

TO: William T. Nicholas
First Assistant District Attorney of Montgomery County

FROM: J. Shane Creamer
Attorney General

RE: Wiretapping Incident At The George Washington Motor Lodge

PROSECUTION MEMORANDUM

The following memorandum is forwarded for your information and assistance in preparing whatever prosecution you deem proper in light of the facts as we now know them, and whatever is disclosed by further investigation on the part of our respective departments. The memorandum contains as complete a statement of the facts as we can assemble at this point, including the sources of our information, as well as a brief analysis which, in my view, may have been violated. I have also made some specific recommendations. I hope the memorandum will prove of use to you as you prepare the cases. My staff will assist you in any way possible.

Statement of Facts: Chronology

Sunday, November 19, 1972:

On this day a man checked into the George Washington Motor Lodge, King of Prussia, Pennsylvania, under the name of Robert Best (registration and room receipts). He was registered in Room 182 and stayed at the motel for three days (registration and information from motel management). On the registration card he used the address of 9 Glenn Road, Kunkle, Pennsylvania, and indicated his car was a Ford with license 915-968 (registration card). Both proved to be fictitious according to subsequent checks (see reports).

On the same day, Turnpike receipts reveal that Cpl. Metro Kardash got on the Turnpike near Hazelton (Exit 36) and at 5:05 pm exited at Plymouth Meeting (Exit 25). Also, Cpl. Flanagan entered the Turnpike at Exit 22 and exited at Valley Forge at 6:06 pm. He remained in the area approximately one hour, entering the Turnpike at 7:09 pm (Exit 24) and exited at Harrisburg East (Exit 19) at 8:24 pm.

Monday, November 20, 1972: (or November 21, 1972)

In sworn testimony taken at a private Crime Commission hearing November 29, 1972, Deborah Wolfe, maid at the George Washington Motor Lodge, stated that on the morning of November 20 or November 21, she was assigned to clean a group of rooms including either 180 or 182. She is not sure in which of the two rooms she saw the man in question. A

subsequent check revealed that the man was registered in Room 180 during this period. On the first day, there was a "Do Not Disturb" sign on the door so she continued to clean other rooms. When she returned, the sign was gone, so she went into the room to clean it. Although the beds had not been made, the bathroom had been, so she cleaned that room. She commented that the room smelled like cigar smoke.

The following day, the "Do Not Disturb" sign was again on the door. However, when Deborah returned, it had been taken off so she knocked on the door to ascertain whether or not the occupant wanted the room cleaned. A man appeared, put his head out the door, and stated that he did not want the room cleaned. He also told her not to tell anybody about his wishes. She described the man as being taller than herself (5'2") and wearing a white undershirt. From a group of photographs, she positively identified this man as Cpl. Curtis W. Guyatt of the Pennsylvania State Police.

According to Turnpike records on November 20, 1972, Cpl. Flanagan left Harrisburg and arrived at Valley Forge at 1:21 pm. A State Policeman named Faiola entered the Turnpike at Exit 21 at 10:14 am and exited at 10:34 at Valley Forge. The signature on the card appeared to be "A. Faiola," which would be Albert Faiola, brother-in-law of Herman Faiola, of the Internal security unit. Trooper Albert Faiola is currently assigned to Captain Robert Allen Specter.

On November 21, 1972, the Corvette got on the Turnpike at Exit 35 at 5:30 am and exited at Valley Forge at 10:00 am.

Wednesday, November 22, 1972

Cpl. Rocco Uretz got on the Turnpike at 3:34 pm at Exit 20 and exited at 4:10 at Downingtown Exit 25 (turnpike records).

Thursday, November 23, 1972

According to sworn testimony taken at a private hearing of the Pennsylvania Crime Commission November 29, 1972, by J. Kauler, desk clerk at the George Washington Motor Lodge, on Thanksgiving Day a man checked into the lodge and specifically asked for Room 175. Miss Kauler remembers the incident because during her tenure as desk clerk no one except a regular customer had ever asked for a specific room. She had never seen the man before and is unable to remember what he looked like. The man registered under the name of Frank Sopler, 4200 Locrevelt Boulevard, Philadelphia, used no firm name or address, and listed a Pennsylvania registration number 689-482 on an alleged Chevrolet coupe (registration card). A subsequent check revealed that the registration card was issued to an International station wagon in the name of Marilyn Marland Patillon, R. D. #1, Box 73, Stroudsburg, Penn. Frank's address also proved to be false.

