of identity" while also allowing for the possibility that marginalized or otherwise forgotten voices could tell their own stories.¹² This is the fantasy that Walter Neff tried to live out via the Dictaphone in *Double Indemnity* and that played out, to an even greater degree, in the mid-1960s when the portable tape recorder played a central role in expanding the young field of oral history.¹³ Histories like T. Harry Williams' *Huey Long*, Studs Terkel's *Hard Times*, and

¹⁰ Paul Hegarty, "The Hallucinatory Life of Tape," *Culture Machine* Vol 9 (2007): 1.

¹¹ Jesper Olsson, "The Audiographic Impulse: Doing Literature with the Tape Recorder," in *Audiobooks, Literature and Sound Studies*, ed. Matthew Rubery (New York: Routledge, 2011), 67.

¹² *Ibid.*, 67. To be sure, the tape recorder was not the first sound recording device to be used for documentary or ethnographic purposes. Olsson's point is that its accessibility allowed marginalized stories to be told, reserved, and transmitted on a larger scale.

Mary Penick Motley's *The Invisible Soldier: The Experience of the Black Soldier, WWII*, for instance, all relied on tape recorded interviews for their primary sources.¹⁴ The latter book even caused a minor dispute within the pages of the *Times Literary Supplement* when one reader critiqued book reviewer Hugh Brogan's claim that "the coming of the tape recorder promises to revolutionize the historian's task" by noting his worry that the historian will merely take the voice of his subjects and "return it to him properly digested, the sum total of his and his parents' experience."¹⁵

While Brogan rightly replied that the process of evidence collection, interpretation, and organization is the very essence of all historical projects, the reader's concern should not be dismissed offhand, as it points to the very real issue of who, ultimately, has the authority to "speak."¹⁶ Oral history pioneer George Ewart Evans, in his proclamation that "I Am A Tape Recorder," reflected on the growing relationship between human and machine in the process of collecting and compiling history. Arguing that the tape recorder merely refined a technique that he had already been using, he warned against fetishizing the tape recorder as a device that could offer direct access to the past through vocal capture and insisted that rigorous methods of historical analysis and interpretation still need to apply to the recorded interviews.¹⁷ It is the historian, and not his subjects, who are authorized to tell the story.

¹³ See Joel Lieber, "The Tape Recorder as Historian," *Saturday Review*, June 11, 1966, 98-99

¹⁴ Studs Terkel: *Hard Times: An Oral History of the Great Depression* (New York: Pantheon Books, 1970); T. Harry Williams, *Huey Long* (London: Thames and Hudson, 1970); Mary Penick Motley, *The Invisible Soldier: The Experience of the Black Soldier, WWII* (Detroit: Wayne State University Press, 1975).

¹⁵ Hugh Brogan, "Racialism in the Ranks," *The Times Literary Supplement* [London], June 11, 1976, 692; R. Newman, "Tape-Recorded History," *The Times Literary Supplement* [London], July 2, 1976, 825.

¹⁶ Hugh Brogan, "Tape-Recorded History," *The Times Literary Supplement* [London], July 16, 1976, 890.

¹⁷ George Ewart Evans, "I am a Tape Recorder," *Encounter* vol. 47 no. 5 (November, 1975), 74. Evans is especially critical of what he sees as an American trend to present "accounts of the present without too much concern being given to those *roots* of the present." This, he argues, threatens to replace history with sociology.

While I do not want to suggest that Evans' critique of some contemporary oral history practices hides more nefarious intentions, I do want to position his critique within a broader history of ethnographic sound recording. The practice of recording the voices of the (historical/racial) other dates not to the invention of the tape recorder but to the invention of the phonograph, and sound recording has long been part of a colonial ethnographic project of what Brian Hochman calls "documenting difference."¹⁸ These debates, in other words, point to another possible use of the tape recorder that Olsson did not account for but that is the subject of much of this chapter — the possibility that the tape recorder's accessibility allowed it to be appropriated for projects of ventriloquism and control that manufactured new identities and new realities, often (but not always) to the detriment of the speaker. As the fictional case of Bree and the very real cases of King and Woods illustrate, the tape recorder did not always flatten power relations, but it often amplified the power of those already in control. The tape recorder provided a tool to harness the voices of others in order to dictate new identities and new realities, to drudge up the ghosts of the past and unleash them on the present in very real, very material ways.

Walter Neff understood the story-telling affordances of sound-recording media, as did, Steven Connor reminds us, Samuel Beckett whose 1958 one-act play, *Krapp's Last Tape* explored the connection between tape, memory, history, and identity. As the 69-year old Krapp listens to a recording made by a 39-year old Krapp reflecting on his life in his twenties, multiple temporalities coexist, intermingle, and resonate through each other due to the affordances of the tape. Playing (and replaying) the past through tape is more than a purely intellectual experience for Krapp, as the present-day Krapp's body responds and reacts to the past affectively, at times laughing at (or with) his younger self and at other times growing frustrated with the choices he

¹⁸ Brian Hochman, *Savage Preservation: The Ethnographic Origins of Modern Media Technology* (Duluth: University of Minnesota Press, 2014), 76.

had made in the past. As Connor observes, Beckett's own production notes described the tape-recorder as the "companion of Krapp's solitude. Masturbatory agent," and Krapp's constant caressing of the tape recorder and his spastic, impulsive switching on and off of the machine and constant rewinding and fast-forwarding do present it as an erotic device.¹⁹ Indeed, as Krapp almost compulsively plays and replays a scene where his younger self describes a breakup he now regrets, his tape recorder stands in for the body of the absent woman and the unspooling tape for Krapp's inability to move away from his past selves. When the present-day Krapp, frustrated with his younger self, decides to record a new tape in an attempt to cast-off and ridicule "that stupid bastard I took myself for thirty years ago," he cannot help but return to the past, abandoning his recording to replay the scene with the woman once more. While Walter Neff's autobiographical project, though interrupted, was an attempt to rewrite his past, Krapp cannot help but become trapped in the logics of replay, the spools of tape pulling (or rewinding) him back into his past.

To conflate the fluid materiality of tape with the relative stability of dictographic or phonographic recording media, however, is to ignore the possibilities of loss and rupture essential to tape as a medium.²⁰ For scholars like Connor and N. Katherine Hayles, whereas disc-based (or cylinder-based) media privilege replay and reproduction, tape is a plastic and mutable medium that lends itself more to logics of production, erasure, and editing.²¹ As a tool of storytelling and self-narration, the mutable medium of tape both affords and threatens re-writing and re-recording, raising the stakes of the possibilities and perils of playback which could either

¹⁹ Steven Connor, *Beckett, Modernism, and the Material Imagination* (Cambridge: University of Cambridge Press, 2014), 93-4.

²⁰ *Ibid.*, 90.

²¹ *Ibid.*, 87-8; N. Katherine Hayles, *How We Became Posthuman: Virtual Bodies in Cybernetics, Literature and Informatics* (Chicago: University of Chicago Press, 1999), 210.

confirm the evidentiary status of the recorded voice or throw the machine's truth-telling capabilities into disarray. The Beat writers, as Michael Davidson notes, were acutely aware of the plasticity of tape and understood the complexities of the tape recorder as, at once, "a sign of Cold War surveillance and as an instrument for personal confession."²² The machine could be at once used for projects of self-narration and turned against those who might benefit from having control over their identity.

For William S. Burroughs, the sounds captured and produced by the tape recorder were not simulacra or mere symptoms of mechanical reproduction but were rather constituent elements of reality, regardless of editing or other forms of manipulation. Indeed, Burroughs believed that his experiments with the "cut-up" technique, which he borrowed from Brion Gysin, had prophetic powers and could affect reality.²³ Subjecting language to the mechanical logics and techniques of film montage, Burroughs first created new meaning by cutting up and rearranging words before moving onto cutting and splicing magnetic tape. The cut-up technique was a form of resistance and empowerment, a way of subverting what Burroughs saw as the normalizing power of language. "Controlling the sound track," Burroughs explained in 1962, "can influence and create events" and incite "riots and demonstrations."²⁴ Burroughs, however, was not deafened by the revolutionary potential of tape and, reflecting on major tape-related events of the 1960s and early 1970s, he wrote what could be thought of as a sobering addendum that still attested to the

²² Michael Davidson, *Ghostlier Demarcations: Modern Poetry and the Material World* (Berkeley: University of California Press, 1997), 203. Davidson's chapter, "Technologies of Presence: Orality and the Tapevoice of Contemporary Politics" expands on the Beats' fascination with the tape recorder.

²³ Connor, 91.

²⁴ William S. Burroughs, "The Invisible Generation," in *Audio Culture: Readings in Modern Music*, ed. Christoph Cox and Daniel Warner (New York: Continuum, 2004), 336, 339.

power of tape while recognizing that it can be used against the same groups that could be empowered by it.²⁵

In “Playback from Eden to Watergate,” an article he wrote for *Harper’s* in 1973, Burroughs expanded on his ideas of the authorial power of the tape-recorder and its ability to shape reality and identity by mobilizing shame and fear as weapons of social control. Giving his theory cosmic weight, Burroughs reads the Fall of Man as a contemporary technological parable of recording and playback. In Burroughs’ interpretation, when Adam and Eve eat the forbidden fruit, “Adam experiences shame when his *disgraceful behavior is played back to him.*”²⁶ Burroughs’ God is a tape recorder who enacts authority by ‘playing back’ the ostensibly shameful actions of the other. The process of replay is, for Burroughs, the locus of the tape-recorder’s potency, especially when the playback is tied to shame. As he puts it, “you may not experience shame during defecation and intercourse, but you may well experience shame when these recordings are played back to a disapproving audience. *Shame is playback*: exposure to disapproval.”²⁷ The ease of bugging and splicing together tape only grants the user of the tape recorder the power to create meaning and impose it onto the words and actions of others. Once associations are made on tape and released into the world, they infiltrate the public consciousness to the point that they cannot be disassociated, even in the face of contrary

²⁵ See also Burroughs’ *The Ticket that Exploded* that expands on these ideas and situates them within a narrative. For a comparative analysis of this text and *Krapp’s Last Tape*, see N. Katherine Hayles, “Voices out of Bodies, Bodies out of Voices: Audiotape and the Production of Subjectivity,” in *Sound States: Innovative Poetics and Acoustical Technologies*, edited by Adalaide Kirby Morris (Chapel Hill, NC: University of North Carolina Press, 1997).

²⁶ Burroughs, “Playback from Eden to Watergate,” *Harper’s*, November, 1973, 88 (emphasis in original).

²⁷ Ibid.

evidence; even lies spliced together can have an effect on reality. With the tape recorder, as Burroughs eloquently puts it, “any CIA son of a bitch can become God.”²⁸

Shame is central to Burroughs’ theory of tape-recording, and his most provocative insight comes in the form of his critique of privacy and his assertion that the very concept of privacy, and the maxim that it must be protected at all costs, are ideologies perpetuated by those in power in order to retain power. Specifically referencing the tape-recorded surveillance of King, Burroughs notes that the power of the surveillance relied on King feeling shame and fear in relation to his sexual life. The only way to prevent those in power from “using shame and fear as weapons of political control,” Burroughs believes, was to break down the relationship between fear, shame, and private lives altogether.²⁹ “When nobody cares,” claims Burroughs, “then shame ceases to exist and we can all return to the Garden of Eden without any God prowling around like a house dick with a tape recorder.”³⁰ Burroughs’ utopia did not, of course, come to pass, and the continued potency of technologically produced shame as a political weapon makes his insights into the politics of playback resonate both backward and forward in time.³¹ Even if divorced from the specificity of sexual taboos, the replayed recorded voice has the potential to terrorize, shame, and control. Indeed, the ability of the tape recorder to tell different stories and grant marginalized groups the ability to reclaim their identities and histories is flipped on its head when history and fiction are filled with vengeful gods.

²⁸ Ibid., 86.

²⁹ Ibid., 84.

³⁰ Ibid.

³¹ Modern practices of digital “slut-shaming,” stemming, for instance, from the surreptitious capture of image or video using cell phones replicate these same political and technological logics and depend on the continued policing of sexuality and (primarily women’s or racialized) bodies. See Soraya Chemaly, “Slut-Shaming and the Sex Police: Social Media, Sex, and Free Speech,” in *Gender, Sex, and Politics: In the Streets and Between the Sheets in the 21st Century*, ed. Shira Tarrant (New York: Routledge, 2016), 125-141.

Manufactured Realities: The Gendering of Tape

*"Women who have been subjected to phonographs and typewriters are souls no longer; they can only end up in musicals"*³²

— Friedrich Kittler, *Gramophone, Film, Typewriter*

By 1964, Andy Warhol had joined the ranks of artists obsessed with tape when he obtained a Norelco Carry-Corder 150. This mass-market tape recorder became such a permanent part of Warhol's everyday life that he jokingly referred to it as his "wife."³³ Warhol's moniker for the machine, significantly, is suggestive of the feminization of the stenographic, mechanical, repetitive labor performed by the tape recorder. Comparing his own mind to a "tape recorder with one button — Erase," Warhol makes clear that his "wife" is mere prosthetic (and electronic) memory, a device to do the listening and remembering for him.³⁴

The stakes of this gendered understanding of the tape recorder as concretized feminized labor were enacted quite literally four years earlier in the popular science-fiction anthology show, *The Twilight Zone*, which ended its first season by presenting its own twisted take on the seemingly uncanny technological powers of the consumer tape recorder. Indeed, the episode in question, "A World of His Own," makes literal the authorial power of the recorded voice, granting the episode's protagonist, playwright Gregory West, the ability to use his tape recorder to summon reality into being and then edit it out of existence. The episode begins with Greg's

³² Friedrich Kittler, *Gramophone, Film, Typewriter* (Stanford University Press, 1999), 27.

³³ Andy Warhol, *The Philosophy of Andy Warhol: From A to B and Back Again* (New York: Harcourt Brace Jovanovich, 1975), 26.

³⁴ Warhol, *Philosophy*, 199. Warhol's actual relationship to the tape recorder was, of course, more complex than his remark might suggest initially. Gustavus Stadler, for instance, argues that Warhol's tape experiments queered the tape recorder by using it to disrupt normative and normalizing conceptions of space and time. See Gustavus Stadler, "My Wife: The Tape Recorder and Warhol's Queer Ways of Listening," *Criticism* 56.3 (Summer 2014): 425-456. Moreover, Warhol was himself the subject of government surveillance as well as rigorous audits. In response, Warhol initiated a program of quasi self-surveillance that included dictating his day-to-day activities and expenditures over the telephone to his assistant, Pat Hackett, who took on the role of secretary/tape recorder. See Sheila C. Murphy, "Lurking and Looking: Media Technologies and Cultural Convergences of Spectatorship, Voyeurism, and Surveillance," (PhD dissertation, University of California, Irvine, 2002).

wife, Victoria, catching her husband in his study sharing a drink and an embrace with another woman. When Victoria enters the room to confront Greg, however, she finds him alone. Questioning her husband, she learns that the woman, Mary, is no mere mistress; she is a flesh-and-blood manifestation of one of Greg's fictional characters. As Greg explains, "I dictate dialogue and stage business into the tape recorder. I describe any character I want, and if I do it well enough, they come to life." Greg explains that Mary's absence in the room is a matter of editing. To get rid of her, Greg simply cuts off the part of the tape on which she was described and tosses it into the fire. As Greg puts it, with a gleeful snap of his fingers, "She's gone. Uncreated." With Victoria understandably skeptical, Greg grabs his tape recorder's microphone and describes Mary, who arrives only to be erased immediately. As Greg rethreads his tape recorder, he explains that he created Mary because he wanted to be with a woman who did not make him feel inadequate. Victoria's perfection, Greg argues, justifies his action.

Victoria remains unconvinced and wants Greg institutionalized "away from tape recorders and away from me." As she tries to leave, Greg turns on his tape recorder and describes an elephant in the hallway in order to prevent her escape, and he agrees to erase it only on the condition that Victoria will stay. Victoria returns to the study and continues to question Greg's sanity when Greg opens his hidden safe and pulls out his trump card: an envelope containing a bundle of tape corresponding to Victoria. His wife, it turns out, is also the product of the tape recorder. Greg wonders aloud if he should throw the tape in the fire, lamenting that he made Victoria "too strong" and that her unexpected arrival suggests that she can work against his will. As Greg resigns to living a life with a woman not fully under his authorial control, Victoria grabs the envelope from his hands and throws it into the fire, only realizing too late that Greg was telling the truth. Greg frantically grabs the tape recorder microphone and begins to recall

Victoria back into being, but he soon decides to “leave well enough alone” and instead summons Mary once again, this time as “Mrs. Mary West.” As *The Twilight Zone*’s famous narrator Rod Serling, making his first diegetic appearance, tries to wrap up the episode, Greg walks to his safe and reveals that Serling is also a subject of the tape recorder. Greg throws Serling’s tape into the fire and Serling, resigned to his fate, disappears, concluding only that Greg is “apparently in complete control of the Twilight Zone.”

