

House Probers Rebuffed on a Subpoena

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House investigators conducting a secret probe of allegations that utilities spied on antinuclear activists have been rebuffed in their efforts to subpoena records from a West Coast private detective agency.

Research West, Inc., a licensed private detective agency based in Emeryville, Calif., and hired by utilities in California and Georgia, failed to meet the Feb. 28 deadline this week in a subpoena issued secretly last month by the House subcommittee on oversight and investigations.

The subcommittee has begun probing reports that utilities conducted elaborate surveillance projects against a wide spectrum of nuclear opponents and others considered hostile by utility officials. Subpoenas requesting all material gathered on persons or organizations opposed to nuclear power or considered threats by utilities have been sent by the subcommittee to Georgia Power Co., Pacific Gas and Electric Co., the Department of Energy, the Atomic Industrial Forum, the Law Enforcement Intelligence Unit (LEIU) and Research West.

Subcommittee officials said yesterday that all but Research West complied with the deadline. "We have received strong indications from attorneys for Research West that they are going to fight the subpoena," a subcommittee official said.

Under the terms of the subpoena a

representative of the detective firm can appear before the subcommittee up to tomorrow to explain why no documents were supplied. After tomorrow a contempt-of-congress citation may be voted.

The officials said they knew of no occasion where a private firm had refused to honor a congressional subpoena. In 1975 then-commerce secretary Rogers C. B. Morton refused a subpoena for information about the Arab boycott of U.S. Business, but later turned over the material after a subcommittee vote to file a contempt-of-Congress action.

Lenard L. Wolfe, an attorney for the California detective firm, declined yesterday to say whether Research West will comply with the subcommittee's request for the documents. Instead Wolfe cited several constitutional grounds which he said the firm may use to defend itself if they refuse.

Among the possible grounds for refusal, Wolfe said, is the provision of the Fifth Amendment which deals with the limits to which Congress may go to confiscate property without just compensation. Wolfe said he also may cite the fact that Patricia Attowe, secretary-treasurer of the detective firm, has written rate articles on counterterrorism which he said would give her certain First Amendment Press immunities.

Research West has been publicly identified as specializing in providing information on a number of left-wing groups and individuals to its clients.

Robert Lamborn, who was listed on

Research West's articles of incorporation as vice president of the firm, said in a sworn deposition in 1975 that Research West acquired the files of an organization called the Western Research Foundation after Research West was chartered in 1969. Self-identified burglar Jerome Ducote has stated that he provided to Western Research Foundation information from numerous files stolen from left-wing groups.

Attowe said yesterday that when she formed Research West she had no knowledge that Ducote claimed he provided stolen files to Western Research. She said she is not aware that the files transferred from Western Research to Research West contained any stolen material.

Federal Power Commission records show PB&E paid Research West \$30,150 between 1973 and 1976. A PG&E spokesman said yesterday the firm is still employed by the utility and called it "a clipping service." Research West was also hired by Georgia Power and was paid \$4,770 by the Georgia utility last year for its services.

The San Francisco utility has been the target of more than 13 bombings in the last two years. At least three departments—the 17-member public relations division, the nuclear information division and a security division—all gather information for PG&E.

The PG&E spokesman said that the utility had complied with the sub-

committee subpoena, but he declined to say what material was turned over.

A subcommittee official said Georgia Power also complied with the subpoena. The utility has been identified by former security officials as spying on various nuclear opponents and others.

A spokesman for the LEIU told subcommittee investigators yesterday that the Sacramento, Calif., organization had mailed its documents. LEIU is a privately owned computerized information network which links more than 200 police departments. Former Georgia Power security officials have said the utility was able to obtain information from the federally funded network through personal contacts by its security men.