Friday, November 24, 1972

Col. Flanagan got on the Turnpike at Exit 22 at 11:40 am and exited at Valley Forge at 12:04 pm. Sometime during the day he entered the Turnpike at some place other than a regular entrance site. He got off at Exit 22 at 8:22 pm (red ticket).

Sunday, November 26, 1972

According to Jill Kauler's statement, mentioned above, another white male came to the George Washington Motor Lodge and he too asked for Room 175. She was on duty as desk clerk at the time and stated that this is not the same man who had registered on November 23. Again, she could give no description of the man. He registered as Stanley Knotts, 485 First Avenue, Kingston, Pennsylvania, and listed a Pennsylvania registration for a Buick, 175-476. No such license is recorded in Harrisburg. Later checks with Agway disclosed that the company had no employee named Stanley Knotts.

Cy Pinizzotto, maintenance man at the George Washington Motor Lodge, some time between 1:00 pm and 4:00 pm on November 26, 1972, saw a white male, 5'7", 165 pounds, 40-45 years, wearing a gray army-type jacket and carrying a cloth bag, walking in the area of Room 175. Mr. Pinizzotto was working at that time. He states that he may be able to identify the man if he saw him again (see reports).

Monday, November 27, 1972

According to the maid, Deborah Wolfe's statement, mentioned above, on the morning of this day she was assigned to clean a group of rooms which included Room 175. As she was about to knock on the door to see if the occupant wanted maid service, a man opened the door. She immediately recognized him as the man she had seen on November 20 or 21, 1972 (Cpl. Curtis W. Guyette). He said he might need some towels because he was going to be there for a couple of days. She described this man as taller than herself (5'2"), wearing a baseball cap which she believed to be red, and having a distinctive voice like a lisp. The man also asked her for a "Do Not Disturb" sign which she gave him. At a photographic identification, Deborah Wolfe positively identified the man as being Cpl. Guyette.

At approximately 3:30 pm, in the afternoon, according to a sworn statement taken from John Benjamin Sherr, the maintenance engineer at the George Washington Motor Lodge, at a private hearing of the Pennsylvania Crime Commission November 29, 1972, he proceeded to Room 178 to check on a loud fan motor. In order to check this fan, Mr. Sherr had to enter the crawl space above the room. As he entered the crawl space through the trapdoor, Mr. Sherr observed a white male, round face, black hair, starting to gray, and a receding hairline, in the process of descending from the crawl space approximately 20 feet away from where he was stationed. Sherr saw the man from his waist up by the illumination of his drop light (a light bulb encased in a wire cage and attached to a long cord) for a period of three to four seconds. The crawl space is approximately three feet square and Mr. Sherr's view was unobstructed. He has made no positive identification yet, but has narrowed his choice on the photographic identification to Lt. Steven Luchansky or Jack Heidelberg, special agent of the Crime Commission. Mr. Sherr is convinced he will be able to identify the individual as soon as he sees him in person in a line-up. John Sherr reported this activity to Assistant Manager Thadeus Rickards. A subsequent check by Rickards of the registration cards revealed that only one male was registered in the vicinity of Room 175. In fact, the only room occupied in that area was Room 176 in which two women and three children were registered.

According to Sherr's statement, as well as statements taken from Rickards at the time, at this point there was some speculation among Sherr, Rickards, and Joseph Monahan, Manager of the George Washington Motor Lodge, about the man Sherr had seen in the crawl space. In light of a rash of fires which occurred at the George Washington Motor Lodge in the past, the three were concerned that the man might have been an arsonist. They also speculated that he might have been a peeping tom or someone who was making a pickup.

Monahan then instructed Sherr and Rickards to make up a phony excuse for going into Room 175 and see if Sherr could identify the man in the crawl space. Sherr and Rickards unsuccessfully looked for Knotts' Buick, picked up Sherr's equipment (ladder, drop light) and then proceeded to Room 175. Rickards knocked on the door and a man came to the window and looked through the curtains. Rickards observed a white male with a round, pock-marked face and dark hair which was thinning and starting to gray. He advised the occupant of Room 175 that they were there to check for a loud fan motor which was causing excessive noise. The man, without opening the door or window and keeping the drapes almost closed, related that the only noise he heard was the noise from Room 176. While Sherr observed no one at this time, he did hear the occupant's voice.

Manager Joseph Monahan then checked with Agway in Kingston, Pennsylvania, and found that Stanley Knotts was not an employee of that company. He also checked and found that Stanley Knotts had no telephone listing at the address which he gave.