“A World of His Own” is more than a metafictional meditation on the nature of authorship, even as it playfully points to Serling’s own method of script writing that substituted a typewriter for a tape recorder.³⁵ Writer Richard Matheson adapted the episode from his short story “And Now I’m Waiting,” a horror tale that ended up much more tragically for its characters, yet even despite the television episode’s comic tone, or perhaps because of it, its implications are just as unsettling, at least for the viewer if not for Gregory West. The plasticity of tape, the affordance that give it its creative power, takes on harrowing implications when treated as a metaphor for Greg’s power over others alienated from the technological mode of production. The jumbled mess of tape stands in for the fragility and contingency of the body in general and women’s bodies in particular as well as for the mutability of these bodies under Greg’s patriarchal control. The women are the subjects of, and subject to, Greg’s voice, mere secondary characters in the plot he narrates. As Greg summons his characters into being, the camera cuts to reels of the tape recorder turning, recording his every word and connecting metaphorically the characters he summons to the affordances, limitation, and logics of the recording medium. To say, in other words, that the “A World of His Own” is not a horror story is disconcerting, as it reads what is ultimately a modern twist on *Bluebeard* as comedy; Greg’s vault is his bloody chamber, housing

³⁵ “Rod Serling: Imagination and Ideas for Television,” *San Antonio Express and News*, May 15, 1960, 9G. As Serling explained, “I found that I can think faster than I type. The typewriter held me up.”

the bodies of his victims. While Greg's subjects seem to walk among the living they are, defined by the logics and fragile materiality of tape and put in service of Greg's personal narrative, always already dead.

I raise this example not only as a way to reiterate that the 1960s had tape recorders on its mind, but also to suggest to how, once removed from the context of legal authority, the tape recorder's power to control and coerce took on much more insidious valences. This detour into the science fiction "comedy" of "A World of his Own," moreover, points to the work of genre in framing the stakes of technological affordances. When unmoored from science fiction and tied more strongly to the ostensible realism of the crime genre and paranoid thriller or the real-life thriller that was the Watergate scandal, the frightening implications of an acoustic project like Greg's become explicit, especially when the presence of the tape recorder is hidden from view. "A World of his Own," like many episodes of the *Twilight Zone*, flies dangerously close to real-world anxieties, and Greg's authorial power is an uncomfortable analog to the real-world use of tape recorders to control marginalized bodies and produce them as deviant undesirable, or manipulable.³⁶ In effect, Victoria and Mary are what could be called tape recorder women, women whose identities are not only produced by the affordances of the tape recorder (record, play, erase, rewind) but whose bodies are made to conform to the mechanical, repetitive logics and temporalities of the device.³⁷

While the arguments that follow work toward thinking through the relationship between the tape recorder and gendered identity, it would be remiss of me to not return once more to

³⁶ See also Jeffrey Sconce, "The Outer Limits of Oblivion" in *The Revolution Wasn't Televised: Sixties Television and Social Conflict* eds. Lynn Spigel and Michael Curtin (New York: Routledge, 1997), 21-47.

³⁷ For more on the historical relationship between technology and the female body, see Anne Balsamo, *Technologies of the Gendered Body: Reading Cyborg Women* (Durham: Duke UP, 1996); Cheris Kramarae, ed., *Technology and Women's Voices* (New York: Routledge, 1988); Claudette Michelle Murphy, *Sick Building Syndrome: Environmental Politics, Technoscience, and Women Workers* (Durham: Duke University Press, 2006).

King's encounter with audio surveillance and acknowledge briefly the tendency of paranoid thrillers to ignore the specific relationship between post-war state-sponsored surveillance and race. Merely hinted at in *The Anderson Tapes* and absent from mainstream conspiracy thrillers of the 1970s, the racialization of surveillance functions as a structuring absence that makes the whiteness of much of paranoid cinema all the more glaring. These films, and surveillance cinema and popular discourses around surveillance in general, often pivot on the notion that *all* bodies are being surveilled at all times. This abstraction of surveilled bodies not only ignores the historical fact that surveillance systems primarily target very *specific* bodies marked by race, gender, class, or ideological affiliation but it disavows the particularities of systems of oppression.³⁸ By treating surveillance as an abstract fact of (everyone's) life, in other words, these films and discourses overlook the intentional and unintentional labor that targets particular bodies and defines them as deserving of surveillance or technological control.

The remainder of this chapter aims to resist the tendency to understand technology and surveillance in only the most abstract terms, as I examine the relationship between sound recording, surveillance, and political/narrational power through the two tape recorder women central to the early 1970s: *Klute*'s protagonist, Bree Daniel and Richard Nixon's secretary, Rose Mary Woods. One born fictional and one made fictional through her popular mediation, these women become defined by their interactions with tape recorders, recorded voices, and powerful gadget-loving men trying to control the technology and, in turn, their identities. To borrow a phrase from Tania Modleski, these are both women who "knew too much" and whose (oral)

³⁸ Simone Browne makes this point in *Dark Matters: On the Surveillance of Blackness* where she emphasizes what she calls "the facticity of surveillance in black lives." See Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Durham: Duke University Press, 2015), 6-7. The collection *Feminist Surveillance Studies* makes a similar argument about the disproportionate targeting of women and minorities by systems of surveillance. Rachel E. Dubrofsky and Shoshana Amielle Magnet, eds., *Feminist Surveillance Studies* (Durham: Duke University Press, 2015).

knowledge threatened to disrupt patriarchal institutions by exposing them as criminal and corrupt.³⁹ In response, the men in these stories work to confine the speaking women and undermine their authority by positioning their bodies and their labor as deserving of shame.

My analysis oscillates between *Klute* and Watergate with the goal of reading non-fiction through fiction and vice-versa. I begin with an extended analysis of the tape recorder in *Klute* and then pivot to examine the role of tape recorders in the Watergate scandal. Keeping *Klute* firmly within view, I suggest that Pakula's film can serve as a productive tutor text, or conceptual entry point, into thinking through the tape recorder's central place in the Watergate hearings, the treatment of Rose Mary Woods, and Nixon's initial obsession with sound recording. Thinking about Watergate in terms of *Klute* asks us to reframe the scandal, if only for a moment, around gendered encounters with tape recording. In both instances, I argue, the female body becomes entangled in ever-unspooling reels of tape put in the service of patriarchal powers seeking to control women through repetitious encounters with shame and humiliation. Indeed, both of these instances serve an implicit critique of the notion that the female voice can ever be considered as fully separate from a specific gendered body.⁴⁰ In the cases of Bree and Woods, as female knowledge and oral testimony threaten to undo centers of masculine power, tape recorders emerge to produce bodies that then become evidential sites upon which the value of the oral testimony is judged and turned against the uttering body.

³⁹ See Tania Modleski, *The Women Who Knew Too Much: Hitchcock and Feminist Theory*, 2nd Edition (New York: Routledge, 2005).

⁴⁰ As the tradition of voice-of-God narration discussed in the previous chapter suggests, the complete separation of voice and body is a power much more often afforded to (white) men.

Tape Recorder Women I: Bree Daniel

Francis Ford Coppola's *The Conversation* (1974) tends to be cited as the defining film of the Watergate era. While Coppola's paranoid thriller had the benefit of being released as the scandal was breaking and was thus understood as a reflection of the *zeitgeist* (despite being in production since the late 1960s), if any single film should claim the dubious honor of being understood as the quintessential Watergate film, it should be Alan J. Pakula's 1971 film, *Klute*. Released only a few days after its similarly tape-obsessed contemporary, *The Anderson Tapes*, *Klute* funnels the former film's interest in the broader surveillance apparatus into a personal narrative about individual control. Moreover, it, even more so than *The Anderson Tapes* before it and *The Conversation* after it, thought through the themes of self-surveillance, self-narration, and self-editing that defined the Watergate scandal in the 1970s but that tend to be set aside in current popular memory's emphasis on the bugging of the Watergate complex itself or on Nixon's long history of wiretapping, bugging, and recording his political enemies.

Klute does not and cannot stand in for the broader cultural experience of surveillance, especially since it ignores that systemic surveillance was racialized perhaps even more that it was gendered. Instead of treating *Klute* as a cultural engagement with larger social structures, then, I analyze *Klute* in terms of its technological imagination and examine how the film speaks to the underlying theoretical reasons for using tape recorders as objects of terror, shame, and identity construction. I am interested in the film as it speaks to the technological and cultural logics of the tape recorder and its capacity to be used in projects of detection that quickly become synonymous with projects of violence and control.

Film scholars like Kaja Silverman, Diane Giddis, Christine Gledhill, and Ned Schantz have considered *Klute* in terms of its complex and sometimes contradictory politics, all arguing

that, whatever autonomy the film might offer its protagonist, Bree is ultimately the locus of patriarchal control.⁴¹ *Klute* is essentially, as Schantz puts it, “a tale of two stalkers” (Klute and Cable), with Bree, a stand-in for the “independent sexual woman” writ-large, trapped between the perverse desires of two men.⁴² At first, the film only posits one of these men, Cable, as a stalker, but as the film unfolds and as Cable and Klute’s methods and technological practices overlap, the labors of detection come to look like stalking and vice versa. While I am in agreement with these existing interpretations of the film, I want to expand on these analyses in order to locate the essential role of the tape recorder within this project of control more fully and trace the ways in which Bree’s life is defined, if not determined, by the structuring logics of tape recording and the men who employ it.⁴³

Klute immediately establishes tape recording as a central visual and thematic motif, opening on a close-up of a portable tape recorder in the middle of the Gruneman family’s Thanksgiving table, its reels turning. We hear lively, though muffled, conversation as the camera tracks along the table, establishing the presence of Gruneman’s friends John Klute and Peter Cable. A jarring spatial and temporal cut to an empty chair — the same chair, we presume, that Tom Gruneman had been sitting in during the previous sequence — signals his absence, and the voice of Lieutenant Trask on the soundtrack confirms that Tom has indeed been missing for some time. Tom’s absent body is the MacGuffin on which the narrative pivots. With the official

⁴¹ See Kaja Silverman, *The Acoustic Mirror: The Female Voice in Psychoanalysis* (Indianapolis: Indiana University Press, 1988); Diane Giddis, “The Divided Woman: Bree Daniels in *Klute*,” *Women and the Cinema: A Critical Anthology*, eds. Karyn Kay and Gerald Peary (New York: Dutton, 1977), 26-36; Christine Gledhill, “Klute 2: Feminism and *Klute*,” in *Women and Film Noir*, ed. E. Ann Kaplan (London: BFI, 1998), 99-114; Ned Schantz, *Gossip. Letters, Phones: The Scandal of Female Networks* (Oxford: Oxford UP, 2008). Gledhill’s essay, it should be noted, is a direct response to, and critique of, Giddis.

⁴²Schantz, 125.

⁴³ In this way, *Klute* is part of a much longer (and continuing) history of men employing technology in order to shame and manipulate women on the grounds of their sexuality.

police investigation encountering only broken leads, Cable and Mrs. Gruneman hire Klute to continue the investigation, motivating the puritanical Klute's descent into the New York underbelly and his encounters with the film's ultimate subject of investigation: Bree Daniel.

We encounter Bree's technologically mediated voice before we see her body or understand her significance to the narrative. In a striking opening credit sequence, a mysterious hand (which we soon learn belongs to Cable) places a portable tape recorder on a table, plugs in an external microphone, and turns on the device. We hear Bree discussing "financial arrangements" with a customer as the camera zooms in on the microphone and slowly tracks along the cord to the tape recorder, as though tracing the trajectory of Bree's voice from its interception to its recording. As the camera lingers over the body of the tape recorder — the close-up of the turning reels cuts to a shot of its glistening silver case— Bree's voice comforts her client (Cable), telling him "You should never be ashamed of things like that . . . I think the only way that any of us can ever be happy is to . . . let it all hang out, you know, do it all and fuck it." Kaja Silverman calls Bree's words "almost a parody of Freudian discourse" and reads the scene in psychoanalytic terms, setting up Cable as the site of sexual repression and Bree's voice as the "acoustic mirror" that reflects an unwanted part of Cable back at him.⁴⁴ While this reading is compelling, the scene gains even more potency when read less as a refraction of Cable's split subjectivity and more as comment on the historical fact of tape recorders in public and private life and of the very real relationship between tape recorders and shame that Burroughs (himself very familiar with Freud) would later articulate.

⁴⁴ Silverman, *The Acoustic Mirror*, 81-2. Due to the film's popularity among feminist film scholars in the mid 1980s, it is unsurprising that so many scholars understand the film through the lens of psychoanalysis.



Figure 16: *Klute's* opening credit sequence.

As Jay Beck observes, *Klute* initially separates Bree's (mediated) vocal presence from her body and only joins the two after the authoritative male voice of Lt. Trask, serving as a sound bridge between the Gruneman's home and New York, introduces Bree.⁴⁵ Although we see Bree leaving an audition, Trask's voice defines Bree according to a specific framework of legal standing and economic exchange; to him she is a criminal and a "a good call girl." For her part, Bree describes herself as an actress, and although she is having trouble getting professional acting jobs, her sex work, she tells her therapist, allows her to be "the best actress in the world" if only for an hour at a time. Bree's masterful performances, moreover, enable her to find value in her socially stigmatized labor and allow her to act out a fantasy of control where she is able to claim a stake in her life through her vocal and bodily performance.⁴⁶

⁴⁵ Jay Beck, *Designing Sound: Audiovisual Aesthetics in 1970s American Cinema* (New Brunswick: Routledge, 2016), 67.

The almost deterministic relationship between the voice and the body, with control of one implying control of the other, structures Klute's central technological anxiety. By separating voice from body through technological means, much of the film's violence serves to impede Bree's fantasy of control. Violent men either appropriate or disrupt women's established technological networks — "call girl" Bree is continually haunted by "breather calls," anonymous phone calls, and telephone tapping — or employ recording devices to destabilize their sense of identity and self-worth. At the risk of imposing yet another identity onto Bree, I suggest that, throughout the film, she is less a telephonic "call girl" than she is the quintessential tape recorder woman, a fictional stand-in for the many real-world tape recorder men and women (including, as we will see, Rose Mary Woods) whose identities are disrupted, erased, or rewritten through the manipulation of the recorded voice and whose bodies become subject to the logics of repetition and playback that define the machine. If *Klute* is the story of a struggle for the ability to control and define Bree, then the tape recorder serves as the primary battleground on which the struggle takes place.

Klute, the film's purported hero, is complicit in this struggle, renting the apartment under Bree and setting up a rudimentary wiretapping and recording operation that allows him to log her calls, trace her location and, in turn, justify his patronizing and patriarchal attitude toward Bree and her labor.⁴⁷ The film even makes explicit the connection between the ownership of Klute's surveillance tapes and Bree's ownership of her literal and figurative voice. After visiting Bree's former pimp, Frank Ligourin, Klute discovers a new lead and decides that he no longer needs to

⁴⁶ As Beck notes, Bree's voice is a central part of her performance, as she uses it as a "means to solicit business and to comfort uneasy johns." Although Beck is right to claim that Bree's voice is often the source of her control over situations, his analysis undermines the relationship between voice and body central to the film. Beck, 69.

⁴⁷ As Helen Hanson observes, viewers, too, are often complicit in this process, as our access to many of Bree's private moments are framed explicitly through technologies of surveillance. Helen Hanson, "Paranoia and Nostalgia: Sonic Motifs and Sounds in Neo-Noir," in *Neo-Noir*, eds. Mark Bould, Kathrina Glitre, and Greg Tuck (New York: Columbia University Press, 2009), 48.

continue his surveillance of Bree. Telling her that “I’m through with your part of it,” he hands over Bree’s tapes (or, as Bree calls them in a joke that insightfully links Klute’s detection to perversion, “dirty phone calls”). After this point, the film’s investigative structure changes, and Klute hires Bree (for a paltry \$100) to aid him in his pursuit to locate Arlyn Page, another sex worker and Klute’s final lead. Acting as Klute’s assistant, Bree grants Klute access to certain areas of New York that would have otherwise been closed to him, and she uses her knowledge of the city’s spaces and people to take a lead role in the questioning.

This moment of agency, of Bree regaining her voice and controlling her performance, is short-lived, as an encounter with a drug-addicted Arlyn Page functions, much like the tape recorder, to force Bree into a traumatic encounter with her past that not only leaves her literally speechless but ultimately repositions her as Klute’s vulnerable subordinate, in need of his care. Gledhill points to Klute’s infantilization of Bree as he “protects her when she is frightened, puts her to bed when she is freaked out, tidies up her flat, chooses the best fruit for her in the market.”⁴⁸ Because of these actions, Bree loses bodily control and returns to a childlike state, visually illustrated when she sits at Klute’s feet or bows her head out of shame as Klute scrutinizes her.⁴⁹ Yet Gledhill’s reading, which posits Bree as ‘frightened’ and ‘freaked out’ suggests that Klute’s protective impulses, though they reduce Bree to a childlike state, are indeed justified, ignoring the active role Klute often takes to create the conditions of Bree’s submission.

Klute’s complicity is perhaps most on display when, returning from a trip to the market, Klute and Bree discover that Bree’s home has been broken into. As the two survey the apartment, the telephone rings. Klute notices Bree’s frightened, hesitant look, but decides to pick up the phone anyway. Interestingly, he does not listen himself, but, exerting control, he holds the

⁴⁸ Gledhill, 107.

