

HOUSE OF REPRESENTATIVES  
COMMITTEE TO INVESTIGATE THE ADMINISTRATION OF JUSTICE

( Pursuant to House Resolution No. 21, Printer's No. 291, Session of 1973 )

PROGRESS REPORT

H. Joseph Hepford, Chairman

Eugene R. Geesey  
Russell J. LaMarca

Joseph Rhodes, Jr.  
David M. Turner

Downey Rice, Counsel  
James R. Malley, Chief Investigator

September 1973

## CONTENTS

---

	Page
A. Committee Formation and Implementation of House Resolution No. 21.....	1
B. Subjects of Investigations.....	5
King of Prussia Wiretapping.....	8
Harry E. Kapleau Wiretap.....	12
State Police Civic Association .....	20
Solicitations by Other Law Enforcement Agencies..	25
C. Remedial Recommendations.....	29
D. Future Committee Action.....	33

CHAIRMAN

H. Joseph Hepford

MEMBERS

Eugene R. Geesey  
Russell J. LaMarca  
Joseph Rhodes, Jr.  
David M. Turner



OFFICE:

Room 629 - Main Capitol  
Phone: AC 717-787-7170

MAILING ADDRESS:

Post Office Box 3900  
Harrisburg, Pennsylvania 17105

HOUSE OF REPRESENTATIVES  
COMMITTEE TO INVESTIGATE THE ADMINISTRATION OF JUSTICE  
Commonwealth of Pennsylvania  
Harrisburg, Pennsylvania

PROGRESS REPORT

The Committee to Investigate the Administration of Justice was authorized by House Resolution No. 21, Printer's No. 291, Session of 1973, adopted February 6, 1973.

This Resolution authorized a five-man Committee to study "the efficiency and effectiveness of law enforcement within the Commonwealth." The Resolution also authorized the appointment of counsel and staff along lines deemed necessary to the Committee's operations.

The Speaker of the House, Kenneth B. Lee, named Representatives Eugene R. Geesey, H. Joseph Hepford, and David M. Turner from the Majority, and Russell J. LaMarca and Joseph Rhodes, Jr. from the Minority.

The Committee held an organizational meeting on February 21, 1973, at which time the members unanimously elected Representative H. Joseph Hepford as Chairman, and Representative Eugene R. Geesey as Secretary. At this meeting, the members adopted Rules of Procedure.

Downey Rice and James R. Malley, both attorneys and former Special Agents of the F.B.I. from Washington, D.C., were appointed as Counsel and Chief Investigator, respectively.

From March 16, 1973, through July 31, 1973, the period covered by this report, the Committee has held twelve public hearings and three executive sessions, at which 63 witnesses have been heard.

In addition, the Committee has corresponded with many law enforcement officials and individuals on subject matters of the Committee's investigations. It has held numerous and continuous personal conferences with law officers, lawyers, newspaper reporters, officials of the Commonwealth, and private citizens. The staff has reviewed and analyzed many documents, exhibits, books, and records pertinent to the inquiry.

The Committee has set up an extensive filing system to correlate the material gathered.

The Committee and its staff members have enjoyed the fullest measure of cooperation from members of the House of Representatives, a number of the agencies in the Pennsylvania executive branch, the Pennsylvania State Police, and local and federal law enforcement agencies.

The primary purpose of the Committee clearly is to explore the effectiveness of existing legislation relative to the administration of justice, and to recommend and sponsor any required remedial measures. It has been found, however, that while pursuing these objectives, the activities of the Committee have received statewide publicity on the part of the press, radio, and television.

The combination of Committee diligence and media interest has resulted in public service of the highest order by bringing sharply into focus and to the attention of the people, responsible Government officials, and prosecutors the existence of areas in the administration of justice where improvement was and is necessary. No doubt that publicity has been a factor inspiring some public officials to overcome their inertia and to commence prosecution, and otherwise to alter indefensible positions and procedures in subject matters which have attracted the Committee's spotlight and scrutiny.

While the Committee was pursuing the investigation of the wiretapping at King of Prussia, Pennsylvania, which occurred in the fall of 1972, some of the witnesses who had appeared before the Committee and were subject to recall, or had not yet been heard, were then charged with crimes or had become respondents in court martial proceedings. Other witnesses or spokesmen for them sought to forestall their appearances on grounds that they were involved in matters "under investigation." The Committee, having announced a policy that witnesses might be excused only if

actually indicted or charged, found it necessary to commence contempt proceedings against one witness. Thereupon, that witness, Sergeant Matthew Hunt, a State Police officer, acting on the advice of the Attorney General, abandoned his recalcitrant position and testified to the Committee without reservation.

In another instance, the Committee encountered such conflicting statements in sworn testimony from witnesses that it was compelled to forward relevant transcripts of the testimony to appropriate prosecutors for consideration of perjury charges.

## SUBJECTS OF INVESTIGATIONS

To date, the Committee's attentions have been turned to four areas of inquiry, all inter-related.

At the outset, there was a virtual mandate to illuminate and to seek explanation for the, as yet, unexplicable police-related activities at King of Prussia, Pennsylvania. Apparently a cadre of State Police covertly engaged in espionage on their fellow officers then engaged on a confidential assignment for the Pennsylvania Crime Commission. Although the activities had overtones bordering on the ludicrous, it soon became apparent that there had been a deadly serious collision of highly placed forces working at cross purposes. Both the Attorney General and the Commissioner of State Police to whom the principals were reporting were removed from office. Enlightenment had not been forthcoming as to the details, participants, and purposes which brought about this dismal state of affairs within the governmental structure of the Commonwealth. This Committee has sought, and will continue to seek, that enlightenment in the hope that the disclosure of the full facts will lead to an assessment and cure for this malodorous besmirchment of Pennsylvania law enforcement.

While engaged in the King of Prussia inquiry, the Committee learned of and explored a wiretapping of the telephone of a high State official, Harry E. Kapleau,

Chairman of the Milk Marketing Board. A section of this report is devoted to this disclosure, and the Committee is maintaining on its agenda further probing as to participants and purpose of this strange and sinister trespass.

When looking into a scheme concocted to head off criminal prosecution of the police implicated in the King of Prussia affair, the Committee's attention was focused on a private \$9.5 million fund generated by the State Police for retirement purposes. The fund was found to be supplemental to the State-supported pension plan, and had been in part amassed through systematic solicitation of money by on-duty State Policemen at the direction of their superiors.

The Committee has no doubt of the dubious propriety of this thinly veiled proffer of an opportunity to purchase police tolerance practiced by those sworn to uphold and to enforce the law. It is noted Commissioner Barger of the Pennsylvania State Police testified on June 7, 1973 before this Committee that he had taken the position that such solicitation would have to be discontinued. Further study is indicated and until that has been completed, the Committee will draw no final conclusions.

Committee investigators then quickly learned that the money-soliciting practice of the State Police was no monopoly. Literally dozens of police-related groups and organizations regularly dragooned businesses and individuals into



supplying money for their treasuries. Use of professional non-police solicitors employing boiler-room tactics to raise money, while charging shockingly high commissions, has been uncovered. What becomes of the substantial sums so raised is currently receiving the attention of the Committee.

## KING OF PRUSSIA WIRETAPPING

On November 27, 1972, John Benjamin Sherr, a maintenance man at the George Washington Motor Lodge, King of Prussia, Pennsylvania, climbed into a crawl space above the motel rooms and, to his surprise, saw a mystery man already in the crawl space descend to a room. Sherr reported the observation to his supervisor and, thereby, touched off a bizarre series of maneuvers by law enforcement officers, State Government officials, and prosecutors that has provided headlines for nearly a year.

