

MEMORANDUM

September 25, 1974  
11:50 A.M.

This morning I spoke with Blair Griffith, Assistant U.S. Attorney for the Western District of Pennsylvania. I contacted Mr. Griffith because he is the attorney of record in FBI field file 92-14295, a copy of which is attached. (This file came into my possession approximately three weeks ago when a copy of same was furnished to me by Stephen Friend of the Special Select Committee who told me the report was furnished to him by Agent Ken Kelly.)

Without telling Mr. Griffith that I had a copy of the report, I identified myself to Mr. Griffith and asked him if I could have a copy of the report. He told me that these reports were not available. I told him that it was my understanding that the case was closed. He reiterated that the reports were not available.

I then told Mr. Griffith that "I don't know how to tell you this but I have in front of me two FBI reports which came from your office." Mr. Griffith proceeded to say he didn't know how I could have gotten such report but he was concerned about violations which might have occurred even though no federal action is warranted. I told him I appreciated his sentiments but the reason for my call concerned these reports that they had, in fact, been disseminated and found their way into the hands of a legislative committee. Mr. Griffith then attempted to discuss again with me the severity of some of the allegations contained in the report and I interrupted him with my concern that these reports have apparently found their way into hands which are using the information for partisan political purposes. I also indicated to him that this was not the first instance that such reports were leaked from the U.S. Attorney's Office, where they are supposed to be held confidentially. Mr. Griffith agreed that the leak was serious and wondered as to where I might have received these reports. I told him I received the reports from Mr. Friend and Mr. Willman of the Select Committee. I did not tell Mr. Griffith that Friend and Willman told me they received the reports from Mr. Kelly as Mr. Griffith had informed me that Mr. Kelly was in his office, and I wanted to determine for myself what steps Mr. Griffith would take to ascertain from where these reports had leaked. Mr. Griffith told me he would attempt to find out the source of the leak and he would get back to me and inform me as to what he had discovered.

Conversation last approximately five minutes.

MEMORANDUM

September 25, 1974  
Approximately 2:00 P.M.

I received a call from Mr. Orr of the U.S. Attorney's Office of the Western District of Pennsylvania. He was returning my call concerning the matter of the dissemination of FBI documents. He informed me that Mr. Casey had sent in the inquiry into the Altoff Case. This is considered an unusual situation and because the request was sent in by a high ranking state official the U.S. Attorney's Office looked into the matter.

Mr. Orr and I quibbled over the restrictive legend found on the face of the FBI report. It seems that by his account there are no rules or regulations concerning the dissemination of these documents (FBI reports) and that the legend printed on the bottom doesn't control as per Mr. Orr's remarks. When I asked Mr. Orr how this information came into circulation he said, "in the practice of law and law enforcement we make these reports available to effectuate a valid law enforcement purpose". to law enforcement agencies. He also informed me that this is decided on a case by case basis.

He told me that he, himself, had delivered the report to either Mr. Friend or Voight when he was in Harrisburg. When I informed Mr. Orr that I was informed that Mr. Kelly had turned over the reports, Mr. Orr stuck with his story. I then explained to Mr. Orr that we were very concerned with leaks of information which we felt were emanating from the U.S. Attorney's Office. When I questioned him concerning the possible leak of tax information on Milton Shapp, Mr. Orr became indignant and said that that was a lie. When I questioned him concerning the Otis Littleton and Gulf Insurance affair, he told me that Littleton had authorization in writing from Gulf to inspect the file.

We returned to a discussion of the FBI reports. He said that the main fact in his turning this information over to Gleason was that the information was brought to his attention by Bob Casey. He also told me that if there is a federal investigation which discloses no federal violation but possible state violation, that information is usually turned over to the appropriate state authority. However, this had not been done in this instance. Mr. Orr explained that no requests had been made by the Department of Justice for this specific file while the Gleason Committee had specifically requested this information.

MEMORANDUM

Subject: Conversation with James Farrington, Special Agent Supervisor  
Freedom of Information Action Unit - September 27, 1974 - 1:15P.M.

I spoke with Mr. Farrington today concerning any information he might furnish me with in regard to the leak of FBI reports. Mr. Farrington said that to the best of his knowledge the dissemination of FBI reports to a legislative body is in violation of rules and regulations of the Department of Justice. Mr. Farrington further advised me that FBI reports are disseminated outside the federal government only in rare instances and the example he gave me to illustrate this is as follows: For instance, if the FBI were to investigate a kidnapping and find that no federal violation had occurred but that a possible violation of state law had occurred, then the Bureau would synopsise their reports and turn that synopsis over to the appropriate law enforcement agency. I ask Mr. Farrington whether the report itself or copy thereof would be furnished to that state agency. Mr. Farrington answered me that this would not occur and that this was not the policy of the Department of Justice or the Bureau.

Mr. Farrington, in response to my questions, cited the Federal Rules 16.21 through 16.26. A persual of these rules would seem to indicate that there is an established procedure by which one would ask for or "demand" the documents from the Department of Justice and Federal Bureau of Investigation. From all that I have learned to date, these rules and regulations have been studiously ignored. We are considering further research which would further delineate the areas in which a demand for documents would be proper.