⁴⁹ *Ibid.*, 108.

receiver to Bree's ear. As Bree hears her own words (previously recorded by Cable during an encounter that turned violent and traumatic) repeated back, she lets out a terrified gasp and then cries, "Oh my God!" Only after Bree produces this vocal reaction does Klute take the receiver away. Even then, he does not hang up but instead leaves the phone off the hook allowing Bree's haunting, recorded voice to flow freely. The reason for this decision is apparent in the next scene, which begins with a close-up of Klute's tape recorder playing back the contents of the phone call. As the camera tracks back, it reveals that Klute was actually replaying the conversation in Bree's presence exposing her once again to the horrors of the phone call and producing the conditions that cause her to sit still and silent.

While this scene of Cable and Klute unknowingly conspiring to terrorize Bree did not appear in early drafts of the script, Pakula's notes indicate that he was invested in the dramatic potential of having Bree encounter her own voice from the moment he decided to incorporate the tape recorder as the major thematic device. On a draft from June 1970, Pakula scribbled in red ink the words "BREE hears her own voice" below a description of a three-panel shot.⁵⁰ Pakula developed this idea over the course of multiple script iterations, sometimes as part of a split-screen shot in which the viewer "would see her terror as she hears her own voice on the phone." While the split-screen did not make it into the final version of the film, Pakula's imagined effects of the encounter did, with Bree becoming, as his notes specified "the withdrawn child" and "at her most passively self-destructive."⁵¹

Part of Warner Bros.' advertising campaign for *Klute* similarly played up the terror associated with what Michel Chion calls the acousmetre, or the voice without a visible source.

⁵⁰ Andy and Dave Lewis, "*Klute* — Andy and Dave Lewis Script," June 26, 1970, Folder 245, Alan J. Pakula Papers, Margaret Herrick Library. This shot ultimately did not make it into the final film.

⁵¹ Alan Pakula, "AJP Notes," September 8, 1970, Box 118, Folder 11, Paramount Pictures Production Files, Margaret Herrick Library.

Although the telephone figured most prominently in both the print advertising and theatrical trailer (punning on Bree's status as a "call girl"), the campaign's most unique component brought the phone into contact with the tape recorder.⁵² In order to attract moviegoers during the film's Hollywood run, Warner Bros. provided theaters with tape recordings with key dialogue from the film. Theater owners were instructed to install telephones in the lobby so that "passersby can pick up the receiver and hear the alluring dialogue in which Jane Fonda reveals the intimacies and terror of a call girl's life."⁵³ While listening to Bree's captured words could in no way communicate the experience of Bree hearing her own voice to the theater patrons, the decision to use the tape recordings in conjunction with the telephone spoke to the source of the film's tension and acknowledged that the terror came not from the content of the recording but from its mode of transmission.

This promotional device replicates the work of the film by making both the telephone and tape recorder strange by disassociating the phone from its communicative affordances. Taking advantage of the uncanny disjunction of hearing a voice clearly meant for another delivered directly to one's ears, the combination of telephone and tape recorder disrupts the taken-for-granted affordances of each technology. The telephone grants the recorded voice access to a wide-ranging network while the tape recorder effectively turns the telephone into a one-way delivery device, taking away the capacity of the call's recipient to talk back to or connect with the person on the other line. Like Bree, the user becomes disempowered and disconnected from possible networks of companionship or control.

Indeed, when Cable plays Bree's recorded words back to her over the telephone, Bree's horror is easy to understand. As Amy Lawrence argues, "the voice heard during playback is

⁵² Chion, *The Voice in Cinema*, 21.

⁵³ "Klute Pressbook," *Warner Bros.*, 1971.

always the voice of the other – crucially, even when it is the listener’s own.”⁵⁴ The voice she hears is both highly familiar and highly strange; it is both of her and apart from her. Most terrifying of all is the fact that her voice cannot be located in any specific place or time. What Bree hears, essentially, is her own past reappearing in the present; she becomes a ghost that haunts herself.⁵⁵ Bree, the subject of Cable’s tape recorder, no longer has control over her own words. Now that her voice belongs to the tape recorder and is a commodity that can be summoned and manipulated to suit innumerable contexts without her consent, Bree can no longer control her story and must face the terrifying reality that it is always being rewritten behind her back.⁵⁶

The idea that the mechanical capture of the voice can allow the past to be rearticulated in the present is illustrated even more powerfully when Cable terrorizes Bree by replaying the death of Arlyn Page. In this case, the original source of the voice is recognizable to Bree, and that is what makes the mechanical reproduction of Arlyn’s voice so haunting. Connor notes that the voice has the ability to produce a body stating that “the vocalic body is the idea . . . of a surrogate or secondary body, a projection of a new way of having or being a body, formed and sustained

⁵⁴ Amy Lawrence, *Echo and Narcissus: Women’s Voices in Classical Hollywood Cinema* (Berkeley: University of California Press, 1991), 26

⁵⁵ Pakula’s notes even evocatively referred to Bree’s recorded voice as “the ghost with no face.” See Alan Pakula, “Notes from Tape Recorder,” September 8 1970, Box 118, Folder 11, Paramount Pictures Production Files, Margaret Herrick Library.

⁵⁶ This encounter with evidence of one’s own surveillance became increasingly prevalent after the 1974 Privacy Act amendments to the Freedom of Information Act enabled citizens to access their FBI files. In a 1977 issue of *Ms.* magazine, Letty Cotton Pogrebin revealed that FBI files documenting surveillance of Women’s Rights groups frequently commented on the appearance and sexuality of their subjects, replicating the same patriarchal logics of Cable’s surveillance. Similarly, the FBI file of actress Jean Seberg, whose harassment by the FBI likely contributed to her suicide in 1979, portrayed her as a “sex pervert” due to her alleged involvement with a member of the Black Panther party. For her part, Jane Fonda recalls discovering “tens of thousands of pages of FBI files” on her. See Letty Cotton Pogrebin, “The FBI Was Watching You,” *Ms.*, June, 1977, 37-44; 69-76; Margia Kramer and Renee Shafrensky, “Character Assassination: Jean Seberg and Information Control,” *Jump Cut* 28 (April, 1983): 68-71; Jane Fonda, *My Life So Far* (New York: Random House, 2005), 231.

out of the autonomous operations of the voice.”⁵⁷ Here, the tape recorder twists this idea by bringing a voice back from beyond the grave and producing a corpse. Arlyn is dead, but in this moment, she is very much alive, and her acoustic presence is especially threatening to Bree.

Cornered by Cable in the garment factory, Bree becomes an actress in Cable’s twisted play. This scene, the climax of the film, is a perverse inversion of an earlier scene where Bree acts out her fantasy for Mr. Goldfarb. In the earlier scene, Bree was able to control her words and act according to her own script. Now, Cable directs the action, using his speech to impose meaning onto Bree’s body and labor. He tells Bree that “You make a man think that he’s accepted. It’s all just a great big game to you. You’re all obviously too lazy and too warped to do anything meaningful with your life, so you prey upon the sexual fantasies of others.” Beyond Cable’s presence, the other major difference between this scene and its twin is, of course, the tape recorder. Not only does the recording reinforce Cable’s interpretive privilege and position him in a long line of male authorities rearticulating the meaning of women’s words, but as Kaja Silverman notes, it is also played with the intention of producing a scream from Bree.⁵⁸ Though Cable is unable to evoke this coveted scream — empirical, corporeal evidence of his power over her— his recording does affect Bree. Instead of directing herself, Bree is directed by Cable and his tape recorder, and as Arlyn’s screams emerge from the tape recorder, the camera remains fixated on Bree’s face in medium close-up as she breaks into tears. Bree’s vulnerability is discomfiting, and a cut to a close-up of the tape recorder, a reminder that sound is not actually being produced by a body in the present, only reconfirms the affective power of the machine.

⁵⁷ Steven Connor, *Dumbstruck: A Cultural History of Ventriloquism* (New York: Oxford University Press, 2000), 35.

⁵⁸ Silverman, *The Acoustic Mirror*, 83.

Although Klute does arrive to save Bree from Cable, this does not return control to Bree but rather directs it back to Klute. Indeed, with Bree having failed to control her story throughout the film, it is difficult to believe Bree's words in the film's final scene. While the image shows Bree seemingly prepared to move to the country with Klute, her voice-over (diegetically motivated as a session with her therapist) seems to confirm her earlier claims that she could never move to Tuscarora by suggesting that she is likely to be back in the city in a week. Though it would be nice to believe that Bree could return and continue to write her own story free from the constraints of Klute's patriarchal grasp, it is perhaps most likely, given the film's favorite visual and thematic motif, that Bree is fated to live according to the repetitive logics of playback, moving continually in and out of Klute's control. As Tom Milne notes in his review of the film for *Sight & Sound*, "the film's construction is clearly circular" with Cable propelling an investigation that ends in his capture and with Klute, in the end, usurping Cable's place as Bree's relentless stalker.⁵⁹ The tape recorder women can only ever hope for moments of control, for the illusion of progress, before she is rewound once more.

Tape Recorder Women II: Rose Mary Woods

"Next to a man's wife, his secretary is the most important person in his career."
— Richard Nixon⁶⁰

With Gruneman's murder solved, the mystery that remains is Cable's motivation for hiring Klute to investigate Gruneman's disappearance. In his personal notebook, Pakula rationalizes Cable's curious (and ultimately fatal) project of self-surveillance by tying it explicitly to larger themes of control. Cable's obsession with "proving to himself that he has

⁵⁹ Tom Milne, "Klute," *Sight & Sound* 40.4 (Fall, 1971): 220.

⁶⁰ Richard Nixon, quoted in "The Secretary and the Tapes Tangle," *Time*, December 10, 1973, 15.

control on [sic] himself and what is happening around him” is what motivates him to put in place the surveillance apparatus that eventually leads to his discovery.⁶¹ What may have seemed like a forced narrative contrivance, however, became prophetic when, two years later, President Richard Nixon became entangled within his own web of self-surveilling tape. Indeed, due to the Watergate scandal and the mysteries surrounding the Nixon tapes, by the end of 1973, Bree Daniel had ceded her place as the decade’s most prominent tape recorder woman to Nixon’s much-maligned secretary, Rose Mary Woods. After the revelation that Nixon had installed a recording system in the White House, the ensuing controversy over the Nixon tapes, and the possibility that one may contain evidence that linked Nixon to the Watergate break-in, ensured that Woods became a central figure in the scandal. Moreover, the popular media’s subsequent scrutinizing treatment of Woods was illustrative of the highly gendered dynamics at play that positioned Woods as machine echoing Nixon’s words and his will. While I acknowledge that Woods’ social position is much more privileged than many of the other actors in this chapter, her encounter with tape recorders provides a concrete, high-profile example of the power of recording technologies within patriarchal institutions to define women’s work and bodies.

Like Warhol’s rhetorical production of the tape recorder as his wife, Richard Nixon’s claim that his secretary is second in importance only to his wife says more about her functional role than it does about any type of emotional labor she may have provided. Indeed, Rose Woods was, in many ways, Nixon’s tape recorder personified. As his prosthetic memory and his record keeper, Woods’ “main function,” as Judy Bachrach put it, was to know.⁶² Yet by making herself indispensable as Nixon’s personal secretary, Woods had, if only symbolically, overcome the

⁶¹ Alan Pakula, “Notes,” June 19, 1970, Box 118, Folder 11, Paramount Pictures Production Files, Margaret Herrick Library.

⁶² Judy Bachrach, “Rose Mary Woods: Facing her Two Crises,” *Washington Post*, July 7, 1974, H3.

deskilling and mechanization that often accompanies feminized labor in general, and clerical work in particular.⁶³ Woods was not the segregated secretary that the dictograph and Dictaphone tried to keep separate from the employer. Rather, she was part of Nixon's inner circle, the so-called "Fifth Nixon."⁶⁴ By November 1973, however, Woods' encounters with real-world tape recorders undercut much of her social and institutional power. When her boss came under increased scrutiny, she became caught between a governmental administration seeking to silence her and a legal system looking to undermine her testimony. The disputes that occurred around and through tape recorders ultimately reframed Woods' labor in gendered, mechanical terms and, in turn, discredited her authority as a speaker or bearer of knowledge and expertise.

I will return to the broader circumstances surrounding Watergate and the White House's self-recording, self-sabotaging narcissist shortly, but I first want to refocus the discussion on Woods and her role in the scandal. As such, I begin *in medias res*, after District Court Judge John Sirica had subpoenaed tapes the court felt would determine whether Nixon had knowledge of the Watergate break-in. On 28 September 1973, Nixon decided to review and transcribe the subpoenaed tapes and sent Woods, accompanied by Special Assistant to the President, Stephen Bull, to Camp David to complete the task. Armed with three Sony 800B portable tape recorders and between eight and twelve tapes, Woods spent the weekend preparing written transcripts.⁶⁵

⁶³ In her classic study *Women's Place is at the Typewriter*, Margery W. Davies makes just such a distinction between lower-level clerical workers and private secretaries endowed "with knowledge about, and, consequently, power within, their offices." See Margery W. Davies, *Women's Place is at the Typewriter: Office Work and Office Workers, 1870-1930* (Philadelphia: Temple University Press, 1982), 156.

⁶⁴ Mark Steyn, "The Fifth Nixon," *The Atlantic*, April 4, 2005, <http://www.theatlantic.com/magazine/archive/2005/04/the-fifth-nixon/303846/>.

⁶⁵ U.S. House of Representatives, *Statement of information: hearings before the Committee on the Judiciary, House of Representatives, Ninety-third Congress, second session, pursuant to H. Res. 803, a resolution authorizing and directing the Committee on the Judiciary to investigate whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. May-June 1974* (Washington, D.C: GPO, 1974), Book 9, Part 2, 529; "The Secretary and the Tapes," *Time*, December 10, 1973, 16.

As Woods later testified, the work was incredibly time-consuming, and transcribing a single conversation between Nixon and White House counsel John Ehrlichman took close to twenty-nine hours. Because the tape recorders had no foot pedals, Woods had to manually rewind and replay various portions of the tape, and the poor sound quality of the recordings as well as the overlapping, and sometimes indiscernible, voices only compounded the difficulty.⁶⁶ Retuning to the White House on October 1, Woods asked for a tape recorder with a foot pedal. Bull put in the request, and later that afternoon the Secret Service brought Woods a new Uher Universal 5000 tape recorder, a West German model retailing for \$528.80.⁶⁷ As Woods continued to type transcripts of the tapes using her new device, she allegedly received a phone call that would soon thrust her and her tape recorder into the public spotlight. By the end of the year, the Uher 5000 would be the most well known, and infamous, tape recorder model in America and Woods would usurp Bree Daniel's position as the quintessential tape recorder woman.

On November 8, 1973, Rose Mary Woods testified before a grand jury for the first time. It was here where she attested to the difficulties of transcribing the tapes and the limitations of the equipment at Camp David. Over the course of her testimony, Woods reminded the court that she is "not a technician" and that her labor is largely divorced from an intimate knowledge of the material and technological workings of the "black machine."⁶⁸ At a key moment during cross-examination, prosecutor Jill Volner questioned Woods about her technical knowledge and the precautions she had taken when transcribing the tapes. Woods described the machine and the operation and location of its buttons and noted that Bull continuously reminded her to be careful with the tapes, adding, "I don't believe I am so stupid that they had to go over it and over it."

⁶⁶ U.S. House of Representatives, *Statement of information*, 530.

⁶⁷ George O'Toole, "Rose Mary's Machine and the 18-Minute Gap," *The New Republic*, March 9, 1974, 11.

⁶⁸ U.S. House of Representatives, *Statement*, 639

When asked specifically what precautions she had taken to avoid recording over the tapes, Woods replied simply, “What precautions? I used my head. It is the only one I had to use.”⁶⁹ At the time, these words carried little meaning, but they returned to haunt Woods after Buzhardt, on November 21, informed Sirica that a section of one of the subpoenaed tapes, containing a June 20 conversation between Nixon and Chief of Staff H.R. Haldeman, was mysteriously blank. That same day, Sirica ordered that the tapes be submitted for safekeeping and appointed a panel of technical experts to “study the authenticity and integrity” of the tapes. The Watergate scandal quickly became a whodunnit mystery, a tale of tapes with Rose Mary Woods caught in the middle.⁷⁰

The ensuing debates over the 18 1/2 minute “tape gap” in many ways came to define Woods’ public reputation, and her identity, much like Bree’s before her, came to be defined by the logics of the tape recorder. Woods, it turned out, had been aware of the gap since her transcription session back on October 1 and had immediately reported it to Nixon who told her not to worry since the gap didn’t affect the subpoenaed section (Nixon was mistaken on this point). Once it was determined that the tape was, in fact, subpoenaed and, moreover, likely contained a key discussion about the Watergate break-in, all fingers pointed the blame at Woods. On November 26, 1973, Woods returned to testify before Sirica, but this time she was accompanied by a new lawyer, Charles Rhyne. The White House lawyers had decided amongst themselves that Woods was to blame for the erasure and refused to represent her.⁷¹ In distancing itself from Woods and deflecting blame onto her, the Nixon administration turned Woods into a

⁶⁹ Ibid., 688-9.

⁷⁰ See Edward Knappmann, ed., *Watergate and the White House: July-December, 1973*, Vol. 2 (Facts on File, 1974).