It was quickly brought out that a special squad of State Police engaged on an important and confidential mission were housed in the motel and had apparently been put under an electronic surveillance by another special squad of State Police. The stage was set for an unprecedented fiasco. The incident has regretfully but severely tarnished the fine image and reputation of the State Police. Considerable concern for the proper administration of justice in the Commonwealth was created thereby. Necessarily, this Committee, under its Resolution, focused its attention on the details in an effort to determine the nature of weaknesses in the law enforcement structure that brought about the trouble and to recommend measures to preclude any such blight in the future.

Augmenting the immediate inquiry by then Attorney General J. Shane Creamer,

the Committee has heard testimony from many of the figures involved, but confesses that attempting to spread the truth, facts, explanation of motivation and instructions upon the record has proven a task comparable to that attributed to Diogenes. The Committee is continuing the effort, particularly in light of the recent concession of Attorney General Israel Packel that the State's prosecutive efforts have been frustrated.

Briefly, when the troopers assigned to the Pennsylvania Crime Commission, under the supervision of Attorney General Creamer, became aware that their telephones were tapped, they set up a lookout on the room containing the suspected tappers on November 28, 1972. Somehow, three occupants of the room emerged and escaped, but left an automobile. A short time later, two State Policemen, reporting to Commissioner Rocco P. Urella, appeared. One of them, Lt. Steven J. Luchansky, succeeded in driving the automobile away despite being advised that he was under arrest by Sgt. Matthew Hunt of Creamer's unit. Luchansky's vehicle struck Hunt, but did not injure him, in the hasty departure. Other troopers assigned to a special squad reporting to Commissioner Urella were identified as being at the scene at the time of the unexplained activity.

Governor Shapp moved into the problem by calling Commissioner Urella and Attorney General Creamer to a meeting that night.

On December 5, 1972, according to Urella's testimony, he was ordered by the Governor to have Lt. Luchansky and Cpl. Metro Kardash, another of Urella's men who used the vehicle registered in the fictitious name of Nicholas Pratkanis, brought in for Urella to get a statement from them to "clear the matter up." Urella insisted that the men produce a statement as to their participation. The men hand-printed an incriminating statement that night at Urella's home and accompanied Urella to the Governor's mansion at 1:30 a.m. When Urella displayed the statement to the Governor, according to Urella, the Governor commented that "it was full of holes," but it should be delivered to Attorney General Creamer who was waiting.

Upon delivery, the Attorney General attempted to interrogate the men under oath, but legal counsel for the men was unavailable and an alleged plan to drop possible state criminal charges against the troopers was never put into effect. They were to be dismissed from the force, but would receive their retirement benefits. The men later repudiated their statement. Court martial proceedings were then instituted against Luchansky, Kardash, and another trooper, Curtis W. Guyette. They were found guilty, fired, and have appealed the department's ruling.

Immediately after the breakdown in negotiations to forestall state criminal charges, Attorney General Creamer pressed for prosecution until on December 29, 1972, in a conference with the Governor on the case, the Governor indicated that he felt it would be best if both Urella and Creamer resigned. Creamer did so immediately. Urella was removed from office.

After the Committee commenced taking testimony and the prosecutor's office in Montgomery County, where the activity had taken place, manifested no intention to act, a special prosecutor was appointed by the State. When criminal charges were brought against some of the troopers, the Committee adhered to its policy of noninterference in a pending prosecution and did not question those charged. Before completing its interrogation of former Commissioner Urella however, the Committee encountered the unusual experience of observing Urella, who had been one of the highest ranking law enforcement officers in the Commonwealth, repeatedly asserting his Fifth Amendment privilege and declining to answer questions, even though he was not then charged with any offense. Charges against him were subsequently filed, but recently dismissed as to Urella and other defendants, thus clearing the way for the resumption of hearings into this labyrinth spawned by police, prosecutors, and public officials.

## HARRY E. KAPLEAU WIRETAP

In March of 1973, there was a disclosure that a wiretap had been discovered in the early part of September, 1972 on the office telephone of Harry E. Kapleau, Chairman of the Milk Marketing Board, Agriculture Building, Harrisburg, Pennsylvania. Although immediately reported by the telephone company to Governor Milton J. Shapp and to the Pennsylvania State Police, there was no record of any law enforcement action thereafter.

In response to inquiries to Colonel James D. Barger, advice was received that there was no information in the files of the Pennsylvania State Police showing that an investigation of the wiretapping had been conducted during the incumbency of his predecessor, Rocco P. Urella. As a result of inquiries made by Colonel Barger, he learned that officers had been detailed to check Kapleau's office for possible bugs by "sweeping" the office. The "sweeping" had been handled by Lts. Steven Luchansky and Herman J. Faiola, using a "countermeasure kit." Again, there was no report in writing of the action taken by these officers, nor a case file.

Colonel Barger managed to reproduce from a stenographer's notebook a copy of a memorandum prepared by Lt. Colonel Joseph Dussia which set forth the information received by him from Bell Telephone Company personnel showing that a wiretap device had been located in the office of Kapleau.

Joseph Tenetylo, PBX repairman for the Bell Telephone Company, testified that based on a complaint that the phone buzzer was not working properly, on September 1, 1972, he checked the telephone of Harry E. Kapleau. Kapleau had been appointed by Governor Milton J. Shapp as Chairman of the Milk Marketing Board.

While making the check, a foreign object fell out when he removed the cover from the call director. Tenetylo recognized the instrument was not equipment of the Bell Telephone Company; and following the telephone company's instructions to remove any foreign device, he took it back to the shop. He did not notify any of the officers of the company concerning the discovery of the device until September 5, following the Labor Day weekend.

Clarence E. Barnes, Senior Security Agent, Bell Telephone Company, upon learning of the tapping on September 5, 1972, arranged for the instrument to be examined. It was hooked up, found to be in working order, with a range of approximately 1,000 feet. The transmitter would monitor and transmit all calls on Kapleau's phone on a frequency of 97 megacycles to any FM receiver.

It was clear from the examination and written report of the telephone company that the device was a highly sophisticated and probably expensive, small, but effective, instrument of a design particularly suitable for surreptitious use and was in good working order.

Frank Ertz of the Bell Telephone Company was informed by Robert R. Reynolds, chief of the security organization of Bell Telephone Company, that Reynolds was attempting to notify the Commissioner of the State Police about the incident so that he could turn the evidence over to the State Police. Ertz felt that the Governor should be notified, as well as the State Police.

Ertz testified that he promptly advised the Governor in person of the wiretapping of Kapleau's office phone. Ertz reported that the Governor was concerned. The Governor requested Ertz to describe the device, which he did from the information he had received from the telephone company security people, including the distance the device would transmit. The Governor's reaction, when told that the telephone company was in the process of turning the information over to the State Police, was "fine" - "maybe we should leave it on there so that we can catch the party or parties responsible for installing it." According to Ertz, the Governor said that Kapleau would have to be notified if the device was transmitting his calls. Ertz stated that he told the Governor that the device had been removed.

Following his conversation with the Governor, Ertz joined the telephone company security people in Colonel Dussia's office for the purpose of relaying to the State Police his conversation with the Governor, namely, to suggest to the State Police that the intercept be re-established if the State Police thought it was a good investigative idea. During the discussion, Dussia inquired whether the telephone



company representatives would reinstall the device. He was advised that technical assistance would be provided and that they would reinstall the device in the condition before the repairman removed it, insure that the service was operative, and that the device would not interfere with the regular service.

