Dear Mr. Greenewald:

The enclosed documents were reviewed under the Freedom of Information Act (FOIA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Explanation of Exemptions:

<table>
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<th>Section 552</th>
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330 preprocessed pages are enclosed. To expedite requests, preprocessed packages are released the same way they were originally processed. Documents or information originating with other Government agencies that were originally referred to that agency were not referred as part of this release. This material is being provided to you at no charge.

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. Enclosed for your information is a copy of the Explanation of Exemptions.
For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP’s eFOIA portal at http://www.justice.gov/oip/efoia-portal.html. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked “Freedom of Information Appeal.” Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

Sincerely,

David M. Hardy
Section Chief
Record/Information Dissemination Section
Records Management Division

Enclosure(s)
EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service he release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.
FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1273373-0

Total Deleted Page(s) = 78
Page 17 ~ Referral/Direct - 62-HQ-115389-Section 1-Serial 2 / NSD;
Page 18 ~ Referral/Direct - 62-HQ-115389-Section 1-Serial 2 / NSD;
Page 20 ~ Referral/Direct - 62-HQ-115389-Section 1-Serial 2 Enclosure / NSD;
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Page 93 ~ Referral/Direct - 62-HQ-115389-Section 1-Serial 8 / NSD;
Page 94 ~ Referral/Direct - 62-HQ-115389-Section 1-Serial 8 / NSD;
Transmit the following in
(Type in plaintext or code)

Via Airtel

(Priority)

TO ACTING DIRECTOR, FBI
ATTN: OFFICE OF LEGAL COUNSEL

FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: SISTER ELIZABETH MC ALLISTER,
ET AL. VS. RICHARD G. KLIENDIENST,
ET AL.
MISCELLANEOUS - INFORMATION CONCERNING
CIVIL ACTION NO. 72-3443
(EDPA)

Enclosed for the information of the Office of
Legal Counsel is one xerox copy of the complaint in this
matter.

Instant case is being handled by AUSA [Redacted]
for the U.S. Attorney's Office in Philadelphia.

[Redacted] met with AUSA [Redacted] and AUSA [Redacted]
on 10/13/72 to discuss this case and
companion case brought by KEITH FORSYTH, and to obtain
copies of the respective complaints.

Both AUSAs advised that they foresee little imme-
diate action in either matter pending instructions from the
Department. Both stated that they intend to study the com-
plaints in light of recent case law regarding electronic
surveillance.

[Redacted]

2-Bureau (Enc. 1)
2-Philadelphia (62-5421)

Approved: NOV 13 1972

Special Agent in Charge
LEADS

PHILADELPHIA: AT PHILADELPHIA, PA:

Will maintain close contact with AUSAs, Philadelphia, and the Office of Legal Counsel as further developments in these cases arise.
ENCLOSURE TO BUREAU

Re: SISTER ELIZABETH MC. ALISTER, ETAL, V. RICHARD KLIEMDENST, ETAL; MISC. - INFORMATION CONCERNING, CIVIL ACTION # 72-3-43; EDPA.

Contents: One xerox copy of the complaint in this matter.

File #: 

PHILS #: 62-5-21

PH AT TO BUREAU dated 10/17/72
JOHN N. MITCHELL, being duly sworn, deposes and says:

1. I am the Attorney General of the United States.

2. I submit this affidavit in connection with the opposition of the United States of America to the disclosure to the defendant McAlister of information concerning what the Government believes are probably telephonic overhearings of her voice which occurred during the course of a national security surveillance of a telephone installation to which she initiated calls or from which calls were initiated to her. In addition to other pertinent information, the sealed exhibit submitted herewith for in camera inspection contains a description of the premises which were the subject of the telephonic surveillance, and transcripts of the conversations overheard.

3. The surveillance of the telephone installation at the premises described was one authorized by the President, acting through the Attorney General, and was one deemed necessary to protect against a clear and present danger to the structure or existence of the Government of the United States. The decision to authorize such surveillance was based upon the information contained in a request of the Director of the Federal Bureau of Investigation which was considered in
conjunction with the entire range of foreign and domestic intelligence available to the Executive Branch of the Government.

4. I certify that it would be a practicable impossibility to submit to the court all of the facts, circumstances, and other considerations upon which the authorization was based. I further certify that it would prejudice the national interest to disclose the particular facts contained in the sealed exhibit and concerning this surveillance other than to the court, in camera.

5. I respectfully request the court to treat the contents of the sealed exhibit with the same dignity for security purposes as they were treated in submission to the court and to return said exhibit to the Department of Justice at the conclusion of its hearing on this matter. The Department of Justice will retain said exhibit under the court's seal subject to any further orders of this court or other court of competent jurisdiction.

JOHN N. MITCHELL
Attorney General of the United States

Subscribed and sworn to before me

on the 13th day of Dec., 1971.

[Signature]
Notary Public

PARTIES

3. Plaintiff SISTER ELIZABETH McALISTER is a citizen of the United States and a resident of the State of New York. She resides at 137 W. 85th St., New York, N.Y.

4. Plaintiff WILLIAM DAVIDON is a citizen of the United States and a resident of the Eastern District of Pennsylvania. He resides at 7 College Lane, Haverford, Pa., and is Chairman of the Department of Physics at Haverford College.

5. Defendant JOHN N. MITCHELL is former Attorney General of the United States. His present address is unknown to Plaintiffs. At the time of the events giving rise to this Complaint he was Attorney General of the United States.

6. Defendant RICHARD KLINDENST is Attorney General of the United States.

7. Defendant L. PATRICK GRAY, III is Acting Director of the Federal Bureau of Investigation. He is the successor to J. Edgar Hoover, the Director of the Federal Bureau of Investigation at the time of the events giving rise to this Complaint.

8. Defendants MASON SMITH, CHARLES DURHAM and JOSEPH JAMIESON were agents of the Federal Bureau of Investigation in Philadelphia at the time of the events giving rise to this complaint. Upon information and belief, they are presently
employed by the Federal Bureau of Investigation in like or similar capacities at locations now unknown to Plaintiffs.

9. Defendants JOHN DOE and RICHARD ROE, whose true names are as yet unknown to Plaintiffs are persons who have directed, authorized, participated in, disclosed and/or used electronic surveillance on behalf of other Defendants or the government agencies headed by them, or on behalf of other persons or agencies as yet unknown to Plaintiffs.

CAUSES OF ACTION

10. Upon information and belief, between the dates November 24, 1970, and January 6, 1971, the telephone conversations of Plaintiff DAVIDON were monitored, recorded, disclosed and used by agents of the United States Government. The use and disclosure continued after that date and continues to the present time.

11. This surveillance was continual and uninterrupted, with the possible exception of the period December 24, 1970 – January 2, 1971 inclusive.

12. This surveillance was initiated and maintained without warrant or other lawful authority, and was done at the direction of and with the approval of Defendant MITCHELL. It was carried out by agents whose identities are unknown to Plaintiffs.

13. During the course of this surveillance, conversations to which Plaintiff MCALISTER was a party were monitored.

14. Plaintiff MCALISTER was one of seven defendants in United States v. Ahmad et al., Crim. No. 14950, M.D. Pa., 1971.
During the course of pre-trial proceedings in this case, the fact of the surveillance was made known to her and her attorneys. See Exhibit A, attached hereto. During the course of post-trial proceedings, the contents of her own monitored conversations were made known to her.

15. Plaintiff DAVIDON has to this date not been formally advised by the government that his conversations were monitored. He alleges upon information and belief that he was the target of the surveillance on the following grounds:

(a) The target of the surveillance in question has been acknowledged by the government, through the testimony of Defendant SMITH, to have been an unindicted alleged co-conspirator. This acknowledgement was made during the course of post-trial proceedings in the above mentioned criminal case. (Testimony of MASON SMITH at Hearing on Electronic Surveillance, May 2, 1972, at p. 14, United States v. Ahmad et al., Crim. No. 14950, M.D. Pa. 1971.)

(b) Defendants SMITH, DURHAM and JAMIESON, the individuals responsible for and with access to the logs of the surveillance in question, were employed in the City of Philadelphia, and the said logs were housed in their office in that City.

(c) Plaintiff DAVIDON is the only unindicted alleged co-conspirator in the above criminal case who lived in or near Philadelphia at the time of the surveillance in question.

(d) Newspaper reports at the time the disclosure of surveillance as to Plaintiff McALISTER was made by the government stated that Plaintiff DAVIDON was the subject of the wiretap which monitored her conversations. The source of
SUMMONS

RICHARD G. KLIEN DIENTST, Individually and as Attorney General of the United States

PATRICK GRAY, III, Individually and as Acting Director, Federal Bureau of Investigation

JOHN N. MITCHELL, Individually and as former Attorney General of the United States

MASON SMITH, Individually and as Special Agent, Federal Bureau of Investigation

CHARLES DURHAM, Individually and as Special Agent, Federal Bureau of Investigation

JOSEPH JAMIESON, Individually and as Special Agent, Federal Bureau of Investigation

an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Date: 10/10/72

Note: This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER
WILLIAM DAVIDON
Plaintiffs

v.

RICHARD G. KLIENDIENST, Individually
and as Attorney General of the
United States

L. PATRICK GRAY, III, Individually and
as Acting Director, Federal Bureau
of Investigation

JOHN N. MITCHELL, Individually and as
former Attorney General of the United
States

MASON SMITH, Individually and as Special
Agent, Federal Bureau of Investigation

CHARLES DURHAM, Individually and as Special
Agent, Federal Bureau of Investigation

JOSEPH JAMIESON, Individually and as Special
Agent, Federal Bureau of Investigation

JOHN DOE and RICHARD ROE
Defendants

Civil Action No. 72-19
Jury Trial Demanded

COMPLAINT

1. This action is brought by plaintiffs for compensatory and punitive damages occasioned by defendants' unauthorized and illegal electronic surveillance, over hearing, interception, use and disclosure of plaintiffs' oral and wire communications in violation of plaintiffs' rights to privacy, free speech, association, and political expression.

JURISDICTION

2. This action arises under the First, Fourth, and Ninth Amendments to the Constitution of the United States
the information which led to these press accounts is unknown to Plaintiffs or their attorneys.

(e) Defendant SMITH testified during the course of the above mentioned post-trial proceedings in Harrisburg that the wiretap was "out of operation from December 24, 1970 to January 2, 1971...because the subject or target, whatever you call it, was not at the premises." During this period Plaintiff DAVIDON was visiting relatives in the Western and Midwestern part of the United States. Hearing Transcript, supra, at p. 31.

16. All of this surveillance was in violation of the First and Fourth and Ninth Amendments, 18 U.S.C. §2520 and 47 U.S.C. §605.

17. Said interceptions, overhearing, use and disclosure were not made in good faith reliance on a court order or legislative authorization.

WHEREFORE, Plaintiffs pray:

1. That each Plaintiff have judgment against the Defendants jointly in the sum of

   (a) $100.00 per day of surveillance upon him and her, or $1,000.00, whichever is higher (See 18 U.S.C. §2520(a)).

   (b) $50,000.00 punitive damages.

2. That Plaintiffs individually have judgment against the Defendants jointly in the sum of $50,000.00 for violation of their First, Fourth and Ninth Amendment rights.

3. That Plaintiffs jointly have judgment against Defendants jointly for reasonable attorney's fees and other
costs reasonably incurred in connection with this action, pursuant to 18 U.S.C. §2520(c).

4. And for such other and further relief as may be just and proper.

Respectfully submitted,

[Signature]

Jack J. Levine
David Kairys
David Rudovsky
1427 Walnut Street
Philadelphia, Pa. 19102
215-563-1388
215-563-8312

William Bender
103 Washington Street
Newark, N.J. 07102
201-648-5427
To: SAC, Philadelphia (62-5421)

From: Acting Director, FBI

SISTER ELIZABETH McALISTER, et al. v.
RICHARD G. KLEINDIENST, et al.;
MISCELLANEOUS - INFORMATION CONCERNING
CIVIL ACTION NO. 72-1977
(E. D. Pa.)

11/2/72
1 - Mr. Miller
1 - Mr. Dalbey
1 - Mr. Mintz

Reuraitel to the Bureau 10/17/72.

The Internal Security Division of the Department has requested a litigation report in this civil suit.

Philadelphia review the complaint and submit an LHM containing the facts and responding to each numbered paragraph in the complaint. Advise which allegations may be admitted and which may be denied. Further, suggest any proposed interrogatories and/or requests for admissions to be served on plaintiffs.

Submit your reply to attention Legal Counsel by November 14, 1972.

NOTE: Based on incoming letter from the Department dated 10/25/72.

JAM:deh

MAIL ROOM ☐ TELETYPewriter UNIT ☐
Airtel

To: SAC, Philadelphia (62-5421)  
From: Acting Director, FBI  

SISTER ELIZABETH McALISTER, et al. v.  
RICHARD C. KLEINDIENST, et al.,  
CIVIL ACTION NO. 72-1977, E.D. PA.  
MISCELLANEOUS - INFORMATION CONCERNING  
CIVIL SUIT  

Re Philadelphia airtel to Bureau dated 11/10/72.

Re airtel enclosed copies of an LHM dated 11/10/72, at Philadelphia, Pennsylvania, and advised that the Philadelphia Office retained one copy of the memorandum for dissemination to the United States Attorney's Office at Philadelphia. For your information and guidance in dissemination of that LHM it was submitted to the Internal Security Division of the Department as received except the spelling of the name of the Attorney General was corrected throughout the memorandum.

NOTE: Based on incoming airtel from Philadelphia dated 11/10/72, and letter to the Department dated 11/16/72, JAM:deh.

JAM:deh (5)
November 17, 1972

1 - Mr. Miller
1 - Mr. Dalbey
1 - Mr. Mintz

SISTER ELIZABETH McALISTER, et al. v.
RICHARD G. KLEINDIENST, et al.
(E.D. PA.) CIVIL ACTION NO. 72-1977

Your letter of October 25, 1972, requested a litigation report and any proposed interrogatories and/or requests for admissions to be served on the plaintiffs.

Draft interrogatories will be submitted as soon as they are available. Enclosed are two copies of a memorandum dated November 10, 1972, at Philadelphia, Pennsylvania, which contains responses to the allegations in the complaint filed in captioned civil suit.

Your attention is directed to the material submitted in response to paragraph 10 and paragraph 11 of the complaint. This material is being furnished the Internal Security Division for purposes of completeness and clarity. We would prefer to avoid having to admit that the electronic surveillance was directed at William Cooper Davidon and suggest that careful consideration be given to development of a means by which disclosure of this information may be avoided.

For information, my letter to the Assistant Attorney General, Civil Division, dated October 26, 1972, enclosed copies of the summons and complaint in this case received at the Washington Field Office of the FBI on October 19, 1972. Three copies of each were received designated for Mason Smith, Charles Durham, and Joseph Jamieson respectively. There was no copy indicated for L. Patrick Gray, III. It is noted that Smith and Durham are assigned to the Philadelphia Office of the FBI and Jamieson is currently assigned at Los Angeles, California. Personal service on them would not be appropriate through the Washington Field Office. My letter to the Civil Division requested that appropriate representation be provided in defense of this suit.

Enclosures (2)

JAM:deh

Assistant Attorney General
Civil Division

MAIL ROOM [ ] TELETYPE PENNY[ ]
Assistant Attorney General
Internal Security Division

NOTE: Based on incoming letter from the Department dated 10/25/72, and Philadelphia's airtel dated 11/10/72.
Transmit the following in )(Type in plaintext or code)(

Via)(Priority)/perl

TO: ACTING DIRECTOR, FBI
      (ATTENTION: OFFICE OF LEGAL COUNSEL)

FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: SISTER ELIZABETH MC ALISTER, ET AL vs.
      RICHARD G. KLEINDIEST, ET AL,
      CIVIL ACTION #72-1977, EDPa.
      MISCELLANEOUS - INFORMATION CONCERNING
      CIVIL SUIT
      (OO: PHILADELPHIA)

Re Bureau letter to Philadelphia dated 11/2/72.

Enclosed for possible future dissemination by the
Bureau to the Department of Justice are five copies of a
letterhead memorandum answering the allegations made in the
complaint filed in the above captioned matter.

For the information of the Bureau, the device
mentioned in the draft response to plaintiffs' complaint
paragraph 10, was installed on 11/24/70 by SA JAMES ROBERT
PEARCE of the Philadelphia Office.

As regards the text of overheard conversations to
which plaintiff MC ALISTER may have been a party, these texts
have already been made known to her, see records of post-trial
proceedings in United States vs. AHMAD, ETAL; Crim. No. 14950
MDPa. 1971.

The texts of the conversations in which plaintiff
DAVIDON may have been a party were furnished to the Bureau by
communications dated 3/31/71 under the EASTCON caption (Bureau
file 100-460495, Philadelphia 100-51190).

The inclusion of information re the identity of the
subject of the telsur in the draft answer to the plaintiff's
complaint is set forth in an effort to provide the most complete
and detailed information possible and discretion is left to the
PH 62-5421

Bureau to delete such information prior to dissemination.

The Philadelphia Office is retaining one copy of this memo and will disseminate it to the U.S. Attorney's Office, Philadelphia, Pa., UACB.

LEAD

PHILADELPHIA:

AT PHILADELPHIA, PA.

Will submit draft interrogatories to Bureau as soon as they become available.
On October 10, 1972, a complaint was filed in the United States District Court for the Eastern District of Pennsylvania and is entitled, "Sister ELIZABETH McALISTER, WILLIAM DAVIDON (PLAINTIFFS) versus RICHARD G. KLEINDIENST, individually and as Attorney General of the United States; L. PATRICK GRAY, III, individually and as Acting Director, Federal Bureau of Investigation; JOHN N. MITCHELL, individually and as former Attorney General of the United States; MASON SMITH, individually and as Special Agent, Federal Bureau of Investigation; CHARLES DURHAM, individually and as Special Agent, Federal Bureau of Investigation; JOSEPH JAMIESON, individually and as Special Agent, Federal Bureau of Investigation," Civil Action Number 72-1977. Complaint consists of seventeen (17) numbered paragraphs and a prayer for relief consisting of four (4) numbered paragraphs. Paragraphs three (3) through nine (9) identify the parties to this action, and paragraphs ten (10) through seventeen (17) are allegations against the Federal Bureau of Investigation and the other named defendants which the plaintiffs claim violated their constitutional rights as guaranteed by the First, Fourth and Ninth Amendments to the Constitution of the United States and their statutory rights under 18, United States Code, Section 2520.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency, nor duplicated within your agency.
Sister Elizabeth McAlister, et al.  
(Plaintiffs) 

v. 

Richard G. Kleindienst, Individually 
and as Attorney General of the United 
States, et al.  (Defendants) 

PARAGRAPH 3 alleges that plaintiff, Sister ELIZABETH 
McALISTER, is a citizen of the United States and a resident of the 
State of New York who resides at 137 West 85th Street, New York, 
New York. 

ANSWER: A review of the files of the Philadelphia Office 
reflects that plaintiff McALISTER is a white female, born [ ] in Orange, New Jersey. The plaintiff's activities in connection 
with the events that led to her indictment in the recent "East Coast 
Conspiracy to Save Lives" kidnapping - bombing case are well known. 
The FBI neither admits nor denies plaintiff McALISTER's claim to be 
a resident of the State of New York, or the fact of her current residence 
at 137 West 85th Street, New York, New York. 

PARAGRAPH 4 alleges that plaintiff DAVIDON is a citizen of 
the United States and a resident of the Eastern District of Pennsylvania, 
who resides at 7 College Lane, Haverford, Pennsylvania, and is 
Chairman of the Department of Physics at Haverford College. 

ANSWER: These averments are substantially correct, however, 
the FBI can neither affirm or deny the fact of the plaintiff's position as 
Chairman of the Department of Physics at Haverford College. 

PARAGRAPH 9 alleges that defendants JOHN DOE and 
RICHARD ROE, true names unknown to plaintiffs, are persons who 
have directed, authorized, participated in, disclosed and/or used 
electronic surveillance on behalf of other defendants or the Government 
agencies headed by them, or on behalf of other persons or agencies as 
yet unknown to the plaintiffs. 

ANSWER: The FBI can neither affirm or deny the allegations 
made in paragraph 9 on the basis of the information provided by the 
plaintiffs.
Sister Elizabeth McAlister, et al.  
(Plaintiffs)  

v.  
Richard G. Kleindienst, Individually  
and as Attorney General of the United  
States, et al.  (Defendants)  

PARAGRAPH 10 alleges upon information and belief that 
between the dates November 24, 1970, and January 6, 1971, the 
telephone conversations of plaintiff DAVIDON were monitored, recorded, 
disclosed and used by agents of the United States Government, and that 
the use and disclosure continued after that date and continues to the 
present time.  

ANSWER: The FBI believes that plaintiff DAVIDON is not 
legally in a position to have the information that forms the basis for 
the above paragraph, and that plaintiff McALISTER, her co-defendants 
in United States v. Ahmad, et al., and/or their counsel may have by 
this complaint violated both the letter and the spirit of a Protective 
Order issued on May 1, 1972, in Harrisburg, Pennsylvania, by United 
States District Judge R. DIXON HERMAN (see copy of this order attached 
to the end of this memorandum).  

It is noted that the Philadelphia Office of the FBI formally 
requested the permission of the Attorney General of the United States 
to monitor the conversations on a private telephone located in the 
residence of WILLIAM COOPER DAVIDON, 7 College Lane, Haverford, 
Pennsylvania. This request was made via letter to the Director of the 
FBI dated October 30, 1970. The Attorney General approved this 
application on November 6, 1970, and the Philadelphia Office received 
the authorization on November 10, 1970. The terms of the authorization 
stipulated that the installation was not to be activated for a period 
exceeding thirty days subject to requests for extension. The installation 
was activated on November 24, 1970. On December 1, 1970, the 
Philadelphia Office requested authorization to extend the installation 
for another thirty days. On December 8, 1970, the Attorney General 
approved this extension. The installation was deactivated on 
January 6, 1971.
Sister Elizabeth McAlister, et al. 
(Plaintiffs)

v.

Richard G. Kleindienst, Individually 
and as Attorney General of the United 
States, et al. (Defendants)

The conversations monitored while the installation was in 
operation were, as a matter of course, recorded. The information 
obtained in the operation of this installation was not used in any judicial 
or other formal proceeding, either in support of or against either of 
the plaintiffs to this action. The text of any conversations monitored, 
or the fact that conversations were monitored was not disclosed outside 
the United States Department of Justice until on or about May 2, 1972, 
during the course of a post-trial hearing following the trial in United 
States v. Ahmad, et al. This hearing was held per the order of Judge 
HERMAN as set out in his Memorandum Order of November 12, 1971.

PARAGRAPH 11 alleges that this surveillance was continual 
and uninterrupted with the possible exception of the period 

ANSWER: A review of the files of the Philadelphia Office has 
revealed that the foregoing paragraph is substantially correct.

PARAGRAPH 12 alleges that this surveillance was initiated 
and maintained without warrant or other lawful authority, and was done 
at the direction of and with the approval of Defendant MITCHELL, and 
that it was carried out by agents whose identities are unknown to 
plaintiffs.

ANSWER: A review of the files of the Philadelphia Office 
reveals that the installation in question was installed without the prior 
issuance of a warrant. It is totally false that this installation was 
initiated and maintained without lawful authority. This installation was 
applied for, approved and operated in strict conformance to Department 
Directives governing national security wire interceptions under the 
authority of the President of the United States.

Attorney General MITCHELL did approve the original 
installation and its thirty-day extension.
Sister Elizabeth McAlister, et al.  
(Plaintiffs)  
   v.  
Richard G. Kleindienst, Individually  
and as Attorney General of the United  
States, et al.  (Defendants)  

PARAGRAPH 13 alleges that during the course of this surveillance, conversations to which plaintiff McALISTER was a party were monitored.  

ANSWER: A review of the files of the Philadelphia Office has revealed that this allegation is correct.  

PARAGRAPH 14 alleges that plaintiff McALISTER was one of seven defendants in United States v. Ahmad, et al., and that during the course of pre-trial proceedings in that case, the fact of the surveillance was made known to her, and that during the course of post-trial proceedings the content of her own monitored conversations were made known to her.  

ANSWER:  

1. Plaintiff McALISTER was a defendant in United States v. Ahmad, et al.  
2. By affidavit filed in the United States District Court, Middle District of Pennsylvania, on May 13, 1971, by Attorney General MITCHELL, plaintiff McALISTER was advised that probable telephonic overhearings of her voice occurred.  
3. The verbatim transcripts of the contents of these calls were furnished to plaintiff McALISTER by the Government during the course of post-trial proceedings in United States v. Ahmad, et al.
Sister Elizabeth McAlister, et al.
( Plaintiffs )

v.
Richard G. Kleindienst, Individually
and as Attorney General of the United
States, et al. ( Defendants )

PARAGRAPH 15 alleges that although he has not been formally
advised by the Government, plaintiff DAVIDON alleges upon information
and belief that he was the target of the surveillance on the following
grounds:

(a) The target of the surveillance in question has been
acknowledged by the Government, through the testimony of defendant
SMITH, to have been an unindicted alleged co-conspirator.

(b) Defendants SMITH, DURHAM and JAMIESON, the individuals
responsible for and with access to the logs of the surveillance in question,
were employed in the City of Philadelphia, and the said logs were housed
in their office in that city.

(c) Plaintiff DAVIDON is the only unindicted alleged co-
conspirator in the above criminal case who lived in or near Philadelphia
at the time of the surveillance in question.

(d) Newspaper reports at the time the disclosure of
surveillance as to plaintiff McALISTER was made by the Government
stated that plaintiff DAVIDON was the subject of the wiretaps which
monitored her conversations and that the source of the information
which led to these press accounts is unknown to the plaintiffs or their
attorneys.

(e) Defendant SMITH testified during the course of the above
mentioned post-trial proceedings in Harrisburg that the wiretaps were
"out of operation from December 24, 1970, to January 2, 1971 . . .
because the subject or target . . . was not at the premises." During
the period plaintiff DAVIDON was visiting relatives in the western and
midwestern part of the United States.
Sister Elizabeth McAllister, et al.  
(Plaintiffs)

v.

Richard G. Kleindienst, Individually  
and as Attorney General of the United  
States, et al.  (Defendants)

ANSWER:

(a) The allegations in this part of paragraph 15 are true,  
however, the fact that this allegation is made indicates that both the  
letter and spirit of Judge HERMAN's Protective Order have been violated  
by the defendants in United States v. Ahmad, et al., their attorneys.

(b) (1) Defendant SMITH was associated with the operation  
of the installation which is the subject matter of this case. He was not,  
however, responsible for it, and he had no greater right of access to  
the logs of this surveillance than did any other agent assigned to the  
Philadelphia Office who may have had occasion to examine these logs  
in the course of his investigative responsibilities.

(2) Defendant DURHAM was not one of the individuals  
responsible for the logs of the surveillance in question. He had no  
greater right of access to these logs than any other agent assigned to  
the Philadelphia Office who may have had occasion to examine these  
logs in the course of his investigative responsibilities.

(3) Defendant JAMIESON as the Special Agent in Charge  
of the Philadelphia Office at the time of the surveillance in question was  
ultimately responsible for any and all the operations being carried out  
by the Philadelphia Office at that time. He did not have any greater  
right of access to the logs of the surveillance in question than did any  
other agent assigned to the Philadelphia Office who may have had  
ocasion to examine these logs in the course of his investigative  
responsibilities.

(4) Defendants SMITH, DURHAM and JAMIESON were  
employed in the City of Philadelphia during the period in question.
Sister Elizabeth McAllister, et al. 
(Plaintiffs) 
v.
Richard G. Kleindienst, Individually 
and as Attorney General of the United 
States, et al. 
(Defendants) 

(5) The surveillance logs in question were maintained 
in the Philadelphia Office during the period in question. 

(c) The FBI is unable, after a review of the pertinent records, 
to affirm or deny the allegation made in paragraph 15 (c). "Plaintiff 
DAVIDON was the only unindicted co-conspirator whose legal residence 
was in or near Philadelphia at the time of the surveillance in question."

(d) On the basis of the information provided in paragraph 15 
(d), and a review of the files of the Philadelphia Office, the FBI is 
unable to affirm or deny the allegation made in this section. 

(e) (1) This allegation is true as regards defendant SMITH's 
testimony. 

(2) The FBI is unable to affirm or deny the fact of 
plaintiff DAVIDON's presence in either the western or midwestern 
states during the period in question. 

PARAGRAPH 16 alleges that all of this surveillance was in 
violation of the First and Fourth and Ninth Amendments, 18, United 
States Code, Section 2520 and 47 United States Code, Section 605. 

ANSWER: The FBI denies that said surveillance was violative 
of either a Federal law or the Constitution of the United States as far 
as regards the interpretation of any pertinent Federal laws or amend-
ments to the Constitution of the United States during the period that 
this national security installation was applied for, approved and operated 
in strict conformance to Departmental Directives governing such matters.
Sister Elizabeth McAlister, et al.  
(Plaintiffs)  
v.  
Richard G. Kleindienst, Individually  
and as Attorney General of the United  
States, et al.  (Defendants)  

PARAGRAPH 17 alleges that said interceptions, overhearing, use and disclosure were not made in good faith reliance on a court order or legislative authorization.

ANSWER: The installation and operation of the device in question was made in good faith reliance on 18, United States Code, Section 2511 (3) interpreted as the Congress' approval of twenty-five years' experience in connection with the President's supposed power to authorize electronic surveillance in national security matters without prior judicial approval. There was nothing in fact or in law to militate against a good faith reliance on this supposed Presidential authority in domestic national security matters until the decision of the United States Supreme Court in United States v. United States District Court, Eastern District of Michigan, decided June 19, 1972, some two and one-half years after the device in this matter was deactivated. It would seem that the Government and its agents would, therefore, be insulated from civil liability in this matter per the holding of Bowens v. Knazze, 237 F. Supp. 828, wherein it was determined that so long as the defendant's conduct stemmed from his reasonable belief as to the requirements of the law and was not unreasonable in any other way, he cannot be held responsible... for deprivation the plaintiff's rights.

PARAGRAPH 2 - JURISDICTION

It is felt that the facts presented in this complaint do not establish jurisdiction in the Federal Courts of the Eastern District of Pennsylvania. Nowhere in this complaint, or in the motions, responses, affidavits, orders, or testimony alleged to be supportive of this complaint, is there any factual justification for the conclusion that the surveillance complained of took place in the Eastern District of Pennsylvania.
UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

EQBAL AHMAD, et al.

NO. 14950

STIPULATION

It is stipulated by and between counsel for the parties that the contents of or information contained in any tapes or transcripts thereof relating to any overhearing of conversations by means of electronic surveillance, shall not be disclosed to persons other than defense counsel of record or defendants Philip Berrigan and Elizabeth McAlister.

[Signatures]

ATTORNEY FOR THE UNITED STATES OF AMERICA

ATTORNEY FOR DEFENDANT

RECEIVED

JUL 25 1972

IT IS SO ORDERED

[Signature]

UNITED STATES DISTRICT JUDGE

May 1, 1972
TO: ACTING DIRECTOR, FBI (62-115389)
ATTN: OFFICE OF LEGAL COUNSEL

FROM: SAC, PHILADELPHIA (62-5421)

SUBJECT: WILLIAM C. DAVIDON;
ET AL

v.
RICHARD G. KLIENDEINST;
ET AL
MISC INFORMATION CONCERNING
CIVIL ACTION NO. 72-1977,
EDPA.

(00: Philadelphia)

Enclosed for the information of the Office of Legal Counsel are five copies of draft interrogatories to be submitted to the plaintiffs in this matter.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SR. ELIZABETH MC ALISTER,
WILLIAM DAVIDON
Plaintiffs,

vs.

RICHARD G. KLEINDEINSTEIN, ET AL.
Defendants

CIVIL ACTION NO. 72-9177

INTERROGATORIES

TO: Plaintiffs in the above captioned matter
c/o Jack J. Levine
1427 Walnut Street
Philadelphia, Pennsylvania 19102

Defendants hereby propound the following Interrogatories to plaintiffs in the above captioned matter to be answered under oath pursuant to Rule 33 of the Federal Rules of Civil Procedure. Answers to such Interrogatories are to be furnished within thirty (30) days after service pursuant to such rule.

These Interrogatories are to be deemed continuing so as to require plaintiffs to promptly furnish any and all information obtained after the filing of answers.

1. With respect to the allegations contained in paragraph 10 in the Complaint, state:

a. in detail:

(1) the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff DAVIDON were allegedly monitored.

(2) the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff DAVIDON were allegedly recorded.
(3) the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff DAVIDDON were allegedly disclosed and to whom.

(4) the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff DAVIDDON were allegedly used and in what ways.

b. the basis and foundation for the plaintiffs' belief that the alleged use and disclosure continued after that date (January 6, 1971) and continues to the present time.

2. With respect to the allegations in paragraph 11 of the Complaint, state:

a. in detail, the basis and foundation for the statement that this alleged surveillance was continual and uninterrupted with the possible exception of the period December 4, 1970, through January 2, 1971, inclusive.

b. disclose the plaintiffs' source of information, which forms the basis for the above statement made in paragraph 11.

3. With respect to the allegations contained in paragraph 12 of the Complaint, state:

a. the basis and foundation is:

(1) the plaintiffs' believe that this alleged surveillance was initiated and maintained without warrant.

(2) was initiated and maintained without other lawful authority.

4. With respect to the allegations contained in paragraph 14 of the Complaint, state:
a. the date during the course of the pre-trial proceedings in the case of United States v. Ahmad when the fact of the alleged surveillance was made known to plaintiff MC ALISTER and her attorneys.

b. the date, during the course of the post trial proceedings in the case of United States v. Ahmad when the contents of her own alleged monitored conversations were made known to her.

c. state with particularity the conditions under which the information referred to in paragraph 14 of the Complaint were made known to the plaintiff and her attorneys.

5. With respect to the allegations contained in paragraph 15 of the Complaint, state:

   a. with particularity why plaintiff DAVIDON believes himself to be the target of the alleged surveillance in question based on alleged statements by defendant SMITH that the target of the surveillance was an unindicted alleged co-conspirator in the case of United States v. Ahmad, et al.

   b. state with particularity the basis for plaintiff DAVIDON's belief that defendants SMITH, DURHAM, and/or JAMIESON were the individuals responsible for and with access to the laws of the alleged surveillance in question.

   c. state with particularity the basis for plaintiff DAVIDON's belief that the above defendants were employed in the City of Philadelphia.

   d. state with particularity the basis for plaintiff DAVIDON's belief that the logs of said alleged surveillance were housed in their office in that city.

   e. state with particularity the basis for plaintiff DAVIDON's belief that he is the only unindicted alleged co-conspirator in the above criminal case who lived in or near Philadelphia at the time of the alleged surveillance in question.
f. state in detail the name of the newspaper, the date of publication, the number of the edition, the page or pages on which the story(s) appeared and the author of the alleged newspaper reports which stated that plaintiff DAVIDON was the subject of the alleged wiretap which monitored plaintiff MC ALISTER's conversations.

g. state with particularity the manner in which plaintiff DAVIDON and/or plaintiff MC ALISTER obtained the information regarding the alleged testimony of defendant SMITH by which the plaintiffs aver that the alleged wiretap was "out of operation from December 24, 1970, to January 2, 1971... because the subject or target, whatever you call it, was not at the premises."

h. furnish the names and current addresses of all persons whom plaintiff DAVIDON was allegedly visiting in the Western or mid-Western part of the United States during the period in question.

6. With respect to the allegations contained in paragraph 16, state:

the basis for the plaintiff's contention that all of this alleged surveillance was in violation of the First, Fourth, and Ninth Amendments, 18, U. S. Code, Section 2520, and 47, U. S. Code, Section 605.

7. With respect to the allegations contained in plaintiffs' Complaint paragraph 17, state:

the basis for the plaintiffs' contention that said alleged interceptions, overhearing, use and disclosure were not made in good faith, reliance on a court order or legislative authorization.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SR. ELIZABETH MC ALISTER,
WILLIAM DAVIDON,
Plaintiffs,

vs.

RICHARD G. KLEINPEINST, ET AL.
Defendants

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These Interrogatories are to be deemed continuing so as to require plaintiffs to promptly furnish any and all information obtained after the filing of answers.

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      (1) the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff DAVIDON were allegedly monitored.
      (2) the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff DAVIDON were allegedly recorded.
(3) the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff DAVIDON were allegedly disclosed and to whom.

(4) the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff DAVIDON were allegedly used and in what ways.

b. the basis and foundation for the plaintiffs' belief that the alleged use and disclosure continued after that date (January 6, 1971) and continues to the present time.

2. With respect to the allegations in paragraph 11 of the Complaint, state:

a. in detail, the basis and foundation for the statement that this alleged surveillance was continual and uninterrupted with the possible exception of the period December 4, 1970, through January 2, 1971, inclusive.

b. disclose the plaintiffs' source of information, which forms the basis for the above statement made in paragraph 11.

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a. the date during the course of the pre-trial proceedings in the case of United States v. Ahmad when the fact of the alleged surveillance was made known to plaintiff MC ALISTER and her attorneys.

b. the date, during the course of the post-trial proceedings in the case of United States v. Ahmad when the contents of her own alleged monitored conversations were made known to her.

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5. With respect to the allegations contained in paragraph 15 of the Complaint, state:

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b. state with particularity the basis for plaintiff DAVIDON's belief that defendants SMITH, DURHAM, and/or JAMIESON were the individuals responsible for and with access to the laws of the alleged surveillance in question.

c. state with particularity the basis for plaintiff DAVIDON's belief that the above defendants were employed in the City of Philadelphia.

d. state with particularity the basis for plaintiff DAVIDON's belief that the logs of said alleged surveillance were housed in their office in that city.

e. state with particularity the basis for plaintiff DAVIDON's belief that he is the only unindicted alleged co-conspirator in the above criminal case who lived in or near Philadelphia at the time of the alleged surveillance in question.
f. state in detail the name of the newspaper, the date of publication, the number of the edition, the page or pages on which the story(s) appeared and the author of the alleged newspaper reports which stated that plaintiff DAVIDDON was the subject of the alleged wiretap which monitored plaintiff MC ALISTER's conversations.

g. state with particularity the manner in which plaintiff DAVIDDON and/or plaintiff MC ALISTER obtained the information regarding the alleged testimony of defendant SMITH by which the plaintiffs aver that the alleged wiretap was "out of operation from December 24, 1970, to January 2, 1971... because the subject or target, whatever you call it, was not at the premises."

h. furnish the names and current addresses of all persons whom plaintiff DAVIDDON was allegedly visiting in the Western or mid-Western part of the United States during the period in question.

6. With respect to the allegations contained in paragraph 16, state:

the basis for the plaintiff's contention that all of this alleged surveillance was in violation of the First, Fourth, and Ninth Amendments, 18, U. S. Code, Section 2520, and 47, U. S. Code, Section 605.

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the basis for the plaintiffs' contention that said alleged interceptions, overhearing, use and disclosure were not made in good faith, reliance on a court order or legislative authorization.
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FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SR. ELIZABETH MAC ALISTER,
WILLIAM DAVIDON ,
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vs.

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(3) the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff DAVIDSON were allegedly disclosed and to whom.

(4) the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff DAVIDSON were allegedly used and in what ways.

b. the basis and foundation for the plaintiffs' belief that the alleged use and disclosure continued after that date (January 6, 1971) and continues to the present time.

2. With respect to the allegations in paragraph 11 of the Complaint, state:

a. in detail, the basis and foundation for the statement that this alleged surveillance was continual and uninterrupted with the possible exception of the period December 4, 1970, through January 2, 1971, inclusive.

b. disclose the plaintiffs' source of information, which forms the basis for the above statement made in paragraph 11.

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b. the date, during the course of the post trial proceedings in the case of United States v. Ahmad when the contents of her own alleged monitored conversations were made known to her.

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b. state with particularity the basis for plaintiff DAVIDON's belief that defendants SMITH, DURHAM, and/or JAMIESON were the individuals responsible for and with access to the laws of the alleged surveillance in question.

c. state with particularity the basis for plaintiff DAVIDON's belief that the above defendants were employed in the City of Philadelphia.

d. state with particularity the basis for plaintiff DAVIDON's belief that the logs of said alleged surveillance were housed in their office in that city.

