

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

AGENCY INFORMATION

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RECORDS SERIES :
STAFF PAYROLL RECORDS

AGENCY FILE NUMBER :

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ORIGINATOR : HSCA
FROM :
TO :

TITLE :

DATE : 12/01/76
PAGES : 60

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SUBJECTS :
HSCA, ADMINISTRATION
OZER, ROBERT

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Box 2.

[R] - ITEM IS RESTRICTED

February 17, 1977

Mr. Robert C. Ozer
Offices of The Attorney General
One South Calvert Street
Baltimore, Maryland 21202

PERSONAL

Dear Bob:

Now that the Committee has been reconstituted, we are processing some of our vouchers for payment.

Before we can submit the Committee's telephone bills, it is necessary that we seek reimbursement from staff employees for personal calls.

Enclosed you will find a copy of the November bill and a portion of December. I notice on the November bill, especially, quite a few calls from this office and from you apartment to your home in Birmingham, Michigan.

At your earliest convenience would you kindly send to me your personal check made out to the C & P Telephone Company for all personal calls, if any.

In your return letter, would you kindly state that the enclosed check, if any, represents reimbursement for all personal telephone calls charged to the numbers of the Select Committee on Assassinations.

Sincerely,

Thomas Howarth
Budget Officer

TH/jal
Enclosure

PAYROLL AUTHORIZATION FORM

(Please Use Typewriter
or Ballpoint Pen)

U.S. HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

(Any erasures, corrections, or changes
on this form must be initialed by the
authorizing official.)

To the Clerk of the House of Representatives:

I hereby authorize the following payroll action:

Employee Name (First-Middle-Last)	Effective Date
Robert C. Ozer	12/1/76
Employee Social Security Number	Type of Action
174 32 6125	<input type="checkbox"/> Appointment <input checked="" type="checkbox"/> Salary Adjustment <input type="checkbox"/> Termination (At close of business on effective date)
Employing Office or Committee	
Select Committee on Assassinations	

(If type of action is an Appointment or Salary Adjustment, complete the following information:)

Position Title	Gross Annual Salary
Staff Counsel	\$39,600

(If Committee Employee, complete appropriate item below.)

- Standing Committee: Staff— Clerical or Professional.
- Special or Select Committee: Authority—H. Res. 1540 of 94th Congress.
- Joint Committee.

(If Employee of an Officer of the House, complete item below.)

Position Number _____ If applicable, Level _____ Step _____

I certify that this authorization is not in violation of 5 U.S.C. 8110(b), prohibiting the employment of relatives:

Date December 7, 1976

(Signature of Authorizing Official)

Thomas H. Downing, Chairman

(Type or print name of Authorizing Official)

Select Committee on Assassinations

(Title—If Member, District and State)

All appointments and salary adjustments for employees under the House Classification Act and for Committee employees, except those of the Committee on Appropriations, the Committee on the Budget, and the Joint Committees, must be approved by the Committee on House Administration:

APPROVED: _____

Chairman, Committee on House Administration

Office of Finance use only: Office Code _____ Monthly Annuity \$ _____ .00
--

Copy for Initiating Office or Committee

PAYROLL AUTHORIZATION FORM

(Please Use Typewriter
or Ballpoint Pen)

U.S. HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

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on this form must be initialed by the
authorizing official.)

To the Clerk of the House of Representatives:

I hereby authorize the following payroll action:

Employee Name (First-Middle-Last)	Effective Date
Robert C. Ozer	12/7/75
Employee Social Security Number	Type of Action
174 32 6125	<input type="checkbox"/> Appointment <input type="checkbox"/> Salary Adjustment <input checked="" type="checkbox"/> Termination (At close of business on effective date)
Employing Office or Committee	
Select Committee on Assassinations	

(If type of action is an Appointment or Salary Adjustment, complete the following information.)

Position Title	Gross Annual Salary
Staff Counsel	\$39,600

(If Committee Employee, complete appropriate item below.)

- Standing Committee: Staff— Clerical or Professional.
- Special or Select Committee: Authority—H. Res. 1540 of 94th Congress.
- Joint Committee.

(If Employee of an Officer of the House, complete item below.)

Position Number _____ If applicable, Level _____ Step _____

I certify that this authorization is not in violation of 5 U.S.C. 3110(b), prohibiting the employment of relatives.

