



HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

Committee to Investigate the Administration of Justice
Post Office Box 3900
Harrisburg, Pennsylvania 17105

March 27, 1973

Colonel James D. Barger
Commissioner
Pennsylvania State Police
617 Transportation and Safety Building
Harrisburg, Pennsylvania

Dear Colonel Barger:

Wiretapping Device on Phone of Harry E. Kapleau

With reference to the recent publicity concerning the wiretapping device found on the telephone of Harry E. Kapleau, Chairman of the Milk Marketing Board, in September of 1972, it would be appreciated if you would advise the Committee to Investigate the Administration of Justice on the following:

1. Was an actual investigation made at the time of this incident by the Pennsylvania State Police? ✓
2. Was there a report of any kind submitted, or a memo of any kind in the files of the Pennsylvania State Police concerning this matter? ✓

If such a report or memo exists, it would be appreciated if a copy of the same could be made available. ✓

3. Is there any record in the Pennsylvania State Police files describing exactly the type of instrument that was located; and, if so, a copy of this information is desired.
4. What examination of the instrument was made, and by whom? ✓



Colonel James D. Barger
March 27, 1973
Page 2

HOUSE OF REPRESENTATIVES
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5. If the instrument was actually destroyed as indicated in press reports, do the Pennsylvania State Police files show by whom, what date, and on whose authority?
6. Are there any photographs of the instrument available? If so, a copy of the same is desired.

It would be appreciated if the answers to the above questions could be furnished by Friday, March 30.

Your assistance in this matter will be greatly appreciated.

Very truly yours,

JAMES R. MALLEY
Chief Investigator

JRM:rf

COPY



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA STATE POLICE
HARRISBURG

COLONEL JAMES D. BARGER
COMMISSIONER

28 March 1973

Mr. James R. Malley
Chief Investigator
Committee to Investigate
the Administration of Justice
Post Office Box 3900
Harrisburg, Pennsylvania 17105

Dear Mr. Malley:

In response to your letter of March 27, 1973, referring to the recent publicity concerning the wiretapping device found on the telephone of Harry E. Kapleau, Chairman of the Milk Marketing Board, I offer the following information in answer to the questions outlined in your letter:

1. I have no information concerning an actual investigation, however, I was informed that State Police officers were detailed by Colonel Urella to check Mr. Kapleau's office for any additional 'bugging' devices. Also, a surveillance was maintained on his office for a week or more without results.
2. No report is available in files concerning an investigation of this matter, however, I am enclosing a copy of a Memorandum from Lt. Colonel Joseph Dussia, then Deputy Commissioner, to Colonel Urella. *E 5*
3. Bell Telephone of Pennsylvania, Harrisburg Office, has a record of the type and description of the instrument that was located on Mr. Kapleau's Call Director.
4. This instrument was examined by Bell Telephone of Pennsylvania, Harrisburg Office. It was determined as a workable instrument.
5. I have no information as to what exactly happened to the instrument, with the exception of the newspaper accounts quoting former Commissioner Urella that he had destroyed the instrument. I can find no record on file verifying this.

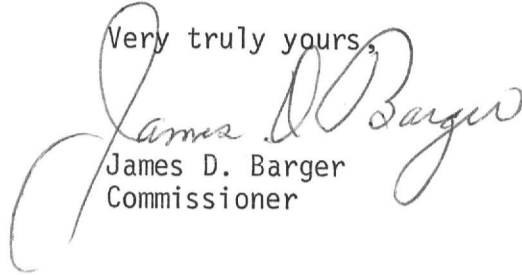


Mr. James R. Malley
28 March 1973
Page Two

6. I have been unable to locate or learn of any photographs of the instrument.

Hopefully, this will answer the information that you desire. If we can be of any further assistance, please advise.