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g. state with particularity the manner in which plaintiff DAVIDON and/or plaintiff MC ALISTER obtained the information regarding the alleged testimony of defendant SMITH by which the plaintiffs aver that the alleged wiretap was "out of operation from December 24, 1970, to January 2, 1971... because the subject or target, whatever you call it, was not at the premises."

h. furnish the names and current addresses of all persons whom plaintiff DAVIDON was allegedly visiting in the Western or mid-Western part of the United States during the period in question.

6. With respect to the allegations contained in paragraph 16, state:

the basis for the plaintiff's contention that all of this alleged surveillance was in violation of the First, Fourth, and Ninth Amendments, 18, U. S. Code, Section 2520, and 47, U. S. Code, Section 605.

7. With respect to the allegations contained in plaintiffs' Complaint paragraph 17, state:

the basis for the plaintiffs' contention that said alleged interceptions, overhearing, use and disclosure were not made in good faith, reliance on a court order or legislative authorization.
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RICHARD G. KLEINDEINST, ET AL.

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(3) the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff DAVIDON were allegedly disclosed and to whom.

(4) the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff DAVIDON were allegedly used and in what ways.

b. the basis and foundation for the plaintiffs' belief that the alleged use and disclosure continued after that date (January 6, 1971) and continues to the present time.

2. With respect to the allegations in paragraph 11 of the Complaint, state:

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(2) was initiated and maintained without other lawful authority.

4. With respect to the allegations contained in paragraph 14 of the Complaint, state:

- 2 -
a. the date during the course of the pre-trial proceedings in the case of United States v. Ahmad when the fact of the alleged surveillance was made known to plaintiff MC ALISTER and her attorneys.

b. the date, during the course of the post trial proceedings in the case of United States v. Ahmad when the contents of her own alleged monitored conversations were made known to her.

c. state with particularity the conditions under which the information referred to in paragraph 14 of the Complaint were made known to the plaintiff and her attorneys.

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b. state with particularity the basis for plaintiff DAVIDON's belief that defendants SMITH, DURHAM, and/or JAMIESON were the individuals responsible for and with access to the laws of the alleged surveillance in question.

c. state with particularity the basis for plaintiff DAVIDON's belief that the above defendants were employed in the City of Philadelphia.

d. state with particularity the basis for plaintiff DAVIDON's belief that the logs of said alleged surveillance were housed in their office in that city.

e. state with particularity the basis for plaintiff DAVIDON's belief that he is the only unindicted alleged co-conspirator in the above criminal case who lived in or near Philadelphia at the time of the alleged surveillance in question.
f. state in detail the name of the newspaper, the date of publication, the number of the edition, the page or pages on which the story(s) appeared and the author of the alleged newspaper reports which stated that plaintiff DAVIDON was the subject of the alleged wiretap which monitored plaintiff MC ALISTER's conversations.

g. state with particularity the manner in which plaintiff DAVIDON and/or plaintiff MC ALISTER obtained the information regarding the alleged testimony of defendant SMITH by which the plaintiffs aver that the alleged wiretap was "out of operation from December 24, 1970, to January 2, 1971... because the subject or target, whatever you call it, was not at the premises."

h. furnish the names and current addresses of all persons whom plaintiff DAVIDON was allegedly visiting in the Western or mid-Western part of the United States during the period in question.

6. With respect to the allegations contained in paragraph 16, state:

the basis for the plaintiff's contention that all of this alleged surveillance was in violation of the First, Fourth, and Ninth Amendments, 18, U. S. Code, Section 2520, and 47, U. S. Code, Section 605.

7. With respect to the allegations contained in plaintiffs' Complaint paragraph 17, state:

the basis for the plaintiffs' contention that said alleged interceptions, overhearing, use and disclosure were not made in good faith, reliance on a court order or legislative authorization.
December 14, 1972

1 - Mr. Miller
1 - Mr. Dalbey
1 - Mr. Williamson

Assistant Attorney General
Internal Security Division
For the Acting Director, FBI
W. Mark Felt
Acting Associate Director

SISTER ELIZABETH McALISTER, et al. v.
RICHARD G. KLEINDIENST, et al.
(E.D. PA.) CIVIL ACTION NO. 72-1977

Our letter, captioned as above, dated November 17, 1972, advised that, pursuant to your earlier request, draft interrogatories would be submitted for your consideration.

Enclosed are proposed interrogatories which we suggest be propounded to plaintiffs herein.

Enclosure

NOTE: Based on Bureau letter 11/17/72 captioned as above and Philadelphia airtel 12/7/72 captioned "William C. Davidson, et al," which enclosed draft of interrogatories prepared by the Philadelphia Division. These have been edited and rewritten by the Office of Legal Counsel and are in proper form for submission to the Department.

J LW: deh
(6)
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER,
WILLIAM DAVIDON

Plaintiffs,

v.

RICHARD G. KLEINDIENST, et al.

Defendants

CIVIL ACTION NO. 72-1977

INTERROGATORIES

TO:  Plaintiffs in the above captioned matter
      c/o Jack J. Levine
      1427 Walnut Street
      Philadelphia, Pennsylvania 19102

Defendants hereby propound the following Interrogatories to
plaintiffs in the above captioned matter to be answered under oath pursuant
to Rule 33 of the Federal Rules of Civil Procedure.  Answers to such
Interrogatories are to be furnished within thirty (30) days after service
pursuant to such rule.

These Interrogatories are to be deemed continuing so as to require
plaintiffs to promptly furnish any and all information obtained after the filing
of answers.

1.  With respect to the allegations contained in paragraph 10 in
     the Complaint, state:

   a.  the basis and foundation for the plaintiffs' belief that
        the telephone conversations of plaintiff Davidon were
        allegedly monitored.

   b.  the basis and foundation for the plaintiffs' belief that the
        telephone conversations of plaintiff Davidon were allegedly
        recorded.
c. the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff Davidon were allegedly disclosed and to whom.

d. the basis and foundation for the plaintiffs' belief that the telephone conversations of plaintiff Davidon were allegedly used and in what ways.

e. the basis and foundation for the plaintiffs' belief that the alleged use and disclosure continued after that date (January 6, 1971) and continues to the present time.

2. With respect to the allegations in paragraph 11 of the Complaint, state:

a. in detail, the basis and foundation for the statement that this alleged surveillance was continual and uninterrupted with the possible exception of the period December 4, 1970, through January 2, 1971, inclusive.

b. the identity of plaintiffs' source of information, which forms the basis for the above statement made in paragraph 11.

3. With respect to the allegations contained in paragraph 12 of the Complaint, state:

a. the basis and foundation for the plaintiffs' belief that this alleged surveillance was initiated and maintained without warrant.

b. the basis and foundation for the plaintiffs' belief that this alleged surveillance was initiated and maintained without other lawful authority.

4. With respect to the allegations contained in paragraph 14 of the Complaint, state:

- 2 -
a. the date during the course of the pretrial proceedings in
the case of United States v. Ahmad when the fact of the
alleged surveillance was made known to plaintiff McAllister
and her attorneys.

b. the date, during the course of the post trial proceedings
in the case of United States v. Ahmad when the contents
of her own alleged monitored conversations were made
known to her.

c. with particularity the conditions under which the information
referred to in paragraph 14 of the Complaint were made
known to the plaintiff and her attorneys.

5. With respect to the allegations contained in paragraph 15 of
the Complaint, state:

a. with particularity why plaintiff Davidon believes himself
to be the target of the alleged surveillance in question
based on alleged statements by defendant Smith that the
target of the surveillance was an unindicted alleged co-
conspirator in the case of United States v. Ahmad.

b. with particularity the basis for plaintiff Davidon's belief that
defendants Smith, Durham, and/or Jamieson were the
individuals responsible for and with access to the logs
of the alleged surveillance in question.

c. with particularity the basis for plaintiff Davidon's belief
that the above defendants were employed in the City of
Philadelphia.

d. with particularity the basis for plaintiff Davidon's belief
that the logs of said alleged surveillance were housed in
their office in that city.
e. with particularity the basis for plaintiff Davidon's belief that he is the only unindicted alleged co-conspirator in the above criminal case who lived in or near Philadelphia at the time of the alleged surveillance in question.

f. in detail the name of the newspaper, the date of publication, the number of the edition, the page or pages on which the story(s) appeared and the author of the alleged newspaper reports which stated that plaintiff Davidon was the subject of the alleged wiretap which monitored plaintiff McAllister's conversations.

g. with particularity the manner in which plaintiff Davidon and/or plaintiff McAllister obtained the information regarding the alleged testimony of defendant Smith by which the plaintiffs aver that the alleged wiretap was "out of operation from December 24, 1970, to January 2, 1971. . . because the subject or target, whatever you call it, was not at the premises."

h. the names and current addresses of all persons whom plaintiff Davidon was allegedly visiting in the Western or Midwestern part of the United States during the period in question.
To: SAC, Philadelphia (62-5421) 4/10/73

From: Acting Director, FBI

SISTER ELIZABETH McALISTER, et al. v.
RICHARD G. KLEINDENST, et al.,
(E.D. Pa.) CIVIL ACTION NO. 72-1977

1 - Mr. Miller
1 - Mr. Mintz
1 - Mr. Williamson

In connection with captioned civil suit, the Criminal Division has requested that they be advised if Philadelphia has the toll call records for telephone number MT9-6154 (subscriber, William Davidson) from 11/24/70 to 1/6/71.

The inquiry is prompted by a letter from the USA, Philadelphia, to the Department in which it was stated that the Bell Telephone Company had been subpoenaed to produce these records and had advised the USA's Office that such records have either been destroyed or were not available.

The Department is concerned that if we have the records that it would be improper for to appear and state the records are not available.

Advise the Bureau, attention Office of Legal Counsel.

Expedite.

NOTE: In connection with captioned matter Criminal Division, requested Philadelphia determine if they have Davidson's toll records.
TO: ACTING DIRECTOR, FBI (62-115389)
FROM: SAC, PHILADELPHIA (62-5421) (P)
SUBJECT: WILLIAM C. DAVIDON, ET AL
Versus
RICHARD G. KLEINDIENST, ET AL
Civil Action #72-1977, EDPA.
OO: PHILADELPHIA

Re Philadelphia airtel to Bureau, 12/7/72.

Enclosed for the Bureau is a copy of defendant's Request for Admissions. The motion and order pertaining to plaintiff's extension of time were not available to AUSA [signature]. Recognizing that excellent liaison exists between the Office of Legal Counsel and the Department, Philadelphia, will discontinue forwarding copies of pleadings in this and similar cases, unless the Office deems the present practice more desirable.

On 3/23/73, SA [signature], Philadelphia, Pa., concerning the status of captioned civil suit, advised that on 2/7/73, a Request for Admissions was filed by defendants in U. S. District Court, EDPA., and that no response has been forthcoming from plaintiffs.

Rec-67 12-15 389-10

telephoned, Civil Litigation Section of the Internal Security Division of the Department, who is handling this case for the Department. [signature] stated that plaintiffs files for and have been granted an extension of time in which to respond to the Request for Admissions. In addition, [signature] is considering filing interrogatories of plaintiffs.

APR 26 1973

Bureau (62-115389) (Inc 1)
1 - Philadelphia (62-5421)
RCH: jmd
(3) e c 52-4

Approved: [signature]
Sent M Per

Special Agent in Charge
Inasmuch as draft interrogatories were submitted per referenced airtel, no additional draft pleadings are contemplated at this time.

AUSA ___ advised there have been no additional developments in this case and that he will keep the case agent apprised of developments as they occur. The latter, in turn, will keep the Office of Legal Counsel current in this matter.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH MICALISTER, ET AL., }
)

Plaintiffs,
)

v.
)
RICHARD G. KLEINDIENST, ET AL.,
)

Defendants.
)

Civil Action No. 72-197

REQUEST FOR ADMISSIONS

Pursuant to Rule 36, Federal Rules of Civil Proce-
dure, defendant Richard G. Kleindienst, et al. request
that plaintiff Elizabeth McAlister, within thirty (30)
days after service of this request, make the following
admissions for the purpose of this action only and sub-
ject to all pertinent objections to admissibility which
may be interposed at trial:

1. That plaintiff McAlister is the author of the
document, a copy of which is attached hereto as Exhibit
A.

2. That on or about August 1, 1970, plaintiff
McAlister caused the contents of the communication at-
tached hereto as Exhibit A to be transmitted to one
Philip Berrigan in Lewisburg, Pennsylvania.

3. That plaintiff McAlister is the author of the
document, a copy of which is attached hereto as Exhibit
B(1).

4. That plaintiff McAlister is the author of the
document, a copy of which is attached hereto as Exhibit
B(2).
5. That on or about August 18, 1970 plaintiff McAlister caused the document, a copy of which is attached hereto as Exhibit B(1), to be transmitted to one Boyd Douglas in Lewisburg, Pennsylvania.

6. That on or about August 18, 1970 plaintiff McAlister caused the contents of the communication attached hereto as Exhibit B(2) to be transmitted to Philip Berrigan in Lewisburg, Pennsylvania.


8. That on or about August 17, 1970 plaintiff McAlister, plaintiff Davidon, Eqbal Ahmad, Paul Mayer and Jogues Egan met in Connecticut.

9. That on or about August 25, 1970 plaintiff McAlister received the document, a copy of which is attached hereto as Exhibit C, which was authored and caused to be sent to her by Philip Berrigan in Lewisburg, Pennsylvania.

Respectfully submitted,

A. WILLIAM OLSON
Assistant Attorney General

ROBERT E. J. CURRAN
United States Attorney

EDWARD S. CHRISTENBURY
Attorney
Department of Justice
Washington, D. C. 20530
Phone: 202-739-2361
CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing Request for Admissions upon all parties by serving a copy thereof, by United States mail, postage prepaid, upon the following counsel of record:

Jack J. Levine, Esquire  
David Kairys, Esquire  
David Rudovsky, Esquire  
1427 Walnut Street  
Philadelphia, Pennsylvania 19102  

William Bender, Esquire  
103 Washington Street  
Newark, New Jersey 07102

2/12/73  
Date

EDWARD S. CHRISTENBURY  
Attorney  
Department of Justice  
Washington, D.C. 20530
Monday a sort of "where are we at" session with Paul M. & then the
sit for instructions from Doug Dool. He is off to Europe on a high-
level, but secret sort of mission. I'll mention it here trusting you to
be confidential (as if there were a lot of people to whom you could
not tell it). The Swedish outfit - or some officials in it - have
erased the path U's got. is taking quite as we have. They feel the
defense against it is the resistance here; they're willing to
spend, at least financially, upwards of several million.
I was asked to come + discuss it. He flew to Rome + will make
way next to keep it somewhat off the records. In view of this,
let him go, rather than insisting that he see this surface thing
singly. Don't know if I told you this but he had asked along
the Cunopoli - the postponement of this until Sept 15. Reasons:
's hard to do something like this in summer as people are away +
if it needs more time, etc... We predicted: 1) that does not respect
urgency of the summer + puts it on the level of our convenience which
was not; 2) too far removed from the action; 3) people already
committed are not, psychologically speaking, to talk "postponement";
& 4) we want to get this over with to get on to other things. So they
needed & we agreed to sit on the Italic returns if + when Doug
hit. So here I am in Ita - something of regret in a very
beautiful setting + something of frustration dependent on word of
noon + place commitments from people in NY + Harvard. Just
last night (Thurs. 6:30, July 30) got word on use of Wilmington
mead. Served place for hospitality on arrival in Delaware;
2 definite word on a folk singer - the 6th + 9th are benefits. Peace
advocates + seems - he's all tied up in that + feels that is their
level of commitment. Also yesterday a frustrating - annoying conversa-
tion with Anne Walsh. Mike Feiler (slated for press conf.) is in England
in a circumlocution. Stringfellow may not be usable because he
seems - one of the most next movie. But someone would tell me this.
Now I don't know. I'm I began to feel at cross purposes
the film as we have continuously avoided anyone involved with
film. I began to share e.g. feeling of last week that consuming
serious can paralyze people + when it does, it can't work it.
It's on the feeling level + by no means a rational judgement at this
point. Will wait until the right to m + I understand what's happening.

EXHIBIT "A"
little better before I make any judgment. But I just spoke to Paul and says it is pretty definite and he's also annoyed about it, but he's also withholding judgment. Anyhow...

Saw the Syracuse bloodline last night. Tues. night it was important that it be there since morale had been raised about arrangements for either meeting with a bloodline in N.Y. this weekend. By the time I got there, contract had been made so it was wasted drive from business point of view but still good to see them. They said they had seen you Sat. & you looked lean & and some (impossible!!) & were in top mental & psychological form—enough! Got a touch of the good old Syracuse bear hug (Steve onion!) & ad a nice hour or so with them & drove back. Understand Freda had written fell a break in the left trachea but is still in creator. But a couple of weeks bed rest will heal it up. She's had a full dose of it at no sign of discouragement. "We bargain, never the white flag!"

Will write again tomorrow after lecture. Would like to have some response to the first before writing a second. I think hope you understand a little more which is to humanize the thing a little. Since it was necessary to be known, may as well let the better side be known. Would be worth while to bring in the rehabilitation of correspondence (is waiting, too, a recognition) in an aside. Next in main issue, had also thought giving up here might (to this new horizon) be occasion to see you & would certainly be opportunity to see your friends. Again, Army, possibly Ned are coming up here tomorrow & we'll all go back. Then by which time the returns will/should all be in. She will have mail at 85° before coming. If he was as prompt in answering as he seemed, it should be there & I'll answer it & introduce the question. If it hasn't come by then I'll write anyhow.

Ned Murphy has accepted a job at the office of a G.I. Exchange near Selma to begin Oct. 1. Botts & Godd have been trying to encourage some of us to get into this sort of thing since the resistance in the Army is such a significant area of work. We have strangely located—by large but quite. Ned's inability for organizing work for any sustained work in this line, it may be a good thing for him & as well a bridge between 2 different aspects of the movement.

--- Why don't you take off for a couple of days & come up here. Really a great setting—right on the lake, very private. We'd have a great time. It's smooth to even mention it, huh. But it's very much in my mind, being suppressed all the while by a gut-lusted acceptance of the real. But this would beat the Pennsylvania farm country in some ways than one.
The enclosed is dynamite. I mean it. The proposal (no. 3) is something we, I mean someone should know about. I want his mind to be reasons indicated & you must of necessity. So it's something I'm writing to you. I want him to get this letter if at all possible, if at least the contents of it.

How are you? Loved the time spent in Lorraine. It's a wonderful community there which needs only someone within it to sit. It's action. I kind of think of this stage, that that is initial. They've seen enough of outsiders & know the facts. One of them must now take the leap or an action must be done. There is outside group & let them work out the follow-up - that as a stage of resistance.

Listen, I'll call Friday at 4:00 at the 3:40-0038 number. If don't answer, I'll presume you haven't gotten this yet & try for 11:15. We didn't set up a time & I don't want to call this so this seemed best.

Lot of love to you all.

[Signature]

Exhibit "B(1)"
The Lot of Political Prisoners in the Federal Penal System:

Before engaging a question like federal Penal System policy toward Political Prisoners, we must provide a context for its workings, both national & local. Measures like a few behavioral repressions, the death with penal reality on an isolated phenomenon, subject in the sense to deeper causes. In this limited view, the inmate becomes a victimized by a backward penal system. This consideration being what they are guess this will be the last effort along these lines & this may even come too late - who knows. Thee are basically 3 things I need to let you know. First, by way of reaction to evaluation of the top-level thing. It is my guess that it got the 2d letter claiming rights for reinstatement. This for 2 reasons. The attitude toward me was a complete about face. He was out for blood (more) in at least the 1st 3 hours. And that wasn’t unexpected since he claimed he didn’t get it. The letter contained a criticism of the NY Times piece of the guy who was given a letter at you & then went on to ask for reinstatement. Evidence of this new attitude were plentiful & some of us could have missed it. Nothing while stop him from reading a section of the centerboard & going beyond the issue into a personal note was more than accidental. He told me I was the most selfish person he’d ever met etc. I refused to be angry or respond on that level. He was clearly distraught by the whole thing & so a violent person a violence be failed utterly to control. I would not exactly say it was a productive thing although I feel some understanding was created. You would know best the outcome & effectiveness of any. But then we did not know what to expect or what we wanted to achieve. The best part was seeing your the old fighting spirit to know first any that beyond physical confinement, they had no control over you. Funny - was always able to tolerate these group sessions that demanded such discipline because there would usually be a space of time later on when that could be let down. The horror of the was that there was no space afterwards & I only fully grasped that later that night. In all our efforts to face reality, in some instances it still eludes us. The second is the proposal that’s jokingly I opened to you in the corridor. If you would like it - now or some-time latter - we can do it. See Brown & talk to him about it if you wish & think it over seriously & we’ll work it out. The route to Canbury might be too soon at this point to do anything. Either while there or latter passage is subject to discussion. We can also arrange it now violently. I say this not to exert pressure one way or another. The future is an unknown except in certain status quo areas - & I don’t have a preference for the exact lines that future will take. I’m open to all sorts of possibilities & the reality will undoubtedly be “more of these” line problem I have with that (i.e. either you or B coming out) is that it says the movement can’t go on without one of you or both. And I’m arrogant enough to think believe that your being arises you are is enough to make the rest of us get off our tails to prove that it can. Which leads me to #2 & the...
utter confidence & should not be committed to paper & I would want you not to say a word of it to &un until we have a fuller grasp of it. I say it to you for 3 reasons. The first obviously is to get your thinking on it, the second to give you some confidence that people are thinking seriously of escalating resistance. Eq called us up to town last night along with Bill Davidson who, in case people have not told you, has become one of our better people. Parenthetically someone with a knowledge of the scene, a keen sense for tactics & detail & little fear of risk for himself. He's the most central fig., in the Prado scene & went into the Roads in Georgetown with three kids. Eq outlined a plan for an action which would say - escalated seriousness - we discussed pros & cons for several hours. It needs much more thought & careful selection of personnel. To kidnap - in our terminology make a citizens arrest of someone like Henry Kissinger. How because of his influence as policy maker & some cabinet status, he would therefore not be as much protected as one of the bigger wigs; he is a bachelor which would mean if he were so guarded, he would be anxious to have unguarded moments where he could carry on his private affairs - literally & figuratively. To raise a set of demands e.g. cessation of use of B 52s over N. Vietnam, lift Cambodian & release of political prisoners. Hold him for about a week during which time big wigs of the liberal. Eq would be brought to him - also kidnapped if necessary (which for the most part it would be) - + hide trial or grand jury affair out of which an indictment would be brought. There is no picture of these demands being met + he would be released after this time with a word that we're non-violent as opposed to you who would let a man be killed - one of your own - so that you can go on killing. The liberals would also be released as would a film of the whole proceedings. In which, hopefully, he would be far more honest than he is in his own territory. The impact of such a thing would be phenomenal. Reasons for wanting to do it: it will ultimately be done by someone here + such actions are feasible or violence & killing. Ex. wants to do it + do it well + I believe he knows how to direct such an escape. The major problem, not see it, is the severe consequences for something that is largely "drama" with little lasting effect. Second problem is position of something like this in a movement context i.e. what next. Some thought would have to be given to that. It seems at least possible to have a fairly distinct groups on the one hand the folks who have a scant chance but a chance of remaining anonymous & the big wigs who will provide the "public" aspect of the action who are perceived by their own position as "captives" also. The concept of a film of the
said to be released to TV etc. is phenomenal. Then his aspect of the war will be at least impaired by his absence & the involvement of all here to him in an investigation of his whereabouts. Think about it, maybe when I see you in Banbury I can get your thoughts as well as fill you in on where the plan lies. Otherwise I'm meeting with Paul Levrini this afternoon with the Newton & Beale House folks this evening & later tonight with Lee Lockwood, a guy doing an NET documentary on brown & know some help Be in in about 3 weeks. Tomorrow a meeting at the college wi T.T. to work out possibilities then, followed by a session with Jim Forest & Judy to work out more immediate projects & possibilities, but Mayer is in route to Cuba for that International Resistance thing. I'll be gone for about a month & the Peatway Arsenal project can't really get underway until he comes back. That's, as I believe I told you, a long term thing. The aspirations have to do with a series of sessions with some of the engineers who work there who have shown interest in a more intense team life. Over a long period of time - or not too long is bring them to the point of some minor sabotage against the place themselves or at least aiding others to do something there. Paul has some contacts to start with. These guys have been coming to Fr. Martin at the Abbey in Newton for Pentacostal meetings for the last 3 years! Incredible! As I read it, you should see Warren by Friday, we've had almost daily contact with him. And James is now out to lunch with a kid who'll take up the Northrop Concorde thing. That's basically all the news that is not fit to write in, G'day, & Da! One thing I will say is that it's far easier to write this than the other way. The letters thru usual channels have been sacked out & are unobservables, dead & dry as dust. What may seem here to be complete control of a situation, you must remember is just facade. The old man, both in Pauline & my own terms, lives on sometimes with a consciousness that is almost torture. What that says is both good & bad, a mixture I'm sure you're familiar with. Right on!
WE USE ANY EFFECTIVENESS OF GROUP TREATY IN THE FEDERAL-TEXAN SYSTEM

Can emphasize on relationship seems to have presided, growing inclination on the part of judicial intermediaries have seemed to all personal contact with one another with staff members. Greater efforts to provide a thing for improved acceptance and there as well as an opportunity to discuss weighty questions.

The news information about foreign blacks found memories. A week after the Conservative host, he called me up (with the Captain there). In the letter, which he had read over and peremptorily misinterpreted, didn't want to go over the personal aspects of it with him, much less ask about "Do you think you're good? Do you think you're good?" He asked a confession, and I laughed at him and told him he was not in order (he hadn't caught the change with it). Then I picked his wrote for a while, and he got furious. He told him if he had some powers to read your, and me. That he should keep your privileges after he went you being full blame for the more. He said that wouldn't be necessary. The next day I reached the change telling him he had confessed everything. After that, he suspended your privileges and put me under what which allowed development until I had enough on him to go to the claim. The point is that a man sheriffed, as the interview described it. As the conversion says, he is seen to have caught in what left for three fragments like. Do not air, you passed him that and he couldn't nothing but hats for it. Because I'm minded he got with me then anyone plucked to his face and gave him the thing. In the last, there is little, in the last, from the decision, when what he said made less and desires. Scared underhand came, that he had given you a tough time to get, but didn't know that it was.

EXHIBIT "C"
I can get several kinds of education and philosophical instruction. But the Commercial thing, the Exchange, and the sale of business that are best paid for, and which here, taught one can sell, (New, par.) So occurs to me also that you might well (in II) to a considerable amount about evidencing the inner self. To be sure, I've thought a bit about this since a move to examine cares on the money. And decided against it, that is, telling in advance, it takes me that you should announce this new development of your work together, as not at all. Surely, in my work, you can clear up my confusion about the people of $2 when you come to Embury, and I hear that visiting is much more frequent, etc. (New par.) Now we come to $3. But between you and me, I have not been able, at any rate, to the clear friend, very helpful in the last months, lovely grey, good dialogue, but still to produce. I think the role of man from nowhere is the first one with him. (I have this terrible suspicion regarding academics.) With few exceptions, the rest will be cut there, unless it had not been without a serious measure. They did it on money, and they're doing it with. And Etc. from that strain, you see me, the brief poet's home - Spring fellow at last believe in some thing. But there are more reasons. Now it is deliberately to be wrong. (New par.)

About the plan - The first time of her to the door to murder - The Tuparene the finding that but in Uruguay - I hope you're following them. About the woman of the Berdachian. Then I refer to murder, it is not to prohibit it. Absolutely (violence against man - violence, etc.) It is, of course, to observe that one has set the precedent, and that taken, often granting to some sort of thought - off lies, men will be killed. That to the point, to your plan as you described it in brilliant, but gradual. I've found, even the better argumentative, that often people got for too much, there's nothing stupid or idiotic about (another and right about friend the Bill), which is to say, that granting the gentleman will take a force of perhaps 10 of your best friends guarding him, getting communications out, perhaps moving them 2 or 3 times within the week.

Now, in addition, to include a production of all these would take...
knows more, coming the network he invites. For if that
be possible, then can it be guaranteed that they would include
in any sort of peace settlement? Then too, the common sense
that is the basis of honorable war, is such that, in 

no, and even some of the Liberals believe that Iran is a
tooth out. The economy needs war, and it will be
made easier to be skilled and skilled, and that we intend to stay. That
gives the Korean type answer, but this is a hard to get it
where. On go into the dilemma of more serious actions on major
employment at home. This is what should get left from, but can
Liberals do it? (New par.) We're the ones who like the plan and are just
going to see new elements of modesty with it. Why not coordinate it
with the one against capital activities? You should tell more thoroughly with
change about this, so much the same as Big Joe Garner. He doesn't think, and
as good as Brain Child. This would be a revelation though. (New par.) This
was the top of my head. Why not grab the Brain Child, treat him
seriously, but tell him nothing of his fate - on feel him. He's kept our
areas of public people on occasions of our crimes in Laos. The here batches a
movement people Brain Child blindfolded - engage them on policy.
But he had been taught (The consideration of the safety will
also become more and more human in the answers) got it planned
and recorded. One thing should be magnified in that for brain -
that respectable murderer like himself are no longer unavailable
is should be done just before release. And not if the plan doesn't work to
emerge policy, the death of him will be killed by less suspicious
eagle. Finally, that political prisoners are the best guarantee of his
peace safety, and that he better get them out of jail. (New par.)
soon along the line, you have both a material and personal con-
versation with the owner making the trick to pull off on to let them
stay, very hard, without giving them, violence to react to, or justify them-
elves with. (New par.) He can be kept blindfolded, and participante can inter-
tacting marks redesignate their innocence. It can be done and do be done. (New
par.) I would also say, on it immediately, but tie it on, in the B.C.
nice, and help the imagination under rings. In the arrangement of one's proper and decisive end of Light, there's a bias, measured and. I think I mean light. And then in a great, the same

second (18th century). I should know enough even to trouble you, on a man's nature: enough. I would argue that the more you ensue in the way to suit your people. The thing is to be put out to have. As you go through, or to suit the ideal, or to suit his. you think of

shades up (18th century). Don't think E's can cancel her even term on this. He's probably here. But a view of both sides and, without, should be little on in New London, don't think he'd be the casual guy to work with. Until you, certainly. You're with the love for the guy, with gratitude for the past. And, with a recognition of two intelligent and great. I could

ask - a few sentences there. But perhaps you have already. Read (18th century) just read your two letters (15th and 16th) once. They're not dull about any. You come through, beautifully, of, with restraint. And I get all

adorable and delight in him. You're too big for humanity; please, back room. Will have to grow in order to compete. I remember well the years. Is it a question - how you need the manifesto to one - thought that ever

you... You cannot reject the expression like that, and get complete justice. From there, we went on to some more obvious questions. As to nothing, recovery you made from a little of a summer in Europe, and the scene

England. (18th century). Commencing this on the August - the last 10 is a lot of writing.Eff. The Direct Party still cannot succeed, can't, maybe, something can involve us

at the same. Don't know it had to stay at a port or. I'm hungry. I'm right move in the fall. But he might not. Does it for the in

applied to be living as we spoke. We then, but has an effort, you feel the type. Oh, don't say that. He's three, but get to listen

is some. Can't I know that will have great difficulty of handling. We'll be in

writing then, but if you do, or something to the world to me. Yes, that other, very can, relates to one another. (18th century). I'm a concise way that the

eye the C.B. when come up, or contrast to the situation that

come. The likely do, commands to a good thing. I would say that you've made

an answer. All the circumstances are laws and then you are connected. To

all this, if they're good from there and from the Lord.
TO: ACTING DIRECTOR, FBI  
(ATTN: OFFICE OF LEGAL COUNSEL)

FROM: SAC, PHILADELPHIA (62-5420)

SUBJECT: SISTER ELIZABETH MC ALISTER;  
WILLIAM DAVIDSON versus RICHARD G. KLEINDIENST;  
ET AL  
MISCELLANEOUS - INFORMATION CONCERNING CIVIL ACTION  
72-1977 EDPA.  
PHFILE #62-5421  
BUFILE 62-115389  
KEITH TORSYTH versus RICHARD G. KLEINDIENST;  
ET AL  
MISCELLANEOUS - INFORMATION CONCERNING CIVIL ACTION  
72-1920 EDPA.  
PHFILE #62-5420  
BUFILE 62-94527

Re Philadelphia airtels 3/23/73 and 4/2/73 regarding the DAVIDSON case.

On 3/30/73, Bell Telephone of Pennsylvania, Philadelphia, Pa., telephonically advised that a subpoena was served on him that morning by one assistant for Attorneys and

[Redacted]

The subpoena orders to produce telephone toll call

[Redacted]

RCH:jer XEROX

Approved: [Handwritten]

Sent: [Handwritten]

Special Agent in Charge

records for WILLIAM DAVIDSON at telephone 215-MI9-6154, for the period 11/24/70 through 1/6/71.

[Redacted] stated that records pertaining to those dates have been destroyed and are not available, but that he located records for June through November, 1970, for DAVIDSON.

In addition, [Redacted] is to appear in [Redacted]'s office at 10:00 A.M. on 4/11/73 for disposition.

It is noted that [Redacted] is the representative of Bell Telephone Company to whom all subpoenas are directed for toll records by the Philadelphia FBI Office.

On 4/2/73, SA [Redacted] furnished the foregoing to AUSA [Redacted] for his information in handling the DAVIDSON case. At that time, [Redacted] had not received a copy of the subpoena, but subsequently advised on the same date that he and Departmental Attorney [Redacted] have been served, and that a copy of the subpoena had been forwarded to the Philadelphia FBI Office.

The defendant advised he has no interest at this time in obtaining a subpoena for toll calls from DAVIDSON's phone made prior to November, 1970, since they appear to bear no relevance to the DAVIDSON case. He theorized that the purpose of plaintiff's subpoena is to establish that the calls made were those intercepted during the FBI's national security electronic surveillance.

SA [Redacted] also contacted AUSA [Redacted] who handles the FORSYTH case locally. The factual bases of the FORSYTH and DAVIDSON cases are basically the same, and it is felt that any information gained by plaintiffs as a result of [Redacted]'s subpoena in the DAVIDSON suit might also be pertinent in FORSYTH. [Redacted] advised he contemplates no direct action as a result of [Redacted]'s subpoena, and was assured he would be kept current on pertinent developments.
For information, indices of the Philadelphia Office reflect a reference for one who was arrested during an anti-draft demonstration at on ______, and charged with Breach of Peace, Disorderly Conduct, and Resisting Arrest.
Assistant Attorney General
Criminal Division

Acting Director, FBI

SISTER ELIZABETH MEALISTER, et al. v.
RICHARD G. KLEINDIENST, et al.
(E.D. PA.) CIVIL ACTION NO. 72-1977

April 24, 1973
1 - Mr. Miller
1 - Mr. Mintz
1 - Mr. Williamson

This will serve to make a matter of record the information furnished to __________ of your division on April 12, 1973, by Special Agent James L. Williamson of our Office of Legal Counsel. __________ was advised, in answer to his earlier inquiry, that our Philadelphia Office has copies of the toll call records for telephone number MI9-6154, subscribed to by plaintiff Davidon, for the period November 14, 1970, through June 13, 1971. Copies of these records were obtained from __________ of the Bell Telephone Company, Philadelphia, in response to a subpoena duces tecum.

NOTE: Based on Philadelphia airtel, captioned as above, dated 4/13/73.
TO: ACTING DIRECTOR, FBI
(ATTENTION: OFFICE OF LEGAL COUNSEL)

FROM: SAC, PHILADELPHIA (62-5421)(P)

SISTER ELIZABETH MC ALISTER, etal
vs. RICHARD G. KLEINDIENST, etal
EDPA, CIVIL ACTION #72-1977

Rebuairtel dated 4/10/73 and Philadelphia phone call
to Bureau 4/12/73.

Review of Philadelphia file 100-38658 (WILLIAM C.
DAVIDON) reflects Xerox copies of toll call records for tele-
phone number 215 MI 9-6154 (DAVIDON, subscriber), for the
period 11/14/70 through 6/13/71.

Copies of the records were obtained by subpoena duces
tecum served on [redacted] of Bell Telephone Co., Phila-
delphia, Pa. Philadelphia is not in possession of originals.

cc 56-12,
Bureau RM,
Philadelphia

RCH:EAC/vfh
(4)

Approved: [Signature]
Special Agent in Charge

Sent M Per
TO: ACTING DIRECTOR, FBI
ATTN: OFFICE OF LEGAL COUNSEL

FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: SISTER ELIZABETH MC ALISTÈR, ET AL
v. RICHARD G. KLEINDIENST, ET AL
CIVIL ACTION NO. 72-1977
U.S.D.C., E.D.PA.

DATE: 6/6/73

For the information of the Office of Legal Counsel, AUSA advised on 6/6/73 that a pre-trial conference in captioned matter is scheduled before U.S. District Court Judge RICHARD A. POWERS, E.D.PA., on 6/14/73. was unable to furnish details such as the names of parties who will be present at the conference, but advised he will keep in touch with this office regarding subject matters discussed and results.

further advised that he will be in touch with the Department concerning this matter.

Philadelphia will keep the Bureau advised.

Bureau cc 5642
1 - Philadelphia

RCH: etc (4)
Assistant Attorney General
Criminal Division

Acting Director, FBI

SISTER ELIZABETH McALISTER, et al. v.
RICHARD G. KLEINDIENST, et al.
(E.D. PA.) CIVIL ACTION NO. 72-1977

Enclosed for your information is a transcript of
the deposition of [ ] Bell Telephone Company of
Pennsylvania, taken in connection with captioned matter.

Enclosure

NOTE: Philadelphia memorandum dated 6/8/73, captioned as above,
enclosed transcript of deposition testimony of telephone company
employee concerning toll call records of plaintiff William Davidson.
(Bufile 62-115389)
Memorandum

TO: Acting Director, FBI
ATTN: Office of Legal Counsel

FROM: SAC, Philadelphia (62-5421) -P-

SUBJECT: SISTER ELIZABETH MC ALISTER,
ET AL,
VS.
RICHARD G. KLEINDENST,
ET AL
CIVIL ACTION No. 72-1977
USDC, EDPa.

DATE: 6/8/73

Re Philadelphia airtel to Bureau dated 4/13/73.

Enclosed herewith for the information of the Office of Legal Counsel is one copy of the notes of testimony of the deposition of [redacted], Bell Telephone of Pennsylvania, taken in Philadelphia, Pa., 4/13/73.

[AUSA] [EDPa.], who made the notes available, advised he intends to review them regarding their significance in this case. Philadelphia will maintain contact with [AUSA] and keep the Office of Legal Counsel advised.

[Signature]

9 JUN 73

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
ENCLOSURE to BU, Attn: Office of Legal Counsel
FROM PHILADELPHIA

No: SISTER ELIZABETH MC ALISTER, ET AL, Vs.
RICHARD G. KLEINDIENST, ET AL, CIVIL
ACTION NO. 72-1977, USDC, ED PA.

Contents: One copy of the notes of testimony
of the disposition of
Bell Telephone Co. of Pennsylvania
taken in Philadelphia on 4/13/75.

File #: 62-5421

62-1153/9-14
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER : CIVIL ACTION
and
WILLIAM DAVIDSON :
vs :

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Philadelphia, Pennsylvania
April 17, 1973

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Oral Deposition of

Court Reporter
3051 United States District Court
Philadelphia, Pa. 19107
WA 5-9480
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH MACALISTER : CIVIL ACTION

and

WILLIAM DAVIDON :

vs :


Oral deposition of [blank], taken on behalf of the Plaintiff, at the offices of Segal, Appel and Natali, 1427 Walnut Street, Suite 200, Philadelphia, Pennsylvania, on Tuesday, April 17, 1973, before [blank], Court Reporter, beginning at 10:20 o' clock A.M.

PRESENT:

SEGAL, APPEL & NATALI
BY: Jack Levine, Esq.,
Appearing for the Plaintiffs

CARMEN C. NASUTI, ESQ.,
4042 U. S. Court House
Appearing for the Defendants

William Davidson
(It is stipulated by and among counsel for the respective parties, that signing, certification, sealing, and filing are waived, and that all objections, except to the form of the questions, are reserved to the time of the trial.)