⁷¹ Bachrach, “Facing Her Two Crises,” H1.

scapegoat for its own corruption, following the precedent of displacement and disavowal set by Peter Cable.⁷²

During the hearing, Woods explained that she did not mention the gap during her last testimony since she did not think it was subpoenaed. Taking blame for the gap, all she could say was that she was “just dreadfully sorry.”⁷³ The discrepancies between Woods’ story and her testimony on the 6th — her faulty playback, in other words — compelled Sirica to further humiliate Woods by calling on the power of his own record. Borrowing from the logics of the tape recorder, he ordered Woods’ testimony from the previous hearing be repeated back, thus asking Woods and the court to relive her assertion that she had taken precautions and “used [her] head.”⁷⁴ According to reports, during the rest of the late November hearings, the once “testy and antagonistic” Woods was “far more subdued and apologetic.”⁷⁵

For the remainder of her testimony on the 26th, Woods again had to defend her own technological competence when Volner confronted her with an Uher Universal 5000 tape recorder and asked her to identify the machine and describe her interactions with it on the day the tape gap was ‘created.’ As the material affordances of the tape recorder became central to the investigation, so too did the mechanics of Woods’ body and its ability to produce and reproduce specific gestures. Citing her unfamiliarity with the tape recorder, which she used for the first time on October 1, Woods testified that she might have inadvertently pressed the record button

⁷²In Silverman’s terms, the female voice becomes a “dumping ground” for that which the male subject wishes to disown. Silverman, *The Acoustic Mirror*, 81.

⁷³“Nixon’s Secretary Says She Erased Tape By ‘Error,’” *St. Petersburg Times* [FL], November 27, 1973, 1.

⁷⁴Fred Emery, *Watergate: The Corruption of American Politics and the Fall of Richard Nixon* (New York: Touchstone, 1994):416; Richard Ben-Veniste and George Frampton, Jr., *Stonewall: The Real Story of the Watergate Prosecution* (New York: Simon and Schuster, 1977), 177.

⁷⁵“The Secretary and the Tapes.”

rather than the stop button when taking a phone call in the middle of the transcription process. This technical error, argued Woods, may have been responsible for the tape gap.⁷⁶ Experts (as well as Uher representatives) were immediately suspicious of this explanation, noting that Uher 5000 had built-in failsafes to prevent precisely this type of accidental erasure. In order for an erasure to occur, Woods would have had to press down on the machine's recording key while keeping her foot on the treadle used to advance or rewind the tape.⁷⁷

Woods' oral testimony threatened to disrupt her public reputation. As the *Winston-Salem Journal* forcefully put it, over the course of a single day, Woods had transformed from "a perfect secretary" into a "big dumb cluck who pushed the wrong thing."⁷⁸ Other outlets were surprised by Woods' "gargantuan bungle" since, many noted, Woods is a "superprofessional master secretary who hardly ever makes a mistake" and not just some "new girl at the office."⁷⁹ Not only, in other words, did the popular press call into question Woods' intelligence, but they did so in gendered and classed terms, rhetorically making a distinction between (and demoting her from) Executive Secretary to ordinary girl Friday. Woods, it was well reported, took great pride in her work and in the position she had achieved as a bastion of knowledge. To see her work ridiculed and mechanized — to become known for pushing the wrong button — humiliated her. Over the next few days, Woods attempted to redeem and defend her labor, but her narrative had already been written.

⁷⁶ Victor K. McElheny, "Anti-Erasure Safeguards of Tape Device Detailed," *New York Times*, November 29, 1973, 89; Lesley Oelsner, "Miss Woods Says She Caused 'Gap' in Tape by Error," *New York Times*, November 27, 1973, 85.

⁷⁷ McElheny, "Anti-Erasure Safeguards," 86.

⁷⁸ "Rose Mary Woods," *Winston-Salem Journal* [NC], November 28, 1973.

⁷⁹ "Rose Mary Woods," *Chicago Daily News*, November 28, 1973; "Rose Mary Woods," *The Kansas City Times*, November 28, 1973; "Rose Mary Woods," *The Pittsburgh Press*, November 28, 1973.

Woods ultimately came to stand in for the erased voices on the tapes and for the recording apparatus in general. Her body became subject to investigation, treated as evidence of the validity of her testimony, and the complexity of her labor was reduced to a series of repetitive mechanical movements that the court asked her to perform, or play back. Seated once again in front of an Uher tape recorder at the witness stand, Woods had to repeat her actions from the afternoon of October 1. Woods put on the headphones and began operating the machine until Volner asked her to demonstrate her response to the incoming phone call. As Woods put down the headphones and stretched to reach the phone, Volner, in what special prosecutor Richard Ben-Veniste later called “true Perry mason fashion,” made a damning observation: Woods had lifted her foot off of the pedal.⁸⁰

It is telling that even the leading Watergate prosecutor could not help but understand the increasingly absurd trial through the lens of popular media, or at least, that is, until Woods went off-script and insisted that she could not reproduce her actions in the simulated conditions of the courtroom because “I don’t happen to be doing anything.” In response, the prosecution requested photographs of the space where the erasure took place. Volner accompanied Woods, Woods’ lawyer Charles Rhyne, and the official White House photographer back to the White House in order to ensure that no objects were moved or rearranged.⁸¹ Woods insisted on posing for multiple pictures in which she reached for her office phone and mimicked taking notes during a phone call while keeping her foot on the tape recorder’s pedal. To demonstrate the capacity of her body to repeat movements with mechanical precision, she reasoned, was the only way to

⁸⁰ Ben-Veniste and Frampton, Jr, *Stonewall*, 178.; “The Secretary and the Tapes Tangle,” 17; Journalist Peter Jenkins also made this connection between Volner and television’s most famous lawyer. See Peter Jenkins, “Miss Woods Puts her Foot in it,” *The Guardian*, November 28, 1973.

⁸¹ Between hearings, Woods had hired her own private lawyer.

illustrate her credibility.⁸² Unfortunately for Woods, her bodily playback only fueled doubt and ridicule. The photograph of what was soon called the “Rose Mary Stretch” became an iconic image of the Watergate scandal, reproduced in national magazines (including the cover of *Newsweek*) and newspapers and immortalized on a commemorative silver ingot.⁸³



Figure 17: The "Rose Mary Stretch"

In turn, Woods’ body became the object of public interest and ridicule, and the inability of this body to perform in a consistent, mechanical, repetitive manner was treated as evidence of her complicity in the Watergate cover-up as well as a sign of her undying loyalty to her supposed master.⁸⁴

⁸² In court the following day, there was an unresolved dispute as to whether Volner had asked Woods to pose for the photographs or whether it was Woods’ decision alone. See “Rose Mary, Woman Lawyer Get Into Row Over Tape Gap,” *Los Angeles Times*, November 28, 1973.

⁸³ Rick Perlstein, *The Invisible Bridge: The Fall of Nixon and the Rise of Reagan* (New York: Simon and Schuster, 2015): 200.

⁸⁴ Woods’ apparent undying love for and deference to Nixon was a major theme in the reporting around Woods’ testimony and the numerous accounts of her personal life that appeared in the popular press. See Joseph Kraft, “The Tapes: Setting Up a Defense,” *The Washington Post*, November 29, 1973; Judy Bachrach, “Rose Mary Woods,” H1; Nora Ephron, “Rose Mary Woods: The Lady or the Tiger,” *New York*, March 18, 1974, 36; “The Secretary and the

The prevailing narratives criticized Woods (and her body) without acknowledging her tenuous existence within a patriarchal system.⁸⁵ The *Newsweek* cover story profiling “Rose Mary’s Boo-Boo” described, in great detail, Woods’ “improbable series of contortions” and cited technicians familiar with the Uher 5000 as confirming that her story “is physically possible, but highly unlikely,” as though technical expertise logically lent credibility to their judgment of Woods’ body.⁸⁶ A cartoon by syndicated *Washington Post* political cartoonist Herbert “Herblock” Block, accompanied the article and served to critique Woods’ verbal testimony.⁸⁷ It illustrates two paramedics rushing a woman on a stretcher to the emergency room. The woman’s body is twisted and mangled, her arms and legs intertwined and flopping over the side of the stretcher. A caption reads: “She tried pushing a tape-recorder button while holding her foot on a pedal and reaching back for a telephone.”⁸⁸ The “humorous” contortions of Woods’ body in the image are, in many ways, symbolic of the rhetorical violence that the court and media thrust upon her. As if following Peter Cable’s lead, these institutions undermined Woods’ voice and her claims to self-narration by scrutinizing Woods’ body and treating it as an evidential site that would validate her oral testimony.

Tapes Tangle,” 18. This gendered language of servitude continues to the present. Former British MP and Nixon biographer Jonathan Aitken, for instance, refers to one of Woods’ many verbal defenses of Nixon as an instance of her “echoing her master’s voice.” Not only does this recall the image of the Nipper, the loyal dog listening to a gramophone playing back the voice of his dead owner, but it also frames Woods’ work in terms of the processes of recording and playback. See Jonathan Aitken, *Charles W. Colson: A Life Redeemed* (Colorado Springs: WaterBrook Press, 2005): 226.

⁸⁵ Indeed, the popular press and members of the court often seemed oblivious to the gendered, and many times outright sexist, manner in which Volner’s cross-examination of Woods was treated. Sirica himself was highly criticized by leaders of the Women’s Liberation Movement for interrupting Volner to tell her, to raucous laughter, that, “we have enough problems without two ladies getting into an argument.” See “Rose Mary, Woman Lawyer;” Elizabeth Scribner, “The Unprecedented Jill Volner,” *Boston Globe*, November 3, 1974, C20.

⁸⁶ “Rose Mary’s Boo-Boo,” *Newsweek*, December 10, 1973, 28.

⁸⁷ Block’s illustrated coverage of the Watergate scandal won him his third Pulitzer prize in 1979. He was also one of four *Washington Post* employees named in 1973 the *Post* won a Pulitzer for Public Service on Watergate.

⁸⁸ Herblock, Cartoon, *Newsweek*, December 10, 1973, 27.

Other narratives implicitly seemed to recognize that, as media scholar Susan Schuppli notes, “the lack that Woods claims to have inscribed within the tapes appears to be an extension of her own subordination within the patriarchal operations of the White House,” but even these accounts place the blame on Woods rather than on the political and legal structures that valued her only for her capacities of playback.⁸⁹ Audio expert Jay Rose, for instance, pointed to Woods’ competence as a secretary as evidence that she could not have erased the tape, arguing that “her performance in court [where she lifted her foot off the pedal] was a perfect example of her conditioned behavior.”⁹⁰ The ringing phone, Rose suggested, elicited a Pavlovian response from Woods whose body could not help but react in a trained, mechanical way. Nora Ephron’s extended essay on Woods for *New York Magazine*, framed Woods in McLuhanesque terms as “an almost legendarily firm Nixon appendage” and quotes a former White House aide who saw Woods as “Nixon’s memory.”⁹¹ A tape recorder woman in her own right, Woods was understood to operate via technological logics, serving as an extension of Nixon’s body and mind. Even defenses (both implicit and explicit) of Woods situated her labor in similarly mechanical terms, depriving her of agency. The *Chicago Tribune*’s Bill Anderson, for instance, begins his praise of Woods assuming that she erased the tapes and arguing that her willingness to “take care of the boss, come hell or high water” is the sign of a good secretary.⁹² During the hearings, others,

⁸⁹ Susan Schuppli, “Tape 342,” *Forensic Architecture*, February 25, 2012, <http://archive.forensic-architecture.org/explorations/tape-342>. An abridged version of this article was published in *Cabinet* magazine, but it elides the discussion of Woods. See Susan Schuppli, “Tape 342: That Dangerous Supplement,” *Cabinet* 43 (2011): 86-89.

⁹⁰ Dana L. Wilson, “Hub audio expert calls secretary’s explanation ‘ridiculous,’” *Boston Globe*, November 29, 1973, 10.

⁹¹ Nora Ephron, “Rose Mary Woods: The Lady or the Tiger,” *New York*, March 18, 1974, 36. Although, as Ephron notes, the strong relationship between Woods and Nixon was purely platonic, her description of Woods does carry more than a tinge of sexual innuendo.

⁹² Bill Anderson, “A Word of Praise for Rose Mary,” *Chicago Tribune*, January 31, 1974, 20.

including Woods' lawyer, argued that she must have been coached and, like a tape recorder, merely echoed back whatever Nixon and the White House lawyers had instructed her to say.⁹³

In the absence of the tapes, Woods took their place and became, as the *Boston Globe* put it, "Nixon's alibi," evidence of the corrupt patriarchal system in which she was subjected⁹⁴ Whereas the playback of the potentially incriminating evidence on the tapes could implicate Nixon fully in Watergate, the playback of his secretary, and her repeated, continual insistence that she accidentally erased the tape could save him. Woods' testimony, however, increasingly threatened to destroy this alibi, as she insisted that she could only take the blame for between four and six minutes of the eighteen and a half minute "gap" (she refused to call it an "erasure," which would imply intentionality).⁹⁵ Even though she could not remember to whom she spoke or the topic of conversation, she was certain that the call did not exceed six minutes. In response, White House chief of staff Alexander Haig tried to place blame back onto Woods by appealing to gender stereotypes, telling reporters, "I've known women who think they've talked for five minutes and then have talked for an hour."⁹⁶

As the problem of the tapes remained unresolved, the mystery quickly turned from a whodunnit to a howdunnit with experts trying to replicate the gap and resurrect the missing "content" through new methods of forensic analysis (this will be discussed in more detail in the concluding chapter). Even after the discovery of the so-called "smoking gun" tape implicating Nixon in the break-in and cover-up, Woods' name carried with it embarrassing suspicions of complicity that lingered beyond her death in 2005. Indeed, since 2005, the National Security

⁹³ "Rose Mary's Boo Boo," 26;"The Secretary and the Tapes Tangle," 17.

⁹⁴ Joseph Kraft, "Rose Mary: Nixon's Alibi," *Boston Globe*, November 29, 1973, 27.

⁹⁵ Walter Pincus, "Who Dunit?," *New Republic*, February 2, 1974, 15.

⁹⁶ George Lardner Jr., "Haig Tells of Theories on Erasure," *Washington Post*, December 7, 1973, A01.

Archive has handed out an annual “Rosemary Award” for worst open government performance.⁹⁷ Associated with the logics of the tape recorder and not the telephone, Woods never could get off the hook, as she was repeatedly subjected to humiliation and would be forever entangled in the tape.

Expletives Deleted: Gadget-Loving Men & Fantasies of Narrative Control

The inverse of what I have been calling the tape recorder woman, that is, a woman who becomes defined by the repetitive, mechanical logics of the tape recorder, is the gadget lover. A historically gendered term in its own right, the gadget lover is intimately tied to enduring myths of technology that identify men as technological experts and agents of development and women as, at best, consumers or subjects of the technology.⁹⁸ As *Klute* makes clear, its tape recorders, like those of the FBI, are tied less to overt abuses of power than they are to projects of self-preservation and narrative control (quite literally as well as theoretically). The stored human voice not only frightens Bree, but it also dictates the possibilities of her own self-understanding, turning control of her narrative over to those who control the tapes. The tape recorder’s narrative and, in turn, political power is located not in its limited ability to transmit, but in its ability to store and replay.

Pakula’s notebooks provide insight into his own understanding of the relationship between Cable’s character and his technology of choice. Importantly, the process of technological recording was much less central to earlier drafts of the film. In screenwriters Andy

⁹⁷ “Spy Chief James Clapper Wins Rosemary Award,” *The National Security Archive*, March 24, 2014, <http://nsarchive.gwu.edu/news/20140324/>.

⁹⁸ Numerous works trace this myth across media forms. See, for example, Douglas, *Inventing American Broadcasting*; Ruth Oldenziel, “Boys and Their Toys: The Fisher Body Craftsman’s Guild, 1930-1968, and the Making of a Male Technical Domain,” *Technology and Culture*, 38 (1997): 60-69; William Boddy, *New Media and Popular Imagination: Launching Radio, Television, and Digital Media in the United States* (Oxford: Oxford UP, 2004).

and Dave Lewis' original December 1969 script, Klute still tapped Bree's phone and recorded her conversations, but Cable did not carry a tape recorder, and Bree never encountered her own voice or the voices of the dead. Andy Lewis put it, "I guess [Klute's use of the tape recorder] took Alan's fancy as he extended the topic in the film version."⁹⁹ The change was not immediate, and over the course of several months, from February through June 1970, Pakula meticulously developed and unpacked Cable's character and outlined his rationale for making Cable a tape recorder user. In doing so, he implicitly articulated his own vernacular theory of tape recording that resonated with and even anticipated its past and future uses.

One of Pakula's major concerns with the original script was that Cable, "the Heavy," was not a compelling or prominent enough character. As such, Pakula not only proposed revealing the killer's identity earlier and effectively transforming the film from a whodunit into a straight thriller, but he also suggested changing the character's motivation for murder from "envy at the success of the victim and frustrated ambition" to compulsion and obsession with his victims.¹⁰⁰ "Perhaps," wrote Pakula, "the killer should have an obsession with bree [sic]. It should not be a coincidence that he chose her for this complicated alibi. Implicating her in his crime, to begin with... is a sadistic act against her."¹⁰¹ The revised Cable — the one who ultimately appears in the film — was not simply a murderer but a man who takes pleasure in punishing "the kind of woman he wants but can't have."¹⁰² The "key to Cable," Pakula would later articulate, "is control. He is [obsessively] bent on proving to himself that he has control on [sic] himself and of

⁹⁹ "A Q&A With 'Klute' Co-Writer Andy Lewis," *The Next Reel*, April 10, 2013, <http://thenextreel.com/blog/a-qa-with-klute-co-writer-andy-lewis?rq=klute>.

