

JL
Dear Jim, re CTIA/BF request, 1996, surv. item, etc.
SF FO 3/10/78 and HM 7/20/72 airtel to Albany

3/15/78

HW

I believe this is much more important than you indicated by phone.

It is not just an airtel to the Albany FO of the FBI that just managed to get to San Francisco. At the bottom 2 copies to each F.O. are indicated. (Two KF files are noted, 139-124 and 66-672B, where this copy is Serial 2078.

This means that we should have received this from every F.O. On this basis alone we have non-compliance and a suit against each F.O. With this an Item in 1996 we have some fun stuff ahead there, too.

66- Administrative Matters. 139- Unauthorized Publication or Use of Communications - Wire Tapping.

Drawing significance from distribution to all FOs and relating to the Bast case and his counsel must be in the light of whatever meaning is attributed to the 3d paragraph.

The 2d paragraph reports Departmental instructions not to monitor subjects or attorneys "until such a time as prosecution has been completed and the Department issues notice that the restrictions are to be removed."

While a number of interpretations of this language are possible I believe central in any is the word "monitor."

It seems to be impossible for there to have been a Bast-related tap under each and every F.O. And this does not say to disconnect any tap. I therefore believe that no tap was to be broken off and that the instructions are merely not to make a written record of anything relating to the case or to counsel that might be intercepted. Meaning on any tap, bug or both.

Compliance directed in Paragraph 3 is under 8/13/69 instructions in an/SAC letter 69-43, to be applied "to all electronic surveillances now in operation ~~and~~ as well as those installed while the above restrictions are in effect."

This means those in existence and those to be. I've added the emphasis.

It does not mean only related to the case or counsel in it.

But it would seem to be certain that there have to have been more taps and bugs than have ever been acknowledged to exist, at least one in each F.O., that there were to be even more added before the end of the case, and that the defense was expected to be or was known to be subject to interception of communications by the existing electronic surveillances.

We have received this or a similar record and I have written you about it. I do recall saying that Bud's co-counsel had to have been a Fifth-Streeter and that there was no reflection involved in the shorthand reference to what had not been masked. I think it is now certain that Hirschkop's name was masked in the earlier page. We can now get an evaluation of the other obliterations. With the case filed there is no legit. privacy issue.

I draw your attention to what I can make out of the handwritten notes:

"Carol --- ⁴Note and adv(ise) Tarleton to add to list (probably of those not to be "monitored" on existing interceptions). "And "Ross adv(ised) 7/26 -" Initial eliminated in xeroxing. (I think it is a fair inference that these two were overseeing the interceptions.)"

In 1996 we were told that the logs or indexes were checked and there was no ref. to any of those we listed. I wrote and said their language was evasive and provided reasons but received no response.

FBI

Transmit in _____
(Type in plaintext or code)

Via airtel

(Priority)

To: SAC, Albany

Date 7-20-72

L.P.P.

From: Acting Director, FBI

RICHARD LEE BAST
REDEX CORPORATION
ELECTRONIC SURVEILLANCE

The Department has advised that captioned subjects have been indicted in the District of Columbia on Federal interception of communications charges.

Accordingly, the Department has instructed that procedures should be instituted to preclude the monitoring of subjects, their attorneys, or any defense strategy conversations until such time as prosecution has been completed and the Department issues notice that the restrictions may be removed.

In complying with this request from the Department, all offices should be guided by the instructions set forth in SAC Letter 69-43, dated 8/13/69, and apply them to all electronic surveillances now in operation as well as those installed while the above restrictions are in effect.

The Department has identified subjects' attorneys as: Philip J. Hirschkop, 503 D Street, Northwest, Washington, D. C., 20001, and Bernard Fensterwald, Jr., 905 16th Street, Northwest, Washington, D. C., 20006.

Bast resides in McLean, Virginia, and is employed by captioned corporation at 1404 New York Avenue, Northwest, Washington, D. C.

2 - All Offices

(Do not type below this line.)

66-672B-2078
 SEARCHED INDEXED
 SERIALIZED FILED
 JUL 24 9 07 AM '72
 FBI - SAN FRANCISCO
Carol
note & adv
Tarleton to Ross adv
add to list
7/26-1

1-cc
in
139-124
Jan

139-124

This line for LEFT MARGIN.