_________________________, having been duly sworn, was examined and testified as follows:

BY MR. LEVINE:

Q  __________________, could you identify yourself, including your full name and place of business?

A  My name is __________________. I am employed by Bell of Pennsylvania, One Parkway, Philadelphia. I am a senior Security Agent. I am in charge of the Liaison Section of the Controller's Department.

Q  Could you explain very briefly what your duties entail as they may relate to furnishing records, and other records similar to what you have been called upon to produce here.

A  My primary responsibility is to receive subpoenas, summonses, research the records that are requested, correlate these records, and deliver them into the hands of the proper authorities, or to appear on behalf of the companies to testify from these records as a representative of the company.

Q  You received a subpoena, did you not, with regard to the telephone records of Mr. William Davidson?
A I did.

Q And that subpoena requested the toll receipts of calls made from his residence, or billed to his residence, during a set period in the years 1970 -- December, 1970, and January, 1971; is that correct?
A November, 1970.

Q I am sorry, November, 1970 and January, 1971; and in response to that subpoena, what actions did you undertake?
A I made a search of the office where this bill would normally be stored, keeping in mind the fact that these records are over two years old, and are not normally kept in the local office. The standard procedure is to either store these records after a six-month period, or destroy them.

In this case, they were destroyed; however, I was able to locate a portion of the records.

Q What portion of the records were you unable to locate?
A Well, I will tell you what I was able to locate. That would be easier.

Q Okay.

A I honestly don't believe that I was able to locate any of the portion of the period you would be interested in, with the exception of -- yes, I was. I have the bill for January 14th, 1971; for 11-14, that would be November the 14th, 1970, and subsequent to that, which would be the 9th, 8th, 7th, 6th, and 5th months of 1970.
Q. May I examine them, and have them marked, what you brought with you?

A. Here is the January, 1971, and these are the 11th month on back, 1970.

(Discussion off the record.)

WITNESS: I really can't turn those records over to you prior to November because they aren't on subpoena. You only asked for November of 1970, and the only ones I can actually submit at this time are the January records.

BY MR. LEVINE:

Q. Okay. The subpoena was for the records starting as of November --

A. 24th.

Q. November 24th, and I have been handed by [redacted] eight xerox copies of the toll receipts, or toll phone bill records, and, if I am not mistaken, just one of these would be for the period covered by the subpoenas?

A. Right.

Q. And the others are for a period before that.

(Discussion off the record.)

MR. LEVINE: [redacted], let me refer to the document which covers the toll receipt of the period in question—not the total period, but a part of the period, and I would like, if I may, to have this marked for identification purposes.
(Phone Record of William C. Davidson for January 14, 1971 marked by the reporter as exhibit P-1 for identification.)

BY MR. LEVINE:

Q: [Blank], just one or two more questions.

Do you know the name of the particular individual who actually retrieved this document, now marked for identification P-1, from the Telephone Company files?

A: No, I have no idea.

Q: In any event, if I understand you correctly, you directed that someone retrieve whatever records were available?

A: There was probably a number of people involved in this, and just who would be the person that actually snatched them from the file--

Q: Who was it, if you recall, that reported to you that the toll receipts for the period not covered by P-1 were not in existence?

A: Well, normally they are not. This is an abnormal condition that this exists. We generally inquire anyhow because these accidents do happen, and this was a fortunate thing that these were available, so I can't say that anybody said that they weren't. I would say that we had a positive reaction when we asked for certain records, and that is what we came up with, and that was all that they had, and that
would be a roundabout way of answering your question, I guess.
Q    In addition to the document marked P-1, there were also other records which covered the period not included on the subpoena itself?
A    That's right. I asked for all records prior to 1972 on this account, and this is what I received.
Q    Very briefly, are you familiar with the way in which these toll receipts are actually recorded?
A    Yes.
Q    Can you describe very briefly how it is that these records come to be made?
A    May I see it?
Q    Sure.
A    This is a company copy of the bill that is submitted to the customer. This particular copy the company retains has a little more information than the one the customer receives, insofar as it shows the time or serial numbers of various toll tickets if such are made up at the time of the call. Other than that, they're identical.

They show the base amount of the service, the tax, the amount of the toll calls, the amount of message units, and any balance left over from the previous month, and there are various codes here that indicate the dates that these bills are to be sent out, the dates that they're to be recorded, the number of times the customer's been contacted
because he hasn't paid his bill, and all sorts of things of that type.

Q. The toll receipt which you have given me only covers what might be called long distance calls; is that correct?

A. It would be any call made outside of the calling area, or that area that is covered by the message unit system whereby you might call an office some distance, but instead of being charged a toll, you are charged a number of message units; one, two, or three. It's an area system.

Q. Is there any method, or practice, by which local calls, which is to say calls that are not recorded on sheets of this kind, are recorded?

A. No.

Q. So that there would be no way of determining the number or nature of telephone calls that are made within, say the Philadelphia area during a given period?

A. Well, there are a number of them, but not the location. It says on here the message units are 50, and the billed message units are 150. There are 50 in excess. This gentlemen has extended rate service, which allows him a number of message units for the rate. If he exceeds that, he has to pay extra for it.

Q. Is there any recordation made of the numbers to which those calls were made if they are inside the Philadelphia Metropolitan Area?
A    No, none at all.
Q    How is it that the message units for calls made in that area are actually determined?
A    The meter on the system. Everytime the connection is made, the switch operates a meter and it turns over one.
Q    But there is no device on there for the purpose of determining the number that was called?
A    No.
Q    is there any procedure with which you are familiar with whereby records are kept by the phone company of telephone calls made to or from installations that may be the subject of a surveillance device, either Court ordered, or otherwise?
A    I don't quite get what you are trying to find out. Do we have a record of calls that are made as a result of surveillances? Is that what you are asking?
Q    That would be one aspect of it, yes.
A    We don't keep any records of anything.
Q    Does the phone company maintain any other procedures whatsoever for the purpose of maintaining records of phones which may be the subject of surveillance, Court ordered or otherwise?
A    If we receive a Court order for a surveillance, all that does is tell us that we have to permit it. We have nothing to do with the surveillance whatsoever.
Q. And the procedures that you normally use for the purpose of maintaining toll receipts, such as the one that has been delivered here, are the same procedures that would be used regardless of whether or not the phone was being surveyed or not surveyed?

A. Oh, yes. That's a standard operation. It's automatic.

Q. Does the phone company have particular personnel who are responsible for the liaison or other work involving Court ordered or other wire taps?

In other words, people in the phone company who are responsible for communicating with, and coordinating, and permitting, or arranging for the maintenance of Court ordered surveillance or other surveillance?

A. I know of no one particular person. I don't handle it. It isn't handled in our department and I honestly couldn't tell you of any one particular person that might handle it.

I think it's handled in the normal course of the business by our staff people; whoever happens to be assigned to it at the time. It's really not a big thing as far as we are concerned.

Q. So that if the phone toll receipts that are recorded on the document that has been marked P-1 were for a period in which there was a Court ordered or other phone tap, you would have no way of knowing from looking at this document that such a tap was in effect?

A. No way at all.
Q  And you don't know the particular person who would be responsible for whatever housekeeping or other details which are attended to on that kind of surveillance?

A  No.

Q  In other words, someone who the appropriate government officials would contact for permission to install the device, or would maintain communications with for the purpose of making sure it wasn't removed, or anything else?

A  I have no idea how that is handled. That is entirely separate from our area.

(Discussion off the record.)

BY Mr. LEVINE:

Q  __________, in response to the subpoenas, these records were __________ all the records for the years prior to 1972 that you brought with you?

A  Yes.

Q  __________, you stated earlier that you brought with you in response to the subpoenas all telephone records that you were able to retrieve for Mr. Davidson for the years prior to 1972, which is to say prior to January 1, 1972.

Those records included, if I am not mistaken, the document that has already been marked P-1 for identification purposes, and seven copies of toll receipts from the phone company bearing the date— or I should say starting with, I believe, April or May of 1970, and running through the period to which the original subpoenas was addressed; is that correct?
A: I can answer it better if I have this (indicating).

Q: I am sorry. Those are a little confusing.

A: These records include the bills commencing with the May 14th, 1970 bill of MI 9-6154 to, and including, the 11-14-70 bill for the same telephone number.

Q: I thank you for bringing those with you, and let me state that while you have been here I prepared a subpoena which, in effect, requests the toll receipts showing calls placed from the phone, or billed to the phone of William Davidson, Seven College Lane, Haverford, Pa., telephone number MI 9-6154, prior to the year 1972, and, if I am not mistaken, that subpoena would cover the records which you brought with you.

A: You are saying anything prior to 1972?

Q: Yes.

A: All available records. Make it available records because you are not going to get any more. I don't know which gentleman established service in 1967. We don't have them back that far.

Q: Whatever you have, you brought with you?

A: Anything that was available.

Q: When you say "anything that was available," you directed that whatever records you had --

A: I directed that they give me anything that they had prior to 1972, and this is what they gave me, and that's what you got.

Q: Let me just hand you the subpoenas which is necessary for this purpose under Section 605 of the Federal Communications Act.
MR. LEVINE: I have stapled together the seven documents which were just referred to, and I would ask that they be marked for identification purposes P-2, and initialed by the stenographer to be sure that they can become a part of the record.

(The above described documents initialed and marked P-2 for identification by the reporter.

BY MR. LEVINE:

Q I note that the document that has been marked P-1 is stamped at the bottom "Headquarters, Security-Liaison, January 25, 1971 Received."

Do you see that stamp? Was that stamp placed on that document when it came into your office?

A I would say it must have been, yes.

Q Are you attached to the Security-Liaison Division?

A Right.

Q What is the significance of the word "Security" as it appears on this particular document?

A Well, that's the department. That's my department.

Q This was marked "1971." Do you know why this Security-Liaison date would have been marked on there at that time?

A Only because it must have been in our hands at that time, and sent back. I have no other explanation for it because everything that comes into our office we stamp.

Q When you say placed in your hands at that time and sent back, sent back by who?
A. Well, sent back by my office.

Q. From where?

A. From my office.

Q. Is the official designation of your office Security-Liaison?

A. That's right, yes. This must have been ordered up, not needed, not used, and sent back to the office from which it originated.

Q. Which office would it have originated from?

A. At Ardmore.

Q. Your office?

A. No, no. Ardmore is the original point where these things are kept. They first come to the Accounting Department, then go on to Ardmore for distribution to the customer.

Q. Correct me if I am wrong, because I may well be. I understand you to be saying that this stamp would appear on that particular record because it was ordered up by your office from Ardmore?

A. Correct.

Q. And that in the normal course of business at some time after the time stamped on here, it would be returned to the office from which it was ordered?

A. It starts in our office. I get subpoenas, we log them, and so forth, then their turned over to the Clerk, and the Clerk orders the records that are necessary, and it must have been a subpoena come in at one time requesting this information
and this was sent, and it wasn't needed, and it was sent back.

How about the others? Do the others have the same stamp on them?

Q No, the others don't have any stamp on them at all.

So in other words, that stamp on that particular document would indicate that probably on or about January 25, 1971, this document was given to your office in response to some kind of request from the outside for such records.

A We obviously ordered it from Ardmore where it would have been kept for six months after it's been issued. We obviously ordered it from Ardmore to satisfy a subpoena, or something of that sort.

I am sorry, sir, but I can't recall what happened back in -- what's the date on that, 1971? I have a lot of work pass through my hands.

This was ordered up, and not used, and sent back.

That's all I can tell you right now. If it's in there, it had to go through my office at that time.

Q One further question. Would all of the records that you brought with you have been retrieved from Ardmore, or would they be in your facility at Center City?

A These I brought here?

Q Yes.

A They came from Ardmore. I assume so, now. I can't even say for sure about that. I'd have to check back with my Clerk to
find out where she had to order them from. They must have been in Dead Storage. I don't know exactly. I wouldn't want to swear to where they come from.

Q  In any event, the records wouldn't originate in your office, they would originate at whatever location or regional branch office that was responding for servicing the particular phone in question?

A  Right, the regional office, or the Accounting office, or the Dead Storage office. It could have been one of the last two places.

Q  __________ would you have any records which would indicate who it was that requested this particular document, P-1, in January of 1971?

A  Well, all I could do would be to see if we had any subpoenas come through our office at that time.

Q  If there had been such subpoenas, there would be a record made of them?

A  There should be a record.

Q  And that would not necessarily have been something that you were directly involved in?

A  Such as?

(Discussion off the record.)

BY MR. LEVINE:

Q  Could there ever have been a request other than a subpoena?

A  We wouldn't get records for anybody without a subpoena.
The only possibility would be a special thing if they didn't pay the bill, or something like that, and it was a case where we had to go and try to get the customer to pay. We have had that on occasion, but this is not the case here.

MR. LEVINE: I can't think of anything else.

MR. NASUTI: I have no questions.

(Adjourned at 11:10 A.M.)
TO:      ACTING DIRECTOR, FBI
         ATTENTION: OFFICE OF LEGAL COUNSEL
FROM:    SAC, PHILADELPHIA (62-5421)(P)
SUBJECT: SISTER ELIZABETH McN ALISTER, ETAL
         V. RICHARD G. KLEINDIENST, ETAL
         CIVIL ACTION NO. 72-1977
         USDC, EDPA

Re Philadelphia airtel to Bureau, 6/6/73.

AUSA Philadelphia, advised that due to a death in the family of U. S. District Court
Judge RICHARD A. POWERS, the pre-trial conference in
captioned matter, originally scheduled for 6/14/73, has
been postponed to 6/29/73.

advised he will not personally appear
at the pre-trial, and that Departmental Attorney will be present to represent defendants.
will determine the outcome of the pre-trial and advise Philadelphia.

Philadelphia will keep the Bureau informed of
pertinent developments.

ST-105

REC-59

62-115399-15

Bureau
1-Philadelphia (62-5421)

RCH: btp
(4)

Approved: Special Agent in Charge

Sent  M  Per

TO: DIRECTOR, FBI  
(ATTN: OFFICE OF LEGAL COUNSEL)

FROM: SAC, PHILADELPHIA (62-5421) (F)

SUBJECT: SISTER ELIZABETH MC ALISTER, ET AL v.  
RICHARD G. KLEINDIENST, ET AL  
CIVIL ACTION NO. 72-1977  
U.S.D.C., E.D.PA.

Re Philadelphia airtel to Bureau, 6/28/73.

On 7/10/73, AUSA [Redacted], Philadelphia, Pa., made available a copy of plaintiffs Reply to Request for Admissions and Certificate of Service, dated 6/21/73, filed in response to defendant's Request for Admissions of 2/1/73.

One copy each of the reply and certificate are enclosed for the Office of Legal Counsel.

Regarding the pretrial conference in captioned matter held 6/29/73 before U.S. D. Judge POWERS per re airtel, AUSA [Redacted] advised that the following are the major points mutually agreed upon by the parties:

1. All discovery in this case is to be closed on 10/15/73.

2. Should plaintiffs decide to file a motion compelling discovery beyond that covered to 6/29/73, such motion must be filed no later than 8/1/73.

3. Any interrogatories filed by plaintiffs subsequent to the conference must be filed no later than 8/8/73.

Bureau (Enclosed)  
1 - Philadelphia (62-5421)  
2 - 5/31/73  
3 - 7/12/73  
4 - 7/16/73

Approved: Special Agent in Charge
4. By 7/23/73, plaintiffs will submit to defendants, in writing, the theory of their case against defendants.

5. Another pretrial conference in this matter is scheduled for 8/15/73.

Inasmuch as AUSA [ ] was not present at the 6/29/73 conference, he could furnish no additional information concerning matters arising thereat.

Office of Legal Counsel will be kept advised.

[Handwritten notes: 7/18/73]
<table>
<thead>
<tr>
<th>Envelope</th>
<th>To Bureau</th>
<th>FROM PHILADELPHIA</th>
</tr>
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<tbody>
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<td>SISTER ELIZABETH MC ALISTER, ET AL v.</td>
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<td>RICHARD G. KLEINDENST, ET AL CIVIL ACTION</td>
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<td># 72-1977, USDC, EDPA.</td>
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Enclosure
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER, et al.,
Plaintiffs,

v.

RICHARD G. KLEINDIENST, et al.,
Defendants.

Civil Action
No. 72-1977

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing Answer to Request for Admissions upon all parties by serving a copy thereof, by United States Mail, postage prepaid, upon the following counsel of record: Edward S. Christenberry, Attorney, Department of Justice, Washington, D.C. 20530.

WILLIAM J. BENDER, ESQ.
c/o Constitutional Litigation Clinic
103 Washington Street
Newark, New Jersey 07102

Dated: June 21, 1973
of plaintiffs' telephone conversations. It is inconceivable that the genuineness of the specified documents can have any bearing upon damages, the fact of the surveillance itself, or upon the existence of a warrant. In addition, it has not been shown nor suggested, nor is there apparent, any possible admissible evidence to which the authentication of these documents might lead. The documents were at issue in plaintiffs' criminal prosecution in United States v. Ahmad, 347 F. Supp. 912 (1972), but do not relate to the present civil case in any apparent way.

Requested admissions seven and eight seek information regarding the alleged interstate travel and meetings of plaintiffs. Plaintiffs decline to answer citing the same objections given in the above paragraph.

The only action before the Court is plaintiffs' complaint under 18 U.S.C.A. 2520, nowhere in which is any act or occurrence of an interstate nature mentioned. Plaintiffs' meetings and travels are not at issue under the statute. Plaintiffs further object that defendants do not in good faith seek discovery leading to evidence admissible in the present civil action, but instead seek to discover data to be used against plaintiffs criminally.

Plaintiffs furthermore decline to admit or deny requested admissions one through nine on the grounds that such answers might conceivably subject plaintiffs to renewed investigation and possibly criminal prosecution in derogation of plaintiffs' Fifth Amendment right not to be forced to accuse themselves or bear witness against themselves.

Respectfully submitted,

William J. Bender, Esq.
c/o Constitutional Litigation Clinic
103 Washington Street
Newark, New Jersey 07102
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER, et al.,
Plaintiffs,

v.

RICHARD G. KLEINDENST, et al.,
Defendants.

REPLY TO REQUEST FOR ADMISSIONS

Having received defendants' Request for Admissions of February 1, 1973, plaintiffs make this answer pursuant to F.R.C.P. 36 and 26(b)(1).

Plaintiffs respectfully decline to admit or deny requested admissions numbered one through nine, stating herein their objections pursuant to F.R.C.P. 36.

Requested admissions 1, 2, 3, 4, 5, 6 and 9 all seek information regarding the authenticity, transmission, and receipt of certain documents. This data is outside the permissible scope of discovery in that: 1) it is irrelevant to the subject matter of the action pending, and 2) it is not "reasonably calculated to lead to the discovery of admissible evidence," pursuant to F.R.C.P. 26(b)(1).

The present civil action is brought under 18 U.S.C.A. 2520 for damages sustained through defendants' illegal wiretapping.
August 17, 1973

1 - Mr. Miller
1 - Mr. Mintz
1 - Mr. Williamson

SISTER ELIZABETH McALISTER, et al. v.
RICHARD G. KLEINDIENST, et al.
(E.D. PA.) CIVIL ACTION NO. 72-1977

Our Philadelphia Office advised plaintiffs' counsel has moved to dissolve the May 1, 1972, order entered in the criminal case of United States v. Eqbal Ahmad, et al., No. 14950, Middle District of Pennsylvania. Plaintiffs in captioned matter were defendants in that criminal action and the order was based on the stipulation of the parties that the contents of, or information contained in, any tapes or transcripts of electronic surveillance overhearings should not be disclosed other than to defense counsel of record or defendants Philip Berrigan and Elizabeth McAlister.

According to Assistant United States Attorney for Harrisburg, Pennsylvania, if plaintiffs are successful in their motion the captioned civil action will proceed. He advised he would oppose the motion which has been set for hearing at Harrisburg on September 11, 1973.

We would appreciate any assistance you can give in this matter.

TO DIRECTOR (ATTN OFFICE OF LEGAL COUNCIL AND INTELLIGENCE DIVISION)

FROM PHILADELPHIA (62-5421)

WILLIAM DAVIDON AND SISTER ELIZABETH MC ALISTER VS. RICHARD G. KLEINDIENST, ET AL (CIVIL ACTION 72-1977)

ON 8/10/73, AUSA _____, HARRISBURG, PA., MDPA, ADVISED THAT ON 8/8/73, ATTORNEY _____ REQUESTED JUDGE R. DIXON HERMAN, MDPA, TO DISSOLVE A PROTECTIVE ORDER ENTERED DURING THE BERGAN CASE ON 5/1/72. THE ORDER PROHIBITED DEFENSE COUNCIL FROM REVEALING THE SUBJECT OF AN ELECTRONIC SURVEILLANCE IN PHILADELPHIA, OVER WHICH ELIZABETH MC ALISTER WAS OVERHEARD. AUSA _____ STATED THAT THE PURPOSE OF THE MOTION BY _____ WOULD BE TO ALLOW A CIVIL LAW SUIT, FILED BY WILLIAM COOPER DAVIDON AND ELIZABETH MC ALISTER IN PHILA., TO CONTINUE. _____ WILL OPPOSE THE MOTION AT A HEARING WHICH IS TO BE HELD IN HARRISBURG, PA., ON 9/11/73, BEFORE JUDGE HERMAN.

END

GWS WSH DC dtd 8/17/73 SW. dch
ACK CR CLR

CC: Mr. Mullin
FBI
Date: 8/21/73

Transmit the following in ___________ 
(Type in plaintext or code)

Via ________

(Priority)

TO: DIRECTOR, FBI
(ATTENTION: OFFICE OF LEGAL COUNSEL)

FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: SISTER ELIZABETH MC ALISTER, ET AL
v. RICHARD G. KLEINDIENST, ET AL
CIVIL ACTION NO. 72-1997
EDPa.

Re Philadelphia nitel to Bureau dated 8/10/73, and Philadelphia airtel to Bureau dated 7/13/73.

Enclosed for the Office of Legal Counsel is one copy each of the following pleadings:

1. Plaintiff's Motion to Compel Answer to Complaint, filed in Philadelphia on 8/1/73;

2. Defendant's Opposition to Motion to Compel Answer to Complaint, filed 8/15/73;

3. Plaintiff's Motion to Vacate the Protective Order of May 1, 1972, together with supporting Memorandum, both filed in the Middle District of Pennsylvania at Harrisburg, Pa., 8/10/73;

4. Plaintiff's First Interrogatories to Defendants, filed 8/16/73; and

5. Motion to Require Plaintiff MC ALISTER to Answer Defendants' Request for Admissions, together with the Government's supporting Memorandum, the originals of which will be filed in Philadelphia on 8/27/73.

Bureau (Enc. (RM)
1- Philadelphia (62-5421)

RCH: sdc SEP 27 1973

Approved: Special Agent in Charge

Sent M Per

The foregoing copies were furnished by AUSA on 8/20/73.

It is noted that #3 above pertains to a protective order entered by U.S. District Judge R. DIXON HERMAN, Harrisburg, Pa., during the course of the criminal case U.S. v. AHMAD, ET AL, which order merely confirmed an agreement between counsel.

AUSA advised that Attorney will appear before Judge HERMAN in Harrisburg on 9/11/73, to move to vacate the protective order.

AUSA also advised that a second pre-trial conference scheduled for 8/15/73, did not occur, and that plaintiffs have not submitted a written theory of their case as stipulated in the first pre-trial conference.

Philadelphia will await instructions from the Office of Legal Counsel regarding response to Plaintiffs' Interrogatories, and will keep the Office advised of further developments.
ENCLOSURE

BUREAU

FROM PHILADELPHIA

Re: SISTER ELIZABETH MC ALLISTER, ET AL v.
RICHARD G. KLEINDIENST, ET AL

Contents: One copy of 7 pleadings

Date: 8/21/73
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH MCALISTER, et al., :  
   Plaintiffs : Civil Action No. 72-1977

v. :  
RICHARD G. KLEINDIENST, et al., :  
   Defendants :

PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANTS

To:  Defendants in the captioned matter  
c/o Earl Kaplan, Esq.  
   Attorney, Department of Justice  
   Washington, D.C.

Plaintiffs hereby propound the following Interrogatories  
to the defendants in the captioned matter to be answered under  
oath in accordance with Rule 33 of the Federal Rules of Civil  
Procedure.

Please take notice that under F.R.C.P. Rule 33 (a),  
a copy of such answers must be served upon the undersigned  
within 30 days of your receipt of these Interrogatories.


Jack J. Levine, Esq.  
1427 Walnut Street  
Philadelphia, Pa. 19102  
(215) 903-1388

William J. Bender, Esq.  
c/o Constitutional Litigation Clinic  
Rutgers School of Law  
Newark, New Jersey 07102

Attorneys for Plaintiffs
1. With respect to each plaintiff, Sister Elizabeth McAlister and William Davidon, state whether any of the defendants to this action, their agents, officers, employees, predecessors in office, or any other person acting under their direction, (hereinafter jointly referred to as defendants) request, or control, have engaged in or are engaging in electronic surveillance of conversations such that during said electronic surveillance, Plaintiffs' voices were overheard (such surveillance and overhearing hereinafter referred to as "overhearings" or "overheard conversations").

2. If the answer to question number one is yes, as to either plaintiff state:

(a). Each date each plaintiff was overheard, and if overheard more than once on each date, the number of overhearings occurring on each date.
(b). The duration of each over hearing.
(c). The address, apartment number and room where such over hearing took place.

3. For each specific overhearing, indicate if a tape or other recording and/or transcript or other report of the contents of the overheard conversations exists, and if the answer is yes, state verbatim contents of each transcript and/or report, or in lieu thereof, attach copies hereto of each of the said items.

4. For each overhearing, indicate:
(a). The names of all persons who requested permission to conduct the overheard and all persons who were the recipients of such requests.

(b). Whether there are or were any documents requesting permission to conduct the overheardings.

(c). If the answer to part (b) above is yes, set forth the exact contents of each and every one of said documents, or, in lieu thereof, attach copies hereto.

(d). The names of all persons who authorized the commencement of each overhearding.

(e). Whether there existed and/or now exists a document or documents authorizing the conducting of such overheardings.

(f). If the answer to part (e) above is yes, set forth the exact contents of each and every one of said documents, or, in lieu thereof, attach copies hereto.

(g). The contents of all regulations, directives, authorizations and/or guidelines (whether written or unwritten) for determining whether a national security electronic surveillance should be utilized in any given case; and, if so, the routing system through which such requests are processed.

5. For each overhearding, indicate the following:
(a). The names of all persons who installed and/or maintained the equipment used to effect, record, or transmit the overheardings, and whether each such person entered the premises under electronic surveillance in order to install and/or maintain equipment.

(b). The nature of the equipment described in part (a) above including:

1. The exact placement of all such equipment during the overhearding.

2. Whether a sound or other record of the overheard conversation was made simultaneously with the overhearding.

(c). Whether the overheardings were continually monitored by any individuals, and, if so, whom.

(d). The names of all persons who transcribed or otherwise reduced to writing the contents of the overheard conversation.

(e). The names of all persons to whom the contents of the overheard conversation was disclosed.

(f). Whether any writing existed or exists which reflects the transmittal of the contents of the overheard conversation in any form, to any person or persons.

(g). If the answer to part (f) above is yes, set forth the exact contents of all such writings or attach copies hereto.

(h). Who has had, or presently has access to transcriptions or summaries of said overheardings without the necessity of securing written or other authori-
zation to view them?
(i). Whether a "voiceprint" machine was utilized in order to identify one or more voices overheard.
(j). If the response to part (i) above is yes:
   1. The name of the person who directed such an identification to be made.
   2. The names of every person thus identified.

6. For each overhearing indicate the following:
(a). Whether the co-operation of any telephone company employee was sought in the overhearing or installation of equipment.
(b). If the response to part (a) is yes, the name of all such employees; their employer's name; whether or not the employer's co-operation was obtained; and if so, the exact acts or omissions constituting such co-operation.

7. For each overhearing, indicate with respect to each of the plaintiffs:
(a). Whether at the time, the defendants, or any one of them, believed such overhearing to be legal; and, if so, the complete facts and information regarding plaintiffs which defendants believed justified the surveillance in question.
(b). If the response to part (a) is yes, the specific statutory, judicial, executive, or other authority upon which such belief was based.
8. For each overhearing, indicate with respect to each of the defendants:

(a). The reason or reasons such overhearing was effected including:

1. The factual basis for such reasons;
2. The uses to which the sought or expected information was to be put;
3. The exact contents of any and all conversations, or any correspondence, memoranda, or other writings received or sent mentioning the advisability, necessity or usefulness of instituting, maintaining, or discontinuing such overhearings, or attach true copies of such items hereto.

(b). Whether any of the defendants/notified President Richard Nixon of such planned, ongoing, or discontinued overhearings, discussed such overhearings with him, or received from him any orders regarding such overhearing.

9. For each overhearing indicate:

(a). Whether any surveillance monitor, operator or other person made any written or oral opinions or conclusions as to the identities of supposedly "unknown" overheard voices, or verbally transmitted any such opinions or conclusions.

(b). If the response to part (a) above is yes, the
exact content of such oral or written opinions; in lieu thereof, attach true copies hereto.

10. Indicate with respect to each plaintiff whether any conversations were overheard to which an attorney was a party.

Respectfully submitted:

Jack J. Levine, Esq.
1427 Walnut Street
Philadelphia, Pa. 19102
(215) 503-1388

William J. Bender, Esq.
c/o Constitutional Litigation Clinic
Rutgers Law School
179 University Avenue
Newark, New Jersey 07102

Attorneys for Plaintiffs
MEMORANDUM IN SUPPORT OF MOTION TO VACATE THE PROTECTIVE ORDER OF MAY 1, 1972

The protective order prohibited disclosure of the contents of any tapes or transcripts of conversations overheard through electronic surveillance to anyone but defendants and defense counsel in the case of United States v. Ahmad, 335 F. Supp 1198 and 347 F. Supp 912 (M.D. Pa. 1972), criminal no. 14950. However, movant William Davidon deduced from his own knowledge and from newspaper coverage of the criminal proceedings that his own conversations were indeed overheard. He therefore, joined by Sister Elizabeth McAlister, filed a civil suit for damages against several government officials in the District Court for the Eastern District of Pennsylvania under 18 U.S.C. §2520, 47 U.S.C. §605, and United States Constitutional Amendments One, Four and Nine.

Consequently, Sister Elizabeth McAlister, plaintiff in the ongoing civil action, is equipped with the transcripts of those conversations, but movant Davidon who alleges that he was overheard speaking to movant McAlister, is precluded from
viewing the transcripts, much to the prejudice of his rights to claim damages for the invasion of his privacy through the illegal electronic surveillance.

In the ongoing civil action, No. 72-1977, E.D. Pa. defendants' answer to plaintiffs' complaint refuses to deny or affirm the truth of plaintiffs' allegations in eleven out of seventeen paragraphs, relying upon the protective order entered in United States v. Ahmad, supra, a separate case in a different forum. Movants may reasonably infer that discovery now being instituted will be similarly frustrated by defendants' reliance upon the protective order.

As a result, the Honorable Richard A. Powers III, the judge presiding over McAlister v. Kleindienst, has directed movants to petition this court to vacate its protective order of May 1, 1972.

F.R.C.P. 26(c) authorizes "the court in which the action is pending" to issue a protective order limiting discovery "for good cause shown." Not only has no showing of "good cause" been made in the present case to justify an impediment to plaintiff Davidson's rights to claim damages under 18 U.S.C. §2520, 47 U.S.C. §605, and United States Constitutional Amendments One, Four and Nine, but no such showing was made in United States v. Ahmad, supra, since the order was entered through stipulation. It is highly objectionable to allow persons foreign to Plaintiff Davidson's civil action to "stipulate-away" his constitutional and statutory rights.

Defendants in the civil action should be now required to show "good cause" why the protective order should not be rescinded. Clearly, the burden is on the party seeking to
limit discovery. The beginning presumption is one of "unlimited discovery," which presumption may be overcome by a showing of "good cause." Novel v. Garrison, 42 FRD 234 (D.C. La. 1967). Protective orders limiting discovery will continue to be the extraordinary situation. United States v. Purdone, 30 FRD 338 (D.C. Mo. 1962).

The Circuit Court for the Eastern District of Pennsylvania said:

As Mr. Justice Murphy stated in the landmark case of Hickman v. Taylor, 329 US 495, 507 (1947):

'... the deposition-discovery rules are to be accorded a broad and liberal treatment. No longer can the time-honored cry of 'fishing expedition' serve to preclude a party from inquiring into the facts underlying his opponent's case. Mutual knowledge of all the relevant facts gathered by both parties is essential to proper litigation.'


Finally, it should be considered that an absurdity obtains in allowing Plaintiff McAlister access to the surveillance transcripts, but not Plaintiff Davidon. Plaintiff Davidon in fact alleges he talked with Plaintiff McAlister in some of those same overheard conversations already disclosed to Plaintiff McAlister. Since the purpose of the protective order was to prevent disclosure of the contents of the transcripts, the fact that Plaintiff Davidon found out anyway renders the protective order a useless, though harmful "leftover."

For all the above reasons, plaintiffs pray that the protective order now be vacated so that a full and just determination of both the appropriate extent of discovery and of the
merits of the case may be made by the forum hearing the case.

Respectfully submitted,

J. Thomas Menaker
Attorney for Movants

Dated: 8 August 1973
UNITED STATES OF AMERICA, :

Plaintiff,

v.

SISTER ELIZABETH McALISTER, :

Defendant.

Criminal Action
No. 14,950

MOTION TO VACATE THE PROTECTIVE ORDER OF MAY 1, 1972

TO: John Cottone, United States Attorney; Richard G. Kleindienst; L. Patrick Gray III; John N. Mitchell; Mason Smith; Charles Durham, and Joseph Jamieson, defendants in McAlister v. Kleindienst, civil action no. 72-1977 E. D. Pa. and Earl Kaplan and Edward S. Christenbury, their attorneys.


In support of said motion, movants attach a copy of the said protective order and rely upon the memorandum annexed hereto.

Respectfully submitted,

J/ Thomas Menaker, Esq.
Attorney for Movants
IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ELIZABETH McALISTER, et al. :

v. :

Civ. No. 72-1977

RICHARD E. KLEINDEIST, et al.:

MOTION TO COMPEL ANSWER TO COMPLAINT

Plaintiffs, by their attorneys, respectfully move this
Court for an order compelling defendants to admit or deny certain
factual allegations in the Complaint in this matter, and in
support of this motion represent as follows:

1. The Complaint in the above captioned matter was
filed on October 10, 1972, alleging, inter alia, that telephone
communications of plaintiffs were unlawfully intercepted during

2. Paragraphs 1, 5, and 7-15 of the Complaint alleged,
inter alia, the underlying facts and circumstances of the actions
and the identity of the named and unnamed defendants.

3. These Complaint allegations are grounded upon
the alleged interception of certain telephone conversations
pursuant to the so-called "national security" exception to the
warrant requirements of the Fourth Amendment to the United States
Constitution. The interception was purportedly authorized by
the President of the United States acting through John N. Mitchell,
the Attorney General of the United States.

4. The fact of the interception was disclosed by
Government officials pursuant to a wiretap disclosure motion
filed by Elizabeth McAlister (a plaintiff herein) during pre-trial
hearings in United States v. McAlister, et al., Indictment

5. Plaintiff William Davidon was, upon information
and belief, the person upon whose telephone the wiretap was
placed.

6. On May 1, 1972, counsel for the United States
and counsel for Elizabeth McAlister, then a defendant in the
aforementioned prosecution, entered into a stipulation "that
the contents of or information contained in any tapes or
transcripts thereof (sic) relating to any overhearing of
conversations by means of electronic surveillance, shall not
be disclosed to persons other than defense counsel of record
or defendants Philip Berrigan and Elizabeth McAlister." A
copy of this stipulation is attached hereto as Exhibit "A".

7. In their answer to the Complaint in the instant
lawsuit, defendants refused to admit or deny the occurrence of
the alleged unlawful interceptions and the facts attendant
thereto on the grounds that "either to admit or deny the [allegations
of the Complaint concerning the interception] would violate the
letter and spirit of the stipulation - protective order signed
by counsel for the United States and counsel for Plaintiff
McAlister" in the above mentioned (and now concluded) criminal
prosecution.

8. Plaintiffs McAlister and Davidon respectfully
submit that defendant's position is untenable for the following
reasons:

(a) Plaintiff McAlister and her counsel are
expressly allowed disclosure by the very terms of the stipulation
which defendants now cite in support of non-disclosure.
(b) Plaintiff Davidson's statutory and constitutional rights to redress cannot lawfully be abrogated by a stipulation to which he was not a party and which was not intended to affect his legal rights. This is particularly the case in as much as the wiretap in question was allegedly upon Plaintiff Davidson's telephone and Plaintiff McAlister was overheard merely as an incident to the primary target of the surveillance.

(c) Defendants in the instant case have already made disclosure of a portion of the logs and transcripts of the Davidson surveillance to Mr. Robert Williamson, a defendant in United States v. Anderson, et al., Criminal No. 602-71, D. N.J. 1973 (the so-called "Camden 28" Draft Board prosecution). Mr. Williamson's phone conversations were overheard in the course of the wiretap which is the subject of the instant lawsuit, and disclosure was made pursuant to a disclosure motion filed by Mr. Williamson in the above-mentioned Anderson prosecution. Disclosure was ordered by the Hon. Clarkson S. Fisher, U.S.D.J., by order dated February 13, 1973. A copy of this order is attached hereto as Exhibit "B".

9. Plaintiffs McAlister and Davidson would have no objection to, and in fact would request, that a protective order be entered by this Court restricting content disclosure only to those persons whose conversations were actually overheard. Such an order is necessary to protect the right to privacy of those persons, plaintiffs included. Moreover, the obvious intent of the orders entered in the above mentioned Harrisburg and New Jersey criminal prosecutions was to accomplish precisely this end; and for defendants to argue that such protective orders preclude admission to the victims of the unlawful surveillance
that they were in fact overheard seems disingenuous.

WHEREFORE, Plaintiffs Elizabeth McAlister and William Davidson request that an order be entered directing that defendants admit or deny the allegations of the Complaint relating to the facts and circumstances of the wiretap in question.

Respectfully submitted,

[Signature]

Jack W. Levine
1427 Walnut Street
Philadelphia, Pa. 19102
(215) 103-1338

William Bender
Constitutional Litigation Clinic
Rutgers School of Law
103 Washington Street
Newark, New Jersey 07102

Attorneys for Plaintiffs.
MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO REQUIRE PLAINTIFF McALISTER TO ANSWER DEFENDANTS' REQUEST FOR ADMISSIONS

The plaintiff, Elizabeth McAlister, has refused to answer defendants' request for admissions pertaining to the authorship, receipt and transmission of four documents attached to the request. The information contained in the documents relate, in part, to a plot to kidnap Henry Kissinger and possible sabotage against the United States. Plaintiff has also refused to answer certain requests relating to travel to and attendance at a meeting held on August 17, 1970 in Connecticut.

In replying to defendants' request for admissions, the plaintiff declined to admit or deny the requested admission on the primary ground that the information sought is not relevant to the civil action brought under 18 U.S.C. § 2520 for damages resulting from alleged unlawful electronic surveillance overhearings of plaintiff's telephone conversations. In plaintiff's supplemental reply to request for admissions she corrected the statement in her reply to the admission that "the only action before the court is plaintiff's complaint"
under 18 U.S.C. 2520," by adding that she also complains of
"violations of rights protected under the First, Fourth and
Ninth Amendments of the United States Constitution, and
47 U.S.C. § 605."

By refusing to properly answer the requests, the plaintiff
has violated the general purpose of the discovery rules set
forth in the Federal Rules of Civil Procedure and the law
interpreting those rules. Rule 26(b)(1) provides:

Parties may obtain discovery regarding
any matter, not privileged, which is
relevant to the subject matter involved
in the pending action, whether it
relates to the claim or defense of the
party seeking discovery or to the claim
or defense of any other party, including
the existence, description, nature,
custody, condition and location of any
books, documents, or other tangible
things and the identity and location of
persons having knowledge of any discover-
able matter. It is not ground for
objection that the information sought
will be inadmissible at the trial if the
information sought appears reasonably
calculated to lead to the discovery of
admissible evidence.