Very truly yours,



James D. Barger
Commissioner

JDB/mw



HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

Committee to Investigate the Administration of Justice
Post Office Box 3900
Harrisburg, Pennsylvania 17105

March 30, 1973

Colonel James D. Barger
Commissioner
Pennsylvania State Police
617 Transportation and Safety Building
Harrisburg, Pennsylvania

Dear Colonel Barger:

Wiretapping Device on Phone of Harry E. Kapleau

In addition to the information, documents and answers requested of you in my letter of March 23, 1973, would you be so kind as to let us know the answers to the following:

1. Then Commissioner Urella, according to press reports of March 23, 1973 concerning the Kapleau tap, said, "His men swept Kapleau's office and home for taps and bugs, then maintained surveillance for a week or two at least." Who were the men who did the sweeping of Kapleau's office and home? *- 1st time Faola & Herman Faola
2nd " Faola + Lt. Hushamby*
2. The date when that sweeping took place and the dates of the surveillance. *no report made.
dates not known*
3. Describe the sweeping equipment used by the State Police. *Called
a Counter-measure survey kit.*
4. Was there a truck used; and, if so, how was it equipped? *no.*
5. Please furnish the names of the personnel to whom the truck was assigned daily during the period August 15 through September 30, 1972.

Colonel James D. Barger
March 30, 1973
Page 2

As we will be conducting a hearing related to some of these matters on April 4, 1973,
it would be appreciated if you would notify me by telephone (787-7170) just as soon
as this information is located.

Very truly yours,

JAMES R. MALLEY
Chief Investigator

JRM:rf

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HARRISBURG
COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES



MEMORANDUM

James R. Malley
April 2, 1973

File: KAPLEAU File
Colonel Barger File

With reference to the letter to Colonel Barger of March 30, 1973, Colonel Barger called on April 2 and advised that he was having some difficulty trying to give specific answers to questions that had been presented to him.

He advised that Lt. Herman Faiola went to the office of Mr. Kapleau by himself on one occasion in connection with the tapping of Mr. Kapleau's telephone; and on another occasion, Lt. Faiola, accompanied by Lt. Steven J. Luchansky, went to Kapleau's office

Colonel Barger stated no written report had been made and that he had no knowledge of what took place on either of these two occasions.

He stated that allegedly Faiola and Luchansky took with them an electronic device—referred to as a countermessure survey kit—for the purpose of sweeping Kapleau's office to determine if any other electronic device had been installed.

He stated that insofar as is known, no truck of any kind was used.

Colonel Barger advised that he has been in touch with Lt. Faiola and has instructed him to prepare a report concerning his activities relative to Kapleau's office as he should have done last September when he conducted the investigation.

He advised that if he receives Faiola's report and is able to determine the exact dates that investigation was made, this information will be made available to the Committee. He stated that if the information available is not sufficient, he had no objection to any of the State Troopers being interviewed, but would appreciate being advised what State Troopers we would intend to talk to.



September 6, 1972

The Deputy Commissioner received a call from Mr. Conner, Bell Security from Pittsburgh, and Mr. Reynolds, Assistant Comptroller and head of Security from Bell, Philadelphia, 215 - 466-5423.

Mr. Reynolds stated that on Friday afternoon, the repairman had been called to service the phone of Mr. Harry Kaplow, Chairman of the Milk Marketing Board in the Agriculture Building in Harrisburg, and in the servicing of the phone call directory, he found what he believed to be a telephone wire tap. He removed it and turned it in to his superiors, who checked it and verified this.

He stated that Mr. Ertz from the Harrisburg Bell Telephone office is discussing the matter with the Governor and that Clarence Barnes, Acting Manager of Security of Bell Telephone from Harrisburg, 233-1681, has the article. He stated that they felt it was their duty to turn it over to the State Police.

Mr. Reynolds was advised to have Mr. Barnes contact this office since the Commissioner was at Hershey.

Mr. Frank Ertz, Bell Telephone, Harrisburg, 233-5021, appeared at the Deputy Commissioner's Office at 11:00 a.m. and stated that he had talked to the Governor and informed the Governor of the circumstances surrounding the location of the wire tap in Mr. Kaplow's office and that Mr. Barnes was going to turn it over to the State Police. Mr. Ertz further stated that Mr. Kaplow be notified by the State Police and, if possible, to have it reinstalled in the phone with Mr. Kaplow's permission and an effort made to apprehend the person responsible for it.