¹⁰⁰ Alan Pakula, "Klute Notes," February 10, 1970, Box 118, Folder 11, Paramount Pictures Production Files, Margaret Herrick Library.

¹⁰¹ Ibid.

¹⁰² Ibid.

what is happening around him.”¹⁰³ For Pakula, Cable is ultimately a man who enjoys “enormous abstract power” in his job and derives pleasure outside of work by terrorizing others and “manipulating people’s fears.”¹⁰⁴

The tape recorder soon became central to this refined characterization of Peter Cable, as did the interrelated practices of surveillance/seeing and eavesdropping/hearing. As a way to communicate Cable’s compulsion to control, Pakula included a note to “always show him watching; never active. Stirring, watching and/or standing, watching. Never in movement.”¹⁰⁵ In other words, Pakula imagined Cable as a mechanism or technology of surveillance, always unseen by the characters, always watching and exerting power and control from the shadows. To aid in Cable’s terroristic project, Pakula contemplated making him a photographer, “a man with a Polaroid camera.”¹⁰⁶ Eavesdropping soon replaced voyeurism as Cable’s *modus operandi*. Although Pakula is not explicit about what motivated the change, a single question, resting all alone at the top of a page in Pakula’s notes, illustrates that the sound surveillance was clearly on his mind: “How can tape recorder be used effectively for suspense?”¹⁰⁷ By the end of June 1970, the tape recorder had taken a prominent role in the script. Pakula’s almost stream of consciousness notes show the tape recorder emerge as one of the central figures in the film and are worth quoting at length:

¹⁰³ Alan Pakula, “Notes,” June 18, 1970, Box 118, Folder 11, Paramount Pictures Production Files, Margaret Herrick Library.

¹⁰⁴ Alan Pakula, “Klute Notes,” June 26, 1970, Box 118, Folder 11, Paramount Pictures Production Files, Margaret Herrick Library.

¹⁰⁵ Alan Pakula, “Re-Reading Script,” February 11, 1970, Alan Pakula, “Klute Notes,” June 26, 1970, Box 118, Folder 11, Paramount Pictures Production Files, Margaret Herrick Library.

¹⁰⁶ Ibid.

¹⁰⁷ Alan Pakula, “Misc. Klute Notes — AJP,” Box 118, Folder 11, Paramount Pictures Production Files, Margaret Herrick Library.

Cable, as a man in Aerospace and electronics -- and we must decide exactly what product the firm makes -- perhaps ironically it is some form of communications device -- ironic since Cable can only communicate electronically; he cannot communicate as a man, personally. Being in this kind of industry, it is possible that Cable has a great attraction to gadgets, so that he may have a pocket tape recorder that he uses to record such things as his beating of those girls. Perhaps he has a pocket tape recorder at that first Thanksgiving Dinner and plays back all of the sounds of joy from that Dinner party, with everybody laughing in amusement at the sounds of their own voices. Maybe he plays it back later on, after he has killed Tom Grunemann [sic]; he's fascinated by the sounds of joy that occurred when he was still alive. It may even give him a sadistic satisfaction. Perhaps we see a whole library of tapes in his office or in his suitcase, or in his library if we ever show his home. Again, the key: He is a man who only communicates electronically, who only communicates by second hand, who is more fascinated by the echoes of people that require no response from him than by the immediate actual sound itself. In that case, he could have made recordings of his own various, erotic, neurotic excitement afterwards. His encounters with Jane McKenna, and with Arlyn Page, and with Bree. So that if indeed Bree did humiliate him, we at sometime could have him play back that scene. It is possible that he plays back that scene with her in Mr. Faber's [Goldfarb] loft? Taunting her with it?"¹⁰⁸

Here, Pakula attempts to connect the temporalities of Cable's surveillance with the pleasures of playback. The tape recorder's primary dramatic advantage over the photograph is that the recorder captures more than just a moment in time. Rather, it is a medium of duration that allows time to be experienced and replayed again and again. It is important that Cable's perversions not be satiated through him merely recalling the past but through him reliving it and forcing others to relive these "echoes." A Polaroid would relegate Cable to the past (he murdered Arlyn Page); a tape recorder allows him to inhabit the past continuous (he was murdering Arlyn Page). This difference is essential, as it the source of Cable's power and the reason he and his methods are so frightening. A perverse twist on the fantasy of pre-emptive surveillance, the locus of Cable's control is in his ability to summon the traumatic past and put it to work in the present.¹⁰⁹

¹⁰⁸ Alan Pakula, "Klute Notes," June 26, 1970, 118 Folder 11, Paramount Pictures Production Files, Margaret Herrick Library.

Cable's precise relationship to his technology is perhaps best illustrated in a trio of scenes in which Cable listens to his recordings. The first of these scenes — the scene that confirms Cable as the film's villain and the source of Bree's terror — emphasizes his listening practices. We see a tape recorder placed on a desk and turned on. As Bree's voice emanates over the soundtrack, Cable's face appears, reflected in his polished desk as he sits and listens. The camera lingers on the working tape recorder as it unspools and plays back the conversation, the machine's movement contrasted with the stillness and silence of Cable's reflected body. The camera then cuts to a close-up of Cable sitting in his chair, alone in his office, relaxed, eyes closed, expressionless, listening. Cable listens like an audiophile, but his interest is not in the fidelity or quality of the audio but in its content. Indeed, Cable's listening practices are reinforced twice more. In the second instance, Cable again begins listening to the tapes reclined in his chair. This time, however, he gets up and walks off screen. The camera then cuts to a low-angle medium shot of Cable staring intensely. Rather than provide viewers with a reverse shot of the literal object of Cable's interest, the camera instead reinforces the power relation at play and cuts to a shot of Bree in bed, still and vulnerable as the tape recorder audio bridges the images. We are later given a hint of what Cable was actually staring at, as the final scene of Cable listening serves as a visual addendum to the second. This time, we hear Bree's voice on the soundtrack as the camera looks outside the window of Cable's high-rise office. Cable slowly enters the frame from the left and stares out the window before the camera cuts to a reverse shot of Cable looking out at the city he despises.

¹⁰⁹ A tape recorder in Pakula's 1974 thriller, *The Parallax View* plays a similarly haunting role. When a Parallax operative assassinates Senator George Hammond during the dress rehearsal for Hammond's political rally, a tape recording of Hammond's speech continues to play on the auditorium loudspeaker. The camera cuts between the tape recorder and Hammond, highlighting the disconnect between the silent, dying human body and the machine producing the voice.



Figure 18: Cable's narcissistic listening practices.

Silverman reads Cable's relationship with Bree's voice as one of narcissistic exchange, Bree's words reflecting his own repressed desires. Indeed, as Cable later tells Bree, she made him aware of those "little corners in everyone which [are] better left alone – sickness, weakness which should never be exposed."¹¹⁰ For Silverman, Cable terrorizing Bree with her own voice is thus an attempt to deflect responsibility for the undesirable parts of himself back onto her, but Silverman's reading does not account for why Cable repeatedly listens to his tapes alone, nor why he seems to listen to them in a state of seemingly distanced relaxation.¹¹¹

The crux of Cable's narcissism lies not in the process of reflection but in the process of mediation. Recall, for instance, that Pakula framed Cable as a man "who only communicates by second hand, who is more fascinated by the echoes of people that require no response from him than by the immediate sound itself." Immediacy, or a direct coming to terms with himself and his actions, is Cable's greatest threat, and his use of technology is a means of coping with the

¹¹⁰ Silverman, *The Acoustic Mirror*, 82.

¹¹¹ *Ibid.*

impending immediacy of a world that disgusts him. We encounter Cable through his reflection, and he encounters the world through windows, skylights, and tape recorders. In this way, Pakula's Cable echoes Marshall McLuhan's 1964 image of the gadget lover (recall that Pakula even described Cable as having "a great attraction to gadgets"). McLuhan rereads the myth of Narcissus in a way that is much more in line with Pakula's own vernacular theory of technology. According to McLuhan, the story is not one in which Narcissus falls in love with his own image but rather one in which the "extension of himself by mirror numbed his perceptions until he became the servo mechanism of his own extended or repeated image."¹¹²

Grounding his media theory in theories of disease, McLuhan advances his understanding of technological mediation as prosthetic, arguing that technological extensions of the body serve as defense mechanisms against environmental overstimulation. As the "irritants and stresses of real life" put pressure on the body, the body withdraws from the world in a sensory numbing process of "autoamputation" in order to maintain its equilibrium. Technology similarly works to extend the body while also necessarily producing, as a counter-irritant, "a generalized numbness of shock that declines recognition."¹¹³ Like the use of overwhelming white noise in the dentist's office that numbs the patient to the pain of the drill, Cable's tape recorder serves as a countermeasure to his actions, shame, and guilt. The process of mediation enables Cable to become numb to himself, and he finds an opportunity to house his perverse burdens in the tape recorder. By listening to Bree's voice, Cable certainly engages with a reflection of his own perversions, but the goal of this engagement is not for Cable to deflect his shameful thoughts, but

¹¹² Marshall McLuhan, "The Gadget Lover: Narcissus as Narcosis," in *Understanding Media* (Cambridge: The MIT Press, 1964), 41.

¹¹³ *Ibid.*, 43

to separate himself from them in order to disavow them completely. "Self-amputation," as McLuhan reminds us, "forbids self-recognition."¹¹⁴

Klute brings Cable's ultimate project into focus through Bree. As Bree explains to her therapist, her intimacy with Klute makes her anxious, as her enjoyment deprives her of control. Her impulse is to break off the relationship in order to "go back to the comfort of being numb again." *Klute* equates emotional numbness with control of one's identity and with technological mastery. While the gadget lover is able to go numb through his manipulation of the technology, he is able to use the same technology to haunt Bree and prevent her from ever gaining control. This takes on further significance after Bree confesses her desire to be "faceless and bodiless and be left alone," a fantasy of control that can only function in a world without hidden tape recorders threatening to give voices mechanical bodies and produce them as repeatable echoes. As Steven Connor says of tape, "it is the medium that most seems to embody the predicament of temporal embodiment – by linking us to our losses . . . keeping us in touch with what nevertheless remains out of reach, making us remain what we no longer are."¹¹⁵ By controlling the tape recorder, Cable is able to ensure that this is the dream that he never encounters and the nightmare that keeps Bree awake.

Gadget Lovers II: Richard Nixon

An obsession with control over one's public and private identity also arguably fueled the self-surveilling practices of Cable's historical analogue, Richard Nixon. To be sure, the discovery of the bugs at the Watergate hotel and the revelation that it was a government operation spurred paranoia, but in many ways, it only confirmed what people already knew and was yet another

¹¹⁴ Ibid.

¹¹⁵ Connor, *Beckett*, 101.

articulation of anxieties and concerns expressed a decade prior. The scandal certainly heightened public concern over bugging gone rampant, but the shift was one of scale and not one of kind.¹¹⁶ The “bugging bug” so affecting the public was yet another mutation of a lingering virus. As an emblem for the larger process of political spying and growing government mistrust, the bugging of the Watergate served an important and powerful public role, but as an isolated incident, it must be understood as part of the longer history of warrantless wiretapping, bugging, and recording that defined the previous two decades. As such, my interest in tape recording as it relates to Watergate lies not in the ‘event’ (insofar as we can refer to Watergate as a singular event), but rather in what the discovery of the break-in revealed, namely Nixon’s internal system of self-surveillance in the White House.

During his televised testimony on June 16, 1973, former presidential aide Alexander Butterfield revealed the existence of a White House recording system, admitting his awareness of voice-actuated listening devices in the Oval Office and Executive Office Building office, manually operated recorders in the Cabinet room, and taps on Nixon’s personal phone lines.¹¹⁷ The quest to obtain the tapes that ensued — which, as previously discussed came to embody the possibility of truth — not only became its own movement in the scandalous symphony that was Watergate, but the public discussion around the tapes added a few discursive twists to the debates around audio surveillance.

¹¹⁶ Los Angeles private eyes, for instance, noted a significant spike in debugging requests in 1973, but their hopefulness that “‘Watergate paranoia’ will continue” echoed the same twisted, economically-motivated sentiments that marked the private eye boom of the 1960s. Mike Goodman, “Watergate Case: Public Catches a Bugging Bug,” *Los Angeles Times*, September 3, 1973.

¹¹⁷ The revelation of the taping system actually occurred three days prior during an interview with Senate investigator Donald Sanders, but it was the televised testimony that made the recording system front-page news. For more on Butterfield’s reflections, see Alicia Shepard, “Revealing the Nixon Tapes,” *The Washington Post*, June 15, 2012. See also Butterfield’s extended interview with Timothy Naftali of the Richard Nixon Presidential Library Museum, Alexander Butterfield, interviewed by Timothy Naftali, June 12, 2008, Richard Nixon Presidential Library Museum, <http://www.nixonlibrary.gov/virtuallibrary/documents/histories/butterfield-2008-06-12.pdf>.

Often lost among the obsession with the words recorded on the tapes was the question as to why Nixon would record himself in the first place. In some senses, this practice was mundane. Nixon was not the first President to have a secret recording system installed in the White House, and the practice of secretly recording conversations from the Oval Office dated back to Franklin Roosevelt's installation of a secret microphone in his desk lamp in 1940.¹¹⁸ Indeed, Nixon had inherited a superior Oval Office recording system from former President Lyndon B. Johnson but had it removed partly due to an ironic disdain for gadgetry in general.¹¹⁹ Nixon, Haldeman later claimed, "abhorred the thought" of the taping system and had it and all of Johnson's other gadgetry, such as television and ticker tape systems, taken out.¹²⁰ The absence of a recording system made it difficult to systematically keep track of conversations, and Nixon found that keeping a human stenographer on hand inhibited him and his interlocutors from speaking freely.¹²¹ As a result, Nixon had a rudimentary voice-activated recording system installed in early 1971 that recorded voices from three tapped presidential telephones and seven microphones hidden throughout the Oval Office connected to tape recorders hidden on the basement level of the West Wing. This system was surprisingly simplistic. As Hal Lipset, who served briefly as chief investigator for the Senate Watergate Committee, put it, it was "adequate, but not

¹¹⁸ William Doyle, *Inside the Oval Office: The White House Tapes from FDR to Clinton* (New York: Kodansha International Ltd., 1999):ix.

¹¹⁹ Mark Feeney, *Nixon at the Movies: A Book About Belief* (Chicago: University of Chicago Press, 2004): 246.

¹²⁰ Oral History Interview with H.R. Haldeman, conducted by Raymond H. Geselbracht and Fred J. Graboske, Pickett Street Annex of the National Archives, August 13, 1987, Richard Nixon Presidential Library Museum, <https://www.nixonlibrary.gov/virtuallibrary/documents/histories/haldeman-1987-08-13.pdf>, 7.

¹²¹ Haldeman Interview, 8. The problem of people performing and not speaking honestly in the knowing presence of a recording device (human or not) was one that Andy Warhol also knew well and even welcomed. See Warhol, *Philosophy*, 26.

professional," made up of consumer-grade Sony 800B tape recorders set at a low recording speed that privileged recording length over fidelity.¹²²

Overheard by a recording system that was at once ever-present but out of sight, Nixon became an ideal technological subject. As Butterfield recalled, the President spoke completely uninhibited by the existence of the system and exhibited a lack of self-consciousness even though his words were being recorded for posterity.¹²³ For his part, Nixon claimed that this system would serve the interest of the historical record. Explaining why he did not destroy potentially incriminating evidence, Nixon echoed both Walter Neff and Bernard Spindel, claiming that the tapes were his "best insurance against the unforeseeable future."¹²⁴ Indeed, for Nixon, self-surveillance was part of creating memory and controlling history, a means of protecting his version of the story from the authorial intent of his enemies. Nixon always maintained that the recording system was established with historiographical ends in mind. In a 1975 affidavit filed as part of a suit to challenge a law giving the government custody of his tapes, Nixon explained that he installed the system on the suggestion of Lyndon B. Johnson, who attested to the value of recordings when compiling his memoirs. Nixon, of course, consented to the installation "having the expectation that I . . . could retain during my life exclusive access to the recordings."¹²⁵

Nixon's protectiveness of the tapes, as well as the revelation of a private dictabelt recording system that he used to produce more editorialized daily journals, complicates his stated interest

¹²² Richard M. Cohen, "Nixon Bug System Simple: Expert Calls Devices Hardly Professional," *The Washington Post*, May 12, 1974, A6. For more details on the specificities of Nixon's system, see Stephen Bull, interviewed by Timothy Naftali, June 25, 2007, Richard Nixon Presidential Library Museum, <https://www.nixonlibrary.gov/virtuallibrary/documents/histories/bull-2007-06-25.pdf>

¹²³ Butterfield, interviewed by Timothy Naftali, 41.

¹²⁴ Richard Nixon, *RN: The Memoirs of Richard Nixon, Volume II* (New York: Warner Books, 1978), 452

¹²⁵ "LBJ Urged Taping," *Chicago Tribune*, July 2, 1975, 6.

in the historical record. To put it simply, Nixon was not interested in providing the public with an untampered record of the past; rather, his system was meant to serve as a failsafe giving him the complete narrative control that, he believed, "executive privilege" entitled him. With knowledge of the secret recordings made public, however, Nixon's initial attempts to withhold their information throughout the summer of 1973 raised some suspicions. As Michael Kilian observed, with everyone "lusting" after the tapes, Nixon's refusal to make the record public seems like an implicit admission that they contain incriminating evidence.¹²⁶ In a moment of prophecy, Kilian guessed that Nixon might have some alternate reason wanting to keep the tapes private, namely that they might disrupt his self-image as "the beloved symbol of wholesome Middle American decency."¹²⁷ Were the tapes to reveal a Nixon inconsistent with his image, Kilian argued, they would surely humiliate and shame him in front of the American public.