Federal discovery rules have as their premise a policy
towards liberalized discovery practices. Hickman v. Taylor,
329 U.S. 495, 507 (1947). The refusal of plaintiff to answer
the requested admissions is inconsistent with the liberal policy
of discovery enunciated by the Court in Hickman and thus was
improper. Such refusal effectively deprives defendants of
relevant information necessary for the defense of this suit.
RELEVANCY

Plaintiff opposes answering the request on the grounds that the genuineness of the specified documents can have no conceivable bearing upon damages, or on the fact of the surveillance itself, or upon the existence of a warrant. It is appropriate to first discuss plaintiff's contention that the data defendants seek is irrelevant since it is relevance to the subject matter which determines the scope of discovery. "Relevancy" as used in Rule 26(b)(1) has been given a broad definition and application. In *Foremost Promotions v. Pabst Brewing Co.*, 15 F.R.D. 128 (N.D. Ill. 1954), the Court stated that the test of relevancy of a question to the subject matter of the suit is broader than the precise issues presented by the pleadings. Generally, the Courts have interpreted "relevant" to mean matter that is relevant to anything that is or may become an issue in the litigation. 4 *Moore's Federal Practice* ¶ 26.56[1], p. 26-131, footnote 34 and cases cited thereunder.

Defendants contend that the data sought by their request not only relates to an issue in this litigation but also, directly relates and emanates from the allegations in the Complaint. This action is brought by the plaintiffs for compensatory and punitive damages for alleged illegal surveillance; and it is alleged the action arises under the First, Fourth and Ninth Amendments to the Constitution, 18 U.S.C. § 2520 and 47 U.S.C. § 605. (Complaint, paragraphs 1 and 2)
In paragraph 17 of the Complaint, plaintiffs allege that the overhearings, use and disclosure were not made in good faith reliance on a court order or legislative authorization. In answer to the Complaint, defendants have admitted the authenticity of Exhibit A attached to the Complaint in which the then Attorney General, John N. Mitchell, opposed the disclosure to "McAlister of information concerning what the Government believes are probably telephonic overhearings of her voice which occurred during the course of a national security surveillance of a telephone installation." (Answer, Fifth Defense, paragraph 14). The defendants further raised as defenses to plaintiffs' allegations that: all activities of the defendants were performed in furtherance of their official duties, were within the scope of their authority and were not in excess of their statutory authority. (Answer, Second Defense); and that all activities of the defendants were performed in good faith and in the reasonable belief that such activities were necessary, lawful and within the scope of their authority. (Answer, Fourth Defense).

It is clear that the plaintiff McAlister has brought into issue whether or not the defendants acted unlawfully in connection with the McAlister overhearing and the defendants have answered, in part, that their activities were performed in furtherance of their official duties and were undertaken in good faith. The latter defense being available in a civil suit where constitutional rights were allegedly deprived.

Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics,
456 F. 2d 1339 (2d Cir. 1972). It is the contention of the defendants that plaintiff's answers to the request for admissions involving the letters and the meeting in August 1970 relate to the subject matter of this action. Further, the requested admissions are directly related to the issue of liability as well as to the issue of possible damages resulting therefrom for the alleged acts of the defendants.

It is interesting to note that while the requested admissions are highly relevant to the subject matter of this case and the defenses asserted, even if such admissions were irrelevant, it could not prejudice the plaintiff in any way. See, 4A Moore's Federal Practice ¶ 36.04[2], p. 36-32. The admission is specifically limited to the purposes of the action in which it is made and consequently an admission has only the effect of eliminating the issue from the action. Plaintiff's allusion to a possible claim of self-incrimination if the admissions are made is not a proper ground for refusal as pointed out below.

CLAIM OF SELF INCrimINATION UNDER THE FIFTH AMENDMENT

The second reason for refusal to answer the requested admission according to the plaintiff McAlister is based on the grounds "that such answers might conceivably subject plaintiffs to renewed investigation and possibly criminal prosecution in derogation (sic) of plaintiffs' Fifth Amendment right not to be forced to accuse themselves or bear witness against
themselves." Assuming that the plaintiff McAlister, to whom the request for admissions was made, has properly exercised her privilege under the Fifth Amendment, such invocation of the privilege is totally improper.

The Fifth Amendment right against self-incrimination would be of no avail to plaintiff in stemming the discovery sought by defendants in this case. See, 4 Moore's Federal Practice ¶ 26.60[6], p. 26-253. In *Independent Productions Corp. v. Loew's Inc.*, 22 F.R.D. 266, 276-277 (S.D.N.Y. 1958) the Court ruled the plaintiff waived whatever Fifth Amendment privilege may have existed before the lawsuit was begun. Also pertinent is the following statement by the Court in *Lyons v. Johnson*, 415 F. 2d 540, 542 (9th Cir. 1969):

Clearly, the process of discovery has become increasingly recognized as one of the primary and essential elements in making federal court business flow and in contributing to the accomplishing of trial justice or settlement termination of litigation. The scales of justice would hardly remain equal in these respects, if a party can assert a claim against another and then be able to block all discovery attempts against him by asserting a Fifth Amendment privilege to any interrogation whatsoever upon his claim. If any prejudice is to come from such a situation, it must, as a matter of basic fairness in the purposes and concepts on which the right of litigation rests, be to the party asserting the claim and not to the one who has been subjected to its assertion. It is the former who has made the election to create an imbalance in the pans of the scales.

Moreover, a claim of the privilege of self-incrimination could not be made in objection to a request to admit under Rule 36 because the rule provides that the admission "is for the purpose of the pending action only and is not an admission by him for any other purpose nor may be it used against
him in any other proceedings."  

Woods v. Robb, 171 F. 2d 539 (5th Cir. 1948); United States v. Lewis, 10 F.R.D. 56 (D. N.J. 1950). Furthermore, since the plaintiff has already been tried for having conspired to commit the criminal offenses which is the subject matter of the letters in the requested admissions, the chance of a renewed investigation and criminal prosecution would appear extremely remote.

CONCLUSION

The foregoing makes clear the refusal of the plaintiff McAlister to either admit or deny the request for admissions is without legal justification and defendants request the Court to require said plaintiff to answer defendants' request for admissions.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

ROBERT E. J. CURRAN
United States Attorney

EDWARD S. CHRISTENSBURY
Attorney, Department of Justice

CARMEN C. NASUTI
Assistant United States Attorney

EARL KAPLAN
Attorney, Department of Justice
Washington, D. C. 20530
202-739-3885

Attorneys for Defendant Mitchell in his official capacity as former Attorney General of the United States and for the remaining Defendants.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER, et al.,
Plaintiffs,

v.

RICHARD G. KLEINDIENST, et al.,
Defendants.

Civil Action No. 72-1977

MOTION TO REQUIRE PLAINTIFF McALISTER TO
ANSWER DEFENDANTS' REQUEST FOR ADMISSIONS

Now come the defendants by their undersigned attorneys, and move this Court pursuant to Rule 36(a) of the Federal Rules of Civil Procedure for an order requiring and directing the plaintiff, Elizabeth McAlister, to answer defendants' request for admissions Numbers 1 through 9, which request for admissions was served by mail on plaintiff on February 1, 1973. A copy of said request is attached hereto as Exhibit A.

On June 21, 1973, plaintiff served by mail, her Reply to Request for Admissions and on July 18, 1973, a Supplemental Reply to Request for Admissions was served on defendants. In said reply plaintiff refused to admit or deny any of the requested admissions on the grounds that the "data is outside the permissible scope of discovery in that: 1) it is irrelevant to the subject matter of the action pending, and 2) it is not 'reasonably calculated to lead to the discovery of admissible evidence', pursuant to F.R.C.P. 26(b)(1)." Plaintiff further contended that her answers might subject her to renewed investigation and possible criminal prosecution in derogation of her Fifth Amendment rights.
The grounds set forth by plaintiff in refusing to admit or deny the request is without legal justification. In support of this motion, a memorandum of law is attached hereto.

WHEREFORE, defendants move the Court for an order requiring the plaintiff to serve an amended reply answering the requested admissions and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ROBERT E. J. CURRAN
United States Attorney

HENRY E. PETERSEN
Assistant Attorney General

CARMEN C. NASUTI
Assistant United States Attorney

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

EARL KAPLAN
Attorney, Department of Justice
Washington, D.C. 20530
202-739-3885

Attorneys for Defendant Mitchell in his official capacity as former Attorney General and for the remaining Defendants.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER, et al.,
Plaintiffs,

v.

RICHARD G. KLEINDIENST, et al.,
Defendants.

Civil Action No. 72-1977

OPPOSITION TO MOTION TO COMPEL ANSWER TO COMPLAINT

Defendants by their undersigned attorneys, oppose plaintiffs' motion for an order compelling defendants to admit or deny certain factual allegations in the Complaint. The aforesaid motion was mailed to defendants on July 27, 1973. The time within which to respond to plaintiffs' motion was extended by order of the Court to August 15, 1973.

Defendants have declined to answer certain allegations of the Complaint because either to admit or deny the allegations which relate to alleged unlawful interception of plaintiffs' telephone conversations would violate the letter and spirit of the protective order dated May 1, 1972 by the Honorable R. Dixon Herman in United States v. Ahmad, et al., Criminal No. 14950 (M.D. Pa.). (Exhibit A attached to plaintiffs' Motion to Compel Answer to Complaint).

Contrary to the position taken by the plaintiff McAlister, the aforesaid protective order expressly permitted disclosure only to the plaintiff McAlister and her counsel and no one else.
By its express terms, the protective order prohibits the overhearings from being "disclosed to persons other than defense counsel of record or defendants Philip Berrigan and Elizabeth McAlister." Implicit in that order is the requirement that any use of the contents or information derived from any overhears was for the purpose of that case only and then such use was only permitted with Judge Herman's prior approval.

Plaintiff Davidon argues that his rights cannot lawfully be abrogated by a stipulation to which he was not a party. He alleges that he was the primary target of the surveillance and that plaintiff McAlister was incidentally overheard. Plaintiff Davidon's rights have not been so abrogated, in that if he has a factual basis for concluding that he was the subject of such electronic surveillance, he has a remedy available to him, i.e., all he or plaintiff McAlister need do is apply to Judge Herman to modify his order or lift the restrictions.

The plaintiffs can find no support for their contention in the fact that the United States made a disclosure, pursuant to a Court order, of certain overhears of Robert Williamson in the case of United States v. Anderson, et al., Criminal No. 602-71 (D. N.J.). Plaintiff Davidon alleges he was the subject of the wiretap ("Davidon surveillance") in the Anderson case. However, there is nothing in the two protective orders which so states and if, in fact, McAlister or Williamson or their counsel have related information concerning the overhearings to others contrary to the express provisions of the protective orders then the District Court judges should be so advised. Judge Fisher's
order. (Exhibit B attached to the Motion to Compel Answer to Complaint) expressly prohibits disclosure of any of the material relating to the overheard conversations and further prohibits access of the records of the conversations to anyone except Robert Williamson and his counsel. Judge Fisher's order required the return of all records to the Court at the termination of the proceeding.

The defendants further oppose plaintiffs' motion on the grounds that the statements in their Answer to the Complaint have been set forth with the particularity possible under the circumstances. In view of the outstanding protective order as stated in the Answer, there are no further facts which the defendants can provide to expand their answers.

Therefore, until the plaintiffs apply to the Court to modify the protective order and such modification is granted, the defendants are not required to further answer the Complaint.

Respectfully submitted,

HENRY E. PETERSEN
Assistant Attorney General

EDWARD S. CHRISTENBURY
Attorney, Department of Justice

CARMEN C. NASUTI
Assistant United States Attorney

EARL KAPLAN
Attorney, Department of Justice
Washington, D. C. 20530
202-739-3885

Attorneys for Defendant Mitchell in his official capacity as former Attorney General of the United States and for the remaining Defendants.
Airtel

To: SAC, Philadelphia (62-5421) 9/20/73
From: Director, FBI (62-115389) 1 - Mr. Miller
SISTER ELIZABETH McALISTER, et al. v. 1 - Mr. Mintz
RICHARD G. KLEINDIENST, et al. 1 - Mr. Williamson
(E.D. Pa.) CIVIL ACTION No. 72-1977

Reurairtel 8/21/73.

The Department advised that when it becomes necessary to respond to these interrogatories when the protective order in United States v. Ahmad is dissolved, copies of the logs in the William Davison intercept will be required. No other information has been requested.

Philadelphia furnish the Bureau two copies of the logs in the William Davison intercept.

NOTE: [Signature] Criminal Division of the Department, who is representing the Government in this civil action, advised SA James L. Williamson, Office of Legal Counsel, that he needed copies of the logs for use in preparing the Government's response to the interrogatories.
CERTIFICATE OF SERVICE

I hereby certify that on this date I served upon counsel for defendants the foregoing Interrogatories by depositing them in the United States Mail, postage prepaid, addressed to the following counsel of record:

Earl Kaplan, Esq.
Attorney
Department of Justice
Washington, D.C. 20530.

Jack J. Levine, Esq.
1427 Walnut Street
Philadelphia, Pa. 19102
(215) L03-1388

Attorney for Plaintiff

Dated: 8/15/73
Date of Mail 10/1/73

Has been removed and placed in the Special File Room of Records Branch.

See File 66-2554-7530 for authority.

Subject JUNE MAIL ELIZABETH MC ALISTER: RICHARD G. KLEINDIENST

Removed By 79 OCT 30 1973

File Number 62-115389-20

Permanent Serial Charge Out
REMEMBRAND

FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: SISTER ELIZABETH MC ALISTER, ET AL;
V. RICHARD G. KLEINDIENST, ET AL;
CIVIL ACTION NO. 72-1977
EDPa.

DATE: 10/29/73

TO: DIRECTOR, FBI
(ATTN: OFFICE OF LEGAL COUNSEL)

Re Philadelphia airtel to Bureau, 10/1/73.

On 10/25/73, AUSA, EDPa., Philadelphia, Pa., advised a pre-trial conference was held in Philadelphia on 10/24/73, with attorneys from the Department present. U.S. Magistrate RICHARD A. POWERS presided over the conference.

As a result of the conference, no further action is being taken pending the decision of U.S.D. Judge R. DIXON HERMAN, MDPa., regarding dissolution of the protective order issued in U.S. v. AHMAD. Discovery is to be completed within 90 days after the rendering of Judge HERMAN's decision. Meanwhile, the parties must advise Judge POWERS of the status of the case, in writing, on the 24th day of each month.

Philadelphia will maintain liaison with the appropriate AUSA in Philadelphia (EDPa.) and Harrisburg, Pa., (MDPa.), and keep the Bureau advised.

REC 68 62-115389-21

cc: 5642
2 - Bureau (RM)
1 - Philadelphia (62-5421) EX-105

RCH:tr
(3)
TO: DIRECTOR, FBI  
(ATTENTION: OFFICE OF LEGAL COUNSEL)

FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: SISTER ELIZABETH MC ALISTER, ET AL  
VS. RICHARD G. KLEINDIENST, ET AL  
CIVIL ACTION NUMBER 72-1977  
EDPA

Re Philadelphia letter to Bureau 10/29/73.

On 12/19/73 AUSA [Redacted], Philadelphia, Pa., advised that on 10/24/73 USDJ R. DIXON HERMAN, EDPA, denied the motion of plaintiff MC ALISTER in instant suit to vacate the protective order of 5/1/72 in U.S. vs. AHMAD, pertaining to electronic surveillance data obtained during the Eastcon investigation. Further advised that on 9/12/73 USDJ E. MAC TROUTMAN granted plaintiff's motion to compel defendants to answer the complaint, in apparent conflict with the terms of the protective order.

[Redacted] advised on 1/2/74 that on 12/20/73 a conference between counsel and Judge TROUTMAN was held in Reading, Pa., resulting in an agreement of counsel and an order by the court to stay the order compelling defendants' answer, pending plaintiff MC ALISTER's appeal from the order denying dissolution of the protective order and for 60 days thereafter.

Departmental Attorney [Redacted] appeared for the Government at the conference in Reading, Pa. AUSA [Redacted] telephonically confersed with [Redacted] on 1/2/74 and the latter advised him that the foregoing is the present status of this case.

cc: 56-46

[Redacted] - Bureau (Encls. 1142 (HM))
1 - Philadelphia (62-5421)
RCH: ckm

Approved: [Signature]
5 JAN 24 1974

Sent: [Signature]
Office of Legal Counsel will find enclosed various items of correspondence and memoranda covering issues arising in this case at and subsequent to the Pretrial Conference of 10/24/73. Among these papers is a statement of U.S. Magistrate RICHARD A. POWERS, III, concerning results of the 10/24/73 Pretrial Conference. AUSA___ advised that Departmental Attorney___ informed him the "KEITH" case mentioned in paragraph two thereof refers to the U.S. Supreme Court case of U.S. vs. U.S. District Court, Eastern Michigan (1972).

Philadelphia will maintain contact with the AUSA, EDPA, and will keep the Bureau apprised of developments.
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TO: DIRECTOR, FBI
ATTENTION: OFFICE OF LEGAL COUNSEL

FROM: SAC, PHILADELPHIA (62-5421)(P)

SUBJECT: SISTER ELIZABETH MC ALISTER, ET AL
v. RICHARD G. KLEINDIENST, ET AL
CIVIL ACTION NO. 72-1977
EDPa.

Re Philadelphia airtel to Bureau, with
enclosures, 1/3/74.

Personnel of the U.S. Court of Appeals for
the Third Circuit, Philadelphia, Pa., on 2/6/74 advised
that WILLIAM DAVIDON, co-plaintiff in this case with
Sister MC ALISTER, filed a Motion for Leave to Intervene
as Appellant in connection with Sister MC ALISTER's appeal
of the order of U.S. District Judge R. DIXON HERMAN,
denyng her motion to vacate the protective order in
U.S. vs. AHMAD. DAVIDON's motion to intervene was filed
1/18/74.

Enclosed herewith for the Bureau is one copy
each of DAVIDON's Motion and an Affidavit of Counsel
with Brief for Appellant attached thereto as "Exhibit A"
On 3/26/74, a review of the record in U.S. District Court, Philadelphia, Pa., reflected a status letter dated 2/25/74, from [blank], Chief, Civil Litigation Unit, to the Honorable RICHARD A. POWERS, III. That letter, filed on 2/28/74, summarized the most recent action in this case as follows:

1) On 1/25/74, the Government filed with the U.S. Court of Appeals a Motion for Enlargement of Time in which to respond to plaintiff DAVIDON's Motion to Intervene. The Government's motion was granted without objection on 2/8/74.

2) On 2/8/74, defendants filed a Brief and Appellee's Opposition to motion of DAVIDON to intervene.

No ruling has been made on DAVIDON's motion or on the Government's opposing motion.

AUSA advised on 3/27/74 that there is no change in the status of this case.

Philadelphia will follow.
ENCLOSURES TO BUREAL
FROM SAC., PHILADELPHIA (2)

ATTN.: OFFICE OF LEGAL COUNSEL

RE: SISTER ELIZABETH MC ALISTER, ET. AL
V. RICHARD C. KLEINDIENST, ET. AL
CIVIL ACTION NO. 72-1977, EDPA.

PHIL. 62-5421

Enclosed is one copy each of DAVIDON's Motion and an Affidavit of Counsel with Brief for Appellant attached thereto.

Via PHAirtel, 3/28/74.
COMMONWEALTH OF PENNSYLVANIA
CITY OF PHILADELPHIA

AFFIDAVIT OF COUNSEL

Jack J. Levine, being duly sworn, deposes and states:

1. I am one of counsel to plaintiffs Elizabeth McAlister and William Davidon in McAlister et al. v. Kleindienst, et al., Civ. No. 72-1977, E.D. Pa., pending.

2. The subject matter of that lawsuit is the liability of governmental officials by reason of unlawful wiretapping of Ms. McAlister and Mr. Davidon.

3. The Middle District of Pennsylvania stipulated protective order which is the subject matter of the instant appeal precluded certain governmental disclosure as to the fact and circumstances of the wiretap in question. Because the governmental civil defendants in the Eastern District cited this protective order by way of refusing to file an answer to the duly filed civil complaint or submit to civil discovery, Mr. Davidon, together with Ms. McAlister, applied to the Middle District to remove the procedural impediment created by the order. Their application was refused, resulting in this appeal.
4. All parties agree that the stipulated protective order, if it is permitted to remain in effect, will effectively terminate the civil suit. In that event, Mr. Davidon, who was not a party to the stipulation, will take an appeal to this Court, asserting the illegality of the stipulated protective order insofar as it precludes his civil suit. Should this occur, the issues presented on that appeal would be virtually identical to those presented on the present appeal. See Brief of Appellant, attached hereto as Exhibit "A".

Jack J. Levine

SWORN TO AND SUBSCRIBED

before me this 16th day
of January, 19**

Antonia Dewees, NOTARY PUBLIC
My Commission expires: 10/23/76

-2-
IN THE
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 73-2094

UNITED STATES OF AMERICA

v.

EQBAL AHMAD
ELIZABETH McALISTER et al.
ELIZABETH McALISTER, Appellant

BRIEF FOR APPELLANT

JACK J. LEVINE
1427 Walnut Street
Philadelphia, Pa. 19102

WILLIAM BENDER
175 University Avenue
Newark, New Jersey 07102

Attorneys For Appellant

EXHIBIT A
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iii.
QUESTION PRESENTED

WHETHER THE COURT BELOW DISREGARDED ITS AFFIRMATIVE OBLIGATION TO VACATE A STIPULATED PROTECTIVE ORDER, WHERE THE PROTECTIVE ORDER HAD BEEN-entered in already terminated litigation and WHERE ITS CONTINUED EFFECT WAS TO INTERFERE WITH SUBSEQUENT LITIGATION IN A SISTER FEDERAL FORUM NOT CONTEMPLATED AT THE TIME THE ORIGINAL ORDER WAS ENTERED.
II

STATEMENT OF THE CASE

The subject matter of this appeal is the continued validity of a protective order entered in the Middle District of Pennsylvania, which order is relied upon by civil defendants\(^1\) in the Eastern District of Pennsylvania as grounds for refusal to answer a duly filed civil complaint and submit to civil discovery in connection therewith. The court below has refused to vacate this earlier protective order.

Appellant Elizabeth McAlister and prospective Intervenor William Davidson\(^2\) are currently civil plaintiffs in an action

---

\(^1\)The civil defendants in the Eastern District are present and former governmental officials. Appellee here is the United States, the prosecuting party in the criminal prosecution in which the protective order was originally entered. For practical purposes, therefore, the legal interests represented by Appellee United States and the civil defendants in the Eastern District are identical. Their counsel in both cases are the same.

\(^2\)Simultaneously with the filing of this brief, Mr. Davidson has filed a Motion For Leave to Intervene in this appeal.
asserting the lawlessness of electronic surveillance first disclosed by Appellee during the course of pre-trial proceedings in United States v. Ahmad et al., Crim. No. 14950, M.D. Pa. 1971. The surveillance in question was ruled unlawful by the trial judge in that matter. See United States v. Ahmad et al., 335 F. Supp. 1198 (M.D. Pa. 1971), and various officials of Appellee United States are civil defendants in the Eastern District. The Middle District criminal prosecution has long since terminated, and this Court has previously adjudicated unrelated issues connected therewith. United States v. Berrigan and McAlister, 482 F.2d. 171 (3rd.Cir. 1973)

Appellant and Mr. Davidon, a Philadelphia area resident, filed suit in October 1972 in the Eastern District of Pennsylvania for money damages in connection with the above mentioned wiretap, alleging causes of action under 18 U.S.C. Sec. 2520 and the United States Constitution. McAlister v. Kleindienst et al., Civil No. 72-1977, E.D. Pa., pending. In December 1972, the civil defendants filed their answer to the complaint, refusing to admit or deny the surveillance in question on the grounds that to do so "would violate the letter and spirit" of a stipulated protective order previously entered by the trial court in the criminal prosecution. The civil defendants have likewise refused to submit to civil discovery on the same grounds.
It is stipulated by and between counsel for the parties that the contents of, or information contained in any tapes or transcripts thereof, relating to any overhearing of conversations by means of electronic surveillance shall not be disclosed to persons other than defense counsel of record or defendants Philip Berrigan and Elizabeth McAlister.

A copy of the stipulation appears at page 9A of the Joint Appendix. Mr. Davidon, not being a defendant in that proceeding, was not a party to the stipulation. Following a series of pre-trial conferences in the Eastern District, and in light of civil defendants' continued refusal to make joint application to the Middle District trial judge to vacate or modify the stipulated protective order, Appellant and Mr. Davidon together requested the previous trial judge, the Hon. R. Dixon Herman, to vacate the order "so that a full and just determination of both the appropriate extent of discovery and the merits of the case may be made by the forum [i.e. Eastern District, per Hon. E. Mac Troutman] hearing the case," Memorandum filed in the court below in support of the McAlister-Davidon Motion to Vacate Protective Order, at pp. 3-4.

Although the stipulation precluded disclosure to Mr. Davidon that he was the subject of the wiretap, the civil complaint set forth the persuasive circumstantial evidence which led him to conclude that his telephone had in fact been monitored. See paragraph 15 of the civil complaint, included in the Joint Appendix at 14A, 17A, and 18A.
Appellee opposed this request, on the ground that the stipulated protective order could not and should not be vacated without its consent and on the further ground that to do so would "prejudice" the "national interest". Absolutely no showing was made by Appellee as to what this supposed "national interest" was, nor was any so-called "national interest" stipulated to as part of the protective order. In short, Appellee was asking the court below to effectively terminate civil litigation commenced in another forum over which that Court had absolutely no jurisdiction and which bore no substantive relation to the criminal trial over which it had previously presided - except in the sense that the Court had previously ruled unlawful the wiretap in question. Moreover, at the time the protective order was entered, Judge Herman had expressly reserved to the parties, including Appellant McAlister, the right to seek modification of the protective order in the event "it becomes important". See Transcript, May 1, 1972, at pp. 89-90, which is set forth at pp. 7A-8A of the Joint Appendix.

At the time Judge Herman refused Appellant's request to vacate his protective order, Appellees were subject to an Eastern District order compelling them to answer Appellant's civil complaint. That order, which has been stayed by agreement of counsel pending this appeal, was entered in the Eastern District by Judge Troutman on September 12, 1973, and is set forth at pp.12A-13A of the Joint Appendix.
III

ARGUMENT

THE REFUSAL OF THE COURT BELOW TO VACATE ITS
PROTECTIVE ORDER WAS WITHOUT FOUNDATION IN LAW AND
WAS A DIRECT BREACH OF THE TERMS UPON WHICH THE
ORIGINAL ORDER WAS BASED.

A. The Court Below Disregarded Its Affirmative Obligation
to Aid the Orderly Course of Litigation in a Sister Federal
Forum.

With the enactment of the Omnibus Crime Control Act of 1968,
Congress created a complex and comprehensive scheme for the
regulation of private and governmental electronic surveillance,
Title III, Omnibus Crime Control and Safe Streets Act of 1968,
18 U.S.C. Secs. 2510-2520, including the creation of a statutory
cause of action in the event of unlawful use of such devices.
United States, 388 U.S. 41 (1967) and Katz v. United States,
389 U.S. 347 (1967), the Supreme Court likewise prescribed
constitutional limitations on such practices, limitations
whose breech is now directly actionable by private litigants.
Bivens v. Six Federal Narcotics Agents, 403 U.S. 388 (1971);
cf. Bell v. Hood, 327 U.S. 678 (1946). The illegality of
so-called domestic "national security" wiretaps is likewise

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the law of the land, see **United States v. United States District Court**, 407 U.S. 297 (1972), (hereinafter, the "Keith" case); and, indeed, the wiretap involved in the instant case was itself held unlawful prior to the Court's decision in **Keith**.

The ruling of the Court below has effectively terminated a duly commenced civil lawsuit seeking to litigate the above rights, a lawsuit filed in a sister forum over which the Court below had absolutely no jurisdiction. Appellant's application to the Court below was unrelated to the merits of that civil litigation, and sought merely to remove the procedural impediment created by a protective order entered in long since terminated litigation. Under such circumstances the refusal of the lower Court to vacate its earlier order and aid the course of the sister forum litigation was a clear abuse of discretion, **Ex Parte Uppercu**, 239 U.S. 435 (1915); **Olympic Refining Co. v. Hon. James M. Carter, Respondent**, 332 F.2d 260 (9th Cir. 1964); **American Securit Co. v. Shatterproof Glass Corp.**, 20 F.R.D. 196 (D.C. Del. 1957); cf. **United States v. Brown**, 317 F.Supp. 531, 532-533 (E.D. La. 1970) (protective order regarding government wiretap exhibit dissolved in order to litigate taint hearing); **United States v. Carrabia**, 272 F.Supp. 772, 773 (N.D. Ohio 1967) (protective order regarding wiretap logs revoked **sua sponte** by the Court in order to expedite hearing.)
Ex Parte Uppercu, supra, would seem to be dispositive of the instant appeal, particularly with regard to Mr. Davidson's rights. Uppercu involved access by private litigants to depositions and exhibits sealed by consent decree in an earlier Immigration Act civil enforcement proceeding. Uppercu, not a party to the earlier proceeding, sought access to the sealed material in order to defend himself against a subsequent civil suit involving certain fees paid him during the prior litigation. Holding that the lower Court was duty-bound to allow access to the sealed matter, the Supreme Court observed that Uppercu's exclusion by the trial Court had "no judicial character but [was] simply an unauthorized exclusion of him by virtue of de facto power." 239 U.S. at 441:

"...The right to evidence to be obtained from an existing object does not depend upon having an interest in the original cause, or upon the object being admissable or inadmissable in the cause for which it was prepared or upon the right or want of the public to examine the thing. The necessities of litigation and the requirements of justice found a new right of a wholly different kind. So long as the object physically exists, anyone needing it as evidence at a trial has a right to call for it, unless some exception is shown to the general rule." 239 U.S. at 440.

Appellee argued below, and the Court below relied upon, so-called "national security" considerations which allegedly
furnish the kind of "exception" referred to by the Court in Uppercu. We turn now to a consideration of this contention.

B. The Stipulated Protective Order Made No Reference to "National Security", And At Defendant-Appellant's Request Was Expressly Made Subject to Future Modification.

The protective order in question, whose text is set forth supra, p. 4, was entered on May 1, 1972. The surveillance to which the order related had been first disclosed by Appellee in May 1971, prior to the commencement of trial in United States v. Ahmad, et al. While the wiretap itself was declared illegal prior to trial, see United States v. Ahmad, 335 F.Supp. 1198 (M.D. Pa. 1970), the trial Court postponed the requisite "taint" hearing, Alderman v. United States, 394 U.S. 165 (1965), until after completion of the trial. This hearing was held in May 1972, and the protective order was stipulated to by the parties in advance of the Alderman hearing.

The 1971 pre-trial disclosure of the fact of the wiretap was accompanied by sealed exhibits and by an affidavit by the then Attorney General John N. Mitchell purporting to "certify that it would prejudice the national interest to disclose the particular facts contained in the sealed exhibit and concerning this surveillance other than to the court, in camera." Affidavit
of John N. Mitchell," May 13, 1971, attached hereto at Appendix pp 10a-11a. The truth and accuracy of this certification was never stipulated to by Appellant.

Furthermore, in ruling that the wiretap was unlawful, the previous trial Court declined to accept the Government request for an ex parte, in camera, submission, relying on Alderman v. United States, supra. See United States v. Ahmad, supra, 335 F.Supp. at 1200. Indeed, certain parts of the sealed material were made available to Appellant for purposes of the Alderman hearing.

In their application to the Court below, Appellant and Mr. Davidon expressly did not request that Judge Herman disclose to them the contents of the sealed exhibit submitted by the Government more than two years earlier. Indeed, Appellant assumes that the exhibits in question have already been returned to the Government and were not even in the possession of the lower court. The only relief sought was removal of the protective order, as the Government had asserted this order by way of avoiding their otherwise clear duty to file responsive pleadings in the sister federal forum. Confronted with this request, Judge Herman inexplicably held:

"...The court takes no position on the government's desire for secrecy, but merely accepts the Attorney
General's affidavit [as to "national security"] at face value and further accepts the stipulation as a binding agreement. Mrs. Berrigan [Appellant], through her counsel, agreed to the limitations of said agreement, and it is she who must show a viable reason to discontinue that accord. This she has failed to do." Slip Opinion at 3, Appendix 5A.

Ruling further that Mr. Davidson's request was "even more specious" than that of Appellant, and that the stipulation was thus binding as to him, the Court below in effect immunized the Government from all civil process as to a wiretap it had already declared illegal!

While the Government will no doubt assert a variety of substantive defenses in the Eastern District civil suit, they were in no way related to the issue before Judge Herman. Any resort to a so-called "national security" justification for not answering the civil complaint should properly be heard by the forum hearing the suit and not by him. Indeed, the stipulation entered into in May, 1972, makes no mention of "national security", and Appellant's counsel at that time in no way stipulated to the existence of such an evidentiary privilege.4

4Furthermore, while Appellees argued to Judge Herman that the non-disclosure stipulation should be read to imply Appellant's agreement on the "national security" question, it would seem certain that Appellant sought the non-disclosure protective order to safeguard her own privacy rights.
The lower court's finding that the stipulation was intended by Appellant to be binding upon the parties in futuro is totally without support in the record. The only discussion on the record by Appellant's counsel as to the terms of the order explicitly reserves to her the right to seek future modification, a right agreed to by the court:

MR. MENAKER: Can we have the details of the protective order in the record?

THE COURT: Well, you already said what they are, didn't you?

MR. CONNELLY: That is correct. The stipulation would be, for approval by the Court, that the information disclosed by the Government to defense counsel not be disclosed or disseminated by them to anyone other than counsel of record for the defendants, or we will allow Defendant McAlister.

MR. MENAKER: We would like to have it expanded to include all defendants.

THE COURT: Why all the defendants?

MR. MENAKER: They have a mutual interest in this case, Your Honor.

MR. CONNELLY: Well, not at this point.

THE COURT: Yes. I think that would be certainly premature.

MR. MENAKER: There is still an indictment against them, Your Honor.

MR. CONNELLY: Well, we will agree to Father Berrigan being added to that, just so they understand clearly that the order of the Court would preclude him from disclosing the same information.
MR. MENAKER: Your Honor, we would accept that, so that it is available to defense counsel and Defendants Father Philip Berrigan and Sister Elizabeth McAlister. However, we would like to reserve leave to object later on.

THE COURT: Well, later on, yes, if it becomes important. It may never become important.

MR. MENAKER: Yes, sir.

THE COURT: All right, adjourn Court until ten o'clock tomorrow morning.

And even assuming that Appellant had not reserved the right to seek modification of the order, she is still not bound in the civil suit by a concession made in another forum with reference only to that other case. cf. Gorham v. Mutual Benefit Health & Accident Association of Omaha, 114 F.2d 97, 99 (4th Cir. 1940). Nor can she be bound by a stipulation made at a time when the present issues (i.e. - civil liability for unlawful wiretap) were not even before the Court. Bivins v. Board of Public Education and Orphanage for Bibb Co., 284 F.Supp. 888, 896-897 (M.D. Ga. 1967). In the absence of a clear showing that Appellant intended to or did voluntarily relinquish by stipulation her civil rights, the stipulation cannot be so interpreted. International Brotherhood of Boilermakers, Etc. v. Rafferty, 348 F.2d 307, 314 (9th Cir. 1965). This is especially true in the face of a well defined statutory policy creating such rights, see International Brotherhood, supra, at 314,
and compare, Gelbard v. United States, 408 U.S. 41, 46-50 (1972), setting forth the legislative intent of Title III, of which 18 U.S.C. Sec. 2520 is a reflection. Cf. Brooklyn Bank v. O'Neill, 324 U.S. 697, 704-705 (1945), (holding that waiver of statutorily granted private rights will not be enforced where to do so would thwart the legislative policy those rights were intended to effectuate).

IV

CONCLUSION

For the above stated reasons, Appellant urges that the decision of the Court below be reversed so that her civil suit may proceed in the Eastern District of Pennsylvania.

Respectfully submitted,

/s/ Jack J. Levine
Jack J. Levine
1427 Walnut Street
Philadelphia, Pa. 19102

William Bender
175 University Avenue
Newark, New Jersey 07102

Attorneys for Appellant
IN THE
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 73-2094

UNITED STATES OF AMERICA

v.

EQLAL AHMAD
ELIZABETH McALISTER et al.
ELIZABETH McALISTER,
Appellant

MOTION FOR LEAVE TO INTERVENE
AS APPELLANT

William Davidon, by his attorneys, respectfully requests leave to intervene as Appellant in the above matter, and in support of his request, represents as follows:

1. This appeal, whose circumstances are more fully described in the attached Affidavit of Counsel involves the denial by the Court below of an application made jointly by Appellant and Mr. Davidon.

2. The application requested that the lower court vacate a protective order entered in a previous criminal trial to which Mr. Davidon was not a party, United States v. Ahmad, et al., Crim. No. 14950, M.D. Pa. 1971.
3. Mr. Davidon's application was captioned in the name of the former prosecution, and Mr. Davidon consequently was not officially designated as a party to that application proceeding. In addition, the opinion of the lower court was captioned and filed as part of the docket in the former prosecution and Mr. Davidon was therefore not technically a party entitled to appeal. However, the opinion of the court below effectively determines Mr. Davidon's rights. As is indicated by Appellant's Brief, the legal issues now before this Court on appeal, while not identical, are extremely closely related as to Appellant and Mr. Davidon.

4. While Mr. Davidon was not a party in the above-mentioned criminal case, he is presently, together with Appellant, a civil plaintiff in McAlister and Davidon v. Kleindienst, et al., Civ. No. 72-1977, E.D. Pa., pending. The procedural nexus between this civil suit and the former criminal prosecution (see Affidavit of Counsel attached hereto) is such that were this Court to disallow Mr. Davidon's request to intervene and rule against Appellant on the merits, the civil suit would effectively be terminated and Mr. Davidon would become an Appellant in his own right in this Court with regard to the civil suit.
5. In the event Mr. Davidon is permitted to intervene, he relies on Appellant's Brief, attached hereto, in support of his position on the merits.

WHEREFORE, in the interest of judicial economy Mr. Davidon respectfully requests leave to intervene as Appellant in this matter.

Respectfully submitted,

[Signature]

Jack J. Levine
1427 Walnut Street
Philadelphia, Pa. 19102

William Bender
175 University Avenue
Newark, New Jersey 07102

Attorneys for William Davidon
Total Deleted Page(s) = 56
Page 5 ~ Referral/Consult;
Page 6 ~ Referral/Consult;
Page 7 ~ Referral/Consult;
Page 8 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 27, p.1/NSD;
Page 9 ~ Referral/Consult;
Page 10 ~ Referral/Consult;
Page 11 ~ Referral/Consult;
Page 12 ~ Referral/Consult;
Page 13 ~ Referral/Consult;
Page 21 ~ Duplicate - to 62-HQ-115389-Section 2-Serial 30;
Page 22 ~ Duplicate - to 62-HQ-115389-Section 2-Serial 30;
Page 50 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 37, p.3/NSD;
Page 54 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.3-5/NSD;
Page 55 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.3-5/NSD;
Page 56 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.3-5/NSD;
Page 62 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.11-18/NSD;
Page 63 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.11-18/NSD;
Page 64 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.11-18/NSD;
Page 65 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.11-18/NSD;
Page 66 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.11-18/NSD;
Page 67 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.11-18/NSD;
Page 68 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.11-18/NSD;
Page 69 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.11-18/NSD;
Page 93 ~ b6; b7C; b7E;
Page 96 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.42-55/NSD;
Page 97 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.42-55/NSD;
Page 98 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.42-55/NSD;
Page 100 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.42-55/NSD;
Page 101 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.42-55/NSD;
Page 102 ~ Referral/Direct - 62-HQ-115389-Section 2-Serial 38, p.42-55/NSD;
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Memorandum

TO: DIRECTOR, FBI (62-115289)  
FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: Sister ELIZABETH MC ALISTER, ET AL. v. RICHARD G. KLEINDIENST, ET AL  
CIVIL ACTION NUMBER 72-1977  
EDPA

DATE: 8/26/74

Re Philadelphia airtel to Bureau dated 3/28/74, with enclosures.