Date December 7, 19 76

(Signature of Authorizing Official)
Thomas H. Downing, Chairman

(Type or print name of Authorizing Official)
Select Committee on Assassinations

(Title—If Member, District and State)

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Chairman, Committee on House Administration

Office of Finance use only: Office Code _____ Monthly Annuity \$ _____ .00
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PAYROLL AUTHORIZATION FORM

(Please use Pencil or Ballpoint Pen)

U.S. HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

Revisions, or changes on this form must be initialed by the authorizing official.)

To the Clerk of the House of Representatives:

I hereby authorize the following payroll action:

Employee Name (First-Middle-Last)	Effective Date
Robert C. Ozer	18 October 1976
Employee Social Security Number	Type of Action
174-32-6125	<input checked="" type="checkbox"/> Appointment
Employing Office or Committee	<input type="checkbox"/> Salary Adjustment
Select Committee on Assassinations	<input type="checkbox"/> Termination (At close of business on effective date)

(If type of action is an Appointment or Salary Adjustment, complete the following information.)

Position Title	Gross Annual Salary
staff counsel	\$30,000

(If Committee Employee, complete appropriate item below.)

1083.33 *ju*

- 1. Standing Committee: Staff— Clerical or Professional.
- 2. Special or Select Committee: Authority—H. Res. 1540 of 94th Congress.
- 3. Joint Committee.

(If Employee of an Officer of the House, complete item below.)

10 15 76 AM 8:45
H of R. FINANCE OFFICE

Position Number _____ If applicable, Level _____ Step _____

I certify that this authorization is not in violation of 5 U.S.C. 3110(b), prohibiting the employment of relatives.

Date October 14, 19 76

Thomas N. Downing
(Signature of Authorizing Official)

Thomas N. Downing
(Type or print name of Authorizing Official)

Chairman
(Title—If Member, District and State)

All appointments and salary adjustments for employees under the House Classification Act and for Committee employees, except those of the Committee on Appropriations, the Committee on the Budget, and the Joint Committees, must be approved by the Committee on House Administration.

APPROVED: _____
Chairman, Committee on House Administration

Office of Finance use only:

Office Code _____

Monthly Annuity \$ _____ .00

AS

FRANCIS B. BURCH
ATTORNEY GENERAL

OFFICES OF



JON F. OSTER
GEORGE A. NILSON
DEPUTY ATTORNEYS GENERAL

THE ATTORNEY GENERAL

ONE SOUTH CALVERT STREET

14TH FLOOR

BALTIMORE, MARYLAND 21202

301-383-3737

December 8, 1976

Richard A. Sprague, Esquire
Chief Counsel and Staff Director
Select Committee on Assassinations
U. S. House of Representatives
Washington, D. C. 20515

Dear Dick:

This letter is to confirm matters discussed in my note to you of December 6 and in our conversations yesterday.

I have been offered a position as Assistant Attorney General - Chief of Investigations in the office of the Attorney General of the State of Maryland. The position is an extremely exciting one, and I have decided to accept it, effective today.

You have been most gracious and understanding in your willingness to accommodate my wishes. You have expressed your desire that I remain with the staff if I so desire, or to remain for as long as I desire. In fact, the Attorney General has asked me to assume my new duties immediately, if possible, and you have kindly permitted me to do so. This letter will confirm my resignation effective yesterday, as a salaried member of the staff.

My professional association with you has been a source of pride to me. I am much more proud and gratified to have consolidated a personal relationship with you which will carry into the future. My admiration for you is boundless, and I look forward to future years of continued friendship. Hopefully we will work together again as well.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "R. Ozer".

Robert C. Ozer
Assistant Attorney General
Chief of Investigations

RCO:sw

(3)

December 6, 1976

7:30 p.m.

Dear Dick:

I've been waiting tonight for a chance to talk to you alone for about ten minutes, but you've been tied up. Therefore I am writing. The Attorney General for the State of Maryland has asked me to take a position as chief of investigations in his office. I'm not sure of the actual title. A constitutional amendment which was approved in Maryland in last month's election has created the office of permanent State-wide prosecutor, which is viewed as the successor to the position I have been offered. I have been assured that if I take the job, my office and I personally will probably become the State-wide prosecutor next year when the statute becomes effective. I would like to take the job, effective December 20.