According to a sworn statement taken from Mr. David Greth, Sales Manager of the George Washington Motor Lodge, at a private hearing of the Pennsylvania Crime Commission on November 29, 1972, at approximately 5:30 pm, he observed two unknown males approach a Plymouth sedan which was backed up to Room 39. Mr. Greth was suspicious of the two men and the position of the car because the cases the men were carrying were about the size of televisions and the George Washington had had many thefts in the past. The two men were carrying black cases of the type used by TV repairmen. Both men were described as about 5'10", about 40 years of age and wearing windbreaker type jackets. One wore a bright color baseball cap. Mr. Greth noticed that both men appeared nervous. They stood by the automobile, but waited until he turned his back before entering. Mr. Greth took the license number which was 7J0-003. (On December 4, 1972, Special Agent Diebold of the Pennsylvania Crime Commission made a license registration check on the tag 7J0-003 which was attached to the light green Plymouth which Greth had observed. The license was registered to Harry Gordon, address unknown, Pittsburgh, Pennsylvania. The tags are assigned to a 1968 Pontiac coupe. An NCIC check proved negative.

Sherr, Rickards, Greth and Monahan then met in Monahan's office.

Because Room 175 was located directly behind the room occupied by the Pennsylvania State Police, John Sherr thought that the man in the crawl space may have been trying to check up on the troopers. Therefore, at approximately 7:00 pm, Mr. Monahan and David Greth, the Sales Manager, related the unusual circumstances of the day to Sergeant Matthew Hunt of the Pennsylvania State Police. At that time, a check was made on the automobile registration number given by Stanley Knotts and it was learned that no such number was recorded in the Department of Motor Vehicles, Harrisburg, Pennsylvania.

At approximately 8:00 pm, Manager Monahan placed a phone call to Room 175, but there was no answer. Then Monahan and Greth, as well as Cpl. Charles J. Todd, Trooper Albert Pistone, Trooper Frank McAndrew, Sgt. Matthew E. Hunt and John Sherr proceeded to Room 175. Mr. Greth knocked on the door numerous times, but there was no response. Mr. Greth then identified himself and used the key to open the room. They entered, and the room was empty. The pillows were propped up on one bed, and the other was made up. The only object remaining in the room was a brown paper bag with a sandwich remaining inside of it (see sworn statements and troopers reports).

Mr. Sherr opened the trapdoor which let to the crawl space over Room 175 and set up a ladder beneath it. At that time he noticed a loop of excess wire which he had never seen before and which he knew to be foreign to that area. Sgt. Hunt and Trooper McAndrew also observed this wire, then made a complete search of the crawl space in the area above Room 175. The search was continued on the other side of the fire wall by entering the crawl space above Room 181. The search revealed that on both sides of the fire wall, red and green wires had been spliced into the gray Bell Telephone lines entering into Room 208 (occupied by Trooper Anthony Caldonetti and also used as a command post), Room 213 (occupied by Cpl. Charles J. Todd, second in command at that time), and Room 214 (occupied by Sgt. Matthew E. Hunt, leader of the detail).

Arrangements were made to keep the room under surveillance the following day.

The Crime Commission is in the process of verifying information that on this day a telephone call was made from one Nicholas Pratko to Commissioner Rocco Urella. Pratko is an assumed name used by Cpl. Metro Kardash, according to a typed, seven-part "answer" to a letter dated December 1, 1972, from the Attorney General to the Commissioner. The "answer" was given personally by Urella to Executive Deputy General Walter Faulke that same day. The writing in the "answer" is that of Mr. Faulke.

Turnpike records for November 27, 1972 indicate that Kardash entered the Turnpike at Valley Forge at 7:19 am and exited at Harrisburg Exit 19 at 8:20 am. He returned in the afternoon, getting on at 3:29 pm (Exit 19) and off at 4:14 pm (Exit 24).

Ostensibly, he was in Harrisburg to have his car repaired.

Turnpike records also reveal that on the same day, A. Faiola got on at Valley Forge at 6:41 pm and via Exit 21 at 7:10 pm. He returned later that night, getting on at 10:58 pm (Exit 21) and off at 11:21 pm (Exit 24).