Enclosed for the Bureau and attached for the Philadelphia copy are xeroxed copies of the following items, which will be filed presently by AUSA:

"Notice of Intention to File Motion", Motion Foreign Order Modifying the Order of the Court dated 9/12/73, Memorandum of Law in Support of the Motion and an Order pursuant to the above Motion.

On 8/19/74, the docket at the U.S. District Court, EDPa., Philadelphia, Pa., was reviewed and the following recent entries noted:

Item 29: 4/25/74, plaintiff's monthly report on status of case, FILED.

Item 30: 5/24/74, defendant's monthly report on status of case, FILED (by Attorney).
Item 31: 5/30/74, plaintiff's monthly report to Judge POWERS from plaintiff's Attorney [redacted], FILED.


Item 33: 6/27/74, defendant's monthly report on status of case dated 6/26/74, FILED.

Philadelphia is maintaining contact with AUSA for progress of captioned case.

The enclosed documents were provided by AUSA [redacted], although, they have not as yet been filed.
TO: DIRECTOR, FBI (62-115389)  
(ATTN: OFFICE OF LEGAL COUNSEL)  

FROM: SAC, PHILADELPHIA (62-5421) (P)  

SUBJECT: Sister ELIZABETH MC ALISTER, ET AL v.  
RICHARD G. KLEINDIENST, ET AL  
CIVIL ACTION #72-1977  
EDPA  
00: PHILADELPHIA  

DATE: 10/31/74  

Re Philadelphia letter to Bureau dated 8/26/74.  

On 10/31/74, the Docket at the Clerk's Office,  
USDC, EDPA, reflected the following recent entries in  
connection with captioned law suit:  

Item 34: 8/19/74, defendants' monthly report on status  
of case, filed.  

Item 35: 8/23/74, defendants' motion for order modifying  
the order entered on 9/12/73, etc., notice,  
memorandum of law in support thereof, filed.  

Item 36: 8/26/74, plaintiffs' memorandum in opposition to  
defendants' motion to modify order of 9/12/73,  
filed.  

Item 37: 8/26/74, plaintiffs' motion for an order pursuant  
to civil rules 8(d) and 37(b)(2) declaring that  
unanswered allegations of the complaint be deemed  
established, notice and memorandum in support thereof,  
filed.  

Item 38: 8/26/74, defendants' opposition to plaintiffs'  
motion pursuant to rules 8(d) and 37(b)(2),  
federal rules of civil procedure, filed.  

Item 39: 8/29/74, defendants' monthly report on the status  
of the case, filed.  

Item 40: 9/27/74, defendants' monthly report on the status  
of the case, filed.
Item 41: 10/8/74, defendants' opposition to plaintiffs' motion for an order requiring defendants' to answer plaintiffs' first interrogatory, filed.

Item 42: 10/8/74, plaintiffs' motion and argument for an order requiring defendants' to answer plaintiffs' first interrogatory, and notice thereof, filed.

Item 43: 10/22/74, plaintiffs' request for production of documents filed.

Item 44: 10/22/74, plaintiffs' notice of deposition of MASON SMITH, filed.

Item 45: 10/27/74, defendants' monthly report on status of discovery, filed.

Philadelphia is maintaining contact with AUSA, EDPA., and the Clerk, U. S. District Court, EDPA., for current status of captioned law suit.
TO: DIRECTOR, FBI (62-115389) (Attn: Legal Counsel Division)
FROM: SAC, PHILADELPHIA (62-5421) (P)
SUBJECT: SISTER ELIZABETH MC ALISTER, ET AL v. RICHARD G. KLEINDIENST, ET AL
CIVIL ACTION NUMBER 72-1977
EDPA (00:Philadelphia)

DATE: 1/2/75

Re Philadelphia letter to Bureau dated 10/31/74.

On 12/26/74, the docket at the clerk's office, U.S. District Court, EDPA, showed the following recent entries for captioned law suit, civil docket number 72-1977:

Item 46: 11/7/74, report of settlement conference of 11/6/74, filed.

Item 47: 12/5/74, plaintiffs' monthly report on status of case, filed.

Item 48: 12/5/74, memorandam of Judge TROUTMAN and order that plaintiffs' motion to compel answers to plaintiffs' first interrogatories is granted, etc., filed. 12/6/74, entered and copies mailed.

Item 49: 12/7/74, memorandam of Judge TROUTMAN and order that defendants' motion to modify order of 9/12/73, is granted and defendants are compelled only to admit or deny that plaintiff was incidentally overheard on a national security surveillance conducted without a court order, etc., filed. 12/6/74, entered and copies mailed.

BUREAU (62-115389)
PHILADELPHIA (62-5421)

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4 JAN 24 1975

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
PH 62-5421

Item 50: 12/5/74, order that plaintiffs' motion to compel answers to first interrogatories is denied without prejudice to its renewal in accordance with memorandum and opinion of 12/5/74, filed. 12/6/74, entered and copies mailed.

Item 51: 12/5/74, order that order of 9/12/74, is stayed pending plaintiffs' application to U.S. District Court, Middle District of Pennsylvania to modify or vacate protective order entered 5/1/72, etc., filed. 12/6/74, entered and copies mailed.

Item 52: 12/17/74, amendment to answer to complaint, filed.

Philadelphia is maintaining contact with AUSA [redacted], EDPA, and the office of the clerk, U.S. District Court, EDPA, for current status of captioned law suit.
To: SAC, Philadelphia (62-5421)

From: Director, FBI (62-115389)

SISTER ELIZABETH McALISTER, et al., v.
RICHARD G. KLEINDIENST, et al.
(U.S.D.C., E.D. PA.)
CIVIL ACTION NO. 72-1977

1/17/75

1 - Mr. Wannall
2 - Mr. Mintz

Reurlet to Bureau dated 1/2/75.

Referenced letter reported the results of a docket check in the United States District Court for the Eastern District of Pennsylvania regarding captioned civil action. A review of the files at FBHQ discloses that we are not yet in possession of items 48 through 52 listed in your letter. Philadelphia is requested to obtain two copies each of these documents and forward them to FBHQ so as to enable us to complete our file in this matter.

NOTE: Captioned civil action was filed by Sister Elizabeth McAlister and William Davidon, who allege that they were the subjects of an illegal electronic surveillance. Sister McAlister was overheard during the course of a warrantless national security surveillance and this information was made known to her during criminal proceedings in the East Coast Conspiracy to Save Lives (ECCSL) prosecution in Harrisburg, Pennsylvania.
Memorandum

TO: DIRECTOR, FBI (62-115389)

FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: SISTER ELIZABETH MC ALISTER, ET AL v.; RICHARD G. KLEINDIENST, ET AL; (USDC, EDPA) CIVIL ACTION #72-1977

DATE: 1/31/75

Re: Bureau airtel to Philadelphia, 1/17/75 and Philadelphia letter to Bureau, 1/2/75.

Enclosed for the Bureau as requested in referenced airtel are two copies each of items numbered 48 through 52 in connection with captioned lawsuit.

WILLIAM McDONALD (P)

EXHIBIT

ENCLOSURE ATTACHED

2. Bureau (62-115389) (Enc. 10)
1. Philadelphia (62-5421)
WGF/jch (3)

56 FEB 2 1 1979

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
DENIAL TO BUREAU OF PHILADELPHIA

Re: SISTER ELIZABETH MC ALISTER, ET AL.

RICHARD C. KLEINDIENST, ET AL.

U.S. DISTRICT COURT, ED PA. CIVIL ACTION 197-1977

Contents: 200 clear, each of the items numbered 48 through 52 in connection with lawsuit.

File #: 62-115380

PH-file #: 52-6421

LETTER dated 1/31/75
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER, et al., )
   Plaintiffs, ) Civil Action No. 72-1977
 v. )
RICHARD G. KLEINDIENST, et al., )
   Defendants. )

AMENDMENT TO THE ANSWER TO COMPLAINT

Come now the defendants, by their undersigned attorneys, and pursuant to the Order of this Court, dated December 5, 1974, modifying its Order of September 12, 1973, and in further answer to paragraph thirteen (13) of the complaint herein, say:

13. Defendants admit that the plaintiff McAlister was incidentally overheard on a national security surveillance conducted without a court order.

Respectfully submitted,

ROBERT E. J. CURRAN
United States Attorney

CARMEN C. NASUTI
Assistant United States Attorney

HENRY E. PETERSEN
Assistant Attorney General

ROBERT L. KEUGH
Attorney, Department of Justice

LARRY L. GREGG
Attorney, Department of Justice
Washington, D.C. 20530
Telephone: 202/736-3227

Attorneys for Defendant Mitchell in his former official capacity and for Defendants Kleindienst, Gray, Smith, Durham and Jamieson.
a national security surveillance conducted without a court order, said answer to be filed within ten (10) days from the date hereof.

IT IS FURTHER ORDERED that plaintiff's motion for sanctions pursuant to R.C.P.8(d) and 37(b)(2) is DENIED.

IT IS FURTHER ORDERED that defendants' request for leave to file a motion to dismiss or, in the alternative, for judgment on the pleadings, is GRANTED, said motion, with supporting memorandum, to be filed within forty (40) days from the date hereof.

IT IS FURTHER ORDERED that defendants' motion for a stay of all discovery pending disposition of said motion to dismiss or, in the alternative, for judgment on the pleadings, is GRANTED,
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER

v.

RICHARD G. KLIENDIENST, individually and as Attorney General of the United States

L. PATRICK GRAY, III, individually and as Acting Director, Federal Bureau of Investigation

JOHN N. MITCHELL, individually and as former Attorney General of the United States

MASON SMITH, individually and as Special Agent, Federal Bureau of Investigation

CHARLES DURHAM, individually and as Special Agent, Federal Bureau of Investigation

JOSEPH JAMIESON, individually, and as Special Agent, Federal Bureau of Investigation

JOHN DOE and RICHARD ROE

CIVIL ACTION NO. 1977

ORDER

TROUTMAN, J.

AND NOW, this 5th day of December, 1974, IT IS ORDERED that defendants' motion to modify the order of this Court dated September 12, 1973, is GRANTED and defendants are compelled only to admit or deny that plaintiff was incidentally overheard on
non-retroactivity of the decision of the Supreme Court in *United States v. United States District Court*, 407 U.S. 297 (1972). We shall grant said motion upon a finding that it is not likely to unnecessarily delay the ultimate disposition of the case.

In the interest of simplicity and clarity, we shall enter separate orders as to each plaintiff.
basis of convincing evidence, if any, seek an appropriate amendment of said protective order conditioned upon such terms of confidentiality as may be deemed necessary, to the extent permissible under the guidelines suggested by the Circuit Court and consistent with the national interest.

As stated by Judge Herman "nothing in the federal rules on discovery encourages courts to make public the contents of documents considered to be of a sensitive security status". To impose on the defendants the sanctions prescribed by R.C.P.8(d) and 37(b)(2) and thus force the defendants to involuntarily seek to vacate or amend the protective order would create a non-adversary proceeding whereas our judicial system is historically and currently based primarily upon adversary proceeding and the existence of a live controversy between the parties. The possible existence of a question of national interest or security fairly requires no less. In the pre-trial proceedings incident to the criminal prosecution from which this civil action is a "fall out", Judge Herman said:

"An in-camera examination of logs of such conversations by the Court is not a valid substitute for an adversary hearing thereon * * *." 11

Finally, at oral argument, defendants sought leave to file, at this early stage of this litigation, a "dispositive" motion or motion for judgment on the pleadings as to the plaintiff, Mrs. Berrigan, asserting (a) official immunity, (b) non-applicability of 18 USC§2520 and (c)

seek to amend or vacate said order. A civil plaintiff assumes certain proper legal burdens in the pursuit of his cause. He should not and cannot seek such drastic sanctions against the defendants upon newspaper reports, the location of certain of the defendants and his absence from the area during the Christmas holidays.

Moreover, he has already appeared before Judge Herman who has labeled as "speculation" Davidson's contention that he "knows" he was the "target" of the surveillance in question. Nor has he, according to Judge Herman, "disputed in any way Mitchell's assertion that revelation of the contents (of the wiretap logs) would breach national security." 9 Finally, he filed no appeal with the Circuit Court thus precluding the review of his case on the merits. In the light of these observations the allegations contained in his complaint are less than persuasive on the present record and insufficient to justify the drastic sanctions prescribed by R.C.P.8(d) and 37(b)(2).

We do not suggest that he is or is not entitled to relief from the protective order. That question is not before us. However, we do suggest that insofar as plaintiff Davidson is concerned, it would be a gross injustice, at this time and on the record before us, to impose upon the defendants the obligations incident to our order of September 12, 1973 compelling a full answer or suffer the burden incident to the sanctions sought by plaintiffs, pursuant to R.C.P.8(d) and 37(b)(2).

Rather, we think that justice dictates that it is Davidson who should approach Judge Herman with more than "speculation" and on the

of operation" due to the absence of the target, that therefore he was the target. It is noted that the period in question encompassed the Christmas season when thousands of residents were undoubtedly absent the greater Philadelphia area. To suggest that his absence during such period plus newspaper reports shifts to the defendants the burden of seeking to vacate the protective order in order to answer such broad and conclusory allegations is asking too much, considering the Attorney General's affidavit that national interest is involved and the present reluctance of the defendants to voluntarily

Paragraph 15 of his complaint provides as follows:

"15. Plaintiff DAVIDON has to this date not been formally advised by the government that his conversations were monitored. He alleges upon information and belief that he was the target of the surveillance on the following grounds:

(a) The target of the surveillance in question has been acknowledged by the government, through the testimony of Defendant SMITH, to have been an unindicted alleged co-conspirator. This acknowledgment was made during the course of post-trial proceedings in the above mentioned criminal case. (Testimony of MASON SMITH at Hearing on Electronic Surveillance, May 2, 1972, at p. 14, United States v. Ahmad et al., Crim. No. 14950, M.D.Pa. 1971.)

(b) Defendants SMITH, DURHAM and JAMESON, the individuals responsible for and with access to the logs of the surveillance in question were employed in the City of Philadelphia, and the said logs were housed in their office in that City.

(c) Plaintiff DAVIDON is the only unindicted alleged co-conspirator in the above criminal case who lived in or near Philadelphia at the time of the surveillance in question.

(d) Newspaper reports at the time the disclosure of surveillance as to Plaintiff McALEISTER was made by the government stated that Plaintiff DAVIDON was the subject of the wiretap which monitored her conversations. The source of the information which led to these press accounts is unknown to Plaintiffs or their attorneys.

(e) Defendant SMITH testified during the course of the above mentioned post-trial proceedings in Harrisburg that the wiretap was 'out of operation from December 24, 1970 to January 2, 1971 ... because the subject or target, whatever you call it, was not at the premises.' During this period plaintiff DAVIDON was visiting relatives in the Western and Midwestern part of the United States. Hearing Transcript, supra, at p. 31."
lifted as to Mrs. Berrigan. The concession of the defendants in this court that they can, and therefore must, file an answer, will enable her to present a prima facie case of an illegal overhearing on two separate occasions. Thus, Judge Herman's order will be affirmed on the basis that no need exists at this point to vacate the protective order."

By way of footnote, the Court observed that "If in the future any need should arise for a modification of the stipulation, another application can be presented to Judge Herman." 7

Thus, as to Mrs. Berrigan, the issue has, for the moment, been resolved as the defendants have agreed in accordance with the ruling of the Circuit Court to file appropriate answer in accordance with their representations to the Circuit Court. Accordingly, sanctions would be inappropriate at this time and as to the plaintiff, Berrigan, a motion pursuant to R.C.P.8(d) and 37(b)(2), that unanswered allegations of the complaint be deemed established for the purposes of this action, will be denied.

As to plaintiff, Davidson a different situation prevails. Because of his failure to appeal, the merits of his case, as regards his motion to vacate the protective order, have not been resolved. He was not indicted and there have been no known disclosures to him of any electronic surveillance.

In paragraph 15 of his complaint, he alleges that because the named F.B.I. defendants were located in Philadelphia and the records kept there, because of newspaper reports, because he lived in a suburban Philadelphia area and was absent during the period December 24, 1970, to January 2, 1971, the very period when surveillance was "out

7 See Footnote 1, supra.
to Mrs. Berrigan, but subject to a protective order providing for
disclosure only to "defense counsel of record or defendants Philip
Berrigan and Elizabeth McAlister". Davidon was not a party to such
order.

Faced with such order, the defendants in the instant case assert
inability to answer all of the allegations of the complaint as directed
by this Court on September 12, 1973, without violating said order. To
resolve the impasse, Mrs. Berrigan and Davidon jointly filed a petition
with Judge Herman seeking to vacate the protective order. On October 24,
1973, Judge Herman refused to lift the protective order. Mrs. Berrigan
appealed the order. Davidon failed to appeal, but later intervened and,
on appeal, adopted the brief filed by Mrs. Berrigan. Since Davidon did
not appeal the order as it applied to him, the Circuit Court considered
"the merits of this case only as applied to Mrs. Berrigan" 5 and as

to her affirmed the order of Judge Herman upon the concession made by
defendants' counsel, at oral argument, that they "could answer the
complaint of Mrs. Berrigan to admit that she was overheard as a re-
sult of a surveillance conducted without the authority of a court
order." 6  The Court reasoned as follows:

"** Since Judge Herman found there were
two such conversations intercepted in the period from
November 24, 1970 to January 6, 1971 and that they were
illegal, there is nothing to prevent such admissions by
the defendants. These facts were reported in the written
opinion of the district court after the taint hearing had
been concluded, and thus, there is no disclosure problem.

"At this stage of the litigation, therefore,
there has been no need shown to have the protective order

5 See Footnote 1, supra.
6 See Footnote 4, supra.
In a complaint filed on October 10, 1972, they seek damages pursuant to 18 U.S.C. §2520, against Richard G. Kleindienst, then Attorney General of the United States; L. Patrick Gray, then Acting Director of the F.B.I.; John N. Mitchell, former attorney General; and several named and unnamed agents of the F.B.I.; alleging that they were the subjects of illegal wiretaps.

This suit is described as a "fallout from a closed criminal proceeding" in which Mrs. Berrigan was a defendant and Davidon an unindicted co-conspirator. During the pre-trial stages of the criminal case, Mrs. Berrigan learned that she may have been overheard by electronic surveillance and Judge R. Dixon Herman (M.D.Pa.), who presided over the case, found that there had been an unauthorized and illegal wiretap. Transcripts of the conversations were made available.

2 "Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this chapter shall (1) have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose, or use such communications, and (2) be entitled to recover from any such person--

(a) actual damages but not less than liquidated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is higher;
(b) punitive damages; and
(c) a reasonable attorney's fee and other litigation costs reasonably incurred.

A good faith reliance on a court order or legislative authorization shall constitute a complete defense to any civil or criminal action brought under this chapter or under any other law." 3

See Footnote 1, supra.

4 See 335 F. Supp. 1198 (M.D.Pa.1971). The electronic surveillance apparently had been performed without a court order in accordance with a Presidential determination that national security was involved. Judge Herman relied on the decision of the Court of Appeals in United States v. United States District Court, 444 F. 2d 651 (6th Cir. 1971), later affirmed by the United States Supreme Court at 407 U.S. 297 (1972) in deciding that the wiretap was illegal.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER
WILLIAM DAVIDON

v.

RICHARD G. KLEINDIENST, individually and as Attorney General of the United States

L. PATRICK GRAY, III, individually and as Acting Director, Federal Bureau of Investigation

JOHN N. MITCHELL, individually and as former Attorney General of the United States

MASON SMITH, individually and as Special Agent, Federal Bureau of Investigation

CHARLES DURHAM, individually and as Special Agent, Federal Bureau of Investigation

JOSEPH JAMIESON, individually and as Special Agent, Federal Bureau of Investigation

JOHN DOE and RICHARD ROE

CIVIL ACTION NO. 72-1977

MEMORANDUM AND ORDER

TROUTMAN, J.

DECEMBER 5, 1974

This "Tale of Two Districts"¹ involves two plaintiffs, Sister Elizabeth McAlister, now Mrs. Philip Berrigan, of the State of New York, and William Davidon, of Haverford, Pennsylvania, a suburb of the City of Philadelphia.

¹ See United States v. Ahmad, 499 F. 2d 851 (3rd Cir. 1974)
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM DAVIDON

v.

RICHARD G. KLEINDIENST, individually and as Attorney General of the United States

L. PATRICK GRAY, III, individually and as Acting Director, Federal Bureau of Investigation

JOHN N. MITCHELL, individually and as former Attorney General of the United States

MASON SMITH, individually and as Special Agent, Federal Bureau of Investigation

CHARLES DURHAM, individually and as Special Agent, Federal Bureau of Investigation

JOSEPH JAMIESON, individually, and as Special Agent, Federal Bureau of Investigation

JOHN DOE and RICHARD ROE

CIVIL ACTION NO. 72-1977

ORDER

TROUTMAN, J.

AND NOW, this 5th day of December, 1974, IT IS ORDERED that plaintiff's motion to compel answers to plaintiff's first interrogatories is DENIED without prejudice to its renewal in accordance with our Memorandum and Order dated December 5, 1974.

J.
are evident from Judge Herman's Memorandum and Order dated October 24, 1973, the opinion of the Circuit Court filed June 26, 1974, and the Memorandum and Order of this Court dated We shall not repeat.

Suffice it to say that the present motion to compel the defendants to answer plaintiffs' first interrogatories was apparently anticipated by the Circuit Court in its opinion dated June 26, 1974, where at page 7, speaking of the plaintiff McAlister (now Berrigan) it said:

"It may well be that the defendants in the civil case will be those who next seek to have the order lifted because of the possibility that the Eastern District will exercise the broad default powers conferred by Fed. R. Civ. P. 8(d) and 37(b)(2). See the procedures followed in United States v. Reynolds, 10 F.R.D. 468 (E.D.Pa.1950), aff'd, 192 F. 2d 987 (3d Cir.1951). Indeed, we feel it should have been the defendants who presented the petition to the Middle District in the first instance. * * *"

Said language suggests that we would not be in error in unconditionally ordering that defendants answer all interrogatories submitted by Mrs. Berrigan thus forcing defendants to apply to Judge Herman for amendment, modification or revocation of the protective order here involved.

However, in our Memorandum and Order of we suggested that justice would be better served in an adversary proceeding before Judge Herman. We also pointed out that Mrs. Berrigan's case is not in the same posture as that of plaintiff Davidon. Accordingly, we shall enter separate orders as to each plaintiff.

See Footnote 1, supra.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER
WILLIAM DAVIDON

v.

RICHARD G. KLEINDIENST, individually and as Attorney General of the United States
L. PATRICK-GRAY, III, individually and as Acting Director, Federal Bureau of Investigation
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JOSEPH JAMIESON, individually and as Special Agent, Federal Bureau of Investigation

JOHN DOE and RICHARD ROE

CIVIL ACTION NO. 72-1977

MEMORANDUM AND ORDER

TROUTMAN, J.

DECEMBER 5, 1974

The history of this case, the facts and its present status

1 Labeled a "Tale of Two Districts" - see United States v. Ahmad, 499 F. 2d 851 (3rd Cir. 1974).
subject to such terms of confidentiality as may be deemed necessary, to the extent permissible under the guidelines suggested by the Circuit Court and consistent with the national interest and is FURTHER STAYED pending the filing and disposition of defendants' motion to dismiss or, in the alternative, for judgment on the pleadings.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER

v.

RICHARD G. KLEINDIENST, individually and as Attorney General of the United States

L. PATRICK GRAY, III, individually and as Acting Director, Federal Bureau of Investigation

JOHN N. MITCHELL, individually and as former Attorney General of the United States

MASON SMITH, individually and as Special Agent, Federal Bureau of Investigation

CHARLES DURHAM, individually and as Special Agent, Federal Bureau of Investigation

JOSEPH JAMIESON, individually, and as Special Agent, Federal Bureau of Investigation

JOHN DOE and RICHARD ROE

CIVIL ACTION NO. 72-1977

ORDER

TROUTMAN, J.

AND NOW, this 5th day of December, 1974, IT IS ORDERED that plaintiff's motion to compel answers to plaintiff's first interrogatories is GRANTED; IT IS FURTHER ORDERED that this order is STAYED pending plaintiff's application to Judge Herman for amendment, modification or revocation of said protective order.
pursuant to R.C.P. 8(d) and 37(b)(2) is DENIED without prejudice to its subsequent renewal in accordance with memorandum filed herewith.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM DAVIDON

v.

RICHARD G. KLEINDIENST, individually and as Attorney General of the United States

L. PATRICK GRAY, III, individually and as Acting Director, Federal Bureau of Investigation

JOHN N. MITCHELL, individually and as former Attorney General of the United States

MASON SMITH, individually and as Special Agent, Federal Bureau of Investigation

CHARLES DURHAM, individually and as Special Agent, Federal Bureau of Investigation

JOSEPH JANIESON, individually and as Special Agent, Federal Bureau of Investigation.

JOHN DOE and RICHARD ROE

CIVIL ACTION NO. 72-1977

ORDER

TROUTMAN, J.

AND NOW, this 5th day of December, 1974, the order of this Court dated September 12, 1973, is STAYED pending plaintiff's application to the United States District Court for the Middle District of Pennsylvania to modify or vacate protective order entered May 1, 1972, in accordance with memorandum filed herewith and until relief from said order is obtained or until this Court otherwise directs.

IT IS FURTHER ORDERED that plaintiff's motion for sanctions
Memorandum

TO: DIRECTOR, FBI (62-115389)
(ATTN.: LEGAL COUNSEL DIVISION)

DATE: 3/5/75

FROM: SAC, PHILADELPHIA (62-5421) (P)

SUBJECT: SISTER ELIZABETH MC ALISTER;
ET AL
v. RICHARD G. KLEINDIENST;
ET AL
CIVIL ACTION NUMBER 72-1977
EDPa.
(00: PHILADELPHIA)

Re Philadelphia letters to the Bureau, dated 1/2/75 and 1/31/75.

On 2/28/75, the docket of the Clerk's Office, U.S. District Court (USDC), Eastern District of Pennsylvania (EDPa.), showed the following recent entries for captioned law suit, Civil Action Number 72-1977:

Item 53: 1/14/75, Defendants' monthly report on status of case, filed.

Item 54: 1/15/75, defendants' motion to dismiss, or in the alternative, for judgement on the pleadings, notice of, and memorandum in part thereof, filed.

Item 55: 1/30/75, defendants' monthly report on the status of discovery, filed.

Item 56: 2/18/75, order that this action is re-assigned from the calendar of Judge TROUTMAN to the calendar of Judge CAHN, for all further proceedings, filed.

On 2/19/75, entry and copies mailed.
Item 57: 2/26/75, stipulation and order extending time for plaintiffs to respond to defendants' motion to dismiss, or in the alternative, for judgment on the pleadings, until 3/4/75, filed.

Philadelphia is maintaining contact with AUSA, EDPa., and the Office of the Clerk, USDC, EDPa., for current status of captioned law suit.
Memorandum

TO: DIRECTOR, FBI (62-115389) (ATTN.: LEGAL COUNSEL DIVISION)

FROM: SAC, PHILADELPHIA (62-5421) (P)

DATE: 6/10/75

SUBJECT: SISTER ELIZABETH MC ALLISTER, ET AL v. RICHARD G. KLEINDIENST, ET AL, EDPA, CIVIL ACTION # 72-1977 (00: PHILADELPHIA)


On 5/27/75, the docket at USDC Clerk's Office, EDPA, bore the following recent entries under civil action number 72-1977:

Item 58: 3/4/75, plaintiffs' memorandum answering defendants' motion to dismiss, or in the alternative, for judgment on the pleadings filed.

Item 59: 5/14/75, defendants' reply to plaintiffs' opposition to defendants' motion to dismiss, or in the alternative, for judgment on the pleadings filed.

Philadelphia is maintaining contact with AUSA, EDPA, and USDC Clerk's Office, EDPA, for current status of captioned lawsuit.

Philadelphia is maintaining contact with AUSA, EDPA, and USDC Clerk's Office, EDPA, for current status of captioned lawsuit.

REC-9

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62-115389-34

Bureau (62-115389)

Philadelphia (62-5421)

WCF: sis

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JUN 25 1975

Command 5640

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

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Memorandum

TO: DIRECTOR, FBI (62-115389)  
(ATTN.: LEGAL COUNSEL DIVISION)

FROM: SAC, PHILADELPHIA (62-5421) (P)

DATE: 8/18/75

SUBJECT: SISTER ELIZABETH MC ALISTER, ET AL  
v. RICHARD G. KLEINDIENST, ET AL;  
USDC, EDPA; CIVIL ACTION # 72-1977  
(00: PHILADELPHIA)

Re Philadelphia letter to Bureau dated 6/10/75.

On 8/13/75, the docket at the Clerk's Office,  
USDC, EDPA, bore no recent entries under Civil Action #  
72-1977.

Philadelphia is maintaining contact with AUSA  
EDPA, and Clerk's Office, USDC, EDPA,  
for current status of captioned lawsuit.
Assistant Attorney General
Criminal Division

Director, FBI

SISTER ELIZABETH MC ALISTER, et al., v.
RICHARD G. KLEINDIENST, et al.
(U.S.D.C., E.D. PENNSYLVANIA)
CIVIL ACTION FILE NO. 72-1977

January 23, 1976
1 - Mr. Wannall
1 - Mr. McDermott
1 - Mr. Mintz
1 - Legal Research

Your memorandum of January 5, 1976, requested that you, a research analyst in your Special Litigation Section, be granted access to certain specific FBI Headquarters and Philadelphia field office files for the purpose of deriving information which will aid you in your defense of the captioned civil action.

You are hereby advised that you may examine the files you specified in your memorandum at FBI Headquarters and the Philadelphia field office subject to the proviso that these files be examined in Bureau space and under the general supervision of Bureau personnel. Appropriate personnel at FBI Headquarters and this Bureau's Philadelphia field office have been advised that access to the files in question has been granted and it is respectfully requested that a representative of your division contact this Bureau's Legal Counsel Division prior to the actual examination of the files either at FBI Headquarters or Philadelphia so that the files in question can be retrieved for review by you.

NOTE: Based on Legal Counsel Division memorandum to Mr. Adams dated 1/20/76.
To: SAC, Philadelphia (62-5421)

From: Director, FBI (62-115389)

SISTER ELIZABETH MC ALISTER, et al., v.
RICHARD G. KLEINDEIENST, et al.
(U.S.D.C., E.D. PENNSYLVANIA)
CIVIL ACTION FILE NO. 72-1977

For the information of the Philadelphia office, the Department has requested and FBI Headquarters has granted permission for [______], a Department research analyst, to examine the following files at both FBI Headquarters and Philadelphia:

1. Bufile No. 25-608693 (Field Office File No. 25-42248), captioned: [_________] - et al., Destruction of Draft Board Records at Selective Service System [Philadelphia];

2. Bufile No. 25-613524 [pertaining to the Wilmington draft board raids];

3. Bufile No. 25-613526, captioned: "Unsubs. - Destruction of SS Records, Local Board #1, Selective Service System, 38 South St., Dover, Delaware";

4. Bufile No. 25-613525, captioned: "Unsubs., - Destruction of Selective Service Records, Local Board #2, 109 W. Pine St., Georgetown, Delaware";

5. Bufile No. 100-460495 [Field Office File No. 100-51190], captioned: "East Coast Conspiracy to Save Lives";

NOTE: Based on Legal Counsel Division memorandum to Mr. J. B. Adams dated 1/4/76.
To: SAC, Philadelphia (62-5421)
From: Director, FBI (62-115389)

SISTER ELIZABETH MC ALISTER, et al., v.
RICHARD G. KLEINDIENST, et al.
(U.S.D.C., E.D. PENNSYLVANIA)
CIVIL ACTION FILE NO. 72-1977

Enclosed for Philadelphia is one copy of a 1/15/76 memorandum from the AAG, Criminal Division, with attachments, which was recently received at FBIHQ. Although the Criminal Division memorandum indicated that SAC letter 69-31 dated 6/3/69, was attachment number 7 thereto, it was not, in fact, attached. Enclosed herewith for Philadelphia is one copy of that SAC letter excised to delete pages 1-3 which concern other matters not related to this case.

In its 1/15/76, memorandum, the Department advised that on 10/7/75, the U.S.D.C., E.D. Pa., had ordered that the defendants must respond to interrogatories previously filed in this case by the plaintiffs. Following the 10/7/75, Order, the Department moved for the issuance of a protective order which would limit the disclosure to be made of the information to be furnished the plaintiffs in response to their interrogatories. The Department has advised that it intends to appeal the 10/7/75, Order in the event the court declines to issue the requested protective order.

In anticipation that the court will issue the requested protective order, the Department has requested that answers which have been drafted in response to the plaintiffs' interrogatories be reviewed by SA Mason P. Smith of the Philadelphia office. If, after his review, SA Smith is

Enc.

(See NOTE, Page 2.)
Airtel to SAC, Philadelphia
Re: Sister Elizabeth McAllister, et al., v.
   Richard G. Kleindienst, et al.
   (U. S. D. C., E. D. Pennsylvania)
Civil action file no. 72-1977

The purpose in having this examination is to assist the Department in defending the Bureau's interests in captioned civil action, through the collation of information supporting the defendants' contention that the warrantless national security wiretap directed against plaintiff Davidson was initiated and conducted with good cause.

The files in question should be reviewed by knowledgeable personnel in your office to determine if they name any sources of continuing value or contain other information which continues to be of an extremely sensitive nature. If you determine that either of the above situations exist, you are requested to notify FBI Headquarters so that appropriate arrangements can be made with the Department.

We have requested that the Department provide us notice regarding when would desire to examine the above files at FBI Headquarters and Philadelphia, and you will be advised by separate communication of the date she is expected to arrive in Philadelphia for the examination. The review of the files in question is to take place within Bureau space and under the general supervision of Bureau personnel. Your assistance to in her examination will be greatly appreciated.
Airtel to SAC, Philadelphia
Re: Sister Elizabeth McAlister, et al., v.
Richard G. Kleindienst, et al.
Civil Action File No. 72-1977

convinced that the enclosed answers are truthful and accurate responses to the plaintiffs' interrogatories, based on his familiarity with relevant Bureau files and the electronic surveillance—which is the subject matter of this civil action, he is to execute these responses on behalf of the U.S. Government.

In accordance with the Department's request, it is requested that the enclosed material be reviewed by SA Smith. If SA Smith has any questions with regard to any of the enclosed interrogatory answers, these questions should immediately be brought to the attention of FBIHQ, Attention: Legal Counsel Division, so that they may be discussed with the Criminal Division of the Department. If SA Smith believes that the information contained in the responses to the plaintiffs' interrogatories is accurate and correct, he should execute these interrogatory responses on behalf of the U.S. Government. The executed responses should be retained in the Philadelphia field office until such time as the Philadelphia office is instructed by FBIHQ to furnish the responses to the AUSA handling captioned civil action in Philadelphia. Additionally, the tapes, transcripts and logs of the Davidon electronic surveillance presently maintained by the Philadelphia office should be retrieved and maintained in such a way that they will be promptly available for inspection by the plaintiffs in the event the protective order being sought by the Department is issued by the U.S.D.C., for the Eastern District of Pennsylvania.

NOTE: Based on referenced Department memorandum and Legal Counsel memorandum to Mr. J. B. Adams dated 2/12/76. It is noted that enclosure number 9 to the AAG, Criminal Division, memorandum dated 1/15/76, was erroneously listed as dated 1/9/76. The correct date is 1/5/76.
November 6, 1970

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: WILLIAM COOPER DAVIDON
SECURITY MATTER - MISCELLANEOUS


This is to recommend installation of a telephone surveillance on the residence of William Cooper Davidson, 7 College Lane, Haverford, Pennsylvania. He is currently employed as a professor at Haverford College, Haverford, Pennsylvania.

Davidson is an advisor and leading activist in the East Coast Conspiracy to Save Lives (ECCSL), the militant group which plans to blow up the underground electrical and heating systems servicing Government buildings in Washington, D.C., simultaneously with the kidnapping of a highly placed Government official. The Honorable Henry A. Kissinger, Assistant to the President for National Security Affairs, has been mentioned as a possible victim. Information concerning these plots has been previously furnished to you as well as Dr. Kissinger and Honorable John D. Ehrlichman, Assistant to the President for Domestic Affairs at the White House, and military intelligence agencies.

Davidson has conferred with leaders of the ECCSL regarding the bombing and kidnapping plots and participated in an attack on draft boards in Wilmington, Delaware, in June, 1970, with members of the ECCSL. He has been described by informants as an organizer and "go-between"
Memorandum for The Attorney General

with individuals and/or groups involved in draft board attacks throughout the northeast section of the United States. He has a long history of involvement in the draft resistance movement and as such has spoken out on behalf of the Communist Party as well as various front groups of the Socialist Workers Party. He is regarded by the Communist Party of Eastern Pennsylvania as a leader and rallying point of the antivar groups in that area. In speeches made in the United States and other countries, Davidson has condemned the United States Vietnam policy and has encouraged United States soldiers to refuse to fight and young men to resist induction into the military services. It was determined, on a highly confidential basis, that Davidson,

indicated he hoped to obtain secret United States Department of Defense documents which could be publicized to gain support for the antivar movement in the United States.

A telephone surveillance on Davidson’s residence will undoubtedly provide extremely valuable information concerning information relating to activities of the ECCSL, as well as information regarding his involvement in the draft resistance and antivar movement in the United States. Inasmuch as Davidson has indicated a desire to obtain classified material, this request is being made not only for the purpose of obtaining intelligence-type information but also to develop information of an evidentiary nature concerning his involvement in the ECCSL and related activities. In line with instructions on page five of your letter, the following information is set forth:

1. It is believed that members of the ECCSL may be involved in violation of the Kidnapping and Destruction of Government Property statutes or other laws involving the internal security of the country.
Memorandum for The Attorney General

2. At the present time, we are conducting an intelligence-type investigation of the ECCSL, as well as criminal investigations of the members of the group who may be in contact with Davidon.

3. It is not known at this time whether other individuals under active investigation for possible criminal violations will be monitored by this surveillance.

4. It is anticipated that interceptions on this telephone will provide information relating to Davidon's involvement in the draft resistance movement and attacks on draft boards, as well as information concerning activities of the ECCSL.

I, therefore, recommend the installation of a telephone surveillance at 7 College Lane, Haverford, Pennsylvania, for a period of 30 days. If approved, you will be advised when the installation is made.

Respectfully,

[Signature]
John Edgar Hoover
Director

APPROVED

DATE 11/16/70

- 3 -
December 7, 1970

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: WILLIAM COOPER DAVIDON
SECURITY MATTER - MISCELLANEOUS

Reference is made to my memorandum dated November 6, 1970, captioned as above. Your approval of that memorandum on November 6, 1970, authorized installation of a telephone surveillance on the subject's residence for a period of 30 days.

Davidon is an advisor and leading activist in the East Coast Conspiracy to Save Lives (ECCSL), the militant group which plans to blow up the underground heating and electrical systems servicing Government buildings in Washington, D.C., simultaneously with the kidnapping of a prominent Government official. Davidon has been described by informants as an organizer and "go-between" with individuals and/or groups involved in the draft resistance movement and-as such is regarded by the Communist Party of the Eastern District of Pennsylvania as the rallying point for antiwar groups in the Philadelphia area. Information concerning the ECCSL has been previously furnished to you as well as the White House and other interested Government agencies.

Since its installation on November 24, 1970, this surveillance has produced highly significant information to corroborate Davidon's involvement with individuals associated with the ECCSL movement. Following my testimony concerning the ECCSL before the Senate Appropriations Subcommittee on
Memorandum for the Attorney General

November 27, 1970, individuals involved in that movement were in contact with Davidson or his wife concerning the matter and discussed plans relative to holding a press conference to refute the testimony. Such a press conference was held in Washington, D. C., by self-admitted members of the ECCSL on November 30, 1970. Data obtained from this coverage clearly discloses that Davidson is privy to inside information regarding this movement, is in frequent contact with its leaders and activists, and clearly shows that he serves as a contact and coordinator of activities for individuals involved in the ECCSL movement. It can be anticipated that this installation will continue to furnish extremely valuable information of an intelligence as well as an evidentiary nature concerning Davidson’s involvement in the ECCSL and related activities.