Lt. Colonel Joseph Dussia testified that telephone company personnel had advised him of the location of the tapping device on Kapleau's phone. Following the receipt of this information on September 6, 1972, he made a written report of the circumstances surrounding the location of the wiretap in Kapleau's office and furnished the report to Commissioner Rocco P. Urella, along with the tiny transmitter found on Kapleau's telephone that had been turned over to him by telephone company personnel. When he saw Urella, he inquired whether or not the matter should be turned over to the Detective Division, but Urella replied that "he would handle the investigation."

Approximately two weeks later, Dussia received a telephone inquiry from a representative of the Bell Telephone Company as to the progress of the case. After checking with Urella, the telephone company representative was told that the transmitter had not been reinstalled on the phone as had been suggested, but the matter was being investigated.

Harry E. Kapleau, Chairman of the Milk Marketing Board, testified that the first knowledge he had concerning the tapping of his office telephone was when

Colonel Urella asked him to come to his office about ten days after the device was discovered by the telephone company repairman.

Urella removed the miniature device from his desk drawer and said, "This was taken out of your telephone." Urella indicated to Kapleau that the instrument was archaic and there was a question whether the device could have transmitted any conversation. After Kapleau observed the instrument, Urella replaced it in his desk drawer and Kapleau never saw it again.

Urella told Kapleau that Governor Shapp has been apprised of the wiretapping, and Kapleau said he, personally, did not discuss the matter with the Governor. Kapleau stated that neither Urella nor anyone else had suggested that the device be reinstalled on his office phone in line with the Governor's suggestion.

Urella told Kapleau that a surveillance truck of the State Police had been used in the area of Kapleau's office building to try and determine the identities of those responsible for placing the device on the phone and that it was his intention to have an electronic sweep made of Kapleau's office by State Police personnel.

Kapleau advised that about two weeks later, two State Policemen, wearing civilian clothes and using fictitious names, visited his office and did make an inspection. Subsequently, at a later date, a second check was made of his office phone. Kapleau stated that except for these sweeps, he heard nothing further about

the case from Urella or anyone else and that "it seems to me this whole thing was covered up with hush-hush."

Former Commissioner of the State Police, Rocco P. Urella, testified that his first knowledge of the Kapleau wiretap came from Governor Shapp about a week after the discovery of the device. According to Urella, he was asked to conduct an investigation of the incident. The Governor said that Kapleau had not been advised of the wiretap and that the information on the tapping not be released during the investigation.

Urella stated that he had some recollection of a discussion with the Governor about reinstalling the wiretap, with some concern expressed by both about following this course of action. Urella maintained that he had talked to Kapleau about the reinstallation of the wiretap on Kapleau's office phone, but Kapleau did not go along with the suggestion.

Keeping in mind the request of the Governor that the wiretap incident information be confined to a minimum of people, Urella detailed Lt. Herman J. Faiola to make a surveillance in the area of the Agriculture Building and to sweep Kapleau's office for possible other bugs. Urella said he heard nothing further from Faiola and assumed that the investigation was negative.

Urella said that the wiretap device and a memorandum detailing the incident was turned over to him by Colonel Dussia. According to Urella, he told Dussia to check further into the matter.

Urella felt that a file on the wiretap incident should have been contained with central records at State Police headquarters. Urella went on to say that it was the policy of the State Police to do their own investigation and the apparent failure to notify the F.B.I. of the wiretap incident—even though there had been a clear-cut violation of the federal anti-wiretapping laws—was because "our people are very competent in investigating crime."

Urella stated that he kept the wiretap device in his office for approximately two months. One evening in November, he took the device out of his desk and opened it up to determine if there was a serial number. Finding none, he advised he discarded it into the waste basket where he had paper that had been shredded in a shredding machine. He advised that the device had no legal use whatsoever and nothing was to be gained by having it around. He commented that it was a value judgment on his part to get rid of it and rejected suggestions that he had destroyed evidence of both state and federal crimes.

Lts. Steven Luchansky and Herman J. Faiola testified that they were instructed to make a sweep of Kapleau's office relative to any bugging device and to check the area for any unusual circumstances. They had not been given any instructions to conduct any other investigation to attempt to identify and apprehend the wiretappers.

The mystery of this apparent indifference toward conducting a bona fide investigation in a case where the telephone of a high-ranking State official had been tapped and the Governor had ordered an inquiry remains unexplained. To further compound a problem and to illustrate seeming nonfeasance was the revelation by the two State Policemen assigned to the case that they really had no expertise in electronic surveillance matters and doubted that they could properly operate the sweeping equipment or even recognize a telephone tap in a junction box.

The policy of the Bell Telephone Company in such a situation was explained. The company policy was for the repairman to remove any device found at the time of its location and to then notify the immediate supervisor who would, in turn, notify the security officer. A request was made by Chairman Hepford for the telephone company to review its policies and to also check the policies of telephone companies and to advise the Committee relative to possibly modifying instructions to company personnel, looking toward immediate notification to law enforcement agencies having jurisdiction before removing illegal devices. The Committee has been advised that this study is underway and that some of the suggestions have already been implemented.

## STATE POLICE CIVIC ASSOCIATION

The Committee's inquiry into the State Police Civic Association commenced during the middle of April, 1973 as a result of former Attorney General J. Shane Creamer's testimony that the Pennsylvania State Police maintained a special pension fund which no one seemed to know anything about.

Through Robert Zinsky, Fiscal Officer, Pennsylvania State Police, Harrisburg, Pennsylvania, it was determined that the fund in question was operated under the name "State Police Civic Association." Available records were located and examined.

It was developed that the State Police Civic Association, a private organization, was formed in 1917. A predecessor program was set up prior to the present State Employees' Retirement Program and has continued on a substantial growth basis throughout the years despite the enactment of the latter plan. One related purpose for continuing this program was that State Police are not part of the federal social security program.

The State Police Civic Association operates as a tax-exempt charitable organization.

A 21-member Board of Directors, made up entirely of State Policemen ( with three retirees ) governs the Association.

For the past half-dozen years, the President of the Association has been Lt. Colonel Joseph Dussia. Secretary-Treasurer Robert Zinsky, the State Police Fiscal Officer, is responsible for the accountability of the funds. Zinsky is the only paid official, receiving \$240.00 monthly in addition to his State salary.

There are approximately 4,000 members of the State Police in the Association. There is no provision for participation for females even though the department presently employs women troopers.

After retirement from the State Police with enough service time, the retiree receives monthly payments. There are approximately 800 participants in the pension program. Over the years, according to Zinsky, the pension benefits have ranged from \$80.00 to \$150.00 a month. The individual pensions are determined each year based on a formula tied to income received into the fund.

The fund has been accumulated from three main sources:

1. Member Contribution  
Now 4-1/2% of the trooper's base pay.
2. So-called "Field Meet Receipts"  
More accurately, monies obtained from the public by the solicitation of State Police.
3. Return on Investments

Fund spokesmen report each one of these sources accounts for about one-third of the total annual income. The solicitation phase of the fund is plainly designed and

organized to extract the maximum amount of money possible from the public for later distribution to the police officer participants.

In 1972, contribution receipts produced a net of \$330,962 as part of a state-wide solicitation program.

Gross figures are maintained at each troop headquarters level by those having responsibility for the solicitations. Troop Commanders deduct expenses, including lodging, meals, entertainment of dignitaries, etc., relating to the rodeo show that is the vehicle for solicitations.