In late April 1974, Kilian's prediction came true. In a televised address on April 29, Nixon changed his strategy and promised to turn over 1200 pages of transcripts from the subpoenaed tapes to the House Judiciary Committee and the public, believing that by releasing the transcripts, "blemishes and all," he would prove that he had nothing to hide.¹²⁸ The following day, the news media found those blemishes in the form of highly doctored and abridged transcripts replete with anti-Semitic remarks and, more immediately commented upon, the term "[expletive deleted]" only superficially covering up Nixon's "saltiness."¹²⁹ With "hells" and "damns" present but anything harsher covered up, the transcripts left Nixon's actual choice of

¹²⁶ Michael Kilian, "Nixon's Secret Reason for Guarding Tapes," *Chicago Tribune*, September 2, 1973, A5.

¹²⁷ Ibid.

¹²⁸ "Close-up of the President," *San Francisco Chronicle*, May 1, 1974, 6; David Nyhan, "More than Expletives Deleted from Transcripts," *Boston Globe*, May 19, 1974, 1, 22-3.

¹²⁹ "Executive Expletive," *The Chicago Tribune*, May 4, 1974, N12.

words up to readers' imagination.¹³⁰ For some, the transcripts did enough to expose the supposedly real Nixon, the deleted "expletives" confirming Nixon's supposedly true and unappealing character. Even the conservative *Chicago Tribune* lambasted Nixon in personal rather than political terms. "Appalled" by the private man revealed in the transcripts, the newspaper painted Nixon as essentially immoral, concluding that the transcripts "stripped the man to his essential character, and that character could not stand that kind of scrutiny."¹³¹ For others, the doctored transcripts were so divorced from the real content of the tapes, that they provoked a popular anti-Nixon slogan: "Truth not transcripts."¹³²

Whatever one's interpretation of Nixon, the release of the transcripts served as a culminating summary of the purpose of his recording apparatus. The Watergate scandal ultimately forced Nixon to reveal the dark underbelly of his historical project, and the phrase "expletive deleted" became yet another instance of a historical fact serving as historical metaphor. As in the case of Peter Cable, the tapes became a way to store and disavow simultaneously the parts of himself that he did not want publicly exposed. Indeed, the ultimate goal of Nixon's project, like Cable's, was of manipulating the record of "electronic memory," which came to stand in for the historical record, by deleting the "expletives."

Conclusion: *All the President's Men* and the Disavowal of Tape Recording

If Cable and Nixon are the quintessential gadget loving villains of the 1970s, using recording technologies to manufacture and bolster their desired historical narratives, then *Washington Post* reporters Bob Woodward and Carl Bernstein are undoubtedly the decade's

¹³⁰ "'—' and '—' Out, But 'Hells' and 'Damns' Stay," *Los Angeles Times*, May 1, 1974, A1.

¹³¹ "Listen, Mr. Nixon," *The Chicago Tribune*, May 12, 1974.

¹³² Jon Margolis, "Nixon Sees Signs of the Times," *Chicago Tribune*, May 6, 1974.

heroes. Although, as Joseph W. Campbell argues, their role in the dismantling of the Nixon government is largely overstated, popular history and popular media valorize the duo as evidence of the power of free flows of information against Nixon's oppressive recording regime.¹³³

All the President's Men (1976), the film adaptation of Woodward and Bernstein's bestselling book of the same name, is often considered the third installment of Pakula's "paranoia trilogy," (alongside his other collaborations with cinematographer Gordon Willis, *Klute* and *The Parallax View*), but it is in many ways the hopeful technological inverse of *Klute*. A detective narrative requiring no eavesdropping on the part of the detectives, *All the President's Men* presents a journalistic fantasy in which ethical investigative techniques, publicly available paper documents, and rhetorical persuasion are the tools necessary to dismantle a corrupt government. The film contrasts the work of Woodward and Bernstein with that of official investigative bodies and, in doing so, perpetuates a myth of the journalist-as-hero that lingers to this day.¹³⁴ The film juxtaposes the brightly lit offices of the *Post* with the corrupt, literally dark exterior spaces — the Watergate hotel complex, dingy apartment buildings, Deepthroat's parking garage — that the journalists' labor will illuminate. The close-ups of the tape recorder that defined *Klute* are here replaced with close-ups of typewriters, illustrating not the surreptitious recording of information but its active production. The records of *All the President's Men* are meant to be disseminated *en masse* and in the public interest. These are not, in other words, the typewriters of clerical workers associated with the history of stenography, transcription, and other types of feminized labor.

¹³³ See Joseph W. Campbell, *Getting It Wrong: Ten of the Greatest Misreported Stories in American Journalism* (Berkeley: University of California Press, 2010).

¹³⁴ See Campbell, *Getting It Wrong*.

Instead, these typewriters are part of the masculinized lineage of authorship whereby the typewriter becomes “the extension of [the author’s] intellectual firmament.”¹³⁵

In his notes on the film, Pakula described *All the President’s Men* as the story of David and Goliath and saw it as his task to “dramatize the power of the press . . . of information -- the genius of a free society. The power of newsprint to do what all the weapons in the world could not accomplish, bring down the most powerful man on earth and his underlings.”¹³⁶ Woodward and Bernstein are quite literally tape recorder-less, and the film’s central conflict, as the characters continually remind us, revolves around the journalists’ inability to procure information “on the record.” Countless telephone calls lead to dead ends, and key contacts and interviewees refuse to be quoted.¹³⁷ Usable information acquired legally and openly, it seems, is hard to obtain, which makes Woodward and Bernstein’s eventual success all the more heroic. Like *The Anderson Tapes’* Gerry Bingham before them, Woodward and Bernstein are heroes by virtue of not being associated with corrupting eavesdropping and recording technologies even despite the fact the journalists’ labor requires them to serve as embodied tape recorders for the voices of people they interview. Indeed, the film even positions typewriters as the antithesis of eavesdropping regimes in a scene in Bernstein’s apartment when, out of fear that the apartment is bugged, Bernstein and Woodward communicate with each other by typing out notes.

¹³⁵ Matthew Kirschenbaum, *Track Changes: A Literary History of Word Processing* (Cambridge: Harvard University Press, 2006), 144.

¹³⁶ Alan Pakula, “All the President’s Men — Notes,” December 31, 1974, Folder 41, Alan J. Pakula Papers, Margaret Herrick Library.

¹³⁷ When trying to adapt the book, Pakula was especially worried about dramatizing the numerous communicative dead-ends throughout the film without. As he noted, ““One of the biggest physical actions is being on the telephone and typing and crossing out articles that don’t have enough corroboration to them. And how you make that interesting is a big challenge. Boy-oh-boy-oh-boy-oh-boy. It sure ain’t going to have a foreign market.” See Alan Pakula, “Notes, ‘All the President’s Men,’ The Book”, December 19, 1974, Folder 41, Alan J. Pakula Papers, Margaret Herrick Library.

That *All the President's Men* takes place before the revelation of Nixon's recording system that contributes (perhaps even more so than journalism) to his undoing is to the film's advantage, as it excuses the film from having to deal with the complexities of its sound recording media. Historian Stanley I. Kutler writes that "Nixon's tapes convicted him."¹³⁸ This assertion proves troubling to mass-media institutions that, much like Nixon himself, have stakes in claiming authorship over the production of the "true," "objective" historical record. To credit Nixon's secret recording system — part of the same surveillance apparatus that enabled and empowered a corrupt institution — with uncovering the story would be to privilege the ambivalent, disinterested ear of the machine over the intentional (and masculinized) human labor of the journalists. The cultural narrative of the journalist hero, in other words, rewrites history as the victory of the rhetorical power of "the Media" at the expense of considering the role of the medium of magnetic tape in this history. In doing so, this narrative simultaneously disavows tape's role in storing historical memories and relocates this power into the ostensibly safe and moral hands of a corporate institution that operates according to similar authorial controlling logics.

Moreover, this same institution increasingly assimilated tape recorders into its own projects of narrative control. Woodward and Bernstein, for instance, began using tape recorders during their investigation for *Final Days*, their 1976 follow-up to *All the President's Men* because, Woodward noted, tape provides a more thorough "memory" than his human memory.¹³⁹ More insidiously, a 1976 guide to investigative reporting offers tips to journalists for using concealed tape recorders in their practice. Acknowledging the ethical complications involved, the authors

¹³⁸ Stanley I. Kutler, *Abuse of Power: The New Nixon Tapes* (New York: Free Press, 1997), xxiii.

¹³⁹ Bob Woodward and Carl Bernstein, Interview by Alicia Dietrich and Bruce Buchanan, Harry Ransom Center, March 23, 2007, transcript, http://www.hrc.utexas.edu/multimedia/audio/2007/wb_interview/transcript.html.

nonetheless concede that they “would hesitate to proceed in this somewhat sleazy, cloak and dagger vein except for the uneasy feeling that eventually such device . . . will become a very common part of politics and business.”¹⁴⁰ The victory of journalism, in the end, merely confirmed the tape recorder’s status as a technology through which struggles over narrative and historical control were waged. Regardless of who claims dominion over the technology, the medium, as McLuhan taught, remains the message. As long as reels of tape continued to turn out of sight of their subjects, tape recorders, ambivalent and uncaring, continued to produce and define the bodies of those they overheard.

¹⁴⁰ David Anderson and Peter Benjaminson, *Investigative Reporting* (Bloomington: Indiana University Press, 1976), 146.

CONCLUSION

Continuing The Conversation: The Limits of Expertise and the Legacy of Audio Surveillance in the "Post-Snowden Era"

Throughout this dissertation, I have argued for the need to historicize debates around surveillance and to take seriously the material and imagined histories of surveillance technology. This imperative is perhaps more important than ever in our so-called "Post-Snowden" era. The once-secret NSA documents that former CIA employee Edward Snowden leaked to the press in June 2013 seemed to transform public perceptions about the technological realities of surveillance. Initial reports in *The Guardian* noted that the NSA had been collecting telephone records of Verizon customers on a daily basis.¹ Reports that followed revealed even more shocking revelations including, most prominently, the existence of PRISM, an extensive data mining program in operation since 2007 that directly accesses servers of major U.S. internet companies and collects, sorts, and stores the private communications of users.² While the media explosion that followed would suggest that the existence of mass surveillance was unprecedented in human history, I argue that we must interrogate the present moment by examining it as

¹ Glenn Greenwald, "NSA Collecting Phone Records," *The Guardian*, June 6, 2013, <https://www.theguardian.com/world/2013/jun/06/nsa-phone-records-verizon-court-order>.

² David Lyon, *Surveillance After Snowden*, (Cambridge UK: Polity, 2015), 18-9.

another specific recurrence of a cultural topos and not simply a symptom of a new “information age.”³

Recent scholarship on digital media is right to argue that modern methods of surveillance must be understood in terms of data mining, metadata, and algorithmic culture, which initially seems to mark a material and ideological break from thinking about surveillance in terms of electronic eavesdropping.⁴ The leaked documents did, however, make reference to a powerful voice interception program, MYSTIC, that could record the entirety of a small nation’s phone calls and store them for thirty days.⁵ This program, as invasive as it sounds, does have technological and human limitations, the most significant of which is the inability to effectively sift through and organize the data. While government agencies such as DARPA began funding voice recognition programs in the early 1970s, the perfect computerized capture and transcription of natural conversation remains the “holy grail” of the intelligence community.⁶ The logistical problems of MYSTIC, in other words, echo those of *The Anderson Tapes*, but on a much greater scale.

Even setting MYSTIC aside, I suggest that the history of audio surveillance does offer valuable insight into the present. A few days after the Snowden leaks, President Barack Obama

³ Even the notion of mass government surveillance was not really new, though the Snowden leaks did provide the first form of official evidence. Indeed, despite reports since the 1980s of ECHELON, a similar global surveillance program dating back to the 1960s but with roots in World War II, the existence of the program was never officially confirmed until 2013. Most famously, investigative journalist Duncan Campbell wrote an exposé on ECHELON in *New Statesman* in 1988. See Duncan Campbell, “Somebody’s Listening,” *New Statesman*, August 12, 1988, 10-12.

⁴ Influential studies on contemporary information culture include Mark Andrejevic, *Infoglut*; Mark Poster, *Information Please: Culture and Politics in the Age of Digital Machines*. Durham: Duke, 2006; Tiziana Terranova, *Network Culture: Politics for the Information Age*, London: Pluto Press, 2004.

⁵ Barton Gellman and Ashkan Soltani, “NSA Surveillance Program Reaches ‘into the Past’ to Retrieve, Replay Phone Calls,” *The Washington Post*, March 18, 2014, https://www.washingtonpost.com/world/national-security/nsa-surveillance-program-reaches-into-the-past-to-retrieve-replay-phone-calls/2014/03/18/226d2646-ade9-11e3-a49e-76adc9210f19_story.html.

⁶ See Dan Froomkin, “The Computers are Listening,” *The Intercept*, May 5, 2015; Nils N. Nilsson, *The Quest for Artificial Intelligence: A History of Ideas and Achievements* (Cambridge: Cambridge University Press, 2010).

had to assure the public that the government was not actively listening to phone calls, pointing to the importance of framing these questions historically and to the ways in which older paradigms of surveillance structure public understanding and interpretation.⁷ Moreover, the issues that emerged as matters of public debate, though they took place on a different technological playing field, nonetheless sounded familiar. Questions of technological transparency, the capacity of existing laws to deal with technological change, the evidentiary status of information, and the tension between privacy and security all date back to the earliest encounters between storage media and the public.

My goal, again, is not to downplay the seriousness of modern surveillance but rather to position it as part of a much longer technological history. The scale of data being accessed and the increasingly abstract nature of digital technologies certainly mark a significant shift from voices recorded on commercial tape recorders. The opacity of modern methods of surveillance, it seems, encourages the formation of paranoia defined by excessive investment in the supposedly unlimited power of modern technology and mistrust of institutions with specialized technological knowledge. Nonetheless, technological change must not compel us to overemphasize the new at the expense of the old, as the impulse to frame the modern moment as somehow unique deafens us to the echoes of the past that can serve as productive guides for thinking through the now.

To account fully for the contemporary moment is outside of the scope of this dissertation, and the information available on the specificities of NSA surveillance is insufficient for proper media analysis.⁸ What follows, then, is a tentative, preliminary attempt to think through the technological present in light of the past and to identify points of similarity and difference that

⁷ Michael Pearson, "Obama: No One Listening to Your Calls," *CNN.com*, June 9, 2016, <http://www.cnn.com/2013/06/07/politics/nsa-data-mining/>

⁸ Scholars working in the field of surveillance studies have begun to disentangle the "Post-Snowden" era. See, for instance, David Lyon, *Surveillance After Snowden*.

might prove central to future analyses. Taking my cue from the numerous publications that examined the Snowden revelations through the lenses of the Watergate scandal and Francis Ford Coppola's *The Conversation*, I use the first part of this conclusion to reexamine what, specifically, *The Conversation* might teach us about surveillance technology in light of Watergate. Resisting the tendency to state simply that the film and Watergate both signal the pervasiveness of government surveillance in the face of new technology, I instead read both the scandal and the film as examples of technological failure and as reminders to not place our unimpeded trust in seemingly-futuristic technologies. The second part of this conclusion then moves from the specific to the general, as I zoom out on the dissertation as a whole to reflect on how the ideas presented here can serve as theoretical or methodological entry points into thinking through surveillance in the present.

Material Matters: The Tape Gap and the Limits of the Forensic Imagination

Intimately intertwined with the story of Rose Mary Woods was the broader technological mystery that took place on the surface of Richard Nixon's magnetic tapes. As discussed in the previous chapter, the interrogation of Woods focused on the tape recorder's user interface with a pointed emphasis on the relationship between Woods' body and the buttons and pedals of the machine. With inconclusive results, Sirica moved away from scrutinizing Woods' body and began a parallel investigation to examine the body of the recording media. In consultation with White House counsel and the special prosecutor Leon Jaworski, Sirica appointed an advisory panel of six audio experts to examine the tape dated June 20, 1972 and the accompanying tape recorders. The panel faced three challenges. First, they had to test whether the tapes were, in fact, originals or whether they had been altered or edited in any way. Next, they had to determine how

the tape gap was produced and whether it was produced intentionally. Finally, and perhaps most significantly, they were given the task of restoring the erased conversation by using computer techniques to "'filter' out the humming noise that . . . fill[ed] the 18-minute gap and then 'enhance' any residual signals left in the tape after the erasure."⁹

Although Sirica's court and the popular press frequently used the phrase "tape gap" to refer to the missing conversation, the audio experts made clear the inappropriateness of describing the tape and its supposed "content" only in terms of absence. The problem, they noted, was not just that the tape had been erased but that it now contained a surfeit of undesirable noise in the form of an incessant buzz, which they described as containing "many 'events' such as clicks, pops, changes in loudness, and gaps with no sound".¹⁰ Over the next month, the audio experts ran a series of rigorous tests on the tape. They first listened to the tape in order to identify its acoustic patterns, its various clicks or variations in pitch or quality and then subjected it to the process of magnetic development whereby strong magnetic patterns can be rendered visible. As the engineers tried to replicate the conditions that produced the buzzing, these resulting "magnetic marks" provided them with a visual guide against which to test their own recordings. The engineers conducted further tests, using specialized equipment and new digital technologies to make waveforms and frequency spectrums visible for analysis and comparison.¹¹

As the audio engineers analyzed the tape, their presence and reports of their cutting-edge techniques fueled what Matthew Kirschenbaum calls the "forensic imagination," or the desire for

⁹ Victor K. McElheny, "Partly Erased Tape Scrutinized at Lab," *New York Times*, December 1, 1973, 17.

