

Mr. Jon Plebani, staff director for
Congressman William H. Gray
House of Representatives
Washington, D.C. 20515

7627 Old Receiver Road
Frederick, Md. 21701
June 2, 1989

Dear Mr. Plebani,

Nasty leaking is both an art and a science of the FBI. Although I've not been able to do any recent work on this, as the result of countless Freedom of Information Act lawsuits I've obtained perhaps a third of a million pages of records and have pretty well put together how it is done and how it is hidden and how it is lied about.

Also how they plant stories and who in the past did it, what functionaries, how it is deniable and denied.

If there should be a prosecution then under discovery the Congressman would be entitled to all relevant records. If there is not, they could and based on experience they would be withheld under FOIA. They are within the exemption for pending prosecutions.

They have it contrived so they can make what appears to be a diligent search when they haven't and they report no such relevant records exist. If they do, to my knowledge, which is not current for the past few years because of my health, in FBIHQ these things would be (mis)filed in the 94 classification, which is for "Research Matters." The FBI field offices use the 80 classification, which is for "Laboratory Research Matters" that, in the field offices, are actually filed in the "main" file of any investigation. *They also hide in ticklers and the divisions' files.*

When it wants to hide surveillances, particularly electronic, the FBI (mis) files them as what is called an "admat," for "Administrative Matters," No. 65.

I fear the Republicans plan to "Willie Horton" the Congress.

We wish Congressman Gray the best and hope he can somehow turn this rotten business around. The Congress, for which my wife and I both worked in the 1930s, needs more like him.

p.s. Please excuse my typing. I must sit with the typewriter to the side, with my legs elevated.

Sincerely,



Harold Weisberg

Probe of Gray's Office Causes Uproar

3 Chairmen Join Lawmaker in Protesting Justice Dept. Leaks

By Jim McGee and Ruth Marcus
Washington Post Staff Writers

A new political controversy erupted yesterday as Rep. William H. Gray III (D-Pa.) raised "serious questions" about whether the timing of a Justice Department investigation into personnel practices in his office was politically motivated.

In a letter to Attorney General Dick Thornburgh, Gray called for an independent counsel investigation into "illegal and unconscionable leaks" about a preliminary criminal investigation into allegations that a non-working employee was carried on his congressional staff payroll.

Gray, who held a news conference Tuesday night after CBS News reported on the probe, is the fourth-ranking Democrat in the House and is running for a higher leadership post. In his letter, hand-delivered to Thornburgh yesterday morning, Gray said that "The wrongdoing by officials in your own agency is far worse than anything these leakers have alleged to the press."

In a separate letter yesterday, House Judiciary Committee Chairman Jack Brooks (D-Tex.) and two subcommittee chairmen, Don Edwards (D-Calif.) and Robert W. Kastenmeier (D-Wis.), protested "political leaks" coming from the Justice Department about Gray, Rep. Tony Coelho (D-Calif.), and House Speaker Jim Wright (D-Tex.). Coelho said Friday that he would resign his position as majority whip after reports questioned his financial dealings. Wright, who has been under a year-long investigation by the House ethics committee, said yesterday he would resign as Speaker.

"Persons in the Department of Justice are using leaks for political purposes against House Democrats," the Brooks letter said. "Un-



BY FRANK JOHNSTON—THE WASHINGTON POST

Gray asked attorney general for independent counsel investigation of leaks.

less you take clear and aggressive steps to stop these leaks we will have to conclude that they have your support."

In a response to Gray yesterday, Thornburgh vowed to "uncover any possible wrongdoing" and "prevent such leaks from occurring in the future."

Justice Department spokesman David Runkel said that Thornburgh had directed Assistant Attorney General Edward S.G. Dennis Jr., the head of the Criminal Division, to investigate.

The leak investigation was launched last week, Runkel said, following news reports of a Justice Department criminal investigation

of Coelho. Runkel said that the probe would be expanded to include reports about Gray as.

But Runkel rejected suggestions that the investigation concerning Gray, or its timing, was politically motivated. "The concern is with the leak of information, not with the conduct of the case itself," he said. "We don't conduct investigations on a political basis. That's just ridiculous to think that."

Abbe Lowell, one of Gray's lawyers, said the promise of an internal investigation was not an adequate response. "I don't think the attorney general can investigate independently his own people, given how egregious their actions were

against such a high-ranking member of Congress," Lowell said. "I don't think the public will be confident that is a truly independent investigation, nor should they be."

According to Gray, the first indication he had that his office was under any Justice Department scrutiny came on Memorial Day, when he met with two Federal Bureau of Investigation agents at the Hay Adams Hotel. The agents, he said, told him their inquiry had been going on for four or five months. In that case, Gray asked in the Thornburgh letter, "Why did the department wait until the eve of Democratic leader-

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ship changes to inform me or to ask my cooperation?"

Sources close to Gray confirmed yesterday that agents told Gray and his lawyer that they were investigating an allegation that an "absentee employee" was on his staff.

But they did not identify the employee or say where the person might have worked. "We're trying to find out specifically what the allegation is that caused the [investigation] to get started," a Gray staff member said.

According to one source close to Gray, the FBI's approach to him had all the earmarks of an ambush, in which the agents hoped to elicit spontaneous responses from the congressman about allegations of absentee employees.

But logistics interferred. The agents first went to Gray's residence in Reston, Va., at 9:30 a.m. Gray was not home, but his wife, Andrea, called him on his car telephone while the agents waited.

Gray spoke with the agents and agreed to meet them at the Hay Adams over breakfast. He then phoned his staff director, Jon Plebani. Plebani telephoned attorney Stanley Brand and both men joined Gray.

Together, they sat down over breakfast with the two FBI agents, James Welch and Frank Cryon, who began, the source said, by saying they had some questions for Gray.

Brand said, "Fine," but then raised several issues. Was Gray target of the investigation? The

agents, the source said, said no. Gray asked them to described the allegations, but they declined.

At this point, the source said, "Brand expressed exasperation," and the agents suggested that Brand speak with the U.S. attorney's office in Philadelphia.

The FBI agents took few notes, the source said, and after Brand raised his objections, they seemed to lose interest in continuing the interview. "There was just no enthusiasm for even asking the questions."

The agents finished the interview, the source said, by assuring Gray that they knew of his good reputation in Pennsylvania. "They came forth with these assurances," the source said.

The agents departed, leaving Gray, his staff director and and his attorney perplexed and, according to the source, asking each other, "What was all of that about?"

The following day, a Tuesday, the source said that a CBS correspondent told Gray's office that Justice Department sources had confirmed an FBI investigation of Gray.

An FBI spokesman in Philadelphia said yesterday, "We are not confirming or denying the existence of a case. Nor are we confirming or denying the statements made by Congressman Gray at yesterday's new conference."

Law enforcement officials said yesterday that the investigation of Gray was being conducted by the the U.S. attorney's office in Philadelphia, where Gray maintains a congressional district office.