Your authority is requested to continue the telephone surveillance on Davidson’s residence for an additional 30-day period effective December 6, 1970.

Respectfully yours,

John Edgar Hoover
Director

[Signature]

APPROVED

DATE 12/7/70
(D) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 --
Recently the Attorney General furnished the Bureau detailed instructions
relating to electronic surveillances (wiretaps and microphone coverage)
in the internal security field which are pertinent to captioned Act. A
summary of the instructions is being furnished herein for your guidance
and compliance. When requesting authority for an electronic surveillance,
make certain all additional data now required is set forth in Form FD-142.

For reasons of security, electronic surveillances in the
internal security field should be requested under the Presidential
authorization provision of the Act; however, if prosecution appears
likely, consideration should be given to recommending use of a court
order. Basis for the type desired should be clearly set forth.

The Supreme Court's decisions have shown that the legality
of the interception is of prime importance in determining whether
information regarding electronic surveillance must be disclosed to a
defendant whose conversation has been intercepted. Therefore, future
requests for electronic surveillances in the internal security field
should contain:

(1) An identification of the premises and location, and the
room or office, in which the interception device is to be placed or phone
to which such a device is to be attached and facts regarding the instal-
lation to assist in determining whether a trespass will be involved.

(2) A general description of the activities subject is engaged
in and the type of information which it is anticipated will be obtained
through the electronic coverage.

(3) The period of time for which approval is requested,
with subsequent advice as to date of installation.

(4) Whether it is anticipated that the conversations of any
other subject who is under active investigation for possible criminal
violations will be overheard.

With regard to tape recordings of intercepted conversations,
such tapes should be preserved for a minimum period of ten years.

6/3/69
SAC LETTER 69-31 - 4 -
If it is anticipated results will be introduced into evidence or leads to evidence will be obtained where installation is being recommended under the Presidential authorization, the following additional information should be included:

(1). The crime or crimes which it is believed are being committed by the person or persons whose conversations are likely to be overheard.

(2). A complete description of the investigation being conducted - its origin, development and present status. This description should include a detailed analysis of all investigative procedures utilized and a statement as to their inadequacy and the need to use the proposed technique.

(3). The names and backgrounds of each prospective subject of the investigation.

(4). A description of the communications expected to be intercepted, together with an analysis of the relevance of the communication to the investigation.

Requests for coverage should be for no longer than a period of thirty days, subject, of course, to requests for extension.

Dissemination of intercepted information may be made to other intelligence and law enforcement agencies and allies of the United States on a need-to-know basis and should be appropriately classified, and in no case violate the dissemination limitations which are currently imposed upon classified national defense information. If evidence of possible criminal conduct is developed, extreme caution should be exercised in disseminating the information outside of the FBI and the information should be clearly identified as having originated from an electronic surveillance. If a question should arise whether a particular item of information falls within or without these general guidelines, advice of the Department should be obtained as to whether dissemination should be made.

6/3/69
SAC LETTER 69-31 - 5 -
It is realized that the instructions present certain serious problems, such as preservation of tapes for a minimum of ten years, and also certain questions, such as the manner of identifying information as coming from an electronic surveillance when disseminating information of a possible criminal conduct. These and other such matters will be taken up with the Department for clarification. Pending the receipt of clarification, however, you should follow the instructions set out herein to the best of your ability, communicating with the Bureau in the event a specific situation presents a special problem.

For your information, the Criminal Division of the Department is currently preparing a "Manual for Conduct of Electronic Surveillance," which will contain detailed instructions regarding the form of, and the information to be contained in, future requests to the Attorney General for authorization to apply for an interception order from the courts.

Very truly yours,

John Edgar Hoover

Director
TO: DIRECTOR, FBI
(ATTN: DOMESTIC INTELLIGENCE DIVISION)

FROM: SAC, PHILADELPHIA

SUBJECT: EAST COAST CONSPIRACY TO SAVE LIVES. (ECCSL) IS-MISCELLANEOUS; DGP; KIDNAPPING; SABOTAGE - CONSPIRACY

Attached are two copies of FD-142 dated 10/30/70.

The selection of the residence telephone of WILLIAM COOPER DAVIDSON has been made after a careful survey and analysis of the various personalities active in captioned organization and related groups.

While other possible locations exist for such coverage, none presents the high-level potential which requested installation contains.

It is strongly recommended the attached request be approved.
Memorandum

TO: DIRECTOR, FBI
FROM: SAC, PHILADELPHIA
DATE: 10/30/70

SUBJECT: RECOMMENDATION FOR INSTALLATION OF TECHNICAL OR MICROPHONE SURVEILLANCE

RE: Title EAST COAST CONSPIRACY TO SAVE LIVES (ECCSL); IS-MISC; DGP; KIDNAPPING; Character of Case SABOTAGE - CONSPIRACY Field Office Philadelphia Symbol Number
Type of Surveillance (Technical XXX)

1. Name and address of person or organization on whom surveillance is to be placed: WILLIAM COOPER DAVIDON, 7 College Lane, Haverford, Pa.

2. A. Address where installation is to be made (set forth exact room number or area to be covered): Private residence, detached house, 7 College Lane, Haverford, Pa., Tel. No. Midway 9-6154, private line
B. Location where monitoring plant is to be maintained: listed to DAVIDON.

3. Previous and other current installations on the same subject: None

4. Cost and manpower involved:

5. Adequacy of security: Full security assured.
6. Type of case involved: Internal Security; Bombing Matters; Anti-Riot Laws; New Left – Violence; Destruction of Government Property; Kidnapping; and Sabotage – Conspiracy.

7. Connection or status of subject in the case: See Addendum.

8. Specific information being sought: Details of plans of ECCSL to destroy electrical and heating systems servicing Government buildings in the Washington, D.C., area and to kidnap a highly-placed Government official. Also plans of ECCSL to attack FBI offices and resident agencies, local draft boards, and offices of large corporations engaged in work relating to the national defense interests. Also, in view of DAVIDON's possession of knowledge and influence as outlined under Item #7, there is the strong possibility DAVIDON is and will become privy to information concerning whereabouts of political fugitives, even though there is no info available as present to verify.

9. Reasons for believing the specific information will be obtained by the technical surveillance: DAVIDON, as a leader of "the movement" in the East, has been in contact with other leaders in "the movement. Informants have described DAVIDON as a behind-the-scenes organizer or a "go-between" with persons involved in draft board attacks throughout the East. It is reasonably anticipated that a continuation of such attacks will involve contacts by the participants with DAVIDON.

10. Importance of case and subject: See Item #3 above. Importance of case involves destructive plans of ECCSL.

Only one live informant, \[\text{is privy to planning sessions of ECCSL. It is noted that } \text{is [redacted] and is not in the main stream of ECCSL activities; that is, his information is second-hand and obtained irregularly and infrequently.}\]

\[\text{is a confidant of DAVIDON to a limited degree and is aware of some of DAVIDON's involvement in the planning of destruction of local draft boards, both past and future.}\]

12. Risks of detection involved: None. No trespass involved.

13. Probable length of technical surveillance: Thirty days from date of actual installation.

14. Request made for technical surveillance by any outside agency (name specific official, title and agency): None.
15. Remarks: It is anticipated that the results of this communication's intercepts may be introduced into evidence or that leads to evidence will be obtained under this recommended Presidential authorization, and the received intercepts will be retained and processed per SAC Letter 69-31 (D). Previously authorized intercepts in the organized crime field and the security field have been handled with complete security.

16. Recommendation of Assistant Director:
ADDENDUM

Item #7

WILLIAM COOPER DAVIDON is the subject of Bureau File and is on the Security Index of the Philadelphia Division.

DAVIDON was born in Fort Lauderdale, Fla., 3/18/27. His father was born in Russia. DAVIDON holds a PhD. Degree in Physics, having received his BS, MS and PhD. at the University of Chicago.

Prior to coming to Haverford College, Haverford, Pa., in August, 1951, DAVIDON was employed by the Argonne National Laboratory (ANL) in Argonne, Ill., which laboratory is operated by the University of Chicago for the Atomic Energy Commission. His latest assignment at ANL was as Associate Physicist. He was retained by ANL as a consultant by the Applied Mathematics Department. DAVIDON is Chairman of the Physics Department and an instructor in mathematics and physics at Haverford College.

During the years he lived in the Chicago area, DAVIDON participated in and/or spoke at disarmament and peace demonstrations, rallies, and meetings that were sponsored by various organizations in the Chicago area; he was chairman of the Chicago Chapter of the Federation of American Scientists; was participant and signer of "Vienna Declaration" adopted by Third Pugwash Conference, Kitzbuhel, Austria; in 1956 it was stated that although DAVIDON was not a COMMUNIST PARTY (CP) member, this did not mean that CP members could not influence him; his activities were commended by CP members and in the official organ of the IWW; DAVIDON indicated a strong interest in and willingness to speak for the FAIR PLAY FOR CUSA COMMITTEE; he spoke before the EMMA LAZARUS FEDERATION OF JEWISH WOMEN'S CLUBS; he was self-admittedly sponsor of the Committee to Secure Justice for MORT COBELL; was a contributor to and signer of a petition prepared by the National Committee to Abolish the House Un-American Activities Committee; sponsored Southern Conference Educational Fund activities, etc.

Since arrival in the Philadelphia area, WILLIAM
in groups and demonstrations opposed to all United States activities in Vietnam and Southeast Asia; his name has been discussed at COMMUNIST PARTY OF EASTERN PENNSYLVANIA AND DELAWARE District Board meetings as a leader and rallying point of the peace forces; he has served as co-chairman of the Committee for Nonviolent Action; has stated Americans have moral obligation not to serve in the Armed Forces or in any way aid the Vietnam war; contributed to the Independent Citizens Committee to Abolish the House Un-American Activities Committee; continued to be a sponsor of the National Committee to Abolish the House Un-American Activities Committee; spoke at a W.E.B. DU BOIS CLUB OF AMERICA (DCA) rally protesting Attorney General's order for DCA to register as a communist front; was one of six persons who traveled to Saigon, South Vietnam, as part of a peace seeking group who were arrested and expelled by Saigon Police; refused to pay income taxes because of opposition to war in Vietnam; has encouraged young men to refuse to obey orders to go to Vietnam as part of the military; has led resistance demonstrations in Washington and Philadelphia area; signed letter refusing cooperation with Selective Service System; has spoken before and/or on behalf of CP and/or SOCIALIST WORKERS PARTY (SWP) controlled front groups and related activities.

SISTER ELIZABETH NC ALISTER, an activist nun in the anti-Vietnam war movement and admittedly an ardent supporter of REV. PHILIP BERRIGAN and his brother REV. DANIEL BERRIGAN, has conferred with WILLIAM DAVIDON at Haverford. WILLIAM DAVIDON has participated in planning attacks on local draft boards. An informant knowledgeable of some ECCSI members and activities considers several ECCSI members and associates and WILLIAM DAVIDON as leaders of "the movement" in the East.

An article in a local newspaper in April, 1970, reflects DAVIDON continues to be active in the Pugwash Conferences and attended the most recent meeting held in Czechoslovakia in 1969. The article reflects he attended the Stockholm World Conferences on Vietnam in the recent past and while in Denmark and Sweden on recent trips described various anti-war and anti-military United States activities, including the destruction of draft files in various United States cities, for the benefit of European correspondents. He also reportedly suggested to Swedish "groups and professors" additional things
has reported during recent months on DAVIDON's involvement in destruction of Selective Service records. Concerning destruction of the Selective Service records at Wilmington, Del., on 6/17-18/70, DAVIDON had previously indicated he desired to obtain Army uniforms; however, later reported they did not need them inasmuch as they had utilized sheets of plywood in the cutting of a washroom to conceal the people involved in the draft board destruction until after the close of the work day. DAVIDON indicated that they even were interrupted by an Army Colonel, whom they engaged in conversation, and convinced him they were repairing the air conditioning system.

During August, 1970, the source advised he had ascertained that DAVIDON would possibly have to go underground in the near future and that his days of freedom were numbered.

During September, 1970, the source advised that DAVIDON indicated "they" were interested in destroying the records at the Selective Service Board at 1732 South Broad Street, Philadelphia, and at another location. Also during September, 1970, DAVIDON commented to the informant regarding the break-in of the Selective Service Boards in Rochester, N.Y., and coupled with statements regarding other draft board break-ins gave the appearance to be acting as go-between and a coordinator in connection with these various draft board break-ins.

Paragraph deleted for protection of live informant's identity.
Memorandum recommends installation of a telephone surveillance (texecal) on residence of William Cooper Davidson, 7 College Lane, Haverford, Pennsylvania. Davidson, a professor at Haverford College, is a Security Index subject of the Philadelphia Office and a leading activist in the East Coast Conspiracy to Save Lives (ECCSL).

The ECCSL is a militant group which plans to blow up the underground electrical and heating systems servicing office buildings in Washington, D.C., simultaneously with thekidnapping of a highly placed government official. Members of the ECCSL have been involved in the destruction of Selective Service records and plan to expand activities to include attacks on FBI offices.

Davidson has been a leader and participant in numerous demonstrations opposing U.S. activities in Southeast Asia; he is regarded as the rallying point of peace forces in the Philadelphia area by the Communist Party of Eastern Pennsylvania; was a member of the National Committee to Abolish the House Un-American Activities Committee; protested Attorney General's order for W.E.B. DuBois Club of America to register as a communist front; traveled to South Vietnam with a peace group which was subsequently expelled from that country; refused to pay taxes because of opposition to the Vietnam war; plays a prominent role in the draft resistance movement in the Philadelphia area and has been spoken out on behalf of the Communist Party and Socialists Workers Party controlled front groups. In speeches made in the U.S. and other countries, Davidson condemned the U.S. Vietnam policy, encouraged U.S. soldiers to refuse to fight and young men to refuse induction into the military service. It was determined, on a
Memorandum to Mr. C. D. Bresnahan
RE: East Coast Conspiracy to Save Lives

Highly confidential basis, that Davidson,

indicated helped to obtain secret U.S. Defense
Department documents which could be publicized to gain support
for the antiwar movement in the U.S.

Davidson has conferred with leaders of the ECCL regarding
the bombing and kidnapping plots and participated in an attack on
draft boards in Wilmington, Delaware, 6-79, with other ECCL
members. He has been described by informants as an organizer
and "go-between" with individuals and/or groups involved in
draft board attacks throughout the Northeast.

In view of Davidson's background, his involvement in
ECCL activities and his unique position as the behind-the-scenes
organizer with individuals involved in draft board attacks, a
ploy on his residence would be extremely beneficial to ascertain
information relating to activities of the ECCL as well as
information regarding Davidson's involvement in the draft resistance
and antiwar movement in the U.S.

There is, attached, a memorandum to the Attorney General
requesting his approval for a ploy on Davidson. He is being
referred to his letter of 3-6-69 concerning the Omnibus Crime
Control and Safe Streets Act of 1968, wherein he advised that
if it is anticipated results from a ploy will be introduced in
court or leads to evidence will be obtained from a ploy, we should
request his authority under Presidential authorization, furnishing
him additional specific data and make our request for no more than
30 days. This is included in our request to him.

ACTION:

It is recommended that the attached memorandum to the
Attorney General be approved and sent.
To: SAC, Philadelphia

From: Director, FBI

EAST COAST CONSPIRACY TO SAVE LIVES (ECCSL)
IS - HISS

Re: Airtield 10-30-70.

On 11-6-70 the Attorney General approved installation of a telephone surveillance on the residence of William Cooper Davidson, 7 College Lane, Haverford, Pennsylvania. Provided full security assured, Bureau authority to install the surveillance is granted this date. Advise time and date of installation and symbol number assigned.

Your attention is directed to SAC Letter 69-31 (N) concerning the Omnibus Crime Control and Safe Streets Act of 1968. The Attorney General approved this surveillance with the understanding that it will not only furnish intelligence-type information, but also information which could be introduced into evidence or lead to evidence in a court of law. Accordingly, certain additional information must be furnished him as noted on page five of the SAC Letter. It is further noted that requests for this type coverage should be for no longer than a period of 30 days, subject to requests for extension.

You must submit 30-day justification letters (PD-143) concerning this surveillance. To insure that the Attorney General is in receipt of a justification memorandum in sufficient time, you must submit the PD-143 justifying this surveillance and including all pertinent data as noted in the SAC Letter to reach the Bureau by no later than 10-2-70.

ENCLOSED
SEE NOTE PAGE TWO

62/14-383
Airiol to Philadelphia

... C. D. Brennan to
Save Lives (SCCCL)

NOTE:

The SCCCL is a militant group which plans to blow up the underground electrical and heating systems servicing Government buildings in Washington, D.C., simultaneously with the kidnapping of a highly placed Government official. Davidon, a security index subject of the Philadelphia Office, is a leading activist and advisor in the SCCCL. Director's approval was based on memorandum R. L. Cheeklerd to C. D. Brennan dated 11-5-70. Attorney General's approval was based on memorandum to the Attorney General dated 11-6-70.
TO: DIRECTOR  
DATE: 12/1/70

FROM: SAC, PHILADELPHIA

SUBJECT: JUSTIFICATION FOR CONTINUATION OF TECHNICAL OR MICROPHONE SURVEILLANCE

RE: Title LIVES (ECCSL)  
IS-MISCELLANEOUS  
Character of Case IS-MISCELLANEOUS  
Field Office PHILADELPHIA  
Symbol Number  
Type of Surveillance: (Technical or Microphone)

1. Name of person or organization on whom surveillance placed: WILLIAM COOPER DAVIDSON

2. Address where installation made. Also give exact room number or area covered: 7 College Lane, Havardford, Pa. Private residence, detached house, no trespass, Telephone N15-6184.

3. Location of monitoring plant: 

4. Dates of initial authorization and installation: Authorization 11/6/70; installation 11/24/70

5. Previous and other installations on the same subject (with dates and places): None

6. If installation is a technical surveillance, answer following questions:
   a. Is a trunk line utilized? Yes
   b. Is the surveillance on a switchboard? No
      Is the surveillance on a public coin-operated telephone? No
d. Is surveillance on a private line or a party line? Private line

e. If a party line, how many parties? N/A

7. If a microphone surveillance involved, state number of microphones actually used and location of each: N/A

8. Is the installation part of a tel-mike? If so, give symbol of other side of the combination: No

9. Specific examples of valuable information obtained since previous report with indication of specific value of each item and the date information received. State what use was made of each item involved: (Add insert pages)

(See Page 5)

10. Could above information have been obtained from other sources and by other means? No

11. Number of live informants (in field division) who cover same subject: 3

12. Has security factor changed since installation? No

13. Any request for the surveillance by outside agency (give name, title and agency): No

14. Cost of Plant Premises:
   a. Rental costs for plant premises:  
   b. Give total number of other surveillances monitored at same plant: 175
c. If any others, set out the proportionate cost of instant surveillance: 

15. Cost of Leased Line for instant installation? Final bill not received to date.

16. Personnel Costs:
   
   a. Give total number of special employees and/or Special Agents working at plant and total salary costs.

   b. Total number of man hours per week spent at plant:

   c. If other installations monitored at same plant, list proportionate number of man hours per week spent on instant surveillance:

   d. If other installations monitored at same plant, list proportionate salary expense per annum for instant surveillance:

17. Remarks (By SAC): This installation has proved to be productive and valuable. Its continuance is strongly recommended.
10. **Recommendation by Assistant Director:**

(If this surveillance involves cryptanalysis, include statement that decrypted material is or is not sufficiently important to continue decrypting.)
9. (cont'd)

The following information pertaining to captioned investigation has been received from instant installation during period 11/24-23/70:
The above information from this installation, in analysis, indicates a direct connection between DAVIDSON and the persons involved in captioned investigation. DAVIDSON personally appears to know many of the subjects of instant investigation, is privy to information concerning their whereabouts and activities (at least partially) and at times serves as a go-between, contact and coordinator for the persons so involved. Information from this source together with information from other sources is being coordinated and evaluated with a view toward successful prosecution of persons involved.
Additionally, information from this installation indicates that...

Information from this installation further reflects that DAVIDSON and his wife are active, on an organizational level, in organizations and demonstrations involved in anti-U.S. and anti-Vietnam War activities. This information is being appropriately disseminated to interested decks in Philadelphia and to interested agencies in Philadelphia.
TO:    DIRECTOR, FBI (62-115389)
       ATTN:  OFFICE OF LEGAL COUNSEL

FROM:   SAC, PHILADELPHIA (62-5421) (ASAC2) (P)

SUBJECT:  SISTER ELIZABETH MC ALISTER,
           ET AL VS. RICHARD G. KLEINDIENST,
           ET AL
           (U.S.D.C., EDPA.)
           CIVIL ACTION FILE # 72-1977

Re Bureau airtel to Philadelphia, dated 2/13/76, with enclosures.

Enclosed for the Bureau are two xerox copies of defendant's answer to interrogatory # 6, which has been executed by SA MASON P. SMITH. These are enclosed and are to be forwarded to [redacted] of the Department of Justice per his request.

On 2/17/76, SA MASON P. SMITH executed defendant's answer to plaintiff's first interrogatory and defendant's answer to interrogatory # 6. On 2/18/76, the executed copy of defendant's answer to plaintiff's first interrogatory was furnished to USA [redacted].

The remaining documents furnished to Philadelphia with referenced airtel are being maintained pending arrangements for review by plaintiff's counsel.
PH 62-5421

Philadelphia has likewise gathered the other documents to be made available to plaintiff, and we are prepared to handle any arrangement to review this material.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH MC ALISTER, et al., )
         Plaintiffs, )

   v. ) Civil Action No. 72-1977

RICHARD G. KLEINDIENST, et al., )
         Defendants.

DEFENDANTS' ANSWER TO INTERROGATORY NO. 6

Now comes Mason Paul Smith, Special Agent, Federal Bureau of
Investigation, Philadelphia Office, and on the basis of the
information derived from the files of the Department of Justice
deposes and responds to plaintiffs' Interrogatory No. 6, as follows:

INTERROGATORY NO. 6: For each overhearing indicate the
following:

(a) Whether the co-operation of any telephone company employee
was sought in the overhearing or installation of equipment.

(b) If the response to part (a) is yes, the name of all
such employees; their employer's name whether or not the
employer's co-operation was obtained; and if so, the exact
act or omissions constituting such co-operation.

ANSWER TO INTERROGATORY NO. 6: Pursuant to the protective order
entered herein precluding disclosure of the requested information
on open record, and in response to Interrogatory No. 6 defendants'
state:

(a) Yes.

(b) The installation was effected with the co-operation of
Bell Telephone of Pennsylvania, upon request for a leased line
directed to Mr. Winfield Scott, Vice President-Staff. In
addition to provision of the leased line, Mr. William Gray
of Bell Telephone of Pennsylvania provided wire identification.

Respectfully submitted,

MASON PAUL SMITH
Special Agent
Federal Bureau of Investigation
Philadelphia, Pennsylvania
215/629-0800

Subscribed and sworn to before me this 17 day of February, 1976, at Philadelphia, Pennsylvania.

Marilyn C. Rafter
NOTARY PUBLIC

My Commission expires _______________________.

-2-
United States Government

Memorandum

TO: Mr. J. B. Adams

FROM: Legal Counsel

DATE: 2/12/76


By memorandum dated 1/15/76, the Department advised that an Order had been entered in captioned civil action on 10/7/75, requiring the defendants to respond to interrogatories which the plaintiffs have filed in this case. Additionally, the Department advised that it has moved for a protective order which would limit the disclosure of the material to be furnished in response to the plaintiffs' interrogatories, and that the Government's answers to the interrogatories would be due shortly after the issuance of the requested protective order.

The Department's 1/15/76 memorandum enclosed Answers to the plaintiffs' interrogatories which the Department has formulated based on material previously furnished to them by the FBI. The Department requested that these answers be furnished to the Philadelphia office for review by Special Agent Mason P. Smith. Following his review, Special Agent Smith is to execute these interrogatory answers on behalf of the Government, if it is his belief that the answers are correct based on his knowledge of pertinent FBI files and his personal recollection of the electronic surveillance which is the subject matter of captioned civil action.

Enc.
1 - Mr. Wannall:
1 - Mr. Mintz
2 - [Redacted]

(Continued - Over)
Memorandum to Mr. J. B. Adams
Re: Sister Elizabeth McAlister, et al., v.
Richard G. Kleindienst, et al.
Civil Action File No. 72-1977

By way of background, captioned civil action was filed in 1972 following the Government's release to Sister McAlister, under court order during the EASTCON trial, of information indicating that she had been overheard on a warrantless national security wiretap directed against another individual. Sister McAlister's complaint in this civil action alleged that she and plaintiff William Cooper Davidson had been injured as a result of being overheard on this wiretap which they allege was violative of Federal Statute and the United States Constitution. It is the Government's contention that the electronic surveillance in question was legal at the time it was authorized by the Attorney General of the United States and was conducted by the FBI in a good faith belief that the electronic surveillance was necessary in order to protect the national security of the United States.

In addition to providing the attached interrogatory answers to the plaintiffs, it is the Department's intention to make available to the plaintiffs, under protective order, the documents and items set forth on pages 1 and 2 of the enclosed Department memorandum of 1/15/76. Certain of the documents to be made available to the plaintiffs are already maintained by the Philadelphia office. The other documents, with the exception of SAC letter 69-31 dated 6/3/69, are attached to the Department's 1/16/76 memorandum and have been appropriately excised. We have supplied the SAC letter, appropriately excised, which was listed as attachment number 7 to the Department's memorandum but was not, in fact, attached thereto. It is the Legal Counsel Division's opinion that the attached documents should be made available to the plaintiffs in response to the United States District Court for the Eastern District of Pennsylvania's Order of 10/7/75, in the event that that court issues the protective order the Government now seeks. Failing the

(CONTINUED - OVER)
Memorandum to Mr. J. B. Adams
Re: Sister Elizabeth McAlister, et al., v.
    Richard G. Kleindienst, et al.
    Civil Action File No. 72-1977

issuance of the protective order, the Department has advised that it will attempt to appeal the 10/7/75, Order requiring discovery. With regard to the proposed interrogatory answers, the Legal Counsel Division is of the view that these answers should be furnished to Special Agent Smith for his review and execution if he agrees with the material set forth therein.

RECOMMENDATION:

That the attached airtel to Philadelphia, enclosing a copy of the Department's 1/15/76, memorandum and the attachments thereto, and requesting that the answers to plaintiffs' interrogatories be reviewed by Special Agent Smith prior to execution thereof, be approved and sent.
TO: Mr. J. B. Adams
FROM: Legal Counsel

DATE: 1/20/76

By attached memorandum dated 1/5/76, the Criminal Division has requested permission to have a research analyst examine certain Bureau files maintained at FBI Headquarters and in Philadelphia.

The purpose of the requested examination is to derive information which will support the FBI and Department defendants' contention that the electronic surveillance engaged in by the defendants, which is the subject matter of this civil action, was undertaken with good cause.

By way of background, captioned civil action was filed soon after Sister Elizabeth McAlister, a defendant in the Eastcon prosecution, was advised, subject to a "protective order," that she had been overheard on a warrantless national security wiretap directed at another individual. Thereafter, McAlister and William Davidson, the subject of the wiretap, filed this civil action alleging that the wiretap in question was illegal and in violation of their constitutional and statutory rights.

Enc.
1 - Mr. Wannall
1 - Mr. McDermott
1 - Mr. Mintz
1 - File
RCB:kiw (6)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EMER K
MAR 2 1976
3010-101
Legal Counsel memorandum to Mr. J. B. Adams
Re: Sister Elizabeth McAlister, et al., v.
    Richard G. Kleindienst, et al.
    (U.S.D.C., E.D. Pennsylvania)
Civil Action File No. 72-1977

The files the Department would like to examine are primarily concerned with Selective Service office break-ins which occurred prior to or contemporaneous with the Eastcon investigation and which were later used as evidence of overt acts during the Eastcon prosecution. The pertinent Bufi file numbers and Philadelphia file numbers are set forth on the attached Department memorandum and it is the view of the Legal Counsel Division, subject to the Intelligence Division's opinion requested in recommendation number 1, that access to these files by [REDACTED] should be granted with the proviso that she examine the files in Bureau space and under the supervision of appropriate FBI Headquarters and Philadelphia office personnel. It should be noted that [REDACTED] has a "Top Secret" clearance, and her review will be supervised by Legal Counsel Division.

RECOMMENDATIONS:

1. That the Intelligence Division notify the Legal Counsel Division whether or not any sources or sensitive information is contained in the files in question such as would make it inadvisable to allow the Department representative to examine certain of the documents.

2. That the attached memorandum to the AAG, Criminal Division, granting access to the files in question subject to the proviso set forth above be approved and sent.

(CONTINUED - OVER)
Legal Counsel memorandum to Mr. J.B. Adams
Re: Sister Elizabeth McAlister, et al., v.
Richard G. Kleindienst, et al.
(U.S.D.C., E.D. Pennsylvania)
Civil Action File No. 72-1977

3. That the attached airtel to Philadelphia notifying them of this decision be approved and sent.
'FBI Admits Tapping Prof's Phone'

By JIM SMITH

The FBI has admitted tapping the phone of William Davidson, a Haverford College professor and antiwar activist, for 34 days in 1970 and 1971.

The tap on Davidson's phone in his home on College Lane, Haverford, was requested for 'national security purposes,' by J. Edgar Hoover and authorized by former Attorney General John N. Mitchell, the FBI said.

Former President Richard M. Nixon was unaware of the tap, FBI agent Mason P. Smith said in records filed last week in U. S. District Court here.

Davidson's home was not entered by FBI agents who installed the tap, Smith said. It was in use from Nov. 24, 1970, to Dec. 23, 1970, and from Jan. 3, 1971, to Jan. 6.

The tap became known as a result of a suit filed in 1972 here by Davidson and Elizabeth McAlister, a former nun who is now the wife of Philip T. Berrigan, an ex-priest who was a leader in the antiwar movement.

Davidson, a physics teacher, and Berrigan allege that the surveillance was illegal and that they seek more than $100,000 in damages from the federal government.

In 1971, before the Berrigans were married, they and five other persons (the 'Harrising Seven') were tried and acquitted in Harrisburg of conspiring, among other things, to kidnap Henry Kissinger and release him after a 'public trial' for his Vietnam policies.

Davidson was named an unindicted co-conspirator.

During the trial, the FBI acknowledged that the former nun's conversations with a co-defendant, John Theodore Glick, were overheard on a national security wiretap. The tap was declared illegal at that time.

The fact that Davidson's phone was the subject of the tap was not officially revealed until last week, the FBI said it believed the taps to be legal.

NOT RECORDED

MAY 7 1976

56 MAY 10 1976
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER, et al., )
   Plaintiffs, )

v. )

RICHARD G. KLEINDIENST, et al., )
   Defendants. )

Civil Action No. 72-1977

DEFENDANTS' FIRST INTERROGATORIES TO
   PLAINTIFF WILLIAM COOPER DAVIDON

To: William Cooper Davidson
   c/o Jack Levine, Esquire
   1427 Walnut Street, Suite 200
   Philadelphia, Pennsylvania 19102

Defendants hereby propound the following interrogatories to
plaintiff William Cooper Davidson, to be answered under oath,
pursuant to Rule 33, F.R.Civ.P. Answers are due thirty days from
the date of service hereof.

1. Did you attend a meeting in Connecticut on August 17, 1970,
   with Sgal Ahmad and plaintiff McAlister, as plaintiff McAlister
   stated in letter to Philip Berrigan attached hereto as
   Attachment No. 1?

   Was a plan discussed at that meeting to kidnap Dr. Henry
   Kissinger, or someone like him, as plaintiff McAlister stated in
   the aforementioned letter [Attach. 1]?

2. If your answer to Interrogatory No. 2 is yes, please relate
   in detail the content of that discussion?

3. Was a plan discussed at that meeting to also kidnap other
   persons in order that Dr. Kissinger could be "tried" or in order
   to permit you, and/or the others in attendance at the meeting, to
   conduct a grand jury affair, as plaintiff McAlister stated in the
   aforementioned letter [Attach. 1]?

4. If your answer to Interrogatory No. 4 is yes, please relate in
detail the content of that discussion.
6. Did the discussion about the kidnap plan last for several hours, as plaintiff McAlister stated in the aforementioned letter [Attach. 1]?

7. After the meeting described by plaintiff McAlister in the aforementioned letter [Attach. 1], did you make any inquiries or references to or otherwise discuss with plaintiff McAlister, Eqbal Ahmad, Joques Egan, Joseph Wendoroth, Neil McLaughlin, or any other person the meeting in Connecticut or the kidnap plan discussed at that meeting?

8. If your answer to Interrogatory No. 7 is yes, please relate in detail the content of that inquiry, reference, or discussion.

9. After the meeting described by plaintiff McAlister in the aforementioned letter [Attach. 1], did plaintiff McAlister, Eqbal Ahmad, Joques Egan, Joseph Wendoroth, Neil McLaughlin, or any other person mention, refer to, or otherwise discuss the kidnap or "K" plan with you?

10. If your answer to Interrogatory No. 9 is yes, please relate in detail the content of that mention, reference, or discussion.

11. Why did you not inform the Philadelphia Police Department, the Pennsylvania State Police, the Federal Bureau of Investigation, or the Secret Service of the kidnap plan described by plaintiff McAlister in the aforementioned letter [Attach. 1]?

12. At the time of the August 17, 1970, Connecticut meeting plaintiff McAlister stated you attended in which a kidnap plan was discussed, were you aware of any criminal acts, for example, such as breaking into Social Security System offices and/or destruction of Federal government files by plaintiff McAlister, Joques Egan, and/or Eqbal Ahmad?

13. If your answer to Interrogatory No. 12 is yes, please relate in detail the nature and extent of any such activities as to each individual named.

14. Specifically, did plaintiff McAlister or any other person relate to you modifications of the kidnap plan as are related by Philip Berrigan by his letter to plaintiff McAlister which is attached hereto as Attachment No. 2?
15. Did you participate in or were you involved in the break-in of the Selective Service System office at 3701 North Broad Street, Philadelphia, Pennsylvania, on February 6-7, 1970, either in planning the break-in, direct participation in the actual entry into the office, or in the subsequent concealment of the identities of those who did participate in the break-in?
16. If your answer to Interrogatory No. 15 is yes, please relate in detail the nature and extent of your involvement or participation.
17. Did you participate in or were you involved in the break-in of the Selective Service System office at 3207 Kensington Ave., Philadelphia, Pennsylvania, on February 6-7, 1970, either in planning the break-in, direct participation in the actual entry into the office, or in the subsequent concealment of the identities of those who did participate in the break-in?
18. If your answer to Interrogatory No. 17 is yes, please relate in detail the nature and extent of your involvement or participation.
19. Did you participate in or were you involved in the break-in of the Selective Service System office at 1421 Cherry Street, Philadelphia, Pennsylvania, on February 6-7, 1970, either in planning the break-in, direct participation in the actual entry into the office, or in the subsequent concealment of the identities of those who did participate in the break-in?
20. If your answer to Interrogatory No. 19 is yes, please relate in detail the nature and extent of your involvement or participation.
21. Did you participate in or were you involved in the break-in of the Selective Service System office in the District of Columbia on February 7-8, 1970, either in planning the break-in, direct participation in the actual entry into the office, or the subsequent concealment of the identities of those who did participate in the break-in?
22. If your answer to Interrogatory No. 21 is yes, please relate in detail the nature and extent of your involvement or participation.
23. On or about February 7, 1970, did you file a Permit Application for a Meeting or Event to be held February 14, 1970, in
Independence National Historic Park, Philadelphia, Pennsylvania, as a Steering Committee Member of Philadelphia Resistance, for a reading of a statement against the draft?

24. Did you attend that meeting?

25. Did persons at that meeting claim responsibility for the aforementioned Philadelphia Selective Service System office break-ins?

26. Was that a "surfacing"?

27. Were you aware of the full purpose of the meeting when you sought the permit?

28. If your answer to Interrogatory No. 27 is yes, was the basis for your knowledge your own participation in the break-in or information related by another person and, if the latter, what other person?

29. Did you meet with plaintiff McAlister and Daniel Berrigan, then a fugitive, among others, on Sunday, June 14, 1970, as plaintiff McAlister stated by her letter to Philip Berrigan which is attached hereto as Attachment No. 3?

30. Did those present at the meeting discuss plans to enter Selective Service System offices in Delaware, and/or destroy or remove Federal government files therein, that week?

31. If your answer to Interrogatory No. 30 is yes, please relate in detail the nature and extent of the discussion and plans.

32. Were you in Georgetown, Delaware on or about June 16-18, 1970?

33. If your answer to the Interrogatory No. 32 is yes, what was the purpose of your being in the Georgetown area at that time?

34. On or about June 17-18, 1970, did you plan to rent military uniforms and to "... come in the front door & the confederation, get us out & we'd take the place out," as plaintiff McAlister stated in the aforementioned letter [Attach. 3]?

35. If your answer to Interrogatory No. 34 is yes, please relate in detail the plan and what action to that end you actually took?

36. Was the plan attributed to you by plaintiff McAlister in the aforementioned letter [Attach. 3] have anything to do with the entry into the Selective Service Systems offices in 38 South Street, Dover, Delaware, 109 West Pine Street, Georgetown, Delaware, and...
3203 Kirkwood Highway, Wilmington, Delaware, and the destruction of Federal government files therein, on or about June 17-18, 1970?
37. Did you in any way assist plaintiff McAlister and/or a Judy in preparing a statement to the press, in getting it out, and/or in returning a rented car, on or about June 17-18, 1970, as stated by plaintiff McAlister in the aforementioned letter [Attach. 3]?
38. If your answer to Interrogatory No. 37 is yes, did this have anything to do with the entries into the Selective Service System offices in Delaware, and/or the destruction of Federal government files therein, on or about June 17-18?
39. Specifically, did you go "into the Board in Georgetown with those kids," as plaintiff McAlister stated in the aforementioned letter [Attach. 3]?
40. Did you attend the "surfacing" in Wilmington, Delaware, August 7, 1970, with regard to the actions at the Selective Service offices in Delaware on June 17-18, 1970?
41. Was a torn-up Federal government file set up in balloons at that "surfacing".
42. Was that your idea, as plaintiff McAlister stated in her letter to Philip Berrigan which is attached hereto as Attachment No. 4?
43. Did you participate or were you involved in any other break-ins of Selective Service Systems offices, either in planning the break-in, direct participation in the actual entry, or in the subsequent concealment of the identities of those who did participate?
44. If your answer to Interrogatory No. 43 is yes, please relate in detail the nature and extent of your involvement or participation.
45. On or about September 21, 1970, did you permit an individual to stay at your home, which individual was introduced to you as an AWOL Marine desiring to leave the United States?
46. If your answer to Interrogatory No. 45 is yes, did you make arrangements for that person to get in contact with a person or persons who you believed could assist him in leaving the United States?
47. In addition to the instance related in Interrogatory Nos. 45-46, did you ever harbour any person who you knew, or believed to be, AWOL from the armed forces, or did you otherwise assist any such
person(s) to leave the United States?

48. If your answer to Interrogatory No. 47 is yes, please relate in detail the circumstances of each instance in which you so harboured or assisted a person who was AWOL.

49. During the meeting in Connecticut, August 17, 1970, which plaintiff McAlister stated you attended by her aforementioned letter (Attach. 1), was there any discussion of a plan to destroy, blow up, or otherwise disrupt heating and electrical systems in Washington, D.C., or of a "subterranean project", "capitol utilities action" or a "D.C. Fisaco"?

50. If your answer to Interrogatory No. 49 is yes, please relate in detail the nature and extent of that discussion?

51. Other than at the aforesaid meeting, did you at any time learn of such a plan or project from plaintiff McAlister, Eqbal Ahmad, Jogues Egan, Joseph Wenderoth, Neil McLaughlin, Philip Berrigan, or any other person?

52. If your answer to Interrogatory No. 51 is yes, please relate in detail the nature and extent of that information which was related to you.