I am extremely uncomfortable with the idea of leaving you for two reasons. First, because I have been with you for only a short time, and I am generally opposed to job hopping. More importantly, you had confidence in me at a time of professional crises, and you are entitled to loyalty, and more. Lately, however, I have felt that you are not altogether pleased with my attitude in some respects, and that my resignation from the staff might be the best way for me to retain, rather than lose, your respect.

You are, without qualification, the most able, forceful prosecutor-investigator I have ever met. Moreover, you are one of the relatively few people in this world who have won my admiration. I have been honored to be part of your staff, and I desperately desire to leave with your ~~xxx~~ respect and regard.

I would like to discuss this with you personally, and I hope you will take a few minutes to talk with me.

Sincerely,

Bof

Bob Ozer

ADMINISTRATION
EMP. RECORDS
OZER, R

October 15, 1976

The Honorable Edmund L. Henshaw, Jr.
Clerk
U.S. House of Representatives

Dear Ed:

This letter is written in behalf of Robert C. Ozer, a new employee on the Select Committee on Assassinations of which I am Chairman.

I would appreciate your issuing an House Identification card to Mr. Ozer today upon his presentation of this letter.

Thanking you, I am

Sincerely,

Thomas N. Downing
Chairman
Select Committee on Assassina-
tions

~~7-17-76~~
ADMINISTRATION
EMP. RECORDS
OZER, R

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The Honorable Edmund L. Henshaw, Jr.
Clerk
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Thanking you, I am

Sincerely,

Thomas N. Downing
Chairman
Select Committee on Assassina-
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RESUME

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1587 Bates
Birmingham, Michigan 48009
(313) 642-3835

Education:

L.L.B. (with Honors): University of Pennsylvania
Law School, 1967

B.S.Ec.: University of Pennsylvania-Wharton School,
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Professional Experience:

February 1975-July 1976: United States Department of
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Exercised supervisory responsibility and
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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

DETROIT 48226

CHAMBERS OF

RALPH B. GUY, JR.

DISTRICT JUDGE

October 20, 1976

William H. Morris, Director
National Conference of Bar Examiners
333 North Michigan Avenue, Suite 1025
Chicago, Illinois 60601

Re: Robert Charles Ozer

Dear Mr. Morris:

I am pleased to be able to give an excellent recommendation to Mr. Robert Ozer. My contact with Mr. Ozer relates back to his being placed in charge of the Department of Justice Organized Crime Strike Force located in Detroit, Michigan. I was the United States Attorney in Detroit, Michigan from 1969 until June of 1976, and thus had occasion to work on a daily basis with Mr. Ozer during his tenure in Detroit.

Insofar as legal ability is concerned, I found Mr. Ozer to be one of the most capable lawyers with whom I had ever been associated. Naturally, his work was primarily in the area of criminal law, but I found him to be extremely knowledgeable in the area of constitutional law as well as such trial basics as evidence. Mr. Ozer has tried a number of difficult cases and is an accomplished trial attorney.

Mr. Ozer occupied an extremely sensitive position while in Detroit, and in my opinion, his integrity both as to his professional responsibilities and otherwise is above reproach. I know of no derogatory information relative to his general character or fitness.

Under normal circumstances, I would just stop at this point, however, I am aware of the fact that Mr. Ozer during the latter days of his tenure in Michigan became somewhat of a controversial figure, and I feel obliged to comment on this controversy.

To begin with, as United States Attorney, I probably had the best vantage point of all the parties concerned in connection with whatever controversy enveloped Mr. Ozer.

Re: Robert Charles Ozer

October 20, 1976

The Organized Crime Strike Forces frequently handle complex cases that become much publicized due to the defendants either being organized crime figures with high visibility or public officials. The real start of Mr. Ozer's notoriety in Detroit occurred at or about the time that the Organized Crime Strike Force indicted a Justice of the Michigan Supreme Court. Although it is putting the cart before the horse, I should comment that the Justice was not only indicted, but he was ultimately convicted in a trial personally handled by Mr. Ozer. Although Mr. Ozer was at the epicenter of the controversy surrounding the indictment of Justice Swainson, much of the criticism and controversy actually involved institutions of the criminal justice system and not Mr. Ozer personally.