Tuesday, November 28, 1972

At approximately 9:00 am, Cpl. Charles Todd and Trooper Anthony Caldonetti observed a Buick with a black vinyl top over a reddish brown body bearing Pennsylvania registration number 4J1-730 parked in a backed-up position in the same place as the car observed on the previous day by David Greth. A subsequent check of the registration revealed that it was issued to Nicholas Pratko, 4642 Roosevelt Boulevard, Philadelphia, Pennsylvania. Cpl. Charles Todd and Trooper Gerald DeWalt proceeded immediately to

4642 Roosevelt Boulevard and found that the entire 4600 block was occupied by Sears, Roebuck Company. (Cpl. Kardash, according to records of the Internal Security Unit, has a vehicle with manufacturer's serial No. 4L57H2Y197689, which is the same number as the vehicle supposedly owned by Nicholas Pratkano at the above address. The car issued to Cpl. Kardash is described as a 1972 Buick LeSabre, 2-door sports coupe, gold. It was purchased with special federal funds, specifically restricted to use for equipment for the organized crime section of the State Police.

At approximately 10:30 am on November 28, 1972, a housemaid at the George Washington Motor Lodge, Theresa Evanick, attempted to clean Room 175. The maid knocked on the door of Room 175, but no one opened the door. An unknown male from inside indicated that he did not want the room cleaned, but told the maid to give him enough towels "for us." Additionally, this unknown male requested that he not be disturbed today or the following day. (Preliminary report; no formal statement taken.)

Sometime around noon, Cpl. Todd and Trooper Anthony Caldonetti approached David Greth in the office of the George Washington Motor Lodge. At that time, Cpl. Todd explained to Mr. Greth that they would like to use Room 39 to conduct surveillance of the Buick parked outside the room. Mr. Greth gave Cpl. Todd a key to that room. During the conversation, a white male, 5'10", thin, 40 years of age, dressed in a brown plaid suit, entered the office and stood within three feet of Mr. Greth and the State Trooper. According to Mr. Greth, he was in a position to overhear the conversation. After the discussion, the man left the office and went over to the corner of the building where the pay phones are located.

According to a sworn statement from Kathy Crankfield, receptionist in the Commissioner's complex at the Transportation Building, at a private hearing of the Pennsylvania Crime Commission December 14, 1972, at 11:57 am, she received a telephone call from, in her opinion, an unidentified female who first asked for Mary (Colonel Urella's sister) and then Eleanor Kelly (Colonel Urella's secretary). Miss Crankfield told the caller that both ladies and the Commissioner were at lunch. They had departed at 11:45 am. Miss Crankfield said the caller told her to find the Commissioner and tell him to "Call out the line." It was an emergency. The receptionist asked her supervisor where the Commissioner was. The supervisor saw Lt. Herman Faiola, a member of the internal security unit, and told him about the message. Faiola said he would attempt to locate the Commissioner.

At approximately 12:10 to 12:15 pm, Urella returned to his office, running, which was something the receptionist had never seen. She had also never seen him ever take only a 25-minute lunch break. When he is in, incoming and outgoing calls do not come through her call master. (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.

At approximately 12:19 pm, a telephone call was received at the George Washington Motor Lodge for Room 175. A second call from the outside came in at approximately 12:21 pm. While that call was on the line, a third call came in from the outside at 12:23 pm for the same room. Only the first two phone calls were answered by anyone in Room 175. Julia Waller, operator at the George Washington Motor Lodge, stated that all the calls were from outside the motel and sounded as if they had been placed by middle-aged men. She took the first two calls, and stated that the man on the second call was not the same person who made the first telephone call. Jill Kauler, the desk clerk, handled the third call. No other phone calls came in for Room 175 except those three.

At approximately 12:30 pm, David Greth and Manager Joe Monahan observed three men leave Room 175 at a fast walk. They were carrying with them the same type cases as Mr. Greth had observed the men carrying on the previous day. Mr. Greth then left his observation point in Mr. Monahan's office and began walking in the direction where the Buick was parked outside Room 39. Mr. Greth observed two of the three men approach that vehicle. He described them as white males, 5'10" tall, approximately 40 years old, one wearing a light blue hat like a canvas rain hat. The men then left the automobile and proceeded to a walled area on the extreme west end of the motel complex. Mr. Greth then entered the area of the swimming pool to the east of where the car was parked and observed the third man returning toward Room 175. He described this man as approximately six feet tall, 40 years old, wearing an auburn colored wig. He proceeded to notify Cpl. Albert Pistone of what had occurred. Both John Sherr and Jill Kauler saw the lone man re-emerge immediately from Room 175 carrying a bag.

