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The following is a short summation of items that you may care to use at the conclusion of the hearing to highlight the lack of proper administration of justice in this case.

Today's hearing has produced information which raises some serious questions concerning the administration of justice wherein there has been a specific violation of the Pennsylvania wiretapping statute, as well as a violation of the federal wiretapping statute.

It might be pointed out that this Committee - by House Resolution No. 21 - is charged with the investigation of, among other things, \* \* \* "deficiencies or failures, efficiency and effectiveness of law enforcement within the Commonwealth" and "the work and functioning of law enforcement agencies" \* \* \* ( from Line 8 to 11 of the Resolution )

The first question is why, when two criminal statutes have been violated, was the evidence - mainly the transmitting device - handled so loosely and why was it eventually destroyed by a representative of the Pennsylvania State Police?

After the instrument had been previously examined by representatives of the Bell Telephone Company, why was disclosure of the location of this telephone tap on Kapleau's phone called to the attention of the Governor's Office rather than to the individual whose phone was tapped?

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What investigation was actually made by State authorities to try and identify and apprehend the individuals who were responsible for the wire-tapping? It being noted there are no reports in State Police files to show any real investigation.

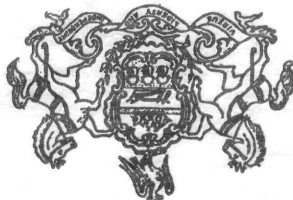
Why were there no investigative reports in State Police files concerning this matter?

Is the policy of the Bell Telephone Company proper where the individual repairman, upon finding a device in the telephone, immediately removes the same without notification to his immediate supervisor?

It is noted that under the present federal law, wiretapping is permissible where an appropriate court order has been obtained. Consequently, under the policy being utilized by the Bell Telephone Company, it would appear that a wiretapping device - properly installed under court permission - could be removed before any check of any kind was made.

Furthermore, this policy of immediate removal did result in a delay from Friday, September 1, 1972, until Tuesday, September 5, 1972, before any action was taken by the phone company concerning this matter, although it was a holiday weekend.

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Was there nonfeasance in office on the part of State officials in not seeing that a real effort was made to identify and apprehend those responsible for the wiretapping?

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~~Were~~ State officials and telephone company officials remiss in not notifying federal authorities of the federal violation which existed inasmuch as they did not follow through completely to a successful conclusion on the state violation?

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