In order to have a proper frame of reference to evaluate this matter, it is also necessary to know that Justice Swainson was a very popular political figure in the State of Michigan having previously served as Governor of the State. He had considerable clout as a result of the public office he then held and public offices he previously held. Justice Swainson is, of course, a lawyer himself and was a trial judge in the State Circuit Court prior to being elected to the State Supreme Court. When Mr. Swainson was summoned to appear before the Strike Force Grand Jury, he elected to represent himself, and in the process, committed perjury (or at least a jury was convinced that he did and convicted him of same). Since Justice Swainson was convicted of events that occurred within the grand jury, rather than the substantive offenses which the grand jury was investigating, there immediately was a great hue and cry about grand juries in general and about the tactics of organized crime strike forces. I know of nowhere in which the Organized Crime Strike Forces maintained by the Department of Justice in eighteen cities in this country are popular. That is because they frequently go after targets who have the money and position to counterattack, both within the framework of the legal proceedings involved and extra-judicially as well. After Mr. Swainson was indicted, literally scores of political figures (at least those of the same party affiliation as Mr. Swainson) flocked to his defense and turned in anger and outrage against the Organized Crime Strike Force as personified by Mr. Ozer. It should also be noted that all of the "criticisms" of the grand jury and strike force procedures were formally made in the context of the criminal trial in which Justice Swainson was a defendant, and were all overruled

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or ignored by the visiting trial judge who was appointed to hear this matter.

During the course of the investigation of the Swainson case, certain other events occurred which caused Mr. Ozer further difficulties. Again, some background is necessary for a proper understanding. I would be the first to concede notwithstanding any other good comments I have to make about Mr. Ozer, that he is not the world's greatest diplomat. It would probably be more accurate to say that particularly when dealing with the press, Mr. Ozer is not the world's greatest diplomat. The work of the Organized Crime Strike Force is highly confidential and secret. Mr. Ozer believed (and based upon seven years experience as a United States Attorney I would concur) that there is very little good that can be accomplished by press coverage of any case in its investigative stage. This is not to discount the public's right to know or the very important rights and responsibilities of the working press. However, in the investigative stages of a criminal case, there is simply nothing that is properly before the public. Accordingly, Mr. Ozer adopted a policy of not talking to members of the press at all. Since all of his cases involved extremely newsworthy people, this infuriated the local press. Although as a general operating rule Mr. Ozer would not talk to the press, he did have to go to court periodically and would occasionally fall into the hands of the press after a grand jury or court session. On one such occasion, Mr. Ozer made a comment that was to serve as the genesis of many of his succeeding problems. Without attempting to reconstruct the incident, suffice it to say that he made a comment that one could interpret as meaning that other members of the Michigan judiciary were under investigation. The then president of the State Bar of Michigan felt that this was a highly improper statement that cast a cloud on the entire state judiciary and reacted vocally and violently. My own view is that it was a tempest in a teapot and was blown completely out of proportion by the press who were delighted to take any opportunity to tie a can to Mr. Ozer's tail for the reasons previously indicated.

Other incidents concerning statements of Mr. Ozer in non-judicial contexts (for example, he was quoted in a Newsweek article) also were picked up by those who had an axe to grind with Mr. Ozer and used against him. I have thoroughly reviewed such statements and find them to have been taken out of context. Nonetheless, there is no denying

Re: Robert Charles Ozer

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that as a prosecutor, Mr. Ozer could only be described as a "hard charger." I have never known him to strike foul blows, but he does strike hard ones. When he is interviewed, he reflects this hard nose attitude. Again, it must be remembered that his primary assignment during this period of time was dealing with individuals who over the years have eluded ordinary law enforcement efforts to apprehend them. He was not in a run-of-the-mill criminal prosecution situation, and he could not use run-of-the-mill tactics or reflect run-of-the-mill attitudes if he was to be successful, and indeed he was a successful prosecutor during his tenure in Detroit.

I could go on and detail other incidents and events but they all are in the same general category as I have indicated thus far.

One other point of significance. It is up to the readers of this letter to discount the information contained therein as they will based upon my prior position as a United States Attorney and my association with Mr. Ozer. I think in fairness, however, there are some additional relevant facts. First, during all or most of the time relevant hereto, I was also an elected commissioner of the State Bar of Michigan, so I was in a position to view what was going on from both sides of the fence. Second, I am not wedded to the Organized Crime Strike Force concept of the Department of Justice. In fact, I served as chairman of the Attorney General's Advisory Committee of United States Attorneys, and during the time I was on the committee, the committee recommended the abolition or phasing out of strike forces. Thirdly, although I worked with Mr. Ozer on a professional basis regularly, I was in no way a social friend and never even once saw Mr. Ozer or his family in a social context during all the time that he was here.