The Committee held a hearing in Scranton, Pennsylvania to inquire as to the administration of the program at the troop level. It was developed that certain troopers are selected to make the solicitations. Each solicitor prepares his own spiel. The cost of the rodeo show is usually advanced as the reason for the solicitation. One solicitor stated that he was under the impression that the State Police Civic Association bore all expenses to maintain the show. He stated that he told people that he contacted regarding contributions that the State did not provide any funds for the performance. The fact is, of course, that the payroll of the participants, the training time, the cost of the training site and equipment attendant to the rodeo are and have been costs borne by the taxpayer in the State. These costs have been estimated at better than \$300,000 per annum.



Testimony confirmed that the State Policemen, while soliciting nearly every business listed in the yellow pages for donations to this private fund that, in part, duplicates the State-supported employees' pension plan, performed these fund-raising efforts on State Police time and using State Police automobiles.

Some of the donors, for federal tax purposes, handle the contribution as a charitable deduction, while others considered the payment as an advertising expense.

In 1972, nearly 10,000 business establishments and individuals contributed in amounts ranging from a few dollars to \$3,500 to the State Police Civic Association. A review of the detailed contributors for each troop clearly shows that just about every trucking or truck-related business contributed. Just about every official inspection station contributed.

The record established that individuals who had been arrested by the Pennsylvania State Police were solicited for funds. Other contributors known to be involved in organized crime have given sizable amounts.

In 1963, net contributions totalled \$259,799. Since that time, the "field meet" net contributions have remained in excess of \$200,000 annually, with a high in 1970 of \$451,077. In 1963, the total fund amounted to \$3,519,616. Since that time, the fund has grown to \$9,384,355.

Although this inquiry has not been completed, the Commissioner of the State Police has advised the Committee that he had ordered the discontinuance of the fund raising by active duty State Police and expected that in the future the activity would be sponsored by retired State Police officers.

SOLICITATIONS BY OTHER LAW ENFORCEMENT AGENCIES  
in the  
COMMONWEALTH OF PENNSYLVANIA

As a result of the State Police Civic Association investigation, it was discovered that numerous other law enforcement or related agencies were involved in the solicitation of funds from business establishments and individuals.

A hearing, conducted in Pittsburgh, Pennsylvania, on July 12, 1973, disclosed that one company, Corning Glass Works, had contributed to nineteen different law enforcement or related agencies during one year. The Corning official testified that it has been common practice for the past several years for his company to contribute to different agencies. Police-related groups soliciting the public for monies for their organization in western Pennsylvania included:

1. Fraternal Order of Police, Fort Pitt Lodge #1
2. Fraternal Order of Police, Lodge #91
3. Fraternal Order of Police, Lodge #87
4. Fraternal Order of Police, Lodge #56
5. Allegheny County Police Association
6. Western Pennsylvania Chiefs of Police Association
7. Pennsylvania State Police Civic Association
8. Sheriffs Association of the Commonwealth of Pennsylvania
9. Office of the Sheriff, Washington, Pennsylvania
10. Perry Township Auxiliary Police Corps
11. Monessen Auxiliary Police Corps
12. Pennsylvania Police Chiefs Association
13. Chiefs of Police Association of Allegheny County
14. Charleroi Police Fund
15. Charleroi Police Department Safety Calendar
16. Charleroi Policemen's Ball

17. Charleroi Auxiliary Police
18. Police Widows Pension Fund ( City of Pittsburgh )
19. Boroughs and Townships Police Fund
20. Pennsylvania Magistrates Association
21. Pennsylvania Association of Probation, Parole and Correction
22. Washington County Minor Judiciary and Constable Association

Investigation reflected that there are ninety-seven Fraternal Order of Police Lodges throughout the Commonwealth. It is doubted that any county of the Commonwealth escapes soliciting for funds by innumerable police-connected groups.

The Pittsburgh hearing brought out that there are four principal devices to produce income for various police-related organizations. They are pleas to the public for money to:

1. Advertise in a publication.
2. Purchase an associate membership in the organization and receive identifying cards or insignia.
3. Purchase dance tickets.
4. Purchase soap and related products sold with participation by the police group in the proceeds.

In the Pittsburgh area, there are at least five professional solicitation agencies that collect funds for the different police organizations. They include:

1. Hal-Fran Associates
2. Arthur W. Frantz Associates
3. Andrew S. Student Organization, Inc.
4. J. L. Swartz Associates
5. Allied Block Chemical Company.

The usual modus operandi is that the professional solicitor contract with the law enforcement agency to handle and do all of the work in the various programs.

The professional solicitor extracts a percentage of the contribution up to 70%.

The police organizations, beyond authorizing the professionals to stand in for them and simply harvest the fruit of the "boiler room" activity, do nothing... but receive 30%. Most of these professionals work out of a telephone "boiler room." It is admitted that the professional solicitor represents himself as an agent of the particular police organization.

Allied Block Chemical Company is involved in selling soap and related products, ostensibly on behalf of various police organizations. The police organization receives 10% of the amount of the sales.

The Committee's investigation is continuing. Some of the figures that have been reviewed for one lodge throw some light on the magnitude of the practice:

Fraternal Order of Police, Fort Pitt Lodge #1

- 1970 - Fort Pitt Lodge #1 had a total income in 1970 of \$184,101.89. During the same year, they had expenditures of \$180,215.82. The net income for the period was \$3,886.07.
- 1971 - Fort Pitt Lodge #1 showed a total income of \$273,713.03 in 1971. At the same time showed expenditures of \$245,914.70, for a net income for the period of \$27,798.33.
- 1972 - The 1972 audit report for Fort Pitt Lodge #1 showed income of \$326,929. Expenditures were \$296,627. The net income for the period was \$30,302. The net worth of Fort Pitt Lodge #1, as of December 31, 1972, was \$195,042. Assets totalled \$210,050. Liabilities totalled approximately \$15,000.

Expenditures or disbursements included \$26,000 telephone expense, \$18,000 salaries expense, \$28,000 office services expense, \$13,800 officers expense, \$5,627 entertainment expense, \$25,000 legal and accounting fees, \$8,000 for national and state conferences, \$6,229 for election and installation expenses, and miscellaneous expenses of \$6,072.

The professional solicitors interrogated claimed that they were not soliciting for charitable purposes and, therefore, did not need to register with the Secretary of State under the Solicitation of Charitable Funds Act. All of the organizations reported that they enjoyed tax-exempt status for federal tax purposes, and the contributors to these funds invariably claimed that the payment was a charitable donation. The police-related organizations themselves either pleaded ignorance of the Act or maintained that the Act did not apply to their operation.

Representatives of the Commission on Charitable Solicitations testified that the Act was believed to be applicable to both the solicitors and the groups and that all were apparently in violation.

## REMEDIAL RECOMMENDATIONS

From the inquiries to date, far and away the major problem confronting the Committee is to diagnose the underlying causes of the hodgepodge of leadership, jurisdiction and personnel that has made itself painfully manifest in the King of Prussia affair. Presumably then, if recognized, remedies can be provided. In the King of Prussia affair, apparent crimes were committed, careers destroyed, agencies demoralized, ridicule heaped upon police, funds squandered, and absolutely nothing accomplished - all in the then good name of law enforcement. Even the Governor of the State became embroiled in the amazing after-the-fact maneuvers. Regrettable repercussions continue. Motivation and identities of participants and of those who issued the initiating orders and directed the cover-up are still unknown.

What brought this dismal development about and how can a recurrence be avoided? These are some of the questions with which the Committee must be concerned.

Confessions of error may be difficult to articulate, but perhaps an admission of mea culpa may be in order. The Assembly, by Act of July 31, 1968, in a move to strike a blow at the menace of organized crime, established the Pennsylvania Crime Commission in the nature of an intelligence arm. The Assembly appears to have left much to be desired in designing and guiding this agency.