Mr. Ertz stated that it was one of an approximate 97 megacycle frequency and that any FM radio set on that band could pick it up within 1,000'.

About this time, Clarence E. Barnes and Mr. Edwin H. Aunspach, his assistant, appeared at the Deputy Commissioner's Office and turned over to him the telephone transmitter.

Mr. Barnes stated that last Friday afternoon Mr. Kaplow's office called to have the buzzer on the phone repaired. They sent a repairman, who is the PBX repairman, Mr. Tenetylo, out. While

E-5

repairing the telephone call directory, he noticed this object and suspected it to be a bug, and removed it from the phone and said nothing to anyone, but went to his supervisor, Mr. Fritz, and Mr. Fritz in turn called the Security Officer and told him about it. It was picked up by Edwin Aunspach, Security Agent and turned over to Mr. Ernie Bailey, Transmission Engineer for Bell Telephone.

Mr. Bailey, upon taking it apart, verified it was a sophisticated FM transmitter consisting of two transistors, 7 resistors, a small intergrated circuit board, printed circuit, two coils, two diodes, operated on approximately .97 megacycles with a range of approximately 1,000 feet. The signal could be picked up by any standard FM receiver adjusted to the proper megacycle. Since this was on the call directory, it would be able to pick up the conversation on all lines in use on that particular call directory.

A handwritten signature in cursive script, appearing to read "Joseph M. ...". The signature is written in dark ink and is positioned above the initials "JD".
JD

MEMO.

September 6, 1972

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ESA
(DA)

Colonel Urella:

The Deputy Commissioner received a call from Mr. Conn, Bell Security, Pittsburgh, and Mr. Reynolds, Assistant Comptroller and head of security from Bell, Philadelphia, telephone number 215 - 466-5423.

Mr. Reynolds stated that on Friday afternoon their repairman had been called to service the telephone of Mr. Harry Kaplew, Chairman of the Milk Marketing Board, in the Agriculture Building in Harrisburg and while servicing the phone, in the call director, he found what he believed to be a telephone wire tap. He removed it and turned it over to his superiors, who checked it and verified this. He stated that Mr. Ertz from the Harrisburg Bell Telephone Office is discussing the matter with the Governor and that Clarence Barnes, Acting Manager of Security, Bell Telephone, Harrisburg, 233-1681, has the article. Stated that they felt it was their duty to turn it over to the State Police.

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----- - different
paragraphs

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Joseph Dussia
Joseph Dussia
Lt. Colonel

cc: Mr. James R. Malley



HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

March 9, 1973

Colonel James D. Barger
Commissioner
Pennsylvania State Police
617 Transportation and Safety Building
Harrisburg, Pennsylvania

My dear Colonel Barger:

As you may know, the House of Representatives on February 6, 1973, by Resolution No. 21, established a Committee to Investigate the Administration of Justice.

In furtherance of the purposes of that Committee and the necessity for information for legislative deliberation, would you please promptly furnish our Chief Investigator, Mr. James R. Malley, Room 629, Main Capitol, reasonably recent stand-up and face photographs in civilian clothing of the following whom we believe to be members of your command:

- Lt. Steven J. Luchansky #11
- Corporal Curtis W. Guyette 7
- Corporal Metro Kardash 3
- Lt. James McCann 6
- Corporal Robert M. Flanagan 10
- Corporal Crews 4
- Trooper Albert Faiola 5
- Lt. Herman J. Faiola 8
- Trooper Weimer 9
- ANGELO J. CARACCI (2)

and any other officers or troopers assigned to the so-called "Internal Security Unit" in November 1972.

Very truly yours,

*Pictures rec'd by Malley
3/12/73.*

H. Joseph Hepford
Chairman
Committee to Investigate the
Administration of Justice

HJH:rf *Plus
Major Stanley CIMOROSKI - (Retired) #1*