Meanwhile, at approximately the same time, Cpl. Todd and Trooper Caldonetti who had entered Room 39 to watch and take photographs of the Buick parked in front of the room, observed three males around the car. The first was described as 6'1", slender build, wearing a blue golf hat and dark windbreaker and carrying a black case. This man walked to the rear of the Buick as if to open the trunk. No one can recall if he did open the trunk. The second man was described as 5'10" wearing a dark jacket and carrying a suit bag over his right shoulder. He walked behind the first man and stood between the area of the Buick and a Mercury parked next to it. (A subsequent check of the Mercury disclosed that it was registered to an automobile leasing company. The car was in the possession of a man who was attending a sales meeting in the area.) The third man was described as six foot, wearing a dark jacket and a brown colored mod wig. He was carrying a brown bag. Cpl. Todd and Trooper Caldonetti positively identified this man as Cpl. Curtis Guyette. All three men stood at the rear of the car and conversed. They then left by foot through the rear exit of the George Washington Motor Lodge. After being notified of the foregoing events by David Greth, Cpl. Pistone and Trooper Willy Christie gave chase in the direction of the Schuylkill Expressway. Cpl. Pistone observed one of three men running down a hill to the road to the rear of the motel. The man was wearing a dark jacket and carrying a brown bag, and Pistone positively identified this person as Cpl. Curtis Guyette. At that time, Pistone was unable to identify the other two men who fled the area. A mold of a heel print was taken from the ground behind the motel where the three men had been running.

At 12:46 pm on November 28, 1972, according to telephone company records, a collect, person-to-person call was placed to Commissioner Urella from Nicholas Pratkanis. The call, made from the King of Prussia area, was accepted and lasted for six minutes. (See exhibits.)

At 1:11 pm, Lt. McCann (who at one time had been Commissioner Urella's driver) and Commissioner Urella entered the Turnpike at Harrisburg (interview with McCann and Turnpike records). At 1:57 pm, they got off the Turnpike at Downingtown. At 2:08 pm, McCann got on at Downingtown and at 2:20 got off at Valley Forge.

At 2:37, McCann got on at Valley Forge and at 2:47 exited at Downingtown.

McCann's explanation for these movements, in an interview, was that on November 27, 1972, he had called Cpl. Robert Flanagan about an antique mirror McCann wanted to buy. McCann arranged to meet Flanagan in the King of Prussia Shopping Center between 3:00 and 4:00 pm, the following day, as Flanagan was shopping there.

McCann said that when they exited at Downingtown, they met Lt. Richard Weimer at an "ash pile" near the interchange on Rt. 100. He took Weimer's car, a light colored Plymouth, and went to King of Prussia. Flanagan was waiting for him at the center. (NOTE: Flanagan has refused to be interviewed or give a sworn statement, and McCann will not give a sworn statement. It is somewhat remarkable that Flanagan knew to be in the shopping center a half-hour early for the meeting.)

At 1:01 pm, according to Turnpike records, Cpl. Curtis Guyette entered the Turnpike at Valley Forge (Exit 24) and got off the Turnpike at 1:16 at Downingtown Exit 23.

Sometime between 2:30 and 2:40 pm, a male dressed in a suit and tie entered the Buick automobile parked outside Room 39 after alighting from a green Plymouth sedan which entered the parking lot of the George Washington Motor Lodge, discharged this man and left the area. Trooper Anthony Caldonetti observed this man enter the Buick and identified him as Lt. Steven Luchansky. He approached the car and told the Lieutenant that he wished to speak with him. Lt. Luchansky locked the door of the automobile, rolled down the window about six inches and said, "What?" Lt. Luchansky started the automobile, but it stalled momentarily. Sgt. Matthew Hunt, informed that Lt. Luchansky was in the Buick, approached the car and stood in front of it with both hands on the left front fender. He told Lt. Luchansky that the automobile was under investigation and that they wanted to hold it for search warrants. At this time, the car was drifting toward Sgt. Hunt. Luchansky ignored Sgt. Hunt and kept trying to start the car. Sgt. Hunt then informed Luchansky that he was under arrest. Luchansky ignored Sgt. Hunt and finally started the car. He stepped on the gas, knocking Sgt. Hunt aside and sped out of the parking lot and turned south on Rt. 202. Cpl. Pistone observed Sgt. Hunt trying to stop Lt. Luchansky and observed the automobile strike Sgt. Hunt. Pistone gave chase and ran alongside the automobile on the driver's side. He also was able to identify Lt. Steven Luchansky who he has known personally for six years.

Trooper Frank McAndrews also observed these events.

At approximately 2:55 pm, after Room 175 had been abandoned, Assistant Manager Rickards entered the room, accompanied by Trooper Albert Pistone and Sgt. Matthew Hunt. A preliminary examination of the area immediately above Room 175 revealed the three alleged phone taps still intact. The area was immediately searched for further identification processes.