¹⁰ Richard H. Bolt, et. al, "The EOB Tape of June 20, 1972: Report on a Technical Investigation Conducted for the U.S. District Court for the District of Columbia by the Advisory Panel on White House Tapes," May 31, 1974, <http://www.aes.org/aeshc/docs/forensic.audio/watergate.tapes.report.pdf>.

¹¹ For a complete description of these techniques, see Bolt et. al, "EOB Tape of June 20, 1972," 7-21.

objects in the present to grant us access to the past.¹² This belief that the past is not only inscribed on storage media but that this past is recoverable was, as this dissertation has shown, by no means a new phenomenon, but recent technological developments in audio forensics did establish new horizons of possibility for the types of information that could be retrieved. Playback, in other words, was not the only way in which tape could tell tales. The technique of spectral analysis (often referred to as "voiceprint" analysis) was especially engrained within the popular imagination of the time. Episodes of *Perry Mason* and the *Dragnet* re-launch, *Dragnet 1967*, for instance, turned on the notion that the human voices produce unique frequency patterns, effectively leaving behind a trace that, through spectral analysis, could be tied to a specific individual much like a fingerprint.¹³ The technique, which was the subject of much controversy and skepticism within the scientific community, was nonetheless often treated in the popular media as the fulfillment of William J. Burns' forensic dream.¹⁴

In essence, the new methods of audio forensics being put to use during the Watergate trial operated by making recorded sound visible and analyzable in a way that, for instance, grooves on a wax disc were not. In turn, the June 20 tape and the Uher tape recorder that produced it became, at least for the first few months on 1974, understood less as purely symbolic objects — as bastions of truth or emblems of corruption — and more as specific material ones. Scientific schematics and images of waveforms and spectrograms replaced the once-ubiquitous image of

¹² Matthew Kirschenbaum, *Mechanisms: New Media and the Forensic Imagination* (Cambridge: The MIT Press, 2008), 251.

¹³ See the 1965 *Perry Mason* episode "The Case of the Laughing Lady," (an episode in which Mason uses a bugged martini olive to get the voice recording necessary for spectral analysis) and the *Dragnet 1967* episode "The Big Squeeze" (1969).

¹⁴ Ray Ripton, "Voiceprinting Described as More Mystique than Science," *Los Angeles Times*, March 9, 1969, WS1; Larry Lee, "Your Fingerprints Belong to You, But What About Your Voice?," *Village Voice*, October 18, 1973, 17; Harry Hollien, *The Acoustics of Crime: The New Science of Forensic Phonetics* (New York: Plenum Press, 1990), 207-31.

the Rose Mary Stretch, and the press no longer spoke of the abstract affordances of "the" tape recorder (its capacity to record and erase, for instance) but rather the hardware-specific affordances of the Uher 5000 (the specific "signature" produced on the tape by the recorder's erase head, for example).¹⁵

The promise of audio forensics to turn the ephemerality of media into myth spurred the hope that Nixon's dormant conversation would speak again. White House Counsel J. Fred Buzhardt told the Sirica court that he believed there "was a remote possibility that the material recorded on the 18-minute segment that had been obliterated could in some way be 'brought out,'" and this sentiment was confirmed even by technical experts who portrayed reconstruction as a difficult but routine task.¹⁶ Even as early as December 1973, however, the audio experts noted that it was increasingly unlikely that the conversation could actually be recovered.¹⁷ Indeed, their January 1974 report testified to both the possibilities and limitations of audio forensics.¹⁸ Their analysis did reveal that the cause of the buzzing was not, as White House chief of staff Alexander Haig's suspected, the work of "some sinister force," but rather that it was very much human-produced on the original tape using the Uher 5000.¹⁹ More significantly, they concluded, "the erasures and buzz recordings were done in at least five, and perhaps as many as

¹⁵ See, for instance, Hoyt Clark, "Experts' Report will Increase Suspicion," *Boston Globe*, January 16, 1974, 18; "The Telltale Tape," *Time*, January 28, 1974, 13-17;

¹⁶ "Open Spots on Tapes Not Erasures, Lawyer Says," *The Globe and Mail*, November 29, 1973, 49; Nicholas Wade, "Watergate: Verification of Tapes May be Electronic Standoff," *Science* 182.4117 (December 14, 1973): 1108.

¹⁷ Carol H. Falk, "Tape Experts Say White House Explanation of Recording Gap Can't Be Substantiated," *Wall Street Journal*, December 14, 1973.

¹⁸ The engineers submitted their first summary report on January 15, 1974. The full report, submitted on May 31 of that year, is not only more detailed but it addresses methodological questions raised after the initial report went public. Most prominently, a number of experts led by Nicholas Wade of *Science* magazine accused the court-appointed experts of methodological oversights. See Wade, "Watergate," Nicholas Wade, "Critics Question Main Conclusion of Expert Panel," *Science* Vol. 183, No. 4126 (February 22, 1974): 732-4.

¹⁹ George Lardner Jr., "Haig Tells of Theories on Erasure," *Washington Post*, December 7, 1973, A01.

nine, separate and contiguous segments" suggesting that the erasure was very much intentional.²⁰ Unfortunately, although the engineers agreed that the erased/overwritten section of the tape did contain speech, they could not recover it.

The June 20th conversation between Nixon and Haldeman was never recovered. In 2001, the National Archives assembled a panel of audio experts — the modern day version of Sirica’s panel — to assess whether technological advancements since 1974 would allow them to finally recover the original conversation. Preliminary test resulted in failure, and the tape was placed back in the archive so that, as archivist John Carlin noted, future generations can try again.²¹ The continued persistence of the forensic imagination in relation to “Tape 342” is one of the lingering tragedies of the Watergate scandal. As Susan Schuppli observes, the tape, even in its “state of archival deep-freeze” still “speaks to us in many complex ways and on several different registers.”²² Nonetheless, archivists, historians, and journalists still pine for the erased speech, reluctant to accept that the sloppy tampering of a still-unknown amateur has perhaps stumped audio experts forever. The lingering trace of Watergate is not the continued problem of surveillance; it is the failure of technology and expertise when we need it most.

Recovering The Conversation:

With the saga of the Nixon tapes still firmly in mind, I turn finally to *The Conversation*. As Catherine Zimmer puts it, *The Conversation* has become “somewhat of an *urtext*” for more

²⁰ Bolt et. al., “EOB Tape of June 20, 1972,” 41.

²¹ “Experts Can’t Fill in Blanks of Watergate,” *Los Angeles Times*, May 9, 2003.

²² Susan Schuppli, “Tape 342,” *Forensic Architecture*, February 2012, <http://archive.forensic-architecture.org/explorations/tape-342/>.

contemporary surveillance-based films.²³ Film critics and scholars have considered the film as an in-depth character study of a lonely gadget-lover who mediates his own life through constant recording, a meditation on the precarity of privacy in the morally ambivalent 1970s, post-Watergate America, and as extended meta-commentary on the role of the soundtrack in the filmmaking process.²⁴ While I do acknowledge the centrality of *The Conversation* to discussions about “classical” or “canonical” surveillance cinema, one of the aims of this dissertation has been to decenter the film from its position as *the* quintessential audio surveillance film.²⁵ At the same time, it would be wrong to not discuss the film and the circumstances of its release in April 1974. Although Coppola conceived of the film and wrote the script prior to Nixon’s election, critics at the time of *The Conversation*’s release could not, understandably, receive the film outside of the context of the emerging Watergate scandal. Similarly, critics re-watching it today cannot help but understand it through the lens of NSA surveillance.²⁶

Thinking through *The Conversation* in terms of the Watergate tapes is fruitful if only because it moves the terms of the discussion away from an emphasis on surveillance-as-apparatus and toward an emphasis on surveillance-as-labor. While the *Boston Globe*’s Kevin Kelly argues that “the perilous and inescapable conclusion of ‘The Conversation’ is that every

²³ Catherine Zimmer, *Surveillance Cinema* (New York: New York University Press, 2015). 18.

²⁴ See David Denby, “Stolen Privacy: Coppola’s *The Conversation*,” *Sight and Sound* 43.3 (Summer 1974): 131-133; David Wilson, “The Conversation,” *The Monthly Film Bulletin*, January 1, 1974, 41-2; Gene Siskel, “‘The Conversation’ Taps Chilling Reality,” *Chicago Tribune*, April 11, 1974, B5; Joy Gould Boyum, “A Modern Horror Story,” *Wall Street Journal*, April 15, 1974, 14; Vincent Canby, “A Haunting ‘Conversation,’” *New York Times*, April 21, 1974, 127; Carolyn Anderson, “*The Conversation* as Exemplar and Critique of Sound Technology,” *Post Script* 6.3 (Spring/Summer 1987): 13-30; Beck, *Designing Sound*.

²⁵ I do not mean to deny the innovative technical work the film performs to make sound and the technologies of sound surveillance visible and cinematic, but I do not emphasize these issues here since they have been covered extensively by other scholars. See Zimmer, *Surveillance Cinema*, 18-23; Beck, *Designing Sound*, 105-9; Anderson, “*The Conversation* as Exemplar and Critique.”

²⁶ Alexander Huls, “Why *The Conversation* Should Be Required Viewing at the NSA,” *The Atlantic*, April 7, 2014; Terry Kay Diggs, Interview with Walter Murch, UC Hastings, November 2014, <https://www.youtube.com/watch?v=Y2aXQw6JolA>.

personal life is endangered by the mammoth technological means now used to monitor private citizens of the ostensible public good,” upon reflection, it seems that the film’s warning is at once more benign and potentially more frightening.²⁷ The central anxiety of *The Conversation* is not that surveillance (audio or otherwise) is encroaching on every inch of private life; by 1974, the general public was already well aware of this (slightly embellished) fact. Rather, *The Conversation*, much like the court-appointed audio engineers' summary report released only three months prior, raises the prospect the failure of expertise even in spite of technological advancement.

Harry Caul (Gene Hackman in a role directly inspired by Hal Lipset, who served as a consultant on the film) is a victim of hubris and of his faith in technology and his own technological competencies.²⁸ Harry operates according to the dictates of the machine; an extension of his tools, he remains disinterested in the specifics of the situations he records, and his distanced, scientific approach disavows the interpretive work necessary to even the most technologically-dependent methods of forensic detection. As Dennis Turner points out, Harry’s major mistake is that he interprets Mark's (the actual murderer, played by Frederic Forrest) articulation of "he'd kill us if he got the chance" as "pure denotation, devoid of the shading and nuance of discourse."²⁹ Harry, in others words, hears the words as if reading them from a written transcript. His insistence that he does not care about what the subjects of his surveillance are talking about and that his sole interest is in obtaining a “nice, fat recording,” defines the ‘content’ of a recording in a manner that has disastrous consequences. He listens to his recording, as Beck

²⁷ Kevin Kelly, “‘Conversation’ Chillingly Prophetic,” *Boston Globe*, April 11, 1974, 68.

²⁸ For more on Lipset’s relationship to Coppola and *The Conversation*, see Holt, *The Bug in the Martini Olive*. The film also makes a subtle reference to Bernard Spindel in the character of Bernie Moran, a sleazy competitor of Harry’s who makes his living working on adultery cases.

²⁹ Dennis Turner, “The Subject of ‘The ‘Conversation,’” *Cinema Journal* 24.4 (Summer 1985): 12 (Whole thing is 4-22).

puts it, "too carefully," putting more stock in intelligibility than in the words themselves.³⁰ Harry is interested in capturing what he sees as raw information and refuses to acknowledge, at least at first, that the data he captures is never, and can never, be completely separated from the circumstances of its recording. Harry's gendered assumption that Mark's accomplice Ann can only be an intended victim and not the perpetrator further deafens him to the subjectivity of the speaker or to the correct inflection of the voice.

The Conversation, however, goes beyond making another plea for the importance of context, as Caul doesn't ignore context completely. He just gets it wrong. The film offers a twist on *Perry Mason's* cautionary tale. Whereas Mason was always sure to point out how recorded information required proper context before it could be interpreted and transformed into evidence, *The Conversation* posits that proper interpretation is sometimes impossible due to technological and human limitations or oversights. It is the same image of the incapable expert that haunts the Watergate scandal. Nixon's fortress of self-surveillance was certainly striking and cause for public interest and uproar, but it was perhaps surpassed by the mysterious tape gap, the constant reminder that required evidential information is available but inaccessible or uninterpretable even despite technological advancements. The ultimate irony of Watergate and of *The Conversation* is that the technologies that provoke fear and threaten privacy refuse to be assimilated to more socially redeemable ends. When the apparatus of total surveillance and the experts mobilizing and manipulating it are taken for granted, their sudden breakdown can be scary indeed.

The Conversation ultimately makes detection impossible both for Harry and, importantly, for the viewer. Tied to Harry's subjectivity, viewers are never given the chance to identify or correct Harry's error or to become experts themselves. The film assimilates sound surveillance

³⁰ Beck, *Designing Sound*, 107.

technologies in order to subvert and resist closure and cut viewers off from the pleasures of a classical detective film. The technological means through which detection was supposed to be simplified and empowered have, in the end, rendered the practice of detection futile. Harry's own interpretive shortcomings betray him and, as a result, the viewers are left with bad information with which to draw conclusions. In an inverse of the relationship between image and sound recording in, for instance, William J. Burns' *Exposure of the Land Swindlers*, here, the image cannot verify or validate sonic evidence. Even if we take the images as granting us access to diegetic reality, we cannot "see" vocal inflection. The evidence we gather is faulty, but because we are trained to trust it without question, Harry's deception becomes our own. The real anxiety is not that we are all subject to surveillance (we have known this since the teens), but that the structures of surveillance are unstable. The subjectivity and human potential for failure implicit in what we have been trained to think of as a purely technical (and therefore unbiased, perfect) process is where *The Conversation*'s twist gains its potency.

An oft-ignored technological fantasy not only reinforces this cynicism at the heart of *The Conversation*, but it also serves as a means through which the film can resonate even more strongly in the present. Although Coppola allegedly promised Lipset that the film would contain "no James Bond stuff," Harry's detection is occasionally grounded in a hypothetical future.³¹ The famous opening shot hints at this future. As the camera slowly zooms in on Union Square our access to the sounds of the scene, in sound designer and editor Walter Murch's words, go "out of focus," and our unimpeded aural access to the scene is impeded by what sounds to modern ears like digital distortion.³² Thematically, the synthesized distortion functions to signal

³¹ Holt, *The Bug in the Martini Olive*, 50.

³² Vincent LoBrutto, Interview with Walter Murch in *Sound-on-Film: Interviews with Creators of Film Sound* (Westport CT: Praeger, 1994), 88-9.

the separation of visual and audio registers and to communicate to the audience the centrality of (unreliable) sound to the film as a whole. What seems to be a purely aesthetic choice, however, becomes central to Harry's investigation, as he prepares the final recording for his employer, the mysterious Director. In order to restore the conversation to an appropriate level of intelligibility, Harry compiles a multitrack master recording from three separate audio 'tracks,' each derived from different methods of audio surveillance. Loading each track into a separate Uher 5000 (of Watergate fame), Harry plays the tracks back simultaneously and oscillates between them to get the best recording.³³ He runs into a roadblock, however, when the background music on one of the recordings prevents his from hearing a crucial line of dialogue (which, we will learn, proves to be *the* key line of dialogue). Harry frantically rewinds the tape, switching between the three tracks, but with no success. Instead of words he hears only garbled distortion. Frustrated, Harry pulls out what appears to be a home-made modulator, which, when connected to his editing equipment, allows Harry to isolate and eliminate the disruptive background music. Perhaps due to the film's ostensible grounding in technological realism, critics fail to note that Harry has effectively employed digital sound editing before it was technologically feasible. As the film's sound designer and editor Walter Murch explains, he knew that "digital cancellation was the only way you could [erase music and reveal a voice behind it]" but also that the technology to do this did not yet exist.³⁴ As such, he imagined that Harry was "such a genius that he himself has invented digital sound before anyone else," and that the audio distortion was actually meant to signal the digital capture of sound.³⁵ Harry, in other words, is empowered with futuristic

³³ As Beck notes, in this instance, Harry operates very much like a dialogue editor. Beck, *Designing Sound*, 107.

³⁴ Diggs, "Interview with Walter Murch." Murch also acknowledges that even present-day technology would be insufficient to cancel background noise the extent that Harry does in this scene.

³⁵ Ibid.

technology that enables his to manipulate sound to an unprecedented extent, and yet he still fails to prevent the murder due to his own misinterpretation of information.