I think that it is indeed unfortunate that the circumstances that were generated in Detroit ultimately led to Mr. Ozer's resignation from the Department of Justice. Even here, however, the story is not that which might be gleaned by a casual observer. The president of the State Bar complained to the Attorney General of the United States about Mr. Ozer. One of Attorney General Levi's prime responsibilities when he took over the Department of Justice was to restore a somewhat tarnished image, and he and the

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Department don't like waves or wave makers. At or about the time in question, the Department of the Treasury (specifically the Internal Revenue Service) and the Department of Justice were locked in a battle before Congress concerning the Department of Justice's access to individual tax returns in connection with criminal investigations. The director of the Internal Revenue Service was trying to limit Department of Justice access to tax returns. The question of misuse of such tax returns came before Congress, and the director of the Internal Revenue Service indicated to the Congressional committee involved that he felt that organized crime strike forces were the principal users of such tax returns and that they were guilty of being over zealous. To support such claim he made reference to the "Ozer incident" which immediately changed Mr. Ozer's profile within the Department of Justice from low to high. It was the start of a downhill slide which terminated in his resignation.

I also know that if Mr. Ozer is admitted to practice in the State of Michigan he has a solid offer of immediate employment from a substantial and respected employer who is fully conversant with all of the facts surrounding Mr. Ozer and is delighted at the prospect of being able to utilize Mr. Ozer's abilities. Although this is not particularly relevant as such, it is corroborative of the fact that there are a considerable number of persons of judgment substance and importance who have a high regard for Mr. Ozer's legal abilities as well as his general character.

I am sorry for the length of this letter, but this is an important matter to you and it is certainly important to Mr. Ozer, and I felt that any briefer treatment would not be compatible with the complexity of what is at issue.

Sincerely,

RALPH B. GUY, JR.
United States District Judge

Blind cc: ✓ Mr. Ozer

OZER

JUSTICE

How to Get Your Man

Though law-enforcement officials have labored for decades to break the power of organized-crime syndicates in the U.S., the results for the most part have been disappointing. The criminals corrupt judges, bribe policemen and terrorize or kill hostile witnesses. Perhaps even more important is the ease with which they can hire the most expensive legal talent to take full advantage of every loophole the laws allow to elude prosecution.

But in the past few years, fueled in part by funds from the Law Enforcement Assistance Administration created by Congress in 1968, Federal, state and local prosecutors have been organizing special task forces to combat the estimated \$60 billion-a-year business that organized crime represents. In the process, the prosecutors have come up with a host of interesting techniques, stratagems and legal maneuvers designed to see that they derive at least as much advantage from legal loopholes as the criminals do. In brief, what the prosecutors have done is decide that if they cannot convict a major crime figure of murder, say, or extortion, the next best thing to do with him is try to convict him of perjury, bribery or some lesser offense—much as mobster-murderer Al Capone was finally sent to prison for income-tax evasion 44 years ago.

Inevitably, certain of the prosecutors' current practices have caused concern among some civil libertarians. In two jurisdictions, judges have recently

lashed out at the prosecutors for exceeding their authority. Nevertheless, most of the lawmen are persuaded that their new action-in-concert is paying off. Last December, 46 state and local prosecutors met in Houston, Texas, for an "Advanced Organized Crime Seminar," sponsored by the National College of District Attorneys and paid for by the LEAA. NEWSWEEK has obtained a transcript of their discussions, which affords a candid and revealing view of how the lawmen work—and of how effectively they seem to have been able to turn the laws to their own advantage.

Terrorism: Justice Department tax expert James H. Jeffries III, for example, recommended trapping gangsters with a "paper chain" of arcane Federal statutes. "The Federal system," Jeffries said, "is a veritable Christmas shopping catalog of bad things to do to bad people." Robert Ozer, the flamboyant chief of the U.S. Organized Crime Strike Force in Detroit, spoke enthusiastically of "investigation by terrorism." He meant, among other things, swamping crime figures with subpoenas. Baltimore Judge Charles E. Moylan Jr. talked on the often misunderstood subject of grand juries. Strict evidentiary rules do not apply to grand-jury testimony, and jurors can be as hostile as they please. "The prosecutor," said Moylan with a touch of hyperbole, "can violate or burn the Bill of Rights seven days out of seven and bring the fruits of unconstitutional activity to a grand jury. No court in the country has the power to look behind what the grand jury considers or why it acts as it does."