At approximately 4:10 pm, security agent Robert S. Dracup and William S. Schellinger of the Bell Telephone Company made an examination of the area immediately above Room 175 in connection with the unlawful splicing of Bell Telephone property. Security agent Dracup and Schellinger stated definitely that the Bell Telephone lines were tampered with and two foreign wire attachments were found immediately above Room 181 and another foreign wire attachment was found immediately above Room 175. These devices, attached as they were to the telephone lines, were devices used to intercept telephone communications.

At approximately 5:00 pm, special agent William Tobin and William Kiniry began a latent fingerprint examination in Room 175. They dusted all areas of the bathroom, the furniture and movable objects in the bedroom, and as many places as possible in the crawl space over Room 175 through Room 178. They lifted one print from the shower spray fixture, a left palm print from the shower wall, and a print from the metal lock on the gray painted side of the access door to the crawl space. In the crawl space they found two glasses, one of which still had a brown colored coca cola-like substance in it. They were handed over to Sgt. Matthew Hunt. As of this date, laboratory analysis of possible prints on the glasses is not yet complete. A brown lunch bag, which was found in the room, was dusted on November 29, 1972, with negative results.

At approximately 7:10 pm, Cpl. Richard Bugjo and assistant A. G. Barbara Bailey arrived at the office of District Justice Elaine Adams to secure search warrants for the area above Room 175 and Room 181. At 7:50 pm, the documents were signed by District Justice Adams who made an independent examination of the affidavit of probable cause.

At approximately 10:00 pm, these warrants were read to Manager Joe Monahan, Sgt. Matthew Hunt thereafter removed the foreign wire attachments from above Room 175 and Room 181. Present during the search were Cpl. Robert Bugjo, Manager Joseph Monahan, Cpl. Charles J. Todd, Trooper Frank McAndrews, Trooper Donald Alman, Trooper Anthony Caldonetti and Sgt. Matthew Hunt. Seized from above Room 175 was one green wire and one red wire with a plastic clip. Seized from above Room 181, was 152 feet of the green and red wire with plastic clips attached. William McCuen, electronics technician for SIC Inc., stated that the connectors are manufactured by the 3M Company, St. Paul, Minn. He also stated that he knows of no distributors for these clips in this area. Search warrants for two cars, one the Buick in which Lt. Luchansky fled and the Mercury which was later discovered to be legitimate, were never executed. Returns were made on November 29, 1972, and the evidence

has been turned over to the Director of Intelligence, Charles J. Renshaw of the Pennsylvania Crime Commission. Pictures of the wire and connections in the loft area and room 175 were taken by a professional photographer.

Turnpike records disclose that at 6:10 pm on November 28, 1972, McCann got on the Turnpike at Downingtown and exited at 7:11 pm at Harrisburg East (Exit 19).

IDENTIFICATION

The above represents our present understanding of the chronology of events leading up to the wiretapping and its discovery. Included here are the facts surrounding the Commission's efforts to secure identification from witnesses.

(RECORD GOES 3-1/2 pages 24-28, of identification made of various participants.)

THE HAND-WRITTEN STATEMENT

On the early morning of December 6, 1972, Commissioner Urella came to the Department of Justice accompanied by Lt. Luchansky and Cpl. Kardash. Initially, the latter two remained outside. The Commissioner came in and delivered a three-page hand written statement to the Attorney General asking whether if the two men testified along the lines of the statement, would the Attorney General agree not to prosecute. The Attorney General perused the statement and explained to the Commissioner that even if he did make such an agreement it would not be binding on federal and local authorities. The statement had been prepared by Luchansky and Kardash, according to the Commissioner. Before it was returned to Urella, it was copied. Luchansky was prepared to testify from the statement, but after he was given his Miranda warnings, he decided to seek the advice of counsel. The statement indicates that the facts outlined in the above chronology insofar as they concern Guyette, Kardash and Luchansky are true. It denies any involvement on the part of the Commissioner, stating that the wiretapping had been instituted on a "whim."