53. Specifically, did plaintiff McAlister or any other person relate to you a suggestion by Philip Berrigan to coordinate the plan with the kidnap plan.

54. Please identify and explain in detail the activities of the East Coast Conspiracy to Save Lives, Second East Coast Conspiracy to Save Lives, the Iron Mountain Group of the East Coast Conspiracy to Save Lives, and the 2nd Conspiracy to Find America.

55. Please explain in detail your involvement in any of the actions or groups named in Interrogatory No. 54 and any activities involving break-ins sponsored or coordinated by those groups.

56. Did you participate in or were you involved in the break-in at the Media, Pennsylvania, office of the Federal Bureau of Investigation, on or about March 8-9, 1971, either in planning the break-in, in direct participation in the break-in, in the subsequent distribution/release of Federal government files and documents removed from the FBI office during the break-in, or in the subsequent concealment.
the identities of those who did participate in the break-in?

57. If your answer to interrogatory No. 56 is yes, please relate in detail the nature and extent of your involvement or participation.

Respectfully submitted,

RICHARD L. THORNBURGH
Assistant Attorney General

GEORGE W. CALHOUN
Attorney, Department of Justice

LARRY L. GREGG
Attorney, Department of Justice
Memorandum

TO: DIRECTOR, FBI (62-115389)  DATE: 5/24/77
ATTN: LEGAL COUNSEL DIVISION

FROM: SAC, PHILADELPHIA (62-5421)(SQ13) (RUC)

SUBJECT: SISTER ELIZABETH MC ALISTER, ET AL v. RICHARD B. KLEINDIENST, ET AL (USDC, EDPA.) CIVIL ACTION FILE # 72-1977

Re Bureau routing slip to Philadelphia, dated 5/2/77.

Review of docket # 72-1977 on 5/18/77 at U.S. District Court, Clerk's Office, Philadelphia, Pa., revealed this case is statistically marked closed, but actually in limbo as it was transferred to the Civil Simplex File on 7/29/76.
FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1273373-0

Total Deleted Page(s) = 24
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Page 4 ~ Referral/Direct - 62-HQ-115389-EBF 28 / EOUSA;
Page 5 ~ Referral/Direct - 62-HQ-115389-EBF 28 / EOUSA;
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CERTIFICATE OF SERVICE

I hereby certify that I have served the Defendants' First Interrogatories to Plaintiff William Cooper Davidson this date by mailing a copy thereof, postage prepaid, to plaintiff's counsel of record:

Jack Levine, Esquire  
1427 South Walnut Street  
Suite 200  
Philadelphia, Pennsylvania 19102

John Hyman, Esquire  
Constitutional Litigation Clinic  
Rutgers School of Law  
175 University Avenue  
Newark, New Jersey 07102

DATE: March 22, 1975

LARRY L. GREGG
Attorney, Department of Justice  
Washington, D.C. 20530  
Telephone: 202/739-3227
group in formation, lessening of distrust, between new personnel and those working closely with them. i.e., in field operation, they all constitute the community.

The messenger from the Netherlands was actuated by the clash, so we put him into a retreat for Sun Mon. Hope that helped him build faith. Haven't seen him smile last night.

Delivered the message to the girl from Kennedy. She knows the reality awfully well... Moment by moment constitutes the only way of dealing with it. The long army in this is too difficult to look at face to face. But the effort at deepening roots and finding what really possible, etc., has occurred. The strength recorded still communicated, the union of mind, purpose, heart are tangible at times.

Did write chief J.T. not as show of strength, protest many such things. Don't expect anything to come of it. Only hope it won't hurt but, God, it shouldn't. Was utterly simple.

Otherwise all well. What this means to say is you're coming through. Under clear that makes one huge difference to me. Only the effort into the life. Carry on there. You know the root... Only remember
The day before I thought (this is just for you ears) of hitting the remaining 8 or 9 days in an explosive manner without letting anyone know before or after. Will see Greenfield to get some pointers on it & see if he'll work with us. Anyone here means our own people!

Meanwhile back at the ranch others were beating out some stuff. Sat. 2 or 3 of us went up to Delaware to speak to some folks from the War Resisters League about picket permit etc. They've been magnificent about the fellow three & have received no small measure of blame, threats, etc. They agreed to get the permit & mobilize Delaware support. Also admitted that no Delawareans could have done it.

By now you've had reports of the wedding... Frank & Paul appeared at the place but didn't venture in. Federal presence was second only to St. George's April 21. Rather than lead the gentlemen right to a recess, we split & regrouped at 8:30. Paul came but it fell he should it. Went to a meeting & agreed to meet them with a contingent later. But he signed in & the gentlemen checked the register straight away. So he told saying he'd meet with folks in small groups later. This is the group that is determined to write him an article or the scene repeating the massacre of privacy, etc... we have to be interviewed on detail...

Today a meeting with the 3 groups turned. High security thing is still baffled up. It came off 4 hours better than scheduled. The guys themselves are great. We'll be glad to have advice from you lawyer. We're the same guy who I Steven Grun (remembered the name). Seems fake evidence was brought against them - a planted pipe in attic, guards notifying that Barry carried it up, etc... everyone in the state believes them responsible for the rest of the stuff. Were told on arrest: "If your friends come in here tonight they'll be met by machine guns." From cold on guys were "hiding" in the woods, armed to greet us. They advised against sympathies, i.e. our surfacing. Tell it would be good for Delaware that someone do it - a large group. But people who later, when pressed, would all have ability for the night of the massacre. Thing being, the obvious value is these big specific charges can't be disproved. We'll back at this more tomorrow.

The Sit. right thing productive of much confusion. Only clarity being elevation into region with person person each. N.Y. elected forty judge I am determined to make him pay up. We'll see. May be only way of mobilizing the guys if it doesn't work he can be changed. More. Build: Nell & Sid D. Phil & Bob David & I think Galbraith from Boston (not sure). Otherwise - severe limitation of personnel in any
ON COMMUNIST INFILTRATION INTO THE AMERICAN SCENE

It's been going on for years, unknown to most Americans and to their greatest detriment. Today's NY Times ran a 1st page article on the extent to which it has gone, via computer, etc., but no revelation. Only at the end of the weekend, such as this, it had a particular ring to it. The progress of the police state.

The first scene: the preventive after it finally got underway. An examination of how, in present circumstances, to stem the flow of the above process. The considerations:

1. The need for some manifestation of the state in view of the predation of 2 brothers aged neither, of whom neither their actions to be known ever... (B. Saw the piece on their arrest. Clearly stated that the customs house had been tipped off about the Web might... I.e. To believe or not to believe: More than possible.)

2. The possible political effectiveness of a large group coming forward for this, now & more than seriously long session. Mean might with Paul Moyer on this, he is most enthusiastic about it as a mean... Tomorrow 4.m., these working closely on it. We'll get some type from him.

3. The need for this almost as a protective device what might turn out to be an effective form ofheits the situation further, without anyone being burned but those in the know. Order... Indeed, if there is truth to the fact that The Mean is making better close targets, his advice now is to let the heads lead him to a white plate so that it might be neither or one, this would confuse matters for them. Considerably. May also be a device for further, more perplexing situations which would get word to remain public.

Out of this the decision to go ahead with it is from one group, about 6 of the Philly folks on condition that there are 35-40 other names.

Date - July 15th, 1960, over the green in front of the Post Hotel, Downtown, Wilmington. As many as possible to be there. Someone to focus the issue (perhaps a speaker, the statement, food & be made statements, a litigation of destroying perhaps a single file (Bill Seidman suggested sending to press in a- helicopter balloon), others suggested a march to the business houses don't know. Thoughts welcome. Not much thought given to that yet.

- ATTACHMENT NO. 4 -
The charges against the 2 were illegal entry, etc. The effort will be made to track down the whole group through them, because the Feds aren’t stupid. The wedding is a real legitimate excuse for coming together so we can build from there.

I could go on, or but my hand is getting tired (as your eyes must be); but is the story. At 12:30 on Thur., we were heading to Avon—then Tom called! At 12:30 on Fri., we had just arrived in Chester with the 7 in jail. They were to be released today after a reduction of bail hearing. Frank gave a Shirley name in order not to implicate others. This may be a huge hassle! Ahem.

After all this, what to say to you. In the words of one Irishman S.F. — you know what is in my heart! Courage then, and be free to relate to that community. All the while it only grows for you, now a day ahead of conditions. First, last, always yours.
work with them but said that that board should be done. It seemed
a choice between me and Tom. I had come to John Bryngston's &
Sam's defense for their treatment the other night & they
stepped on me. They didn't mind because it enabled them to
accomplish the work & that was important. Davison was
speaking - for the first time - like he needed love from this
group. We had acted all week like a well oiled machine & now
broke it down. I'm sorry you were bothered. It was extraordinary. The group wanted more. To cut out. We
needed each other. We needed our faith & our faith in another
when everyone was saying we should just play for a while together.
Frank said that what we all meant was that we should do
this thing now. Enter today prepared to spread the word on
with outside surveillance & communication to move against
the board at whatever point there was only one or two persons blue.
We reviewed the plans. A need to go in by nice & the
rest... to collect the necessary equipment & follow suit. A
remarkable consensus with all energy coming to each from
the whole group.

But as we went to Chester, we saw a field at the shopping center
& they were headed toward our board. Followed them. The
place was surrounded by Fields & cops. We knew they'd been
burned. So we rushed to work on getting them legal help.
That was yesterday. The sense that we had that for security
take as well as to eliminate paranoia, when they were
released we should each go home & come together again next
week. So here I am.

Joe & Bill were here when I arrived home about 10:30 last night.
We talked the thing over. They had found it an impossible grace
to deal with; Annie Walsh had been very hurt by it - as had
said because it got away from her. If she's here now I'll see
I guess from most people. It was a difficult group to be parted
up but I'm not unhappy about that. Tonight I'm going
to try to see Ethel & pick her brain. The suffering must be
planned the about 30-40 must be interested in it. The rest will probably pick out another target. I
can't say.
Then someone returns with a report that the marshal (armed) and well as guard is in the bluffs. As we are certain the whole plan has been known, the upshot being: "they could it not be, where about 300 people know what's happening, where & when." The report is checked out & verified. Then the session toward closure. But each idea of dealing with it is being sniped on. This, I felt, was part of Dewey's plan to form & manipulate a group to do it "his way" wholly entirely. News I have was accepted. The decision was to drop it... time. I fought long & hard, but to be just defeated. So we closed. Also the State think & debate. The one who was involved & decided to drop the rest. Send them home. We have a brief session in the a.m. + discuss why & put that on the agenda for a total community meeting next Fri. night before Tony & Tanya's wedding. Out of that should come a more, perhaps more effective, communication system without the unnecessary communications which create undue pressure. The elimination of the focus + the establishment of the plan before entrance. I had added to the focus model.

Intense, easy, the 9 hour on the platform very comfortable, well relatively. The action was as a matter of his location of the group there. I.e. take effect. They believed it handover because they wanted to be the thing done. A message came in over the radio (they used it very effectively, throughout) that when was clear, maybe possible. "The 8th shot, shooting, in Glade," fashion up the next a piece which literally drive people out of their minds — everyone. I went down to Wilson there with. Luckily to review the scene. By the time we returned everyone had split except Paul, Tony, Mary, Judy, Sue, Dave, Cyma. I thought to take house in Avilon. Judy — I had to go up & hand with Bill D. prepare the press statement & get it out to return the rented car. The drive was reflection time, putting things into perspective. That board had to, therefore. Our commitment, which was gained to action had lost its purpose. Given to people, I wanted no part of an exclusive group of eight. Preferred the reorganization of the total community indicated above than a tight, exclusive group directed by Tom D. The Philly reps — a beautiful group — were anxious to see it done — would help, but only people had joint option. Arrived back
about mom - connected all who were there & gave them the picture. We were leading to a decision to go up - I believe - discuss it & invite them back to finish the job. In the midst of this a call from Tom Davidson asking whether doing the job.

We were on our way, then, he said, "whoever came up here will me. We'll get back as soon as you can. We'll get the plans set up & begin."

We thought a miracle had happened. So I went in to the board, we met the builders for 2 hours. Finally a blast from Davidson, our the weather talked. "That is - we're doing this thing. "It was moving the thing, I got it, "waited down. No idea of the presentation where he was waiting for them. I then say, "I saw him - let me leave, so we marched out and we sold the place & exchanged time of day with the crowd.

Come out & found Tom & Sue. A second phone call from Tom. Um there. They knew he & Lil weren't in Boston. The group knew nothing about it. This was in community of this thing. 'They come in. It was to be heard on - but we were already in 1/8 an hour. The communicated that back to the front. Tony, Patti, Bill Tredman & Ted Glick were formulating on the spot plans - they would rent military uniforms & come in the front door. Of the conversation got us out & we'd take the plane out. Bill Davidson, rather than playing with the plane, up with the only other wills, Bill & Bill Tredman. Many Tony & the whole crowd was meshed all well. We came back to handing -

Tony, Tom, Lil & I with Tony & Paul had a knockdown, drag out session. Meanwhile the group is in route from Boston to Maine. Sue are watching the thing. Afterwards I went with Paul to pick them up. Came back & work was kept & Tony, Glick arrive & we have a session. But I woke up about 3:00 a.m. & Glick was next to me talking with the evening remnant. He left & we were separate. So we went to cucumber off to Chester & the wife up the & began a session about 5:00 a.m. (maybe 5:30).

I can't describe that one. Tom + Lil were obviously reached. Glafter in the previous session. "Justy," I had felt that all we accomplished was to hunt time. I called curtains on further.
trust that must exist without a lot of communication, a trust that frees each party in a relationship to be concluded about a change in the community immediately before him/her. This is opposed to the weakness that demands tightness such as his appearance at the hospital where Freda was ill with the FBI painting the corridors.

Afterwards a listing of what remained to be done with Jelly Rogers. Then return home. An attempt to review this with, for a silence. In the a.m. a trip to the State place to bring the presence of the court. On return a group was already at the place where we had left with the four morning officers, with another emotion notice. So judge or could not the situation to explain our presence there while not understanding it. The forces ended appear to be arriving in masse.at the place was surrounded by several cars from every state in the union. A few meanwhile had verwenden another, quick hand, black friends day. Some of us began writing on a statement at the same time for cars etc. Monday might make the make a meeting of the committee, yes report back on the rest of our work together. Overcoming personality differences, we want to do this job, C.K. the next, the way to operate. As we said to each other we act out in a place known to certain security (applying some of the same view, I might add) to a situation totally out of proportion). What appeared at that moment to be coming about was a garbage explosion, received well because there was too much danger to be slow, but the report was somewhat out of keeping. The agenda had been prepared by a few of the rest of us really welcomed it. But it was as I was uncomfortable with it. Seems like an exclusion tactic.

Afterwards the a section each took session on plans & approach to their own target. Then a.m. began the statements, not Peggy at the plane with Anne Walsh who was just trying over what was going on. Called about a lawyer & cars & went to receive cars for rental. The afternoon can't remember what happened. I went to Bidwell to rental (or rent a Van) but went with Gary who wanted to do trainings. All the while uncomfortable with not being back working on plans for the schoolhouse. Got the Van & drove home. Did some stuff with Tony on cars, on which people wanted to go afterwards. In the meantime there are police outside the house watching this motor scene & pennsion square.
Principles of Organization:

It would seem that one learns how to organize a Community by reflection on the
errors one has made through that process. What is needed is the willingness to
review the errors and to apply the lessons.

So the story of the scene: the errors should be apparent.
But first — forgive the silence from this end. From Sunday until last night
i.e. Friday it was an on-going quickly developing scene. There was not a
minute to write much less to really grasp what was happening. Then
the scene changed so drastically with every minute that it was impossible at
any moment to say where it was at. Even the promised calls
became impossible to fulfill. Those hours Thurs. – Fri. were both critical.
Here, since we began this, have I kept this much time to go by without
a word to you. I'm sorry but big improvements needed. I know that you
do.

Sunday return to the scene: All are at a picnic. Davidson entered so soon as
they returned & a clack & clatter scene outside with Frank. Then a message
to take Tom Davidson and Joan di Nardo— and drive to a motel: rent a room
under such a name. The rest of the rest did not go so smoothly.
Everyone knew but none knew what was taking place & security led to
misunderstanding + bad feelings. Particularly for G. & C. who, out of
some logic of his own, told his mates, his girl friend, a black boy friend +
girl friends, they already on a very complex scene. Through the weekend there
had been some bad feelings expressed about their presence there + he was
angry & hurt & feeling that these people seem more to me than those in the
group or this action. Sun. night it came to head when his 3 were not
invited to come for the session. We started out then just took off for a
silent drive & went home. We sent someone after him which delayed the
arrival process + freedom visitor to drive in circles for a couple of
hours. This session was good. We discussed the group's decisions
To comport him + the man agreed. We discussed i.e. fought about the
opening — he listened & said get each one to publicly correspond to
a file & put their names down saying they did it. This was
more or less received but with some reservations. The final phase
was the new kind of relationship we had been living — along the
lines that we have already agreed upon. But beautiful. The kind of
see, and keep the imagination under control by the circumspection in our
best projects. It will seem and of what value. When a man more con-ntent
satisfaction, it will mean more. Go, then to a greater side con-
ded. (Newman) Breathing an angel current. It is the 2+ man
desired work. I would imagine that he carried it on elsewhere in his
case to call the patient assistance at the slightest danger. The thing tells,
uijnt out adverse rage for such words, or else to choose the step if
the charge up (Newman). I don't think he can control the treatment in this its
probably need help. But a sense of the dignity and modesty, should be kept in
claim. Then, however, should think that it can approach to no be with. And let
the constitution come with ease for the guy, with gratitude for the past
months, and with a recognition of his intelligence and talent development in
good - after-considered these - but perhaps these have already been leaned
out (Newman) just read your two letters (15th 16th) near. They're not dull
at all! They come through beautifully, and with restraint and get all
the circumstances and delight in. You're too big for humanity, them,
which means that have to grow in order to compete. I remember well the
last impression when you read the manifest to me - thought that was
perfect, you anticipated the woman's like thing, and with complete justice.
And from then, we went on to even more demanding questions. Automated
the recovery you made from a breakup of a summer in Europe, and the move
in England. (Newman) A writing this on the August - the first half of a splendid
tryst, N. First Henry left a small and, she might be something constructive in
a year or two. I don't know what to say in regard to the thing. For
he might move in the fast, but he might not. David is not it
suggested to be doing some equal work there - but has an increased,
unpredictable type. Can't say that Carolyn's story has gotten to me
this week, still, I haven't seen it yet, but by the time by having written Watson on
the meeting thing, but if you do, manage to get word to me. For that
money, you can write me about it. (Newman) I wonder now that the
way the Old man looks with you, as contrast to the expression that
Carolyn showed, no. Commons is a good thing, anyway. Another is the other
made. Clean away, still? The answer was fine, and then you came in. To
self, which seems fine from that time from the Lord.
The first move, making the greatest possible, in terms of what were possible. How can it be guaranteed that they would actually send in my agent of any situation? Then the common sense is that it is the president of the state of the world from S. E. Africa, and is, I am sure, of the Liberals believe that, they forget the truth as I see it. What is necessary now, and it mind as well be done as the world, and that we intend to say that, might mean a Japanese intervention, but then we'd have to start from elsewhere. To go into the dilemma of more economic stress on mining - unemployment at home. This is what should be left from the - to the Liberals do it? (Newsp.1) Have the army take the plan and can just trying to reverse elements of modesty into it. Why not coordinate it is with the one against capable united - you should tell them thoroughly with the change about this as if, with the share or - Big Joe Brown. To attempt to end then, then grab the Brain Child. This would be that sense, enough. (Newsp.1) This comes off the top of my head. Why not grab the Brain Child, treat them decently, but tell them nothing of this fate - or tell them it fate begins as release of all people on occasion of - a strike in Tokyo. Then have instances of movement - Brain Child blindfolded - engage them in policy. After he has been taught (the consideration of his capacity well make him more and more human in his connection) get it prepared and recorded. One thing should be implemented that just brain - that is a terrible power, like trance, are no longer necessary. (This should be done just before release.) And that if he doesn't work to Japanese policy, the effects of him will be killed by less accomplishing people. Finally, that political prisoners are the best guarantee of his success at an's safety, and that he better get them out of jail. (Newsp.1) Tadao, along these lines, you have the most a military and personal confronatation with the innomakers. He tries to pull off in to let them very very hard without giving them violence to react to, or justify themselves with. (Newsp.1) He can be kept blindfolded, and participate can wear - sticking masks, disgrace their voices. It can be done and brilliantly. (Newsp.1) Should air if on it immediately, but tie it in with the E. C. 8/27
(3) Dear Sir,

can get several hints of education, not quite philosophical or ideological. But the Common Man is not a

thinking Person, and the

Lack of Belief that we’ve had before, and which have taught me

so much. (New par.) It occurs to me also that you might

reflect in this to a confide with [an] abut this since a more

point of view. I’ve thought a lot about this since a more

point of view. I’ve thought a lot about this since.

And Erastus against it, that’s telling

them alone. I think I’ll need to announce this new development

together, or not at all. Every event you can clear up my

Confusion about #2 when you come to Canby. Before that meeting is much

more humane, more frequent. (New par.) Now we come to #1.

Just between you and me, I have seen him once much improved

of my dear friend very helpful in the last meeting. Lovely guy good

ideologue, but still to produce. I think the role of men from

Missouri is the subject one with him. I have this terrible suspicion

regarding academics.) With few exceptions, the best stories will let

a theme go to the galleries without a certain minimum. They do let

in Canby and they’re doing it here. And Erastus from that strain, you see

love. He did find them. String fellows at least hideous in no way, but

there are more reservations. (Let’s be delighted to be wrong. (New par.)

About the plan - the first time opened the door to consider - the Tjapame

and finding that out in Uruguay. I hope you’re following them.

About a review of the Boarders. Then I refer to meander at the point to

prod it at absently (evidence against non-violence bag) it is mainly

to observe that we have set the precedent, and that later on, when quiet

sentences to the rest of the house, efficient men will be labeled. From the

point, the program as you outlined it in brilliant, but grandeur.

So we found, with higher efficiency, that when people get for too

much, they’re either stupid or a pathological. (Another sick right about

Erastus.) which is to say that pushing the gentleman will take

a form of perhaps 10 of your best people - giving him, getting

communications sent, perhaps moving him 200-300 times within the week.

Now, in addition, to maintain a production of his take within this...
(2)

...and we're certainly at the very heart of your plan, if I may so express it, and the key

part of the afternoon was a surprise. I was, in fact, not sure how I should approach these

ideas. There was some concern that the elements of a stable grid system might not be

readily accessible. We had, in fact, a strong preference for a more straightforward

approach. But we were also aware that the complexity of the situation was immense.

Ultimately, we decided on a hybrid solution, combining the best of both worlds.

Please let me know what you think. (Weepers) I must stress, however, that we need to

move quickly. The situation is urgent, and we must act with speed. Our

teammates would be more likely to support us from one end to the other, in addition to

the existing one. (Weepers)

...what can I say? (Weepers) I want to be precise, now. It's about 9, but...

Perhaps you refer to a meeting taking place after a conference with the council. Unlike

the recent fighting over communal potential, could be partial to that. As for it, there's no

surprising reason why we should be together longer than a couple of months. Our

approach to the movement is quite different. (Weepers) It's so simple and clear.

But there's a certain amount of uncertainty as to whether we can make a difference. It's

coming out. And I might have told you before, I want to come out only if the movement

is much more than the now - I mean generally, not our current - in it. I'm clear that the

fields would stick firm with the large. But what I mean is to do another 24 hours. I'm

this occupancy, that would be about, and I'd take my chances on associating it. You

know, if there's no indication in the offending, there's a good chance that national

legislation will be passed in the fall. And then the few of us who desire to go out with

other central area, it's a lot of two and another. (Weepers) I don't know what

effect. I'm in position. But I'm here. But our people, I don't know, think it's much

better. I mean, you're very nice here, is well founded. Well, you're making me a little

compliment, Dr. Terri? The big difference in the largely with your coming in. Will you

permit another observation? My affability for you was not entirely personal. I think

you have been a godsend. What you had to offer, to revolution. So spirit you insisted on

your own freedom, you had incomparable generosity, and you forced the Bank of

England to consider, and one really had to give it time. And when this odyssey is over, I

shall listen from you - that only doesn't

set one to the lands, and get my head together in an atmosphere...
THE USE AND EFFECTIVENESS OF GROUP THERAPY IN THE FEDERAL JAIL SYSTEM

The use of group therapy in federal jails is discussed. It is suggested that group therapy can provide a structured environment for inmates to address personal issues and develop relationships with others.}

...
trial to be released on TV etc. Is phenomenal. The new aspect of Mike will be at least imposed by his absence + the involvement of all close to him in an investigation of his whereabouts. Think about it. Maybe when I see you in Denver I can get your thoughts as well as fill you in on where the plans lie. Otherwise I'm meeting with Paul Green tonight at the Newton-Palace House folks this evening + later tonight with Lee Lockwood, a guy doing an NET documentary on beer + you + wants some help. Be on us about 3 weeks. Tomorrow a meeting at the college w/ T.T. To work out possibilities there followed by a session with Jim Forest & Judy to work out more immediate projects + possibilities. Paul Mayer is en route to Cuba for that international resistance thing to be gone for about a month so the Pentecostal Annual project can't really get underway until he comes back. That's, as I believe I told you, a long term thing. The aspirations have to do with a series of classes with some of the engineers who work there who have shown interest in a more intense than life. Give a long period of time to move to bring them to the point of some major sabotage against the place themselves or at least aiding others to do something there. Paul has some contacts to start with. Local guys have been coming to the Auburn at the Abbey in Newton for Pentecostal meetings for the last 3 years. Incredible. As I read it, you should see Warren by the end. We've had almost daily contact with him. And, you've seen out to lunch with a gal who'll take up the Warshower Congressmen thing. That's basically all the news that is not fit to write to. God be with you. One thing I will say is that it is far easier to write this than the other way. The letters that usual channels have been sealed out + are undoubtedly dealt with as dust. What may seem here to be complete control of a situation, you must remember is past facade. The old man, both w/ Pauline + my own times, lives on sometimes with a consciousness that is almost tolerance. What that says is both good or bad, a mixture I'm sure you're familiar with. Right on!
In utter confidence should not be committed to paper. I would not want you not to say a word of it to Dan until we have a fuller grasp of it. I say it is you for I reason. The first obviously is to get your thinking on it, the second to give you some confidence that people are thinking seriously of escalating resistance. Eq called us up to town last night along with Bill Davidson who in case people have not told you has become one of our better people. Parenthetically someone with a knowledge of the scene in N. Carolina has been in touch with you, has been to the area, and has been to Georgia, with those people. Eq outlined a plan for an action which would say—escalated sensitivity— we discussed pros and cons for several hours. It needs much more thought and careful selection of personnel. To kidnap—in our terminology make a citizen arrest of—someone like Henry Kissinger. kissinger because of his influence as policy maker yet sans cabinet status, he would therefore not be so much protected as one of the bigger wigs; he is a bachelor which would mean if he were so guarded, he would be anxious to have unguarded moments where he could carry on his private affairs literally minutes. To secure a set of demands e.g. cessation of use of B52s over N. Vietnam, end Cambodia, release of political prisoners. Added him for about a week during which time big wigs of the liberal ilk would be brought to him—several kidnapped if necessary (which for the most part it would be) + maybe trial or grand jury affair out of which an indictment would be brought. There is no prelude of these demands being met + he would be released after this time with a word that we're non-violent as opposed to you who would let a man be killed—one of your own—so that you can go on killing. The liberals would also be released as would a film of the whole proceeding in which, hopefully, he would be far more hurting than he is in his own territory. The impact of such a thing would be phenomenal. Reasons for wanting to do it: it will ultimately be done by someone here + end just prison, fease or violence + killing. Eq. wants to do it + do it well + I believe he has the know how to direct such an escapade. The major problem, as I see it, is the severe consequences for something that is largely drama with little lasting effect. Second problem I envision is position of something like this in a movement context i.e. what may some thought would have to be given to that. It seems at least possible to have 2 fairly distinct groups on the one hand the fellows who have a scant chance but a chance of remaining anonymous + the bigger who will provide the "public" aspect of the action who are obtaining big their own position as captives also. The concept of a film of the
The lot of Political Prisoners in the Federal Penal System:

Before engaging a question like a federal prison's system's policy toward Political Prisoners, we must provide a context for its creation, both national and local. Otherwise, like a few behavioral phenomena, one deals with penal reality as an isolated phenomenon, subject to no sense to-deep causes. In this limited view, the inmate becomes one victimized by a backward penal system. True considerations being what they are, one can at least be left to wonder, those are basically three things I want to let you know. First, by way of reaction in evaluation of the top-level thing. It is my guess that it got in the mid-late claiming rights for reinstatement.

This for two reasons. First, the attitude toward one was a complete about face. He wanted us to blood (make) us at least the 103 hours. And that wasn't expected since he claimed it didn't get it. The latter contained a criticism of the N.Y. Times piece of the guy who was given a look at you then. I went out to ask for reinstatement. Understand that now also, the piece was plentiful + more of us could have missed it. Nothing would stop him from reading a section of the central odd + going beyond the view into a personal note. Was more than accidental. He told me I was the most selfish person he'd ever met. Etc. To refuse to be angry or respond on that level, he was clearly distraught by the whole thing + is a violent person, a violence he failed utterly to control. I would not exactly say it was protective thing, although I feel some understanding was needed. You would know best the outcome + effectiveness. If any. But then we did not know what is expected or what we wished to achieve. The best part was during your + the old fighting spirit + to know first hand that beyond physical confinement, they had no control over you. Funnily, I was always able to tolerate these group sessions that demanded such discipline because there would usually be a space of time later on when that could be let down. The horror of the war that time was no space afterwards. I only fully grasped that later that night. In all our efforts to face reality, in some instances it still eludes me. The second is the proposal that jokingly I opened to you in the corner. If you would like it - now or some time later - we can do it. See how to talk to him about it if you wish + think it over seriously + we will work it out on route to penology might be. Too soon at this point to do anything. Either while there or later passage is subject to discussion. We can also arrange it now violently. I say this not to expect pressure in your way or another. The future is an unknown - except in certain stationary areas - + I don't have a preference for the exact lines that future will take. I'm open to all sort of possibilities + the reality will undoubtedly be "none of these." One problem I have with that (i.e., either your O. D. coming out) is that it says the movement can't go on until one if you, both. And I'm not sure enough to think believe that your being where you are is enough to make the rest of it. We get off our tails to prove that it can. Which leads me to + this is
The enclosed is dynamite + I mean it. The proposal (+ 3) is something more + I mean more should know about. I want his info for the reasons indicated + you must of necessity. So it's something I'm contracting to you. I want him to get this letter if at all possible, if not at least the contents of it.

How are you? Loved the time spent in Leavang. You have a beautiful community there which needs only someone within it to urge it to action. I think, at this stage, that that's essential. They've seen enough of outsiders + knows the facts. One of them must now take the step + an action must be done thru by an outside group + let them work out the follow-up that is a 2nd stage in resistance.

Listen, I'll call Friday at 4:00 at the 574-0038 number. If you don't answer, I'll presume you haven't gotten this yet + try for Sat, at 12:15. We didn't set up a time + I don't want to call the house so this seemed best.

Lot of love to you + all

6/2
CERTIFICATE OF SERVICE

I hereby certify that I have served the Defendants' First Interrogatories to Plaintiff Elizabeth McAlister this date by mailing a copy thereof, postage prepaid, to plaintiff's counsel of record:

Jack Levine, Esquire
1427 South Walnut Street
Suite 200
Philadelphia, Pennsylvania 19102

John Hyman, Esquire
Constitutional Litigation Clinic
Rutgers School of Law
175 University Avenue
Newark, New Jersey 07102

March 22, 1976
DATE

LARRY L. GREGG
Attorney, Department of Justice
Washington, D.C. 20530
Telephone: 202/739-3227
we decide will be based on that evaluation + on a desire formed to
do what the circumstances demand be done rather than on
any wish, however strong, of yours or mine. You'll need
a collapse spot + given a measure of freedom, I'll search them
out (promise) + dialogue session as well as some liturgical
experiences where communion is possible rather than securing
the Lord alone in a locked chapel. The whole right arm for
such a one at this moment, the desire is that strong. This by way
of response. In the a.m. will give you the new wife such as it is
Meanwhile good night
good. Re: He's been terrific. We didn't want him on evidence because he is of great value to us behind the scenes. I might say if he wound up in this gal, who's responsible for calling him into the circle, but we all profit from him. Re: Fate, it might be a touch of consolation for you to know that he was in on the Philby appearance last week which is a way of saying he hasn't totally left the scene, but he has disappared from ours to a greater or lesser degree. But if you can keep up with him, tell me, I trust. Since I'm taking the pages bit by bit, I've just come back to the full reflections. Any way of clarification which may be more confusing I don't know, the thing base in any event will be NYC & that, depending on the new administration decision might even be back to 60% of it. They are not happy with their quarters - inadequate - and are still searching for others. If they succeed, we might be able to use the house. If not, we're still searching. I do love the old place - many great moments there like a full history. Re: Joures - she knows that she's both here and there and as I told you long ago, she guesses or knows it. Of the mode of expression, she has the knowledge would not guess - would probably be very hurt by it. She gives me P.B. the needle because of his longevity which she accepts because she loves him. That is part of him but which she still finds necessary to push from time to time. She's good - real good - is part and parcel of this whole endeavor. Got a feeling the blood line (ferry at least) has the same sense of it as joures & watch for indications of weakness in face of this long haul & is willing to put calcium into the backbone for strength. The weakness is there because but damned if I'll let it show particularly on that front. Being of the same ethnic stock I know nostalgia. Well, but unlike you I have no horror of it. In fact I find it absolutely necessary for survival. And I indulge in it when brief lapses allow & when places, people or situations provoke it. By later introducing them (blood line) to the inner circle, have you any sense of them later is - when you've finished them or before? I find that absolutely impossible to envision which is part of the reason why nostalgia became so important. I would probably agree that depending on the circumstances, that letting them m might be necessary. Agree too that when you've finished there a lot of time must be spent in evaluating what is happening & what still needs to happen & I know that when we do whatever
request the visit, would you do this? This is important. Now, on my assignment out of the meeting. They don’t know much about the multinational mind workings. & figure you were the best. They’d check with Buchanan first. I figure he hasn’t kept up to see you since you didn’t mention it & these feds are really happy on it.) It would still help to know which congressmen you wrote to in order to get & keep people on them. Can then give that go a definite assignment to someone. It won’t be Pat-Channel. She had a nervous breakdown last week & is in bad shape in the hospital. But Rosemary Ruther & her committee would be good & some other we can dig up here in N.Y. I didn’t pursue Genevieve & Giddos. Pete Forty did. Must admit I have long since seen that as a lost cause & was not in favor of digging it up. Just we the meeting trying to salvage something out of it. I spoke to Gom. Shoedoe up, but silent + Giddos designed to boycott it. Forty won’t move until such a meeting can be had. A we? You’re there is more hope. But immediately got tied up in this Smit thing. Need tried to lecture his status, but they laughed it off & wouldn’t come. I now stands Smit, feeling discouraged + perhaps to have left the scene (the search of Eg’s place may be connected with him - may be conducted with the appearance) but if when he reappears they’ll be counted on for the text of him. Struggled to get to you. I think but he is now or soon will be with bureau which, in his thinking or that of the department, masterminded his withdrawal from our thing. Authoritative word on that came from which is dry for a speaker. I could tell you where he is but-beat the country is at this moment + they all failed him. I can’t totally blame some we came late to the knees in any sense of urgency in them for the non-quick in shipping off to Japan, & Hawaii + some obdurate corner of guys who signed the thing with if the who inspired & gave you but safe big names. Because we let Dool go without pu.
m. Buch in a rare combination of things with a host of political contacts - movement history - and a great admiration of you. Said, in word (this is Feb.) he is still talking about a correspondence between you and Bill Inbloom, David Hauke, a couple others. Open or closed, you'll be asked for a response to certain key questions (about 5000 words). Your (collective) responses will be edited by Buch & Ziyy (the former was already spoken with the latter chose to some accord on it) into a volume. He believes this will get underway sometime after Aug 15. I want to wait & see if he was good as his word. Hopeless seems to me at this point to be too many iron in the fire. As for Henderson, I doubt whether he would share with you any second letter. After a good deal of thinking about it, I conveyed my request for reinstatement with a criticism of the Bureau & his handling of NY Times thing. It was a very strong thing - I have no faith in predicting his response but felt that since he was sweating, might as well keep him so. Besides, it was downright honest, what I felt. Again, hope it doesn't create more problems. By the way, yesterday we got the report from the Bureau which is atrocious - an insult to anyone's integrity & intelligence. If I don't instruct any more, I will send it on to you, but we plan a strong response to it which we'll also send on. I may arrange another visit. Understand Gaby is hard on you but his brain has all his hope in him. Re: Agent Walsh, heard a rumor that he phoned the "local hopeful disappointment" asking for Frank. Any truth to that? He tries to play it cool but loses. The cool very quickly. The Blighted friends searched 20's place yesterday while he was away. On return this a.m., there were 30 of them. Staked outside the house. He called the office w/ NY saying they weren't removed in an hour he would put it in every paper in the country. Ordinarily they're gone. +3 so good. Much of it I've seen in piece form so it was simply a review process. The piece on "Cat" particularly good in itself & by way of a reason into the old man! Will look forward to +4. Glad to agree on the cover - could do better myself. Haven't seen Harold since but will soon. Had a session with Warren yesterday. He called us to meet with the staff there - Peter Weiss got named. Nancy & another guy - all of whom are interested in doing what is possible on your scene. They'll get the file from Buchanan + want to see you + get your ideas + hopes. If you need
will take to the street. They are better things to be done but they can't be expected to think of them. They are willing but need some direction. They are anxious to build up a N.Y. area & have nothing to work with. Judy, who is a Sera of Charity, studies at Columbia U., lives on 117th St., was part of the Delaware group but because Wilmington had to be crossed off, did not get inside & is still anxious to do her thing & has worked long & hard on the surface. It is about my age - a year younger or older. We've never gone into that kind of thing. I was anxious, but a semi-serious degree, very thoughtfully & committed, but I'm not worried about that - you've asked twice about her.

Long greetings - & I have talked a lot about this & feel that it is built up. N.Y. area means some very modest actions to get some people to work with & Westchester could be a good target because easy & because there are resources there that can be called on. The resources being some of our correspondents who, by the way, are anxious for something more than involvement. One woman in the process is in presence of a group of 18-30, said that someone should come there, how to do their own boards. What I'm trying to say here, more of this is too logical because I'm trying to say it myself, is that anyone with whom I talked (at least 10) took their commitment to the conspiracy with utmost seriousness & they shouldn't be let to drift away. At the same time as I'm concerned about developing them further, I know what you said that they could 'become all consuming & could absorb time that should be otherwise used.' Along with the C9, B4, M14, etc., there is more the Delaware 302 (or 303) otherwise called the 2nd conspiracy or Found America. The mortality rate there will probably be proportional to the other things but hopefully only proportional which gives us some. It's all very vague (absence of the ST & R) but something tells me some of these can be brought together - be productive in our terminology with our own truth. 0 k? By way of a p.s. to all that, I would say yet letters of last Thursday were written in sections revealing different approaches & I say mood? A touch of reality + humanity which touches and troubles me (not notably) but truly because it says your accepting your lot with grit teeth & trying to make the most mileage out of it but it isn't easy. I know there's lots of grit teeth here (I'm told I grind them in sleep at night which spells extreme grit teeth). Don't know if that helps with chucks, courage.
The possibilities of continued humanization in the total institutional set up:

Let me at least begin this at first by way of response to some 13 pages I've been reading. This indicates that I'm way behind. Just not enough energy for the works of the Lord or sowing!