Recent developments have raised questions as to that design. By calling for the Pennsylvania Crime Commission employees to be answerable to a Board headed by the Attorney General, the Pennsylvania Crime Commission may have lost the separate identity concept that was envisioned and, in reality, become little more than an investigative division in the Attorney General's Department. This, then, under the separation of powers doctrine, results for all practical purposes in the Crime Commission operating under the supervision of, and answerable to, the Attorney General and the executive branch, while in theory and by statute enacted by the Assembly, the reporting function was designed to benefit the Legislature.

To further compound the confusion attendant to this creation, it has been found that in practice the Pennsylvania Crime Commission utilized Pennsylvania State Police officers as investigators. Testimony has demonstrated that those men were thus compelled to serve two masters. On the one hand, they carried badges, guns, apparently had arrest powers and duties to keep their superiors on the State Police informed while working on assignment for the Pennsylvania Crime Commission. On the other hand, it is doubtful that the Assembly intended the personnel of the Crime Commission to have authority to use guns, make arrests, nor for that matter to conduct substantive criminal investigations. The men, however, could scarcely be expected to sort out their roles and, lacking clear directives, became uncertain and confused. At one point, State Policemen on assignment to the Pennsylvania Crime Commission were compelled to make reports of their activities to both the State Police



and the Crime Commission. The probability of misunderstanding, misdirection, and conflict of interest becomes obvious and could account for the atmosphere which provoked the King of Prussia affair.

The part played by and the contribution to the resulting debacle by experienced and high ranking State Police officers assigned to an elite unit, working directly at the command of the then Commissioner Rocco P. Urella, need not be commented upon by the Committee when it is noted that some of those officers have been court martialed and dismissed. They and others implicated, including the former Commissioner, were then formally charged with the commission of crimes, but the charges were dismissed or dropped before trial.

Accordingly, the first recommendation of the Committee is that the use of Pennsylvania State Police by the Pennsylvania Crime Commission be terminated immediately.

11  
accepted

Next, the Committee believes that the Crime Commission should, by legislation, be re-established so that the direction will not be vested in the executive branch. The Committee tends to believe that a well-qualified civilian administrator would be more in keeping with the Assembly's concept of the intelligence function.

- Bill in  
to restriction

While considering the subject of electronic eavesdropping during the King of Prussia and Kapleau inquiries, the Committee encountered a paradox in that, while Pennsylvania has perhaps the nation's most strict anti-wiretap laws, no prohibition was

Bill in

found against surreptitious eavesdropping or bugging, except that of a telephone.

Accordingly, the enactment of legislation without delay is recommended to accomplish the enlargement of the Criminal Code to include the prohibition of the use of surreptitious listening and recording devices in any premises by trespass.

## FUTURE COMMITTEE ACTION

1. The Committee will continue its investigations into the areas reviewed herein. Inspection of the work and functions of the Pennsylvania State Police and the Pennsylvania Crime Commission is clearly in order in view of the evidence encountered from the outset of sharp conflicts and abrasive relations between the two agencies.
  
2. The Committee will seek to determine, through hearings, the efficacy of the legislation that established the Pennsylvania Crime Commission; whether or not the Attorney General should be the Chairman; whether or not the Commission - as currently constituted and operated - is discharging the functions for which it was created; and whether the expense is warranted when compared with results. Also, to determine whether or not the administrators are qualified, and whether the future program and past performance satisfy the requirements and concept intended by the Assembly. *Bill in*
  
3. The Committee will continue to concern itself with the effectiveness and efficiency of the State Police force. Questions have been raised as to: *Answer*
  - (a) The advisability of restructuring the agency into separate organizations, with one entity directing its attention to traffic

and vehicle control, and the other into a statewide bureau of investigation for criminal matters.

- (b) Whether or not a civilian administrator should head the force; whether or not the Commissioner should be a gubernatorial appointment or selected by other procedures.
- (c) Whether the present disciplinary procedures are not, in fact, incongruous and that courts martial are inappropriate in a basically civil service agency.
- (d) While recognizing the fundamental and constitutional right of every officer and individual to assert the Fifth Amendment privilege to decline to testify, if the assertion of that position by a police officer should not thereafter disqualify him from enjoying the privilege of serving as a law enforcement officer.
- (e) Whether conviction for the commission of a felony ought not to invoke forfeiture of a police officer's pension benefits.
- (f) Whether funding of the private State Police Civic Association, or other law enforcement-related organizations, raising money by solicitation of the public, should not be prohibited.
- (g) Whether the State Police should be compelled, as a matter of policy, to alert federal authorities where there is concurrent investigative jurisdiction in a crime, such as wiretapping.

(h) Whether closer coordination between police and prosecutors cannot be achieved to obtain legal opinions and authority before the arbitrary destruction of evidence, as in the case where former Commissioner Rocco P. Urella testified he tossed into a waste basket containing shredded paper from his trash shredder the sophisticated transmitting wiretap device surreptitiously installed in the office of Harry E. Kapleau - in a still unsolved major crime.

4. The Committee recognizes that of major importance in the war on crime is the use being made of very substantial federally appropriated funds made available to the State under the Federal Omnibus Crime Control Bill, known as the Law Enforcement Assistance Fund, administered by State authority. *Bill*
- There is serious concern as to whether Law Enforcement Assistance Act funds made available to State-directed purposes are being properly, effectively, and intelligently utilized. The Committee has encountered a number of allegations that expenditures are being made in substantial amounts for purposes that are somewhat remote from the crime fighting purposes for which the monies seem to have been appropriated or intended.
5. Related to the foregoing, as the Justice Commission is the key agency concerned with allocation of Law Enforcement Assistance Funds, this

Committee will inquire into the work, functions, and effectiveness of the Justice Commission.

6. It has been contended by some of the police-related organizations and their professional fund solicitors that their organizations do not fall within the purview of the Solicitation of Charitable Funds Act, and hence there is no application to them of the registration and regulatory requirements of that Act to their fund-raising activities.

Accordingly, the Committee will study the possible modification and amendment of the present Solicitation of Charitable Funds Act, looking toward a more precise definition of the solicitations, charities, or other funds intended to be embraced within the registration, regulatory and penal provisions of that Act.

7. Along the same lines, it appears that certain common law misdemeanors, such as misfeasance, nonfeasance and malfeasance in office, that were common law crimes, have not been clearly defined and included in the new Criminal Code, hence the Committee should propose appropriate Criminal Code supplementation.

8. The Pennsylvania Crime Commission, in its 1970 report, recommended several reforms as yet not adopted that have some relevance to the Committee's operations. They include clarification of the existing perjury and immunity statutes and that "legislation is needed to deal with the question of eavesdropping and to ease the unreasonably absolute ban on wiretapping." With these suggested measures the Committee agrees and will afford them appropriate consideration.

#####



The Honorable H. Joseph Hepner  
Chairman  
**HOUSE OF REPRESENTATIVES**  
Committee to Investigate the Administration of Justice  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

### SUGGESTIONS TO BE INCLUDED IN OPENING STATEMENT

This is a resumption of hearings under House Resolution No. 21.

Brief allusion to thrust of HR 21 and legislative inquisitorial function.

---

Since recess at end of July, Committee has issued a Progress Report covering the first phase of the Committee's operation. Copies of the report issued in September are available.

---

Section of Report - Future Committee Action - ( Page 37, Section 8 ) calls for clarification of some statutes and "legislation is needed to deal with the question of eavesdropping and to ease the unreasonably absolute ban on wiretapping."