The use of the grand jury for harassment was a favorite weapon of the Johnson and Nixon administrations against antiwar protestors and other radicals. By granting immunity to a particular witness, thus stripping him of his privilege against self-incrimination, a prosecutor can force the witness to talk about other people—or face a contempt citation. "In the hands of a competent prosecutor, there are few better tools," said New Jersey lawyer and former prosecutor Martin G. Holleran. "... Through what other means can you put hoodlums and gangsters into prison without convicting them of a crime? Think of that." To illustrate, Holleran cited



New Jersey Newsphotos

Loot: The fruits of New Jersey's 'catered raid'

the case of a man he described as "the chief mobster in New Jersey." (The name is deleted from the transcript, but he clearly meant Gerardo Catena, reputed boss of the Jersey branch of the Genovese crime family.) Brought before a state investigation commission, Catena refused to answer a single question, or give his name and address. ("I know where he lives," Holleran noted. "He lives around the corner from me.") For refusing to testify, Catena was cited for civil contempt and jailed for five years. He was finally released last August when the New Jersey Supreme Court ruled that Catena's confinement had lost its "coercive" power.

Most of the prosecutors agreed that their best single weapon is the wiretap—"there is no device as good," said Michael Marcus, a Los Angeles deputy district attorney. Marcus conceded that the public was skittish about the invasion of privacy inherent in wiretaps. But he also reminded his audience that lawmen have harsher legal weapons available. "It is our responsibility," Marcus said, "to inform the public that we now have the right to delve deeper into an individual's personal life through a search warrant than can be done through a wiretap."

Taps: The speakers were at considerable pains to emphasize how meticulous prosecutors must be in their use of taps—identifying precisely each circumstance and each individual to be searched on when obtaining a court's permission. But they also recommended shopping for amenable judges. One lecturer said that the U.S. Second Circuit, based in New York, "appears to be the most liberal circuit in terms of allowing questionable or potentially excessive eavesdropping prac-



UPI

tices." Clifford Fishman, a New York State narcotics prosecutor, advised how to co-opt judges. "If you can convince your judge to become a member of the investigative team," said Fishman, "if you can invite him down to the plant . . . then essentially you have gotten his approval of everything you are doing."

As it proceeded, the seminar offered prosecutors a kind of "Dear Abby" list of solutions to their problems:

Problem: Courts will not let you use wiretaps. **Solution:** Use "pen registers," devices attached to a telephone line that do not intercept messages but do identify the number being called. Or, bug prisoners' cells. Or, place a public telephone in the prisoners' area of a jail and have police officers stroll by to eavesdrop. Some jurisdictions specifically permit the monitoring of prisoners' phone calls and conversations.

Problem: Police undercover cars, often Chevrolets with an antenna, are easily spotted. **Solution:** Confiscate flashily decorated Thunderbirds or Cadillacs captured from drug pushers—the sort popularly known as "pimpmobiles"—and use those in the inner city.

Problem: Men in hock to criminal loan sharks are afraid to tell the police. **Solution:** Advertise in the women's pages of newspapers. Women will call in about their husbands' problems.

Problem: Some local policemen are known to be in the pay of criminals and cannot be trusted. **Solution:** Keep them in the dark until they are needed to make arrests. In New Jersey, a special anti-crime unit called in local police at 7:30 a.m. for a raid that was not actually scheduled until 3 p.m. The police were kept locked up in an armory, without even access to a telephone, which could be used to tip off criminals. Breakfast and lunch were brought in, the caterers were locked up. The raid went off smoothly and netted 58 arrests and an estimated \$180,000 in cash. It is known as "the catered raid."

However difficult the prosecutors' lot, judges sometimes find their methods too much to stomach. In Detroit recently, strike-force chief Ozer, who successfully prosecuted former Michigan Governor and state Supreme Court Justice John Swainson, heard some harsh words from U.S. Judge Fred Kaess. "You don't run the courts or the grand jury," Kaess barked in open court. "You work for them."

The chief complaint against organized-crime units seems to be that they are able legally to do almost anything they want—to whomever they select as a target. Some officials of the National College of District Attorneys, disturbed by this thought, are dubious about their continued sponsorship of the crime seminars. But they also recognize that fighting organized crime requires extraordinary methods. The question they now are asking themselves is whether the results they are getting justify the means.

