

Citizens for a Fair Vote Count, PO Box 11339, Cincinnati, Ohio 45211

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Election Wire-tap Alleged Cincinnati Bell Denies Charges

The following paragraphs are excerpts from an article in the Cincinnati Post right before the November, 1987 Cincinnati Council Election. - Jim Condit Jr.

by Randy Ludlow
Post staff reporter

Cincinnati Bell security supervisors ordered wire taps installed on county computers before elections in the late 1970s and early 1980s that could have allowed vote totals to be altered, a former Bell employee says in a sworn court documents

Leonard Gates, a 23-year Cincinnati Bell employee until he was fired in 1986, claims in a deposition filed Thursday in Hamilton County Common Pleas Court to have installed the wire taps.

Cincinnati Bell officials denied Gates' allegations that are part of a six-year-old civil suit that contends the elections computer is subject to manipulation and fraud.

Gates claims a security supervisor for the telephone company told him in 1979 that the firm had obtained a computer program through the FBI that gave it access to the county computer used to count votes.

The deposition does not say if vote totals ever were changed. Gates claimed to have installed wire taps on county computers before the elections in 1977 through 1981 and believes, but wasn't certain, in 1982 and 1983.

Gates' allegations also have taken on political overtones. He appeared in a television commercial that aired twice Thursday on WKRC-Channel 12 for Jim Condit Jr., a Cincinnati Party candidate for Cincinnati City Council.

The commercial also features former Bell employee Robert Draise, who was convicted of tapping a Hamilton, Ohio woman's home and fired for it and who claims he wire-tapped the homes of multi-millionaire and anti-pornography crusader Charles Keating and

former Hamilton County Commissioner Allen Paul.

Gates' deposition claims he told the FBI, the U.S. Attorney's office in Cincinnati and U.S. Rep. William Gradison, R-Cincinnati, about the alleged wire taps.

Gradison confirmed he met with Gates about two years ago and helped him contact the U.S. Department of Justice.

The Post also learned the FBI's internal investigation arm - the Office of Professional Responsibility - is considering granting Gates immunity from prosecution in exchange for his testimony. Local FBI officials declined comment.

U.S. Attorney D. Michael Crites declined comment Thursday on whether Gates' allegations are under investigation, but said if the claims are true, federal wire-tapping laws may have been violated.

Cincinnati Bell spokesman Chuck Shawver said: "We categorically deny any wrongdoing by Cincinnati Bell. This is a disgruntled ex-employee making allegations which have been checked and found to have no foundation." He declined further comment. Bell also denies Draise's allegations, he said.

Neither Paul nor Keating, whose homes were allegedly tapped, could be reached for comment.

Gates, 44, of Anderson Township, was fired by Cincinnati Bell on May 15, 1986. He sued in U.S. District Court to get his job back and recover \$350,000. That result is pending.

Gates' deposition is part of a lawsuit filed in 1981 by attorney James Condit Sr. on behalf of a Cincinnati candidate for council who claimed election results could be manipulated. Condit's son, James Jr., is running the TV commercials featuring Gates and Draise.

Assistant Hamilton County Prosecutor James Harper, representing the county, and Condit Sr. were at the deposition. Common Pleas Court Judge Richard Niehaus ordered the deposition for use as evidence if an appeals court overturns his dismissal 1981 lawsuit.

Harper, who represents the elections board, did not question Gates during the deposition and said he wanted to discuss the allegations with Prosecutor Arthur M. Ney Jr.

Condit Sr. said the political use of Gates' allegations was peripheral. "Gates' deposition had to be filed prior to Nov. 13, when the Ohio First District Court of Appeals may rule on the appeal of the lawsuit", he

said.

Cincinnati candidate Condit Jr., whose party believes elections are subject to fraud due to the use of computers, said he used the commercial to allow Gates and Draise to express their grievances because they have been trying to make their stories known for two years. The commercials will only air three times.

In the deposition, Gates claims he first installed a wire tap on a telephone line to the county computers before the 1977 election at the instruction of James West, a Bell security supervisor.

Gates contends both West and Peter Gabor, security director, told him to install wire taps in subsequent elections. Both men declined comment Thursday.

In 1979 - the election which is the focus of the deposition - Gates said he received instructions in the mail from West about installing wire taps on county computers in the County Administration Building at Court and Main streets.

The wire taps were installed on the eve of the election at Cincinnati Bell's switching control center at Seventh and Elm Streets and terminated in a conference room in the building, Gates alleges.

In the deposition, Gates described in great technical detail installation of the wire taps.

About 8:30 p.m. on election day - Nov. 6, 1979 - Gates said he was called by West and told something had gone wrong causing the elections computer to malfunction. At West's instructions, Gates said he removed the taps.

The elections computer shut down for two hours on election evening due to what was believed to be a power failure, Condit Sr. has said.

Gates said West told him they "had the ability to actually alter what was being done with the votes."

Gates said West told him the Board of Elections did not know about the taps and that the computer program for the elections computer "was obtained out of California, and that the programming had been obtained through the FBI ... "

Shortly after the 1979 election, Gates said he met with the late Richard Dugan, former Cincinnati Bell president, to express his concerns that the wire taps were done without a court order.

"Mr. Dugan said it was a very gray area . . . This was just small compared to what was going on. He told me just, if I had a problem, to talk to him and everything would be okay, but everything was under control," Gates said.

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