Following up the eavesdropping question, we are preparing a bill banning eavesdropping by trespass that will be introduced within the next few days.

---





As to the "unreasonable searches of telephone records" Pennsylvania, it  
~~HOUSE OF REPRESENTATIVES~~  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG  
Is expected that the hearing today will bring out some interesting examples  
where tape recordings by law enforcement agencies have been used in recent  
years, apparently abridging the Pennsylvania anti-wiretapping statute, even  
though they only intend to tape complaint calls.

---

Additionally, in our report, we refer at Page 35 to the need for a review of  
the use of substantial monies made available under the Federal Law Enforce-  
ment Assistance Act and administered in Pennsylvania by the Governor's  
Justice Commission.

---

Lastly, the Committee found in the investigation of the so-called Kapleau  
wiretapping - as reported on Page 19 of the report - that the Bell Telephone  
Company of Pennsylvania had removed an operating wiretap device without  
immediate notification to law enforcement agencies.

I requested the company to review its policies in this regard. We understand  
that this has been done and the telephone company will inform us as to the  
newly recommended procedures.



**OPENING STATEMENT:**

**HOUSE OF REPRESENTATIVES**

COMMONWEALTH OF PENNSYLVANIA

HARRISBURG

Today's hearing is part of a continuing effort by this Committee to determine if existing laws in this Commonwealth are adequate with respect to law enforcement agencies and the administration of justice. This Committee has been authorized to ascertain such facts as an agent of the full House of Representatives by virtue of House Resolution No. 21.

The purpose of the hearing today is to seek facts bearing upon the activities of the Pennsylvania State Police and the Pennsylvania Crime Commission. Today the Committee will continue its inquiry into the events relating to the alleged wiretap incident allegedly occurring at the George Washington Motor Lodge in King of Prussia, Pennsylvania, on November 27, 1972.

The testimony thus far indicates some strange and confusing interplay in the functioning of the State Police and the Crime Commission. We cannot make our findings and legislative recommendations until there is a full disclosure of all the facts. It is the plain duty of this Committee to find the facts in order to enable the House of Representatives to fulfill its mandate to the people under Article 2, Section 1 of the Pennsylvania Constitution to enact remedial legislation.

This Committee would be derelict in its duty to the people of Pennsylvania if it chose to ignore facts casting shadows on Pennsylvania law enforcement. The citizens of this Commonwealth rely upon the effectiveness of these agencies to protect them in their persons and their property.



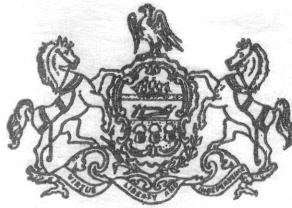
HOUSE OF REPRESENTATIVES

COMMONWEALTH OF PENNSYLVANIA

The General Assembly has a duty to ensure to the best of its capability that our laws and law enforcement agencies are structured to maximize that protection. A wave of editorials and press releases indicate that the King of Prussia incident has raised significant questions as to whether existing legislation is affording the public the quality of protection it requires. Unless this Committee, the General Assembly and the public learn the facts surrounding this incident, it will be difficult, perhaps impossible, to determine appropriate legislative remedies.

For example: This Committee expects that these hearings will better enable it to determine whether legislation might be needed in areas such as:

1. A revision of the Pennsylvania wiretap statute, perhaps permitting court-approved wiretaps by law enforcement officers under restricted conditions;
2. Enactment of an electronic eavesdropping statute outlawing bugging. Presently there is no statutory law in this Commonwealth prohibiting the use of electronic bugs ( as distinguished from taps ).
3. A determination as to the need of incorporating into the new Crime Code the common law definition of misbehavior in office. Such a determination has been made relevant by the abolition of all common law crimes by the new Crime Code;



OPENING STATEMENT -HOUSE OF REPRESENTATIVES

COMMONWEALTH OF PENNSYLVANIA

HARRISBURG

4. A determination as to the need of legislation restructuring the Crime Commission and the State Police, perhaps re-defining their powers and duties.
5. A determination as to the need for such other remedial legislation as the facts may indicate appropriate.

COPY



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL  
HARRISBURG, PA. 17120

ISRAEL PACKEL  
ATTORNEY GENERAL

May 2, 1973

Honorable H. Joseph Hepford  
Chairman, Committee under House  
Resolution No. 21  
Main Capitol Building  
Harrisburg, Pennsylvania

Dear Representative Hepford:

This is to confirm our telephone conversation in which I informed you that I have directed the five troopers, doing investigative work for the Pennsylvania Crime Commission, not to appear to testify about their activities on behalf of the Commission. My reasons, aside from any question of the powers of your Committee, are as follows:

(1) a decision is pending, for determination next week, as to whether criminal proceedings should be instituted for alleged wire-tapping, and fairness dictates that there should be no undue publicity if the determination is made to proceed with a criminal action; and

(2) the Pennsylvania Crime Commission, under the statute creating it, has high investigatory powers which call for confidentiality, both as to men engaged in undercover work and as to individuals being investigated, and until a report is made by the Commission, as provided by the Act of Assembly, a committee of one House should not be able to defeat that confidentiality.

It appears to me that our differences about these serious issues warrant the conclusion that the troopers should not testify unless and until a final order of a court resolves the issues.

Sincerely yours,

  
Israel Packel

IP jg



HOUSE OF REPRESENTATIVES

STATEMENT AT TIME OF RECALCITRANT WITNESSES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

Yesterday, I received a communication from Attorney General Israel Packer. The Attorney General has ordered State Policemen, assigned to the Crime Commission, to withhold their testimony from this Committee.

The letter states:

( Copy attached ).

I am disturbed by this maneuver of the Attorney General that would prolong the shroud of silence concerning the King of Prussia affair.

The conduct of the Attorney General appears inconsistent with the stated philosophy of Governor Shapp with respect to wiretap incidents at the federal level. The Harrisburg EVENING NEWS of May 1, 1973 quotes the Governor as follows:



HOUSE OF REPRESENTATIVES

COMMONWEALTH OF PENNSYLVANIA

SHAPP STATEMENT ON WATERGATE

"The President's speech was more notable for what he did not say than for what he did say," said Gov. Shapp, one of the state's more ardent Democrats. "The Watergate caper... will not go away until Mr. Nixon faces up to the real issues involved in this scandal."

Shapp said Nixon should tell Richardson to name a special prosecutor immediately, but expressed doubts that the President actually would "push for a full, all-out investigation."

"Though he stated that he would accept full responsibility for the Watergate events," the governor said, "he then proceeded to absolve himself of all decisions made during the 1972 campaign. Thus he ducked the responsibility he said he accepted."

"The major disappointment was that the President did not face the key issue—that of the obstruction of justice by top members of his administration.... The main fact is that law and order in this nation cannot coexist with corruption by high government officials."



HOUSE OF REPRESENTATIVES

COMMONWEALTH OF PENNSYLVANIA

This Committee questions that the <sup>HARRISBURG</sup> Attorney General has authority to muzzle employees of the Crime Commission.

Court decisions on both the federal and state level, and the language of the statute creating the Crime Commission, clearly indicate that the Commission was established in pursuance of a legislative function. That function is through the use of its power of subpoena to determine facts pursuant to corrective legislation.

Unlike an executive office, such as the office of the Attorney General, the Commission does not prosecute - it finds facts as a basis for legislative and administrative action.

In Commonwealth v. Nacrelli, 5 Commonwealth Ct. 551, the court held that the subpoena power of the Commission is a delegation of the legislative authority to issue subpoenas in pursuance of prospective legislation.