MISCELLANEOUS

A. The whereabouts of Lt. Luchansky

Commissioner Urella stated that Lt. Luchansky got a collect call at 12:30 pm on November 28, 1972, but that he is not aware of the particulars of the conversation. This seems to imply that Luchansky was in Harrisburg at the Commissioner's complex. However, the following witnesses seem to contradict that story. Major Cimokowski does not recall if he saw Luchansky that day; Lt. Col. Dussia stated that he did not see Luchansky

at headquarters that day; Jane First does not recall seeing Luchansky that day; Kathy Crankfield did not see him that day. Lt. McCann stated that he saw Luchansky at the State Police Academy in Hershey at 6:30 am on November 28; however, that was the only time he saw him that day. The telephone records do not show any collect calls from Luchansky in the Commissioner's complex. The only collect call during this period was for the Commissioner from Pratkanis.

B. The Bomb Threat at the Sentinel Motel

As indicated above, according to Lt. McCann and Commissioner Urella, the emergency call around noon on November 28, 1972 to the Commissioner concerned a bomb threat at the Sentinel in Downingtown. Ostensibly, the Commissioner instructed Marion Gobrecht, proprietress at the motel, to notify the Media Barracks, and that he would be down right away.

According to a subsequent interview with Ms. Gobrecht, she stated that she received a note in her mailbox between 9:00 am and noon which said, "Tell Hero Urella we are going to firebomb his joint." She called him and left a message. He returned the call and told her not to worry. She stated she did not call the Media Barracks.

On December 4, 1972, Sgt. M. Hunt checked the incident memos for November 27, 1972 thru December 2, 1972 in Media. There were no bomb threats reported on those forms. Yet, according to an interview with Lt. McKenna, Officer in command at Media, Ms. Gobrecht called the barracks and informed him of the incident. He said she gave the statement as a matter of information and requested no investigation.

C. Administrative Structure of the Internal Security Unit

The internal security unit was created by the present Commissioner as a part of the Bureau of Inspections and Special Investigations. The Commissioner had stated that all five members of the unit, Faiola, Luchansky, Kardash, Guyette and Crews, received their assignments and operations orders directly from him. The assignments were verbal and most of the investigative reports are verbal as well. Urella indicated to Walter Foulke there are very few written reports concerning activities of the internal security unit—no vehicle logs, daily activity reports, or investigative documents.

However, the Crime Commission has the following documents which contradict this statement:

1. An investigative report made on November 20, 1972 by Cpl. Crews with regard to Trooper James Bell who was alleged to be living with another woman while married.
2. An investigative report made on October 27, 1972 by Cpl. Guyette on Troopers John Feketta and Raymond Tobb alleged to be moonlighting.

3. An investigative report on October 27, 1972 by Steven Luchansky with regard to Trooper Frederick Kopfinger who is alleged to be moonlighting.
4. An investigative report by Herman Faiola on November 6, 1972 with regard to Trooper Robert Klutas who was alleged to be dating another woman while married.
5. Two investigative reports on September 23 and 30, 1972 by Steven Luchansky with regard to Cpt. Norman McFadden who was alleged to be driving recklessly and abusing sick leave.
6. An investigative report on November 14, 1972 by Herman Faiola on reports Pennsylvania State Police are attending lewd shows at the Gaslight. One wonders what kind of cases don't have reports submitted for them. The reports submitted certainly touch sensitive subject areas.

Lt. Col. Joseph Dussia stated that the internal security squad works directly under Commissioner Urella and reports directly to him. The men report to Dussia only in the extended absence of Urella which has yet to occur. Major Stanley S. Cimokowski, Director of the Bureau of Inspection and Special Investigations, stated that the internal security unit is part of his bureau, but that he exercises no command control. The instructions for the men usually are verbal, and come from the Commissioner. Cimokowski allows the two Lieutenants, Faiola and Luchansky, to run the unit although he does sign travel vouchers. He stated that the unit submits no daily reports, nor does it make periodic call-ins for instruction.

Lt. Herman Joseph Faiola, Senior Lieutenant on the internal security unit, stated that he and Lt. Luchansky have joint responsibility for the operation of the internal security unit. Their superior in the chain of command is Major Cimokowski. The unit operates on the basis of instructions from the Commissioner or other superiors on the headquarters staff. He asserts that only that officer who gives the unit those instructions would know the location or activities of the men. He stated that the unit is not required to sign in or make periodic check-ins. Most reports of investigation are given orally, although on occasion a written report may be requested.

On the question of monetary expenditures by the unit, Henry Clayton, Comptroller of Transportation and Safety, said there was no confidential fund for the internal security unit in his office, nor was there any way that they could obtain confidential funds through his office. He stated that the only confidential fund is in regimental headquarters and is maintained by Major John Yaglenski of the Bureau of Criminal Investigation. He also stated that no travel vouchers for the month of November have reached his office.