Coda: Lessons From the History of Audio Surveillance

The mundane, everydayness of the dictographs, phonographs, Dictaphones, and tape recorders that populate the history of audio surveillance from 1910-1975 can only seem quaint when placed beside the supercomputers, fiber optic cables, mega data centers, and complex algorithms that form the basis of the modern surveillance society.³⁶ While it is certainly true that computers, as Arthur R. Miller and Alan F. Westin predicted in the late 1960s, have dramatically changed the scope and scale of surveillance, I maintain that we still have much to learn from the early history of audio surveillance. What follows are distillations of some of the key themes of this dissertation that can help shape our approach to the present technological moment. They are not meant to be full-fledged analysis of the “Post-Snowden” moment but rather brief meditations on ways to ground our seemingly abstract, impossibly large, and ever-alienating present in lessons from the past.

The usability of surveillance information relies on human labor

After the series of terrorist attacks that took place in Paris the night of November 13, 2015, many media outlets asked a single probing question: how are large-scale terrorists attacks still possible in an age of global surveillance? CIA director John Brennan blamed regulations that limit government surveillance and used the Paris attacks as evidence that mass data collection

³⁶ While the detective dictograph was not quite an everyday device, it was still a permutation of consumer-grade technology.

needs to remain more or less unfettered in the interest of public safety.³⁷ For Brennan, in their words, the effectiveness of surveillance (here framed as security) is tied primarily to the capacity of the technological apparatus. As more information about the circumstances of the attack emerged, however, it seemed more likely that the failure of preventative surveillance, long a fantasy of the intelligence community (and fictional law enforcement officers, like Edward X. Delaney), was not due to a lack of information but rather to a failure to act on information already obtained.³⁸

That the collection of data alone is not the equivalent of crime prevention should come as no surprise to viewers of *The Anderson Tapes* or *The Conversation*. These films serve as a reminder that surveillance is not just about data collection, but about the technology and, more significantly, the human labor required to manage, interpret and act on that data. Indeed, the recurring cultural fantasy of preventative surveillance seems to accompany major technological shifts and is always mobilized as a way to justify the use of new technology for the purposes of surveillance. The articulation of this goal, however, often treats the technology as autonomous and unmoored from human labor or agency, as though it alone can perform the work of prevention. As Wendy Hui Kyong Chun notes, the myth of the Internet as an "unfailing surveillance device" perpetuates the fallacy that "everything" can be stored, accessed, or analyzed.³⁹ Because this is a technological impossibility, however, "the enormous, ever-

³⁷ See *CSIS Global Security Forum 2015*, John O. Brennan Speech, CSPAN, November 16, 2015, <http://www.c-span.org/video/?400755-1/cia-director-john-brennan-remarks-global-security>.

³⁸ See, for instance, Marcy Wheeler, "Metadata Surveillance Didn't Stop Paris Attacks," *Slate*, November 16, 2015, http://www.slate.com/articles/technology/future_tense/2015/11/the_paris_attacks_weren_t_stopped_by_metadata_surveillance_that_hasn_t_stopped.html.

³⁹ Wendy Hui Kyong Chun, *Control and Freedom: Power and Paranoia in the Age of Fiber Optics* (Cambridge: MIT Press, 2006), 6. Former U.S. intelligence official William Binney made a similar point in December 2013, telling reporters that NSA data collection had become so extensive that it was impeding the organization's ability to function. See Julia Angwin, "NSA Struggles to Make Sense of Flood of Surveillance Data," *Wall Street Journal*, December 25, 2013.

increasing amount of unanalyzed data belies the computer's analytic promise and demarcates the constitutive boundaries of an 'information society.'"⁴⁰ To this, I would add that the human capacity to process, interpret, communicate, and act on even the data that is stored further demarcates these boundaries. As the films that form the primary texts of this dissertation illustrate, to claim that crime can be prevented through *increased* attacks on individual privacy is to ignore the violence brought on by bureaucratic incompetence and structural failures of communication.⁴¹

Surveillance always signals a return to the body

The cinematic or televisual mediation of technologies and practices of audio surveillance provides a constant reminder that surveillance is a process whereby bodies are made visible. While this fact is often taken for granted or unacknowledged in mediations of visual surveillance, narratives of audio surveillance hinge on the reconnection of voice and body; in many cases, it comes to define the very act of detection. As such, I would suggest that the processes and labors of contemporary digital surveillance have their historical precedents not in visual or panoptic surveillance, but in widespread audio surveillance (and, of course, signals intelligence) that shares the material problem of having to connect non-visual data to a visible body. If current technological circumstances encourage a paradigmatic shift away from analyzing the evidentiary

⁴⁰ Ibid., 7.

⁴¹ I should be clear my emphasis on human labor here does not mean that I consider data collection harmful only when analyzed. Indeed, this is a defense of NSA surveillance given by then-Director of National Intelligence in 2013. According to Clapper, data can only be considered "collected" once it has been analyzed by a human. Where Clapper brings up the issue of human labor is a poorly argued attempt to justify mass surveillance, I raise the issue as a critique of the effectiveness of modern surveillance practices and the commonly stated belief that more data collection results in more security. See Bruce Schneier, "Why the NSA's Defense of Mass Data Collection Makes No Sense," *The Atlantic*, October 21, 2013, <http://www.theatlantic.com/politics/archive/2013/10/why-the-nasas-defense-of-mass-data-collection-makes-no-sense/280715>.

status of the voice to thinking about the evidentiary status of metadata, the processes whereby the data becomes meaningful still involves using information to produce a guilty body.

A common defense of dataveillance, and one that President Obama articulated following the Snowden revelations, is that metadata collection is not "content" collection.⁴² This refusal to refer to metadata as content, of course, disavows the significant ways that it is tethered to individual bodies. Metadata, even that derived from regular phone calls, locates individuals in space and time and maps their social relations; it produces an alibi open to the interpretation of data analysts. Even though it may not contain the "content" of a conversation, metadata nonetheless can function as evidence just like the disembodied voice, and as with the voice, *what* the metadata ultimately comes to mean depends on those who are authorized to interpret it. As Kevin D. Haggerty and Richard V. Ericson explain:

Surveillance technologies do not monitor people *qua* individuals, but instead operate through processes of disassembling and reassembling. People are broken down into a series of discrete informational flows which are stabilized and captured according to pre-established classificatory criteria. They are then transported to centralized locations to be reassembled and combined in ways that serve institutional agendas.⁴³

Indeed, to think of dataveillance only in terms of collection ignores the process of reassemblage whereby the collected data is brought to bear back on an individual and identity of its own production.

As I noted in chapter five, cinema and television have long exhibited a tendency to present surveillance as a generalizable phenomenon that affects all bodies equally, and this tendency is amplified as the technologies themselves become more far-reaching and materially abstract. The

⁴² See "Transcript: Obama's Remarks on NSA Controversy," *Wall Street Journal Blog*, June 7, 2013, <http://blogs.wsj.com/washwire/2013/06/07/transcript-what-obama-said-on-nsa-controversy/>.

⁴³ Kevin D. Haggerty and Richard V. Ericson, "The New Politics of Surveillance and Visibility," in *The New Politics of Surveillance and Visibility*, eds. Kevin D. Haggerty and Richard V. Ericson (Toronto: University of Toronto Press, 2006), 4.

ultimate irony of mediations of post-9/11 surveillance is how they pull back from individual bodies even though the intended targets of actual surveillance are racialized and gendered to an extent not seen since possibly the 1960s. The "global eye" of surveillance, as Catherine Zimmer calls it, has become perhaps the dominant motif of contemporary surveillance cinema, with satellite and GPS imagery signaling the reach of the surveillance apparatus and its ability to situate individuals a "world system."⁴⁴ The effect of the use of such imagery in contemporary films ranging from *Enemy of the State* (Tony Scott, 1998), in which Gene Hackman plays a role resembling a modern Harry Caul to *Eagle Eye* (D.J. Caruso, 2008), to the Bourne series of films is the perpetuation of the technological myth of total and equal surveillance. An extension of the paranoid thrillers of the 1970s, these films make the case that the scale and scope of the global surveillance network is so large that we are all subject to its gaze.⁴⁵ As surveillance studies increasingly emphasizes just how selective this gaze can be, it is the work of media studies to map and critique the processes through which myths of total, ostensibly non-discriminating surveillance are mediated and perpetuated.

The history of record keeping and storage media is the history of surveillance

David Lyon argues that "modern societies have always been 'information societies — and therefore 'surveillance societies.'"⁴⁶ Lyon's point here is that surveillance is intimately tied to the bureaucratic management, record keeping, and information collection that have been central to the development of the nation-state. Surveillance, in other words, relies on storage media, as

⁴⁴ Zimmer, *Surveillance Cinema*, 115-9.

⁴⁵ One of the few recent exceptions is David Simon's *The Wire* (2002-2008) in which race and surveillance are intimately intertwined. *The Wire*, however, is very much the exception that proves the rule. Surveillance is racialized, but it is also localized, and the most often employed methods of surveillance (low-fidelity security cameras, telephone taps, and hidden microphones) are archaic relative to NSA standards.

⁴⁶ Lyon, *Surveillance After Snowden*, 46.

technologically rudimentary as it may be. In turn, new methods of recording information have historically been co-opted for the purposes of surveillance. Moreover, as the history of audio surveillance has shown, while regulation often takes place at the level of transmission or interception, power relations are established at the level of the record, as power resides with those who control the record and the circumstances of its interpretation. The task of media archaeology is to trace these often-ignored technological histories in order to map and analyze the complex relationships between the material affordances of new (or newly co-opted) storage media and the individuals or institutions that put them to use. These are not straightforward histories marked by a constant forward (or, we may argue, regressive) movement toward tightened social control. Instead, the processes whereby storage media is integrated into surveillance regimes relies on a constant negotiation between technological affordances and limitations, legal parameters, public debates around privacy, and cultural desires and anxieties.

One of the primary challenges of analyzing contemporary large-scale digital surveillance is the increased distance (both real and perceived) between data collection and the sites of storage. It is hard to ignore storage when it takes the form of Hoover's tangible filing system or when the transmitter is literally attached to the point of recording media via (visible) wires. Just as, however, the public attention on microtransmitters largely effaced tape recorders from popular discourse in the 1960s and 1970s, so too have anxieties around NSA data mining algorithms overshadowed analyses of the massive data centers, fiber optic cables, file servers, and disk drives at the center of NSA surveillance. Media scholars have recently turned to thinking through electronic media and digital information flows in terms of physical and social infrastructure.⁴⁷ As with work on sound recording, however, surveillance remains at most a footnote in these studies,

⁴⁷ See Lisa Parks and Nicole Starosielski, eds., *Signal Traffic: Critical Studies of Media Infrastructures* (Champaign: University of Illinois Press, 2015); Nicole Starosielski, *The Undersea Network* (Durham: Duke University Press, 2015); Tung-Hui Hu, *A Prehistory of the Cloud* (Cambridge: The MIT Press, 2015).

though I suspect this absence is largely due to questions of access.⁴⁸ The NSA's massive Camp Williams data center near Bluffdale, Utah is certainly visible, but it is not accessible.⁴⁹

At the same time, direct access to the sites and technologies that store digital data is not necessary for reframing our modern conception of surveillance in a way that acknowledges the historical importance of record making and record keeping. I am not advocating for a purely materialist approach to surveillance; indeed, doing so would undermine the central argument of this dissertation. Rather, following Tung-Hui Hu, I suggest that a consideration of the material components that make up "the cloud" enables us to analyze what he calls "the gap between the real and the virtual."⁵⁰ Much like the detective dictograph and numerous technologies since, the public invisibility of the technological apparatus upholding modern surveillance means that it operates somewhere between the material and the imaginary. This is the turf on which we must interrogate it.

Popular media puts us in touch with our technological past and present

Finally, I return to the argument from which I began: one of the central ways of making visible the gap between material technology and its accompanying technological imaginary is to examine the images we make and the stories we tell about our technology. Film, television, and other popular media have functioned historically as privileged sites that grant us access to technologies operating within their cultural environments. These mediations, of course, are not always accurate, even when presented under the guise of realism. Instead, these mediations are

⁴⁸ Because scholars do not and cannot have access to the specific materials (physical and digital) of NSA surveillance, contemporary studies can only be hypothetical.

⁴⁹ See James Bamford, "Inside the Matrix," *Wired* (April 2012), 78-85; Ingrid Burrington, "A Visit to the NSA's Data Center in Utah," *The Atlantic*, November 19, 2015, <http://www.theatlantic.com/technology/archive/2015/11/a-visit-to-the-nsas-data-center-in-utah/416691/>.

⁵⁰ Hu, *A Prehistory of the Cloud*, xii.

much more fruitful, as they push at the limits of technologies and poke at their various material and social uses in attempts to understand more completely the technology and its place in the world. In terms of this dissertation specifically, popular narratives make visible the labor, bodies, and machines that make audio surveillance possible but that are often obscured or ignored in both journalistic and scholarly accounts that treat “surveillance” as an intangible, abstract concept.

As we become increasingly alienated from the technologies that track and monitor us, and as we come to terms with the seeming abstractness and invisibility of digital surveillance, popular media continue to serve as sites that attempt to make this world legible. Understandably, the scale and scope of contemporary surveillance provides challenges for media makers, as visualizing global networks of digital surveillance is a much more complicated affair than following a wire from a dictograph transmitter to its receiver or crosscutting between speaking bodies and the tape recorder storing their words. The once-ubiquitous static close-up of the recording device to connote surveillance has been replaced by images of satellite imaging, rapid cross-cutting, and close-ups of unintelligible “data” or “code” moving across a computer screen. Laura Poitras' documentary on Snowden and NSA surveillance, *Citizenfour*, perhaps best encapsulates the difficulty of mediating modern surveillance in a scene where Snowden communicates the scale of NSA surveillance to journalist Glenn Greenwald simply by showing him a series of amateurish slides and graphs on a computer monitor. Greenwald, understanding the significance of these unimpressive images refers to them as "the physical blueprints" or "technical expressions" of surveillance.⁵¹ Scholars like Catherine Zimmer and Richard Grusin have begun thinking through the dominant visual and narrative motifs of “Post-Snowden”

⁵¹ Richard Grusin has noted how these abstractions nonetheless communicate meaning, as evidenced by Greenwald's visceral reaction to the graphs. Richard Grusin, “Datamediation: WikiLeaks, *Citizenfour*, and the Affectivity of Exposure,” Lecture, University of Michigan, Ann Arbor, October 29, 2015.

surveillance, with Grusin having coined the term “datamediation” to “denote both how data is mediated through digital technologies and how data functions as itself a form of mediation.”⁵²

What remains to be done, however, is the process of historicizing these motifs and situating them within a longer recurring history of anxieties around surveillance networks and data flows.

Media scholars must also be attentive to how institutions mobilize these mediations to explain or even to justify contemporary surveillance technology. At a time when news outlets point to television shows like *Person of Interest*, *Scandal*, and *Homeland* as reference points through which to think about surveillance technology, and as the *New York Times* blogs on *The Wire* creator David Simon’s thoughts on NSA surveillance, we must take seriously (and not as a matter of ridicule) the ways in which popular narrative media structures our understanding of the present.⁵³ Shortly after the Snowden scandal broke, George W. Bush’s former advisor, Karl Rove, appealed to television in order to normalize government surveillance techniques. “You cannot turn on a cop drama on television,” argued Rove, “where there is not somebody who’s pinging somebody’s cell phone or taking a look at the phone calls made from some landline or telephone booth to help solve some crime on television.”⁵⁴ As frightening as Rove’s appeals to fiction might seem initially, it is worth remembering that the appropriation of narrative media in order to promote or justify surveillance technologies is a recurring component of surveillance

⁵² Zimmer, *Surveillance Cinema*; Grusin, “Datamediation.”

⁵³ See, for instance, Joshua Rothman, “‘Person of Interest’: The TV Show that Predicted Edward Snowden,” *The New Yorker*, January 14, 2014, <http://www.newyorker.com/culture/culture-desk/person-of-interest-the-tv-show-that-predicted-edward-snowden>; Laura Bennett, “The TV Shows that Prepared Us for the NSA Scandal,” *The New Republic*, June 13, 2013, <https://newrepublic.com/article/113455/nsa-surveillance-tv-what-shows-have-predicted-prism>; J. Max Robins, “Snowden’s Exploits: Ripped From Prime Time’s ‘Scandal?’” *Techonomy*, July 18, 2013, <http://techonomy.com/2013/07/snowdens-exploits-ripped-from-prime-times-scandal/>; Robert Mackey, “David Simon, Creator of ‘The Wire,’ Debates NSA Surveillance,” *The Lede (New York Times blog)*, June 7, 2013, <http://thelede.blogs.nytimes.com/2013/06/07/david-simon-creator-of-the-wire-debates-n-s-a-surveillance-with-readers-of-his-blog>.

⁵⁴ Chris Wallace, “Former Vice President Dick Cheney Talks NSA Surveillance Program,” Rush Transcript of *Fox News Sunday with Chris Wallace, Fox News*, June 16, 2013, <http://www.foxnews.com/on-air/fox-news-sunday-chris-wallace/2013/06/16/former-vice-president-dick-cheney-talks-nsa-surveillance-program#p/v/2482865656001>.

history itself. Rove's utterance is merely an echo that recalls Hoover sitting at his desk approving scripts or William J. Burns filming the workings of the detective dictograph.

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