The Nacrelli court stated with respect to the statute creating the Crime Commission and its power to issue subpoenas:

So long as one may gather from the statute its legislative purpose, and that purpose is within the constitutional power of the Legislature, the investigative agency may set its own guidelines to carry out that legislative purpose.





HOUSE OF REPRESENTATIVES

COMMONWEALTH OF PENNSYLVANIA

HARRISBURG

The court further states:

Its ( The Crime Commission ) "duty" is the submission of reports recommendatory in nature, relating to future legislation, and to make recommendations to governmental and law enforcement agencies.

The authority of the Crime Commission to issue subpoenas was upheld by the federal court in Dixon v. Pennsylvania Crime Commission, 347 F. Suppl. 138 (1972), on the basis of its legislative function. The federal court stated:

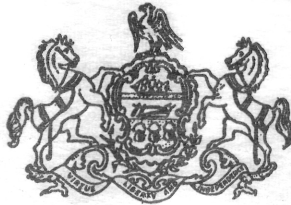
A careful reading of the statute reveals that the basic purpose of the Pennsylvania act is clearly legislative rather than prosecutive.

The enabling legislation setting forth the powers and duties of the Crime Commission, 71 P.S. 307-7 (6), provides that the Commission shall:

Make a detailed written report of every completed investigation which may include a recommendation for legislative or administrative action.

The position that Crime Commission employees are not answerable at this time to the legislative branch of government would seem to be rationalization in the extreme and of dubious merit.

In view of the direct language of the enabling statute of the Crime Commission that its reports should be made to the Legislature, it would appear that the Attorney General is suggesting just the opposite in that the Crime Commission not report to the Legislature.



HOUSE OF REPRESENTATIVES

COMMONWEALTH OF PENNSYLVANIA

HARRISBURG  
The essence of the executive function, according to Article 4, Section 2 of the Pennsylvania Constitution, is to enforce the laws. The Crime Commission has survived two court tests precisely because it is not a law enforcement agency. The power of the Commission has been upheld on the basis that it has received a delegation of the legislative power to issue subpoenas to determine facts for remedial legislation. The Crime Commission, in fact, has received from the General Assembly the identical character of delegated power granted this special committee by the House of Representatives.

The tortured use of the claim of right to silence the "King of Prussia Five" by the Attorney General is surprising and disappointing in view of the high degree of legislative and public concern about the King of Prussia Incident.

Further doubt that the Attorney General's tactic is procedurally proper is raised when as yet the witnesses have not appeared, nor been sworn, nor have any questions been propounded.

If the Attorney General knows what we intend to ask, he may have interesting knowledge as yet unavailable to us. We would hope that he would be trying to help us to get to the truth rather than to hinder our efforts.

KING OF PRUSSIA CASE

Chronology

November 27, 1972

King of Prussia wiretapping discovered.

December 21, 1972

J. Shane Creamer's Prosecution Memorandum to First Assistant District Attorney for Montgomery County, William T. Nicholas, prepared.

March 19, 1973

Court Martial of Stephen Luchansky, Metro Kardash and Curtis Guyette commences.

April 15, 1973

Montgomery County District Attorney Milton O. Moss said he did not have sufficient evidence to prosecute at the time.

April 24, 1973

Court martial decision firing Luchansky, Kardash and Guyette ( April 23 ) announced by Barger.

King of Prussia Case

Chronology - 2

April 25, 1973

Announcement to press by Packel that he would confer with the district attorney of Montgomery County, Milton O. Moss, on May 9.

April 30, 1973

Witnesses for Hepford Committee were notified of hearings set for May 3 and 4.

May 2, 1973

Packel letter delivered resisting appearance of "King of Prussia 5."

CHRONOLOGY OF EVENTS surrounding the wiretapping of Pennsylvania Crime Commission telephones at the George Washington Motor Lodge

November 19, 1972

Corporal Curtis Guyette, using a false name, rented Room 182 at the Lodge, then called Cpl. Metro Kardash and told him he rented a room "where we can watch them better."

Lodge records show that a "Robert Best" rented Room 182 at an undisclosed time, using an address and license plate number that later proved fictitious.

November 20, 1972

Kardash and Guyette were in room watching Crime Commission investigators as they arrived and departed.

A motel maid says a "Do Not Disturb" sign was on the door of Room 182. She returns later to find beds not used and strong odor of cigar smoke.

1:21 pm

Corporal Robert Flanagan arrives at Valley Forge Turnpike exit after trip from Harrisburg Exit 19. He made several trips to the area from Harrisburg during the two-week period.

November 21, 1972

5:30 am

Guyette enters Turnpike at Pocono Exit 35.

6:10 am

Guyette arrives at Valley Forge Exit 24.

Kardash and Guyette were in room watching Commission investigators as they arrived and departed.

Maid at the lodge says she knocks on door when "Do Not Disturb" sign is seen and asks if room needs cleaning. A man tells her "no" and asks that she not tell anyone about his wishes. The maid identified the man as Guyette.

November 22, 1972

Guyette and Kardash were in room watching Commission investigators.

November 23, 1972

Motel records show a man checks into Room 175 under the name of "Frank Sopko," using an address and license plate number that later proved to be fictitious.

Kardash and Guyette made a tap on the Commission's phones while the investigators were off duty. The wiretaps did not work.

November 24, 1972

11:40 am Flanagan entered Morgantown Exit 22.  
12:04 pm Flanagan exits Turnpike at Valley Forge Exit 24.

November 26, 1972

A man specifically requests to rent Room 175 at the motel, using the name of Stanley Knotts and a phony address and license number. The man was said to be Guyette.

The wire from the wiretaps—which was installed on the side of the firewall where Room 182 is situated—was pushed through the firewall toward Room 175.

November 27, 1972

A maid knocks on the door of Room 175 and asks if the room needs cleaning. Guyette says he only wants towels because he would be there for a couple of days. He asks for a "Do Not Disturb" sign.

7:19 am Kardash enters Turnpike at Valley Forge Exit 24.  
8:20 am Kardash arrives at Harrisburg Exit 19.

November 27, 1972 ( continued )

- About Noon Luchansky and Guyette went to Room 175 and tried headset; the taps did not work.
- 3:29 pm Kardash leaves Harrisburg Exit 19 enroute back to Valley Forge.
- 3:30 pm A maintenance man checks a noisy heater fan motor above Room 178. He is in a crawl space that also is accessible to the area above Room 175. He sees a man above Room 175 for about four seconds, then the man ducks back down where he can't be seen.
- 4:14 pm Kardash arrives at Valley Forge Exit 24.
- 6:00 pm Luchansky and Guyette leave Room 175.
- 7:00 pm Motel management related the unusual circumstances of the day to Sergeant Matthew Hunt ( Crime Commission investigator ).
- 8:00 pm Motel manager calls Room 175, gets no answer. Management and group of Crime Commission investigators go to Room 175, enter, and find wiretaps in crawl space above the room.
- Arrangements were made to keep the room under surveillance the following day.

November 28, 1972

- 7:00 am Guyette, Kardash, and Luchansky meet at the King of Prussia Shopping Plaza, then went to the motel.
- 9:00 am Kardash's vehicle ( Buick—registered in the name of Nicholas Pratkanis ) —purchased with special federal funds solely for the purpose of State Police Organized Crime Unit—was observed in front of Room 39.
- 10:30 am A maid tries to clean Room 175. A man, who doesn't answer the door, tells the maid that he did not want the room cleaned and did not want to be disturbed that day or the next. He asks for extra towels "for us."
- Around Noon Crime Commission investigators talk to a motel official and ask for a key to Room 39 to conduct surveillance of the Buick parked outside the room. ( Kardash vehicle ) A man overhears the conversation and goes to area of the building where pay phones are located.