D. INTIMIDATION OF WITNESSES

Shortly after the wiretapping had been uncovered, orders were given that no one in State Government, other than investigators or State Police not already attached to the Department of Justice, should investigate the incident. Nevertheless, on Saturday, December 9, 1972, at approximately 5:00 pm, two individuals wearing civilian clothes and displaying some type of badges went and interviewed at her home, Mrs. Julia Waller, the telephone switchboard operator at the George Washington Motor Lodge. They stated they were on official business and were members of the Pennsylvania State Police. According to an interview with Mrs. Waller, one of them was named McCann. Both of them made representations that they worked for Sgt. Matthew Hunt and wanted to talk to her about the wiretapping incident.

According to Mrs. Waller, the men were very persistent about how she could tell when anyone left Room 175 from her location at the telephone switchboard. The individuals asked her three times if Sgt. Hunt "put her up to the stories," and all three times she assured them that what she had originally stated about her line of sight from the switchboard to Room 175 had been true. The men kept insisting that she was put up to the story and, according to Mrs. Waller, McCann was a "fast talker" and "tricky." At the end of the interview, both men threatened her with subpoenas regarding her "listening in" on telephone conversations, implying that the witness had been wiretapping herself. Mrs. Waller's daughter advised that after the two men left that one had been carrying a black attache case and never opened it. Mrs. Waller is of the opinion that the interview with the two policemen was recorded.

On the following day, two other men came to Mrs. Waller's house. They identified themselves as Philadelphia city detectives and stated that they had some more questions following up McCann's and Flanagan's interview. Mrs. Waller refused to let them in. They also threatened her.

In fact, none of the four individuals who visited Mrs. Waller were State Policemen assigned to the Department of Justice. Although Commissioner Urella has been requested to obtain a statement from McCann and Flanagan, none has been forthcoming.

(next section goes into legal issues of wiretapping, etc.- pg. 37-statutes, etc.)
(Several pages concerning legal issues of wiretapping were not available.) J.R.M.

IT ALSO RECOMMENDS PROSECUTION OF, at a minimum, of Kardash, Luchansky and Guyette and recommends continuation of investigation to determine all parties involved.

HANDWRITTEN STATEMENT HANDED TO CREAMER BY URELLA

On Sunday, November 19, 1972, Guyette rented a room, 182, under a false name. He called Kardash and said, "I got a room where we can watch them better." On November 20, 21, 22, Kardash and Guyette were in Room 182 watching the Crime Commission personnel when they went to work and came back. Kardash and Guyette decided on a whim that it would be better if we had the phones wired. Kardash had the wire from a phone truck a few years ago and also a head set. Kardash and Guyette tried to make the hook-up on Thursday when the Crime Commission men were off duty. The wire was pushed through the fire wall toward Room 175. No messages were obtained because Rooms 213 and 214 were unoccupied at this time.

On Sunday, November 26, 1972, Guyette entered Room 175 under a false name. On Monday through prior arrangements, Luchansky and Guyette went into Room 175 around 12 noon. At approximately 2:30 pm on Monday, Guyette finished the hook-up and tried the headset, but it didn't work again. Luchansky stuck his head up through the access panel and saw the maintenance man and slumped down. Luchansky and Guyette left around 6:00 pm on Monday night. Guyette called Kardash and told him we would meet him in the Plaza parking lot at 7:00 am near Gaudio's. We met on Tuesday at 7:00 am and then Kardash went over to the motel. Kardash parked the Buick on the far side of the motel. And we went into Room 175. We figured something was wrong because the match cover was missing from the door on Room 175 that Guyette put in on Monday when they left. After trying the line with their headset, it was still dead. We figured to get out. This was around 12 noon. Just as we were about to leave, two calls came to the room saying to get out. Kardash took the calls and didn't know where they came from. After leaving the room, Guyette returned and got his glasses. No one knew who had the keys, so we walked over to Guyette's ^{car} in the plaza parking lot.

We figured something was wrong because the manager seemed to be following us. We decided to return for the Buick and Luchansky tried to get the car without being noticed, but was spotted.

At no time during the days that we were at the motel, no messages were overheard because the line didn't work.

No one ordered us to tap any wires and absolutely the Commissioner had no knowledge of this. He knew we were working in this area because he had assigned us to conduct an investigation on the activities of Timmy Mastrangelo, a gambler in Chester County, to check on the activities of Cpt. McFadden on abuse of sick leave, and also a report that Crime Commission men were getting drunk at the Springfield Inn in Delaware County and the Hotel Hilton in King of Prussia.