ERROL K. FOOTER and FRED SOLOWEY in Detroit and ANTHONY MARRO in Washington

Letters

Newsweek, December 22, 1975

Some solace is available from the admission that Federal prosecutors use the grand jury and immunity laws to engage in "investigation by terrorism." We must sadly report, however, that the grand jury continues to be used against many other targets besides organized crime. The grand jury as a weapon against dissent did not go out with Nixon; a steady stream of grand-jury inquisitions against activists who are trying to make America a better place in which to live is current evidence that the gangsters with badges and subpoenas had better be stopped.

FRED J. SOLOWEY
Executive Director

Coalition to End Grand Jury Abuse
Washington, D.C.

On December 3, Rep. John Conyers inserted "How to Get Your Man" into the Congressional Record with the following introduction:

CONGRESSIONAL RECORD—*Extensions of Remarks*

GRAND JURY ABUSE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1975

Mr. CONYERS. Mr. Speaker, the December 1 issue of Newsweek contains an extraordinary article, entitled "How To Get Your Man." It includes frank statements from official sources as to how the federal investigative grand jury is abused.

Pointing out that under the Johnson and Nixon administrations the grand jury became a political weapon, the article leaves the erroneous impression that current grand jury abuses are confined only to investigations of organized crime. On the contrary, Federal prosecutors continue to manipulate and misuse grand juries all across the country against a multitude of targets from the American Indian movement to the women's movement, from politicians to trade unions. The article refers to the capability of prosecutors "to burn the Bill of Rights 7 days out of 7." The Bill of Rights can only be burned so many times before there is nothing left but a pile of ashes. I hope this article will provide added push toward grand jury reform in the 94th Congress.

Detroit Free Press

ON GUARD FOR 144 YEARS

45—No. 244

Saturday, January 3, 1976

U.S. to Probe Swainson's Lawyer

BY KATHY WARBELOW
AND JACK KRESNAK
Free Press Staff Writers

A Detroit man charged with the torture-wounding of FBI informant John Whalen says he was hired to intimidate Whalen by the attorney for former state Supreme Court Justice John Swainson, federal officials said Friday.

Whalen was the key prosecution witness in the recent federal trial in which Swainson was convicted of perjury.

Federal Prosecutor Robert C. Ozer said that James P. Pulvirenti, 39, told the FBI he was hired by defense attorney Konrad Kohl to sit in the courtroom and try to frighten Whalen.

Ozer said he would bring the alleged intimidation of Whalen before a federal grand jury that convenes Wednesday.

FBI Agents Tell Story Of Court Intimidation

Pulvirenti was arrested by the FBI in Hamtramck in connection with the recent kidnaping and shooting of Whalen. He was arraigned Friday on charges of obstruction of justice and conspiracy to violate Whalen's civil rights before U.S. Magistrate Paul Kominives and held in lieu of a \$150,000 bond.

FBI agents are still looking for other suspects in the Dec. 18 incident, which Whalen said he was abducted, tortured with burning cigarets, shot twice and then released. He said his captors were angered over his infor-

mant activities for both federal and local law enforcement agencies.

Whalen had refused to identify his captors to police because he said they had threatened his family, but a spokesman for Ozer said Friday that Whalen did give the FBI enough information to lead to Pulvirenti.

According to Ozer, Pulvirenti told the agents that Kohl, Swainson's attorney, paid him to sit in the courtroom while Whalen testified at the Swainson trial, "to try to intimidate and frighten Whalen."

Kohl, reached in his office Friday,

admitted he had asked Pulvirenti to sit in on the trial, but denied he had hired him to intimidate Whalen.

Pulvirenti, who gave his parents' Detroit address to police, has a lengthy criminal record dating back to the early 1950s, including convictions for possession of a concealed weapon, armed robbery, assault, and receiving and concealing stolen property.

Kohl said he asked Pulvirenti, an alleged past criminal partner of Whalen, to "evaluate" Whalen's testimony and advise Kohl whether Whalen was telling the truth.

Kohl said Pulvirenti was unable to provide any useful information, however. Kohl said he gave him "\$20 or \$25" for cab fares and lunch, since Pulvirenti was on welfare at the time.