November 28, 1972 ( continued )

11:57 am The receptionist in Colonel Urella's office receives a call from an unidentified female who tells her to find the Commissioner and tell him to "call out the line." The caller says the message is an emergency. The message was relayed by the receptionist to her supervisor who, in turn, relayed the message to Lt. Herman Faiola. Faiola said he would attempt to locate the Commissioner.

The men in Room 175 are planning to leave.

12:10 pm- Urella returns to the office on the run, something the receptionist  
12:15 pm says she has never before seen. She also says she has never known Urella to take a 25-minute lunch.

According to the Commissioner, the emergency call concerned a fire bomb threat at the Sentinel Motel in Downingtown, of which the Commissioner is part-owner. Lt. McCann had been at lunch with Colonel Urella.

12:19 pm A telephone call was received at the motel for Room 175.

12:21 pm A second call from the outside came in.

12:23 pm A third call came in. Not answered.

Only the first two calls were answered by anyone in Room 175. The statement says the men received two calls telling them to "get out." They say they don't know where the calls came from.

12:30 pm Three men are seen leaving Room 175 at a fast walk, carrying black cases. Guyette is identified by Crime Commission investigators.

12:46 pm A collect, person-to-person call is received by Commissioner Urella, according to telephone company records, from Nicholas Pratko. The call from the King of Prussia area last six minutes.

1:01 pm Guyette enters Valley Forge Exit 24 and travels to Downingtown Exit 23 where he exits at 1:16 pm

1:11 pm Lt. James McCann enters Harrisburg Exit 19, driving Urella to Downingtown Exit 23. Exits at 1:57 pm.

2:08 pm McCann gets back on Turnpike at Downingtown and travels to Valley Forge where he exits at 2:20 pm.



November 28, 1972 ( continued )

- 2:30 pm-  
2:40 pm Luchansky arrives at the motel in a green Plymouth sedan and observed entering the Buick parked outside Room 39. He was told by Crime Commission agents that the vehicle is being held for search warrants; however, he ignored the order and took off in the vehicle, striking Sgt. Matthew Hunt on the way.
- 2:37 pm McCann gets back on Turnpike at Valley Forge and exits at Downingtown at 2:47 pm.
- McCann's statement indicates that when they exited at Downingtown, they met Lt. Richard Weimer at an "ash pile" near the interchange on Route 100. McCann took Weimer's car, a light colored Plymouth, and went to King of Prussia.
- 2:55 pm Motel officials and a group of Crime Commission investigators enter Room 175 and find three wiretaps still intact in the crawl space above the room.
- 4:10 pm Bell Telephone agents, Robert S. Dracup and William S. Schellinger, examine the wiretaps and confirm that the Commission's lines had been tampered with. These devices, attached as they were to telephone lines, were devices used to intercept telephone communications.
- 5:00 pm An extensive fingerprint examination is performed in the room.
- 6:10 pm McCann enters the Turnpike at Downingtown and exits at 7:11 pm at Harrisburg East ( Exit 19 ).
- 10:00 pm Crime Commission agents remove wiretaps. Pictures of the wire and connections in the loft area and Room 175 were taken by a professional photographer.

December 1, 1972

Lt. Steven J. Luchansky, Corporal Metro Kardash and Corporal Curtis W. Guyette suspended without pay by Commissioner Urella.

December 4, 1972

Sgt. Matthew E. Hunt checked the incident memos for November 27 through December 2, 1972 in Media. No bomb threats ( Sentinel Motel, Downingtown ) were reported on those forms.

According to interview with Lt. McKenna, Officer in Command at Media, Ms. Gobrecht ( proprietress of the motel ) called the barracks and informed him of the incident. Statement given as a matter of information and no request for investigation was made by Ms. Gobrecht.

December 6, 1972

Commissioner Urella came to the Department of Justice accompanied by Lt. Luchansky and Corporal Kardash. Initially, the latter two remained outside. The Commissioner delivered a three-page handwritten statement to Creamer.

December 9, 1972

5:00 pm Two individuals wearing civilian clothes and displaying some type of badges interviewed Mrs. Julia Waller, telephone switchboard operator at the George Washington Motor Lodge, at her home. They stated they were on official business and members of the Penna. State Police - and made representations that they worked for Sgt. Hunt and wanted to talk to her about the wiretapping incident. According to an interview with Mrs. Waller, one of them was Lt. James McCann.

December 10, 1972

Two other men came to Mrs. Waller's house, identifying themselves as Philadelphia city detectives and stating they had some more questions following up McCann's and Flanagan's interview. Mrs. Waller refused to let them in. She was also threatened with a subpoena as she had been the previous day.

December 12, 1972

Three State Troopers, subpoenaed by the Pennsylvania Crime Commission to testify on alleged wiretapping, failed to appear at a closed hearing of the Commission.

December 17, 1972 news release

Governor Shapp not due to return from Israel until Christmas Day.

December 29, 1972

Creamer and Urella meet with Governor Shapp.

HOUSE OF REPRESENTATIVES  
COMMITTEE TO INVESTIGATE THE ADMINISTRATION OF JUSTICE

March 16, 1973

CHAIRMAN SUGGESTIONS

CALL MEETING TO ORDER

INTRODUCE THE MEMBERS AND COUNSEL

Hearing is pursuant to Resolution No. 21

Read Resolution and place in record

Committee has met and adopted Rules or Procedure designed to provide decorum and protect rights of witnesses, etc.

Read and explain pertinent provisions.

Rules are available for witnesses or counsel.

General statement as to legislative inquisitorial function -

hopefully, quoting from Hussie memo as to statements from leading Supreme Court cases explaining separation of powers, breath of scope of legislative interest - including consideration of specific bills, remedial bills, reasons to reject suggested legislation, effectiveness of functioning of prior legislation, i.e., is the Executive Branch doing the job that the Legislature appropriated money to do, etc.

( see additional input from Hussie )

Specific purposes of this hearing ( necessary because of decisions in contempt cases ). ( see additional input from Hussie )

- ( a ) Committee has virtual mandate from public to explore so-called King of Prussia wiretapping incident as to what happened.

To ascertain if investigative agencies and prosecutive authorities are effectively functioning; and if not, why?

Chairman Suggestions - 2

- ( b ) The use being made of funds made available to the State under the Federal Omnibus Crime Control Bill - known as Law Enforcement Assistance Funds - administered by State authorities.
- ( c ) Whether or not Attorneys General should be elected or appointed?
- ( d ) Is the Pennsylvania statute alluding to electronic surveillance realistic or should it be altered by legislative act?

Allude to general theory of investigative committee activity in that it is exploratory; has no preconceived notions; is not seeking to replace a grand jury; does not intentionally create defendants or "scapegoats"; and is not a trial. The rules of evidence do not apply. The purpose is truth-seeking.

The Committee and its staff solicits cooperation of all citizens who may feel that they possess information of interest as the Committee is in the learning stage.

Toward that end, Post Office Box 3900, Harrisburg, Pennsylvania 17105, has been established.

A direct line telephone to the Committee staff ( 787-7170 and 7171 ) for the information of the public and interested tappers.

It might be in order to point out that in appropriate cases, the Legislature would seem to have authority to grant immunity from prosecution to involved witnesses where that grant might exist in ascertainment of critical information, the disclosure of which might in the witness' view tend to incriminate.