

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

January 14, 1974

Downey Rice
Counsel
Committee to Investigate the Administration of Justice

I indicated to Ken Lee the difficulty we were having with Carcaci and also some of the questionable meetings he had with other individuals in the State Police, i.e. Titler. Before we use this information, we should verify or at least indicate that a reliable source informed us that Titler met with Carcaci for a long period of time immediately preceding his request to enter the hospital.

KB thinks that at 3:00 pm tomorrow I should inform the House that we had originally requested Carcaci to be physically present in the House, and upon attempting to have the Sergeant-at-Arms serve him, we were advised of his hospitalization.

Could you get together the dates and attempts of our Committee to (1) locate Carcaci; (2) expose his activities during the past 14 months with reference to being on sick leave, vacation, miscellaneous assignments; and (3) tied in with Milak's testimony, his supervision of security up to August 1973. In this manner, we can question whether or not the Governor and the Commissioner are cooperating to cover up important testimony and to keep this witness from testifying before the Committee.

Further close the comment indicating that the inconsistencies will give us no alternative but to have an individual medical examination made and to forcefully bring Carcaci before the House for the contempt proceedings.

H. JOSEPH HEPFORD
Chairman

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Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

February 5, 1974

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

At this juncture while we are encountering a challenge to the "constitutionality" of House Resolution No. 21, some of the possibilities that quickly come to mind for Committee activities that should not precipitate additional serious challenges to our subpoena authority would include:

1. Continuation of the Governor's Justice Commission inquiry just opened to include such things as—
 - (a) The tracing of unexpended funds back to the control of Thomas Berard and explanation of utilization of those funds;
 - (b) Berard himself as a questionable administrator;
 - (c) Examples of high consultant fees paid for obscure results;
 - (d) Possible horrible examples of expenditures for far-out projects. (Our sources are a big help here.);
 - (e) What became of Godfrey and further inquiry into the Begler participation;
 - (f) What did Norval Reece mean in the October 1973 directive to Godfrey controlling press releases.

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2. Pennsylvania Crime Commission areas of interest include:
 - (a) Are they still using Pennsylvania State Policemen? We understand that this is being phased out.
 - (b) A confrontation over the release of 375 racket-associated businesses following a demand letter.
 - (c) Should the Attorney General be the administrator? Believe that we could elicit some testimony from others beyond Thornburgh that this is a mistake.
 - (d) Horrible examples of lack of jurisdictional concept, including:
 - (1) Canadian border incident where State Police officers, acting as Crime Commission people, were arrested and apparently butchered an investigation;
 - (2) The snafu exposed by an attempted prosecution in the Philadelphia area where a judge criticized the Crime Commission's failure to get anything by getting the little people while missing the higher-ups, and apparently squandering money paid to informants. Administrator Hoyle was first to confess mistakes.
3. Discussion of reorganization of the State Police along lines found to be effective in Florida, North Carolina, Kansas and Ohio.
4. Follow up with the Kapleau-Kluger Accounting Committee matter.

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5. Introduction of anti-solicitation bill, accompanied by updating from the Charitable Solicitation Act people, State Police Civic Association, FOP, and other solicitors.

6. Calling Barger and other State Policemen for results of the Carcaci inquiries and what he has done about Carcaci's apparent lying to his superior at Punxsutawney, filing a false written report on one truck, commanding a subordinate to file a false written report on another truck, injecting himself in his official capacity into a federal fraud investigation, a possible personal involvement in the fraud, violation of the departmental regulations and the Private Detective Act and, finally, refusal to answer questions submitted by his superiors.

DOWNEY RICE
Committee Counsel

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

March 26, 1974

The Honorable H. Joseph Hepford
Chairman

Hearing - March 29, 1974
Opening Statement

As this is the Committee's first appearance in Philadelphia and we have found a rather surprising lack of understanding of our Committee's work and functions —although everyone has heard of you and the Committee—it would be suggested that in your opening statement you spend a little time going all the way back to HR 21 and possibly review some of the activities to date, such as:

1. Mention the Progress Report and perhaps some of its recommendations;
2. HB 1958 to implement the Pennsylvania Crime Commission recommendation;
3. \$9 million State Police "slush fund" and its follow-up of police related organizations' fund raising activities, particularly through professional solicitors;
4. The Anti-Solicitation Bill you have prepared;
5. You might even mention Barger's recent testimony about negotiations that we understand will open up the field for State Police to moonlight and that, together with our understanding of business community-police questionable dealings that will be explored in the hearing, may result in the new bill you are preparing outlawing payments by people and entities and receipt of things of value by police for law enforcement related services. These would be guard service and escort service.

Downey Rice
Counsel

SUGGESTED OPENING REMARKS AT PUBLIC HEARING REGARDING CARCACI

Mention that at the last public hearing on October 18, 1973 testimony was taken demonstrating that several police departments, including the one at Sharon, Pennsylvania, the Harrisburg Police Department, and for a time the Pennsylvania State Police, were recording and taping incoming and outgoing telephone calls to and from those law enforcement agencies, ostensibly to make a record of complaint calls. Rather apparently, this practice was in violation of Pennsylvania anti-wiretap statutes; and in the case of the Sharon Police Department, a court order caused a discontinuance of the practice.

Thereafter, we inquired of the Governor's Justice Commission as to the amount of money that had been distributed for purposes of purchasing communications equipment of this type. We received this reply. (READ FROM ATTACHED Exhibit "A")

As the hearing brought out that recording of complaint calls to law enforcement agencies serve a useful purpose in some cases and the practice seems to be recommended by law enforcement experts throughout the United States, this Committee has prepared and introduced into the General Assembly HB-1565 (COPY ATTACHED) designed to make an exception from the general anti-wiretap statutes so that police departments may properly engage in this activity.