UPI Photo by TOM CONOGHUE

JAMES PULVIRENTI:
"Tell them John Whalen has won a good one again."

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Continued from Page 1A

Kohl said he talked to Pulvirenti after being informed through Ozer's office that Pulvirenti had volunteered to give information about Whalen.

AT HIS arraignment Friday, Pulvirenti denied the charges he kidnaped and tortured Whalen and demanded to take a lie detector test.

As he was being led to the federal court lockup, Pulvi-

renti told reporters he "knew of Kohl" but had attended the Swainson trial "to see it for myself."

"Tell them John Whalen has won a good one again," he said angrily.

PULVIRENTI will be returned to court at 10 a.m. Monday for a review of his bond.

Whalen, meanwhile, is being kept under protective custody somewhere in Michigan by

U.S. marshals.

He was placed under federal protection following the kidnap incident, as were his wife and son.

Federal officials have said that "in the not too distant future," Whalen will be sent, under an assumed name, to a federal prison to begin serving his six to 10 year sentence for the 1969 burglary of an Adrian jewelry store.

Local police are still investigating a Nov. 7 fire, which they said was arson, which destroyed Whalen's St. Clair Shores home.

Detroit Free Press

ON GUARD FOR 144 YEARS

145—No. 249

Thursday, January 8, 1976

INTIMIDATION RULED OUT

Swainson's Attorney Is Cleared

BY KATHY WARBELOW
Free Press Staff Writer

Konrad Kohl, attorney for former state Supreme Court Justice John B. Swainson, was cleared Wednesday of allegations he hired a man to intimidate John Whalen, the key prosecution witness at Swainson's recent trial.

Robert Ozer, head of the federal organized crime strike force in Detroit, said a grand jury had found "no evidence" to substantiate the allegations after hearing testimony from Kohl for an hour and 20 minutes on Wednesday behind closed doors.

But Swainson said he is considering filing a damage suit against federal agents, including Ozer, for making what Swainson termed "false and malicious allegations against Kohl.

"I've been destroyed; now they're attacking my counsel," Swainson said, adding that he believed his own reputation as well as Kohl's had been smeared by the charge.

Ozer said last Friday that a 39-year-old man, James P. Pulvirenti, arrested in Whalen's Dec. 18 disappearance, had told FBI agents he had been hired by Kohl to sit in on the Swainson trial and "intimidate and frighten" Whalen.

Kohl said he had merely asked Pulvirenti, an admitted former burglary partner of Whalen, to listen to the testimony and say if he believed Whalen was lying or telling the truth.

Ozer said Wednesday the grand jury had accepted Kohl's explanations as "perfectly satisfactory" and had found no evidence of "improper or

illegal conduct" by either Kohl or Swainson. The grand jury proceedings themselves are secret.

Last Nov. 2, Swainson was convicted in federal court of three counts of perjury. He has not been sentenced because Kohl has filed legal motions for a new trial.

On Wednesday Swainson said Kohl's ability to continue representing him in the case had been "diminished if not completely destroyed" by the charge against Kohl.

Swainson declared that it was "unheard of" for an attorney to be called before a grand jury in the middle of a case, and charged that the grand jury had been made into a "weapon for the destruc-

Please turn to Page 7A, Col. 1

tion of people's reputations and lives."

Swainson also released a 55-page transcript of an interview with Pulvirenti, conducted last Sunday by attorneys for Pulvirenti and Kohl.

In the interview, which Pulvirenti later signed under oath, he denies that Kohl hired him to intimidate Whalen.

Pulvirenti said the four federal agents, questioning him in jail about Whalen's disappearance, told him "something to the effect" that they would dismiss kidnap charges against him if he would help them "against Kohl."

But Pulvirenti said he was very upset about being

charged with kidnapping Whalen, and was not certain about the details of the alleged offer.

In the interview, Pulvirenti is asked: "At any time, sir, did Konrad D. Kohl, the attorney for John Swainson, ask you to intimidate John Whalen so that John Whalen would give testimony that was false and favorable to the defense?"

Pulvirenti's answer: "No . . . No, he never asked me that."

Pulvirenti denied that he was involved in the Dec. 18 disappearance of Whalen, who turned up the next day and said he had been kidnapped, shot and tortured by persons angered over his informant activities.



Free Press Photo/IRA ROSENBERG

KONRAD KOHL, whose explanations were termed "perfectly satisfactory."