Stemming from the Committee's continuing investigation into the so-called King of Prussia and Kapleau bugging situations, it has been determined that although bugging by trespass has occurred in Pennsylvania, Pennsylvania enjoys possibly the most strict anti-wiretap statute in the country. There was no provision in the law to cover the invasion of property to install a microphone. Here, accordingly, HB-1588 (COPY ATTACHED) has been prepared and introduced into the Assembly.

During the Committee's inquiry into the King of Prussia matter as described in the Committee's PROGRESS REPORT issued in September 1973 (COPY ATTACHED), the appearance of Lt. Angelo Carcaci for questioning was sought. Unfortunately, Lt. Carcaci was on sick leave from January until his return to duty at the end of July 1973, hence he was not available for an appearance. As State Police records reflected that Lt. Carcaci had been issued certain electronic equipment prior to the King of Prussia disclosures in November 1972 and apparently had not returned that equipment for several months thereafter, we are making inquiry.

The Honorable H. Joseph Hepford

Some suggestions for closing remarks:

1. Consider repeating opening statement about transmittal of Alternatives, Inc./ Yoke Crest, Inc. material to investigative and prosecutive authorities.

2. As a result of our inquiry and the testimony of witnesses, such as Alvin Lewis, John Snavely, E. Drexel Godfrey and William Nagel, among others, we are giving very, very serious consideration to the submission of a bill to reform, restructure and revise the Governor's Justice Commission, now operating under an executive order in such a way as to accomplish the recommendations of knowledgeable witnesses, some of which we have heard today.

3. The Committee is becoming increasingly concerned regarding the effectiveness and type of work and functions of the Pennsylvania Crime Commission, the Pennsylvania State Police and, in particular, the apparent jurisdictional mishmash we are encountering. As an example, we find the appointment of the Philadelphia special prosecutor and the basis for the ~~apparently~~ intended expenditure of substantial sums of money to be difficult to fathom.

The Pennsylvania Crime Commission returned a report ~~primarily~~ dealing with irregularities by the police of the City of Philadelphia. The special prosecutor

was funded by grants of Federal Law Enforcement Assistance Act monies to prosecute those irregularities.

Prior thereto, Philadelphia grand juries have returned presentments and indictments dealing with Department of Revenue, Bureau of Taxes for Education, State Bureau of Professional and Occupational Affairs, Liquor Control Board, etc., presumably to be prosecuted by the District Attorney's Office, but we now find Attorney General Packel authorizing the special prosecutor to go into those matters as well.

Moreover, it has always been our understanding from the very outset that the emphasis and reason for the creation of the Pennsylvania Crime Commission was to combat organized crime in Pennsylvania. We now see that the special prosecutor, supported by the Attorney General, is petitioning and has received Federal Law Enforcement Assistance Act funds for "special attention to vice, organized crime and official lawlessness in such cities as Pittsburgh, Erie and Scranton."

We are also aware that the Pennsylvania State Police appropriation contains substantial funds for combating organized crime.

Now, we, of course, are not opposed to thoroughgoing investigations and prosecutions and would lean toward saturation. We cannot help but express

concern about the possibility of waste and duplication or, even worse, the shirking, sidestepping or abdication of official responsibility. *by Present law Enforcement officials.*

Today we have heard from a witness who has brought to our attention that there are a number of State employees engaged in law enforcement who have been indicted for serious crimes, but yet continue to represent their agencies and the State in an official capacity. I, for one, deem this not only questionable, but deplorable. It seems to me that this is a particularly dismal state of affairs when some of these defendants may be representing the State in negotiations with other states in matters of national law enforcement concern, such as has been reported recently in the press.

A particularly knotty problem has also been developed where we find investigative people electing to assert the Fifth Amendment privilege in official proceedings relating to the performance of their official duties. Needless to say, all of us enthusiastically support and defend the right of any witness to assert his privilege without any stigma of wrongdoing attaching; but when an individual, sworn to protect and defend the laws of Pennsylvania, chooses to use that privilege, we must wonder about the implications and whether or not the profession of law enforcement is a privilege and not a right as it is considered to be in many states and that the use of the Fifth Amendment by a law enforcement officer waives his right to continue in office. We shall give further serious study to this subject.

Finally, we are disturbed by the apparent failure of high Pennsylvania department officials to promptly move in and demonstrate vigorous action looking toward the ouster of employees found to be involved in irregularities.

A number of agencies, department heads and supervisors have been mentioned today. If any of those individuals feels that his good name has been impugned or that facts elicited today do not fairly represent the truth, we invite and urge them to communicate with this Committee. We will afford opportunities for testimony or otherwise, insuring the accuracy of our record as it is the truth that we are seeking.

OPENING STATEMENT

This is a Legislative Committee. We are not a law enforcement agency. However, when we obtain information which indicates there may be violations of the law, as a matter of policy we refer it to the proper law investigative and prosecutive agencies.

We are today forwarding to the U. S. Attorney, the Federal Bureau of Investigation, and the Internal Revenue Service, as well as the Law Enforcement Assistance Agency Act Administration ^{Auditor General of Commonwealth} and the District Attorney of Dauphin County summaries of the recent documents and information developed during the inquiry of the Governor's Justice Commission relating to the operation of Yoke Crest, Inc. and Alternatives, Inc.

During the first portion of today's hearing we plan to take further testimony concerning the operation and function of the Governor's Justice Commission and call as our first witness Mr. William G. Nagel.