The need for R&R is evident now especially that final reflection. There has been almost no room for that of late even in terms of serious thoughts for the fall. That is a must for the next week/weeks. And your views will be heeded seriously in that process. But, in the meantime, let me try to clarify a bit what I meant by the Westchester scene. Even as I began, though, I realize it's all tied in together i.e. college + community. So maybe we should begin with the latter. The need for a community to brand new + don't know who what they are yet. Still less where they are. I have communicated almost nothing to them but they have surmised what I've been about. In the conspiracy process I approached only 2 of our people - Beatrice McElroy whom you know, & Judy Seward who works with Magrath for a good deal. The former is now director of sp. projects + the latter of communications. Judy went for it in a big way. So thought it was a little dishonest yesterday talked with her at length + she would like to keep close to it as she feels it is real. We had very little time but I did indicate to her that I would have great difficulties if I when it was necessary to teach in the fall. That is a conversation that must be resumed when I've put more thought into it. But Bea is not brash; she's smart. The stance of the brass is a little difficult to deal with. I've picked up a good bit of flak that they feel that I've led people astray. She refused to go to Boston because of me & one of them put it quite brutally to her (foolish) that in this she was trying to do bit out of things she had never been able to do herself. That isn't important in itself. That's a judgment someone made you treat it as such. What I'm simply saying is that the dialogue with the brass is yet to come but prior to it, I've got to do some planning myself & present it. It's a very concrete task in with all of this to the feeling I have that almost no one in the rel. community is into or even interested in the issues that the movement is. Bea denied this. She had approached several who were in relation to today's event. I realized that I've wasted little time with them in that regard + that some time could be productive. On the college level, I've already said that I felt there was no follow through from the students because some followed through with them. I was reminded of your words at the outset of the strike: They
Love the newly placed our love. There seems nothing but God from
all of us, and all communions respect and support. They're
tried before in their own right, and much will come hopefully,
from their near and beaking. I'm remembering them chiefly at the
Baron's.

Sure, hope to get on immediate together on security and organ-
ization. Don't presume that any of us are in a slightest help. But if in the least more before, some
people are not in the order, you can order and
may be the children ought to let the news.

Hope you can come in July, why not during the break of
the letter as my brother? The minister with the falls (land)
should be able to give comminurate details.

Do you remember me telling you of this girl from the
promise that Shangul calls at Kearny? Beautiful noble on the
road, and large there, and some adventure for the ending.
Mighty interesting conversation! (May we see her. Fate for
the hard days and mightily have become the same. Better have
deeper roots and ances to living roots is insential, nothing
now changed; it has only become more so.

Where you practically lived yourself during the years and
that you were about 40% of every age. Satellite being it-
otherwise, why not get away for a couple days sleep and
come back? Does it ever?

Love all tend to stop my love. Tell them to be wise and separate.
The Men is getting better don't traps, there no one she in toward her,
24 nice to my privacy, and mean to anything; can understand coming.
This event filled enough gaps in your know what I mean. It
blew up with some consequence, and caught us with all
hands and fell to hand in. We had nothing left to do but
out occur. The major column cut in turn, and patrolled
fronts. The incident hurt us. It was a perceived,
sharp and abrupt. But that is coming from our other book.

Some bodies have been received. They play out and
move grade with us all. The writing stop, but move on
forward. People, sometimes even people from other sides who might be in
The Cold war.

We'll try this count again, but with more concurrence to
force it, you'll see. On the other end, communications have to go
through a sensible - you'll get an appreciation of that. Some
cular letters to officials in one service - could be fine
thing. I'm gathering a little ammo - it's a matter of time - and
we can perhaps hear the whole the tendency got some future
date. But might now, they have all the muscle waiting for
a show of strength with him.

Since you saw that story, the newspapers have gotten
its own, and they made the local local like capital. But
recently, been gathering hard for us. People they allow
me to offer the Abraham twice weekly meeting and drinking
of you inside deadline anyway. I play an unusual wave, one
in pretty much what once community has been through the years
but it's true that is of the side. And it's been an immense and
Legitimate pride - they've asked some front. This is my people.
of our original projects: the Peking, Frank Burbage, the Savannah, Northern Pacific, and the Bering fjord. He appreciated the beauty of the scene and the surrounding landscape, expressing an interest in the area.

I asked him about the progress of the project. He informed me that it was proceeding well, but there were some issues with the local population regarding the construction. He suggested we take a break and enjoy the scenery.

Off to the side, a group of people were hiking on the mountain. We joined them and admired the view of the ocean and the mountains in the distance. The sky was clear, and the air was fresh.

After a short break, we continued our journey, discussing the project and the challenges we faced. It was a long and challenging day, but we were determined to see the project through to completion.
So the battle lines are drawn. Let's get on. And we're starting it from this end - not truly knowing; only sensing (a valid form of knowing) - how the star is the price on that end. Not an awful dream about you last night. The hopes you entertained are being worked on. I guess you know what they are so won't belabor this with that stuff.

It's Sun. night & June has just left. Wanted to get this with her last chance. I'll make it.

Rather than chronology of the week, shall just indicate main points & lessons learned. Thus the surging thing - the thing some strong bonds are being established with a wide circle of people - movement - otherwise, e.g. a meeting Mon. on the surging. Paul Mayer did handle that as J. D. Dowd. He's taken it on as a major project. Wed. night at 10:00 p.m. we played & got in Egypt, Paul, Jay Schulman & worked til 4:30 a.m. (Joe, Neil, Jorge & moi) your thing. Fri. night a meeting of a form of e.a. area with ego, Paul on your reflection. Good session. Only thing wanting was sufficient preparation from that area for it. In general the thing was digested & agreed upon. Departures would be (1) need to get into new forms of action, use S.S. things as boot camp for something else. Groups might be 1 & 1/2 - second people to facilitate operations & get new ones incorporated into total scene. More effectively, one thought (suggestion) was to elect a particular cop. in e.a. area, but it simultaneously not immediate consideration. Not a promising one. (3) Concept of financing in de-centralized fashion, i.e. areas, increase decentralization. (3) Concept of having groups needs more reflection. People didn't fully understand it & found lots of difficulties with it.

There was total agreement on surging thing. Walsh came in.
Considerable fire from other quarters. What I'm saying is, we can't afford to wait; if we wait too long we may be lost. I don't want to be ruled by Little People, with a lot of publicly controlled violence. Sometimes the impression is that we're too close to the point. (New par.) If you are at all near the blood line, let them know that we're terribly grateful for all the happy events, regardless, it is. I'm sure the blood line is specifically, when you're the blood line in a very uncertain way. I'd like to stop that. (New par.) Don't get me wrong - I belong to what I consider to be an essential class. In particular, the particular cases are so distinct. The concern would involve them if I tried - and there'd be absolutely no attempt to try. As for maintaining that circle, I would have to be later, when we judge it to be necessary and necessary. And I agree with you fully - we're going to carry - move, that the essential part of the concordat remains. We'll have to take things the way they are for the rest of my life. I will be a grievance to temptation to leave this every time and quickly the greatest path. With yours. But that ain't no answer. (New par.)

Our change emerges in a truly astounding fashion - the science and concerns that occupy the world and begin to consume him. This thinking movement. Mark my words - he will be one of our best people. (New par.) See you this week - maybe. If not, when the Lord provides. Are you done any exercises? And do you ever get enough sleep? Because, there's gonna be an accounting. Understand this ain't alone a response worthy of the subject to him could be, to keep this in - stupid one. Don't lose your.
confident that he'll move within six months. But so far,
Buchanan has no plans to handle them, and perhaps that
idea of it should be dropped from his bag. He’s a great
guy and friend, but no sensible actor when it comes to
political plays. (Oh yeah, also writes Judge Douglas.) (New par.) At
a loss over the Dem case. Of the 3 I’ve can’t be counted on to do anything.
There, I’d turn the wheels over to Jerry Brandt, who can be in touch
with George on it. (New par.) The place believable are numbing- enough
to make a mainliner of a person. But if you’ve got Cowan (still a
?) and Egy, your score is high. They want someone when conditions are
poor, where floodlights are on and publicity incessant, and where there’s
no danger. All of them have been through surgery – going through the
gain in reputation like the others, or getting a three-point for a
backbone (when they are in the. Helps flexibility, flexibility, and
relieving with issues). (New par.) Have written Testo again,
also Paul Mayer, but no response. But we’ll wait and see.
(New par.) So Brown has “come around him.” Guess you’ve had
a one successful treatment with them (Still got a couple of them)
about coming here – it’s a simple matter of getting authorized and
then coming). But getting back to the main thing – That’s an essentially
different issue you know; the trying to radicalize a whole range of
liberals. There are you’re working with hard core radicals.
Most of the time, they don’t mind. I remember how we operated with him:
Always happy to have him in a role, but undisturbed when he doesn’t
make it. This talent is great on a different level than ours, and are
most effective there (New par.) Don’t know if this will reach you
before Sunday, but if it does, so much the better. Understand that
I can neither instructing you – if it’s impossible to see you, an
because you choose to play it differently. If I don’t decide follow
me at the meeting, I might play it very cool, partly because he maybe
made concessions to you at that point, partly because they’re under
(a) The main event started at 9:00 AM. The participants were divided into groups based on their role. Each group had a specific task to complete within the given time frame.

(b) The event was divided into three main sections: opening remarks, presentations, and networking. Each section was followed by a short break to allow participants to rest and prepare for the next part.

(c) The networking session was the highlight of the event. Participants had the opportunity to meet and exchange ideas with other professionals in their field.

(d) The event concluded with a closing ceremony, where certificates of participation were distributed to all attendees.
And the business talks me that Time will do some thing on it. Does that mean Ways? The 2-stall, he ought to be some thing to make that abominable piece of his work (Aug 10). Quite amends of let that abominable piece on the stove (Aug 10). I think the same, but Riddle was helpful, and if I didn't catch anything on the Phil, I was, but Parsons everything went oh (New). Can't write this on Mon. (Aug 10). Sorry about meals in the Three note - will fry to put a half-melons on them in the future.

Your perceptive intuitive, I can't kid you anything from you, even if I wanted to. You would say off the top of my head, that it's the same conflict for both of us. And I wouldn't have it different for all our copper investments, in fact, the thought brings me, for if there is, their present vegetable would be much less a man, the great adventure would be missing, and an incommensurably precious possession lost. So I will take my little cup of gall every day, and thank God for it, that he has already had as sufficient to teach a longer better lesson, and it can't be till next year, the Lord pay up for my acts of service. So be not troubled by the idea (New) as for Walsh, tell me more. What decisive stand, and maybe fought enough to he dangerous. Do you suppose it is our charge it affirms it in trying to get him? Will this case, the matter with said Peterson (New), willing to hear more about Buck's project with Anderson and Jim. They'd have to understand that it couldn't come out unless my name or only after discharge on a as told to Somer, then too, they should understand that sustained writing is a hellish and weary business. Big Brother always has his claims, badly sheathed, the stuff has to be fed, and then spirit it out in less than ideal weather. Etc. Etc. As far as the stuff, the more ignorant than reflective, with a plan to let it collect outside for a quick check on release. But the best way to handle the introductory phase to brief John Warten on it, and then get him to come (New) Colby.
Legal Procedures of a Conviction and Confinement.

People generally conclude that legal procedures have terminated with the conviction, sentencing, and confinement. Not so. By a remarkable variety of means, some times with formal legal help, sometimes without it, attacks on convictions and sentences often lead to astonishing success.

Your latest move, like a Phoenix rising from its ashes, will help some doing so to answer. Have I told you recently that you’re the best around? Be still a little arrogance of your own, arrogance is ok when it is real. And I know other lawyer that argue the best around. Am I being too bold? (New par) From what I’ve told me about the trial, it seems more and more sensible that a presence in NYC is dictated. Since it could help more with discussion of advantages and disadvantages of teaching, but you; with others, and others can fully decide that. I see your point, and am convinced by it, that you now have 300 people to persuade, a good number of whom are ready for identity and life. Lord, what a richness. And the kids! Wouldn’t it be possible for you to follow them up, to argue at likely members of the community, and to move down the Westchester Crew plus others of the 300 without teaching?学期 - you know the new house, and what kind of base they will allow you. But I would agree emphatically that your teaching is being phased out by events - it’s completed now, or soon will be. I see a new kind of teachings of course. (New par) Bordeaux, I feel you’ll get the help for this mostly from some of the men you’ve reached out to. And I guess will remain
The charges against the 2 were illegal entry, etc. The effort will be made to track down the whole group through them because the Fed isn't stupid. The wording is a real legitimate excuse for coming together & we can build from there.

I could go on on but my hand is getting tired (as your eyes must be); that's the story. At 12:10 on Thur. we were heading to Avalon & then Tom called. At 12:30 on Fri. we had just arrived in Chester with the 3 in jail. They were to be released today after a reduction of bail hearing. Frank gave a bizarre name in order not to implicate others. This may be a huge hassle I foresee.

After all of this, what is saying you. In the words on our Inclusion S.P. you know what is in my heart! Courage. These and be free to relate to that community. All the while it only grows for you. Now a day short of a month! Thank, thank, thank you so...
work with them but said that that branch should be done. It seemed
a choice between me & Tom. Tom. I had come to John. Ewart. 

Stan’s defense for their treatment the other night & they
stopped on me. They didn’t mind because it helped them to
accomplish the work & that was important. Davidson was
speaking – for the first time – like he needed love from this
group. We had acted all week like a well oiled machine, & now
I couldn’t open up that. I’d wear you with details. It
was extraordinary. The group invited me to cut out. We
needled each other. We admitted our failing & gave up one another.

When everyone was saying we should just rely on a whole together
Frank asked what is all meant was that we should do
this thing now. Enter today prepared to speak the weekend
with outside surveillance & communication to move against
the Board at whatever point there was only one or 2 persons there.
We reviewed the plans. I was to go in by day & the
rest to collect the necessary equipment & follow suit. A
remarkable consensus with the energy coming to each from
the whole group.

But on route to Chester, we saw 2 Feds at the shopping center
& they were headed toward our brand. Followed third. The
place was surrounded by Feds & cops & we knew they’d been
busted. So up to Chester & work on getting them legal help.
That was yesterday. The General there was that for security
sake as well as to eliminate persons when they were
released we should each go home & come together again next
week. So here I am.

Joe & Ann were here when I arrived home about 10:30 last night.
We talked the thing over. They had found it an impossible group
& dealt with! Anne Walsh had been very hurt by it – as had
said because of not going from her. It did. The long time
I guess from most people. It was a difficult group & he part-
yed but I am not unhappy about that. Bright was going
to try to see Syl & make this brain. The suffering must be
planned the about were only 3 – yes this are interested
in it. The rest will probably pick out another target. I
can’t say.
about men. Everybody all who were there gave them the picture. We were saying in a discussion to get up to Avalon—do it 'cause it made them feel to finish the job. In the midst of this a call from Tom Davidson: asking if we'll do the job.

We're on our way, then he said. Yes? Everyone who came up here with me! We'll get back as soon as you can. We'll get the plans set up & start.

We thought a miracle had happened. So, I went in to the room we wait, then headed for 2 hours. Finally the blast from Beaufort over the walkie talkie. "What the—are you doing in there..." July was speaking the thing. I got it 'united climate.' No idea of his

preparation when we were waiting for them to take their second. I said to July—let's leave. So we marched out till we

reached the place & exchanged time of day with the guard.

Came out & found Maury Sue. A second phone call from Tom. He then knew he & Lil weren't in Boston. The group knew nothing about it. There was no community to do this thing. They came in & they were back up, but we were already in the air. Sue communicated that back in the front: Tony, Paul, Bill Gordon & Ted Held were formulating on the spot plans—then arrived. The military uniforms come in the front door & do the confrontation, get in out & we'd take the plane out. But Davidson, rather than playing with this, came

up with the only other walkie talkie & blasted us. Many, Tony & the whole ward were made in hell. We came back to Beauchen.

July, Tom, Lil & I, with Tony & Paul had a knock down, drag out session. Meanwhile, the group is on route from Avalon. Maury & Sue are watching the sky. Afterward, I returned with Bill to pick them up. Came back & cord was still + thin. July arrive—will have a session. But I write up about

3 1/2 a.m. & July was next to me talking with the walking prominent. He left & we were nowhere. We went to church off to Chestor & the voice up the 8 & began a session about 5:30 a.m. (maybe 5:30).

I can't describe that one. Tom & Lil were obviously reached—called by the previous session. July I had felt that all we accomplished now to hurt them. I called curtains on Further.
Then someone returns with a report that the Marshal (Armed) as well as guard is in the lobby. We are certain the whole plan has been known the night before: "how could it be when about 500 people know what is happening, where & when." This report is checked out and verified. Then the session toward decision. But each idea of dealing with it is stopped or. This, I felt was part of Davidson's plan to farm & manipulate a group to do it "for long" whether entirely. None is idea was accepted. The decision was to drop it for a time. I sought long & hard to but was defeated. So we closed up the State thing & invited lots of who was needed & decided to drop the rest send them home. I have a brief session in the a.m. & I knew why I put that on the agenda for a total community meeting way. The night before Tony & Mary's wedding. Out of that should come a new, perhaps more effective communications system without the unnecessary communications which create quite properly. The discussion of the press & the establishment of the plain before entrance I was added to the forces mind.

volume easy & the 9 hours on the platform very comfortable. not relatively. The action & was made as a matter of it's business of the group there & the thing that. They located it historically since they wanted to see the thing done. A message came in over the telephone that these wanted to see the thing done. I very effectively & thoroughly that business was clear, maybe possible. After the stop, a meeting, in Joe's fashion up the next a piece which literally drove people out of their minds - persons. I went down to Wildon. Then went back to rewire the scene. By the time we returned I discovered the split except Paul Tony, Mary, Judy, Sue Davis, Granny I thought to this house in Wildon. Judy I had to go up & meet with Bill Davidson prepare the press statement & get it out & return the rented car. The drive was reflection time & putting things into perspective. That board had to believe. Our community which was geared to action had lost its purpose & gone to piece. I wanted no part of an exclusive group of 8 + preferred the reorganization of the total community indicated above the tight sessions group directed by Tom Davidson. The Philly Reds - a beautiful group - were anxious to see it done - I would help but one people had that option. Arrived back
trust that must exist without a lot of communication. A trust that frees each party in a relationship to be considerate about what's responsive to the community immediately before him/her. This as opposed to the weakness that demands togetherness such as his appearance of the hospital where Frida lay ill with the FBI painting the corridors.

Afterwards, a list of what remained to be done, with Jolly, Roger. Then, return home. An attempt to review this with Jolly & a silence. In the a.m., a trip to the State place to bring the platforms for the bed in. On return, a group was heading out and we had had a brief phone conference with another eviction notice. I couldn't get up to the seminar to explain our presence there while not apprehending it. The forces called authorities began arriving on scene & the place was surrounded by cars from every state in the nation. For meanwhile, & crowd away another, girl power, Black Panthers day. Some of us began loading cars, & stationed at the same time. The cars were Monday night inside the police, a meeting of the police. They raced out cars the rest of the car together. 'Everyone possesses differences,' we want this; the search / & I, there aren't the way to operate. As soon as this is over, we'll go to a place known to puree security (I'm thinking some of the area where I might add, to a situation totally out of proportion). What appeared at that moment to be very different was a cyclical organizing of security because there was no chaos so much to be done. But the spirit was somewhat out of keeping. The organization, bucking by a bit of our history, but I think it's OK. But it was or it was uncomfortable with it. Seems like an eviction notice.

Afterwards, the 2 sections had colleges onreplace & approaches to their own target. Two a.m. I typed the statement, sent Peggy of the plane with Ann Walsh who was just dizzy over what was going on. Called about a lawyer & cars & went to reassure cars for rental.

Two afternoons can Frenn succeed. I happened. I went to Wilmington (to rent a Van) best went with Roger who wanted to be тамам, fill the whole uncomfortable with not being back working on plan for the schoolhouse. Got the Van & drove home. Got some stuff with Tony or cars, on which people wanted to go afterwards. For the meanwhile, there are police outside the house watching this model scene & paranoia grows.
Principles of Organization:

It would seem that one learns how to organize a community by reflection on the errors one has made through that process. What is needed is the willingness to review the errors and to apply the lessons.

So the story of the scene. The errors should be apparent. But first, procure the silence from this end. From Sunday until last night, that is to say, Friday, it was an on-going, quickly developing scene. There was not a minute to write much less to really grasp what was happening. Then the scene changed so drastically with every minute that it was impossible at any moment to say where it was at. Even the promised calls became impossible to fulfill. Three hours thus far were lost, useless.

Never, since we began this, have I left this much time go by without a word to you. I'm sorry but beg you to understand and know that you do,

Sunday return to the scene. All went at a picnic. Davidson entered as soon as they returned and a check plus extra came outside with Franks, then a message to take Tom Davidson and Joan de Vada and drive to a hotel and rent a room under such a name. The trip of the rest did not go so smoothly. Everyone knew but none knew what was taking place. Security had to misunderstandings and bad feelings. Particularly in Mr. Gilchrist who out of some logic of his own, told his mother, his girl friend, a black boy friend, a girl friend, etc. already on a very complex scene. Through the weekend there had been some bad feelings expressed about their presence there. He was angry and felt that these people meant more to me than they did in the group in this action. Sum night it came to head when his wife invited to come for the session. We started out the next day off for an silent drive and went home. We sent someone after him which delayed the arrival process and forced or novice in circles for a couple of hours. That session was good. We discussed the grand and decisions to correct him. Then we agreed. We discussed i.e. fought about the consequences. He listened and said get each one to publicly unswerving a file and put them means down saying they did it. This was more or less received but with some reservations. The final phase was the new kind of relationship we had to begin living along the lines that we had already agreed upon. But beautiful. The kind of
Plan of Procedure as it presently stands:

- Friday was cut (i.e., today) since along with the usual guard (new 2 weeks ago) is a Federal Marshal, armed. We don't want to cope with that! We don't have to - that situation exists only the weekends.
- The Philly kids need a Tues, Wed, or Fri. But it seems Tues. is out.
- Go Wed. is O.K. Will call you Thurs., a.m. at least by 7 or 8.
- Give him the word on succeeding. If I can't get him, will get word to you Thurs. or Fri.

What should happen is that the majority of this group will head up to New Haven & the rest begin organizing their signature businesses. Perhaps the Philly kids can begin casing for the "surfacing". That means getting a reading on where's what. The whole in mind is to approximately 2-3 weeks after New Haven the groups plan can many stages as possible will do a disruption - I don't think this point knows what that will mean - at an N.G. center here in Delaware - release to press the statement - signature, present a statement to N.G. & to Students & at the same time the letter (or statement) will have been moved to Norm's S.S.S.; E.E.I. & whoever else we think of between now & then.

And if all this happens, we can get an A in organization because it is very complicated. As I see it, it will be necessary to have a briefing session the night before surfacing with all who are involved somewhat as far as with his subordinates before the clean-up day in the ghetto.

This has been an interesting process. Some stopped dead when the guard came on the scene; others wanted to knock him out. So last weekend was very difficult. We finally realized it Monday night & reorganized a new plan. Tuesday & then began building it up. First came in 45. Two nights for a few hours & he agreed with my position that all should hide in. So that crushed it. Now the exact timetable is in question.

The composition of the group is interesting. The key leaders coming down in Joe Glickstein, Grendy Barry, Winograd, Howard, Shawn DeSotto, Hal Guss. A great clarity when from NY, Judy Polanski, also Howard from Cornell. Tom + Liz + John Swingle, Frank Lipton, Peggy Walsh, still unknown as he has been here only one weekend. Then there's the R.M. who's a real 50-50 - very difficult to get along with. You'd probably like him.
Don't know if it stems from a sense of justice or decency or what, but I feel strongly that this is not the way to do things, and that the writers should be given a slight
humanizing letter. Couldn't do any harm, I suppose.
Some good, so as soon as this week is out I'll the full guerdon
of letters are in, the tape in any communications from you.
So intense enough to make it seem more than hazardous,
I'll sit down to it.

I am writing this on an extraordinarily energy bear & Phila
whence to Chester & our friends. Wednesday is the day & we'll
get word to you in time. We've been warned that there may
be some serious repercussions from it, given the place & its spirit,
the guard, etc., particularly the guard. This came with the news
preliminary work out. That has already been accepted, not
that I'll be disappointed if that doesn't happen.

Did you, by any chance, see Robinson's words to the Chicagoio? "The
is the kind of thing that starts revolutions. My sentence has been
serve to discourage others from doing it." Fortunately people don't
necessarily read that way.

The lawyer's parting words were, "Don't get caught!" Beautiful spirit;
And I mean that through & through.

You know, but you must remember, what you mean to your
people. Literally this a.m., Shane prayed for you—he believes
that everyone else to it. Been there's been sabotage. Take
care of any old man.
Reflections on that work can be quite beneficial. How not only the life of the one held is controlled but also the lives of those close to that one. This is more or less true to the extent that that relationship pervades one's life. But since so much of our efforts are spent in creating areas of freedom beyond the control that power tries to exercise over us, a good boot camp in life's work.

I do wonder though whether it's arrogance or stupidity or a form of twisted wisdom that inspire the powers in some of their decisions. It should be clear

(1) that if a relationship is strong enough, or the Game fixed enough, if it is of God, all their forces cannot contain it. The Web can alter its oppression.

(2) that some form of communication remains necessary

(3) even in the absence of, that when legitimate channels are closed, new & illegitimate channels will be found & used.

The wisdom would be if all this were realized beforehand, if the effort at present is to flush out all those channels & squelch as much as possible. Not beyond them I would say.

But if there is the unpredictable element i.e. human freedom, which makes me say that I do not fear the above happening. Unjust repression of rights, the courageous stand. Recognize it & stand out against it. Even maybe because, he is punished others can recognize the situation & rise to it.

It is something like the total effort in mini-cosmos. Your last letter seems to have arrived. I have been returned to me with by dates. I move to come. The third had written on the bottom "unauthorized!"
Drumno has yet gonna use much dwell — there's little of it that's news, esp. to the older hands. And I still don't have the slightest guess about the community picking it up or dropping it. They are very shy and not so easily anti-organization.

Had a discussion with the men. Viking yesterday: an incredible hand. He seemed in the majority over the Colbert St.-8th St. Alliance, and wondered if it had a future. He all in favor of it having a future. Seemed university and go rapidly non-committed. He could not commit and neither the religious or political matters, nor could he handle them if he understood. So he'd just come, accept more, and suffer. Yet in his own way, he loves the people in question, so I'm never more than faintly switched with him.

Hope the wedding was joyous, warm, happy. And the presence present. Seems new spirit of victory coming in dry, which seems to be a better solution. Just marveling along here, at least starting on some fruitful things, which may be and will, given the nature of police it's all done here. I never get really dull — something always happens, and that's a blessing.

What I don't hear from you yet on the air, and through a hint of petulant correspondence. So don't write it back communications. We'll make it, and anything has a way of coming to the communal settlement.
What seems needed is techniques consistent with more formless, less mobile, strike teams. For example, an underground version of its underground base has.

To secure this, the matplotlib should maintain a fluid coordinating post staffed at major bases by reliable, informed people. In that way, those on the road can keep the information coming, and make their needs known.

More overwinding

A. Security would improve in proportion to organization.
B. Our ability to catch our targets should be.
C. The government. We've got too many good people in the know in both Balt and Philly. A number such as few, ought to pick up and get out, write down again, start over, and see what comes of it, while maintaining close ties.

Maturing thoughts - There is obviously a movement, let alone a revolution. There is rather, a bit of cultural dissent, fragmented youth uprisings, a bit of frustration, fear, and misdirected rage. The government in its own actions (or its agents, or its agents, or its agents, or its agents) and its in the Vietnamese. In proportion to its numbers, we have cost them dearly, and in that sense, more about all that's around. All the trouble, that it. We've got to get together more, do more agitating, learn more, work harder, tell more calculated risks, read it English more, pray more and love people more. We've made it a little tougher for them to murder, but we ain't stopped the murder. Yet. That by a long shot.
D. Every urban group should have two direct ties to far places. They should hence, at this time, be sent with skill and considerable discretion. Generally, people operating underground have no need for them. That they should be available - the times will require them more and more.

II. The Two Orientations (Strategic Observations)
A. The East is getting hot - the East two cities, Washington and important to security forces.
B. No two untouched areas - Central and Southern Pa., in one, Conn. and then, news from and return in N.G. State, Virginia, Ohio, and Indiana. And we got it - Eastern Ohio, the leading gold mine.
C. When and if money becomes available, Cadets (recruiters, trainees, etc.) could branch out into fresh areas, for mining, economic, and dig up possibilities in people and things. Perhaps, trainees could settle in places like Rochester, Buffalo, Pittsburgh, Syracuse, possibly Richmond. Then, they could whip up support communities, recruit, isolate military and corporate targets, support such activity off the land, etc.
D. Everybody has suggested that periodically, kindred ties elsewhere, could feed the brains of men like Eagle, Delaher, Sow. Since the others agree, convinced that Meyer will use tactical nuclear weapons in Schracine, he could be asked in what he intends to do about that.
E. Since resources appear to be available for the agricultural project in the District, this should have priority for the winter of 70-71.
F. Once the project - a swell understand team could head for the interior lands, W.Va., and track the rural leaders in the State. Might take a couple months.
"organizational" meeting become critically, it, if want more regularly; some substitute, it might be found.

IV. Demarcation
A. Some to get qualified person should take the job of preparing long term report for a man.
B. Number of volunteers may undertake the task of raising money for the committee.
C. Some uncertain work should be done on the existing list. (More in future months).

V. Security
A. The main threat to security seems from a project too ambitious to be controlled. Too many scientists, and therefore, too many people.
B. They must concentrate on issues is critical, controllable, yet significant. Roles, recruiting from other nations - the people fed in from which ever they can be found. The teams, with every new group, to be the biggest and the best is very dangerous.
C. Every entrance ought to have access control system. In fact, individual pass & should have it. Also, tight phone 4 security per phone, in liberal phone.
II. Organization-Cabinet Committee, executive staff, Council for the advancement of American Resources anything.

B. It seems undesirable to haveיקר ת"ת ת"ת for a week or a year. Monthly meeting minimum. Each head of the line step of carrying through of activities is monthly meeting. The head of the care of chief backing.

C. Excellence can be gained through one a framework becomes definitive - guidelines for policy, accounting, targets, the how, finances, security, etc.

C. This amount of bureaucracy. It will depend on the circumstances. If all to see that it doesn't become this.

III. Communications

A. These will depend upon how well the above is done. At first glance, communications seemraphe end and too informal.

1. People will communicate if some knowledge is the fact.
2. How about what ought to be in the fact.
3. And seldom for the express purpose of keeping others informed.
4. Some would make certain which all.

B. Since the travel arrangement decided upon at least
A. Anarchistic beliefs (nationalism, revolution to
favor individualism, and socialism, etc.).
B. A snap is at first split in a number of
self-sufficient facts, or in words (e.g., one to individual
and supranational effort).
C. Dominance of man relation (boy-girl thing).
D. Weakness with other segments of the movement, i.e.,
here is the practice and clear intermittenteing with a
neglect of order and chain.
E. Financial adventurism — on the other hand,

too much capital spent in socialist, and/or group
therapy. (I expect to indicate that there should be
a clear identification between words and social
life.)
F. Inefficient thinking about planning, about group
friendship, about poverty, and to be blind, some people are
rich while we are.
G. Geographical concentration in the East.
H. Summary — if the poor of the world demand that
this country make its non-revolutionary, let it supply
the need. The above deficiencies have occurred, directly
and indirectly.
These proposals are tentative, and in the sense of the word, ideal. They come from what I have discussed or even tested, and what I have learned of the extraordinary work done since. They arise from the community and have the power and cut, once they are coalesced with fresh editors and a general investigation into justice and personal injustices. They are the result of problems and more observations, and must be left to the better sense of those who are more direct in such fields, they will be an extension.

(I have long run 20 years) been any concentration on any individual that the immediate natural thrust act organization. Obviously, our people have not been ready for such an attempt to resist, but the attempt itself has the critical role (and democracy (most basically, they need motivation by people to direct more frequently and effectively), organization beyond have to be oriented, clear sense, and a direction. Apart from helping us to some people more effectively see new opportunities to argument in the true democracy, wherein people are proactive and responsible, and then take lead, lead because they can list.

I. Critical Problems.
june 11, and hampshire and hampshire, if the individual in con
sciousness of the people is considered and if they be taught - this is a mine
ning, and in some instances a very dangerous mine. And this is a qrator to be con-
descended. (Newspaper) fashionable men and women. I believe it was a mea
sured approach. I would suggest that he would do something in the near
time to call for justice sometimes to the slightest change. The thing does
not find out unless the rage for want of control, or else the bread and oil of
the wicked is a (Newspaper) I don't think I can lend the view there on this - it's
probably needed help. But the view of both sides and mediacy should be kept
for. I think someone, do, that he was the earliest one to see in with. And you,
the criticism comes with care for the guy, with patience for the great
committee, and with a recognition of the intelligence and talent. Conclusion is
good - after semanas, these - but perhaps there have already been some
very (Newspaper) just read two letters (15th + 16th) over. They are not dull, at least, they.
You come through, beautifully, if you're restrained. And I get all
the commands, and delight in them. You're too busy for humanity, then,
which means you have to grow in order to compete. I remember well the
(Desperate) intonation when you read the manifestation to me. Thought that was
respect, you anticipated the common hit thing, and with complete justice.
And from here, we went on to even more extensive questions. Among
the recovery you made from a draft of a summer in Europe, and the singer
in England. (Newspaper) A question like this, usually, on the first thing a lot of
natural stuff. In the air, he came across and, the way he something construe use
at any cost anyway. Don't know how to say in another. If anything thing -
the insight more in the East. Our he might not, because in fact he is
supposed to be dressing as one speaks of with there - but he is the lacrosse,
unpredictable to the type. Claire says that because your love got over to
this catch, don't expect one. It has great difficulty handling Frances on
the missing thing, but if you do, manage to get word them. Yes, that
material, yes, he, rather me absent at. (Newspaper) Is one and say that the
very the Old man line with you, in contrast to the more that
Palestine theology numbers is a good thing. I would say that you're made
American, of all the many, and this, and him you, he comes this. Be
self-flaunting thing good from and from the Lord.
(2)
and end to remember 4 to 5 will partly depend on you, all, and the first
part of the afternoon was being spent having dinner, and knowing that the
best elements of Strauss were still remaining (even now). We had an un-
inviting audience to the two and three that were our 24 miles of a Yankee
in the marines. But no trains, and no organization. So I was
very glad our strike affected this travel and we will not go this route. Next
Terms at Terms, would be more likely. But 2 from you via regular channels
in addition to the heavy one. Please you! What can I say? (Dear sir) Don't
know precisely how to answer 2. Suppose you refer to a related book here
after a session with the ones. Unless the general idea of our command
potential were be practical to that. And could it, could no unwinding
reason why we should be together longer than a couple of months. Our
approaches to the moment are quite different. I am in a superior propaganda
dict and play it incomparably well. But I have different motive about
priorities, you know. Then in 1, you make reference to our coming
out. As I might have told you before, I would come out only if his movement
came more than it is now - I mean generally, not our command - on if it
becomes clear that the jobs would stick firm with the guns. But, which
would mean another 3 move. From this meeting that would be aboard,
and I'd take my chances on meeting it. You know, if there is no restriction
in the writing, there's a good chance that national legislation will be passed
in the Fall, which gets for release of 1st offensive with 1/ of armies
around, we'll beat them one way or another. (Dear sir) Don't know what
effect Sam position was he had on our people. I would like to think
it had more, but it is tricky, yours very own. So well found. Will
you permit me a little compliment. Satis! To big difference made largely
with your coming in. Will you permit another observation? My affability
for you was not wholly personal - I would have been a fool to ignore
what you had left to revolution. To spirit you instilled on your own
freedom, you had incomparable generosity and your broad the Book
of James, Dinor all the, and one really had begun to live. And
dated this odyssey is over I will listen from you that very decent
six months to be the bane's, and getting lead together in an atmosphere
"I do not mean, making it not through the whole, but only if that were possible, how can it be guaranteed that they would indeed be in the same state of affairs as in four years? Then too, the common people in the U.S. is the highest form of democracy. The President is to go to the people, and if the people want, they will decide. The President must therefore also be able to decide, and that is not easy. Therefore, if there are those who can't elect a President that might mean in a moderate manner, but then we'd have to do it with those who were there. Do you still have the idea of more economic solutions, that is unemployment at home? Then what should be gotten from X, but the Liberal do it? (Newman) I have the idea of the plan and am just trying to secure elements of modesty into it. Why not coordinate it with the one against capital at the same time. There should be more thoroughly with the charge about this. We should listen to the President of the U.S. (Newman) and then go to the Brainchild. This would be allocation enough. (Newman) Then comes off the top of my head. Why not have the Brainchild, treat them decently, but tell him nothing of his fate, or tell him his fate. It also needs some release of all people or correction of air abodes in their. Then there becomes movement people. Brainchild blindfolded - engage in human policy. After he has been taught (the consideration of the safety will make him more and more human in his answers) get it planned and recorded. One thing should be implemented in that free brain. That respectable mydernity like himself are no longer recognizable (this should be done just before release) And if he doesn't want to be human policy, the release of him will be killed by less suspicious people. Finally, that political prisoners are the best guarantee of his secret police safety, and that he better get them out of jail. (Newman) Then there along these lines, you have both a material and personal connection with the commanders. He tried to pull off is to hit them every, very fruitful without giving them evidence to react to, justify themselves with. (Newman) He can do kept blindfolded, and participants can work, stockpiling makers dubious purposes. It can be done and efficiently. (Newman) I wonder if he can do it immediately, but tie it on with the U.S. C.
(3) I can get several kinds of education, most public philosophical or biological. The Communi
ty, the Exchange, and the S
tist of science are all that are
able to help us, and which have
tact me. I don't know if our
field in the S.

The idea that we might
be a mistake. (Rev. 18:24)

I see that the idea is in,

And the idea of the idea,

To be frank, I've thought a lot about this since a month
ago. It's a common form on

And decided against it. That explains

your plan. It turns out that we should announce this new develop-

gement together, or not at all. Every event can clean up

my confusion about how to be when you come to Bramley. I

have that reason to much

more human than, more frequency. (New paras)

Now we come to 13,

just between you and me, I've never been so much impressed

of my dear friend, very helpful in the last months. Lovely guy,
good ideologue, but still to produce. So think the role of more


equipment is the subject I will tell. (Have there been any

occurrences, the subject will tell

other go to the cabins we'll have a dinner tomorrow. This city in

Croydon are discussing the
discussion. We'll do the best we can, to


About the plan - the first time open the door to murderer, but the-upon

are finding that out in Croydon - hope you're following them

(please remember of the 占座 or the 占位). When I refer to murder it is not to

true fact of the distaste (evidence against a man - violence bag) it is merely

to observe that we have not the precedent, and that taken on, rendered

me sentence to the court of things. "We men will be killed," From the

preace, the prospect as you are still in it in brilliant. But, instead,

of us, found, with better offensive. The poor people what for too

much, there are not stupid or agnostic (Another is right about

law and order) which is to say that grabbing the gentlemen will take

all forms of perhaps some of your least people - including being, getting

communications with, perhaps coming him 2 or 3 times within the week.

Now, as you can see, to illustrate a pronouncement of at least several times.
8-22-70

THE USE AND EFFECTIVENESS OF GROUP THERAPY
IN THE FEDERAL JAIL SYSTEM

This emphasis on relationships seems to have prompted a
gradual tendency on the part of jail administrators to
provide opportunities for personal contact with one another
and with staff members. Every attempt is made to provide a
setting for open and frank exchange of opinions and questions
on opportunities to discuss everyday problems.

The news information about 2 foreign letters and men in
jail after the Control Board Act, he collected me (with the Captain) and the other 4 who had been involved and we talked about it. He decided to go over the personal aspects of the control board member as though to say - "Do you have a thing going? Just like Martin King, huh?" He wanted a confession and I laughed at him and told him he had no evidence (I had not caught the change with it). Then I picked his brain for a while, and he got furious. I told him if he had suspicions
about you and me, that he should drop your privileges after I went to
him. He started the charge telling him I had in fact done everything. After that
fusilade, he suspended your privileges and put me under "heat" which slowed
to develop until I had enough on him to pull the chain. And he took away
bad convicts, on the radio circuit deployed. As the case wound up, he in
accordance with regulations about these frequent less. Drained, you
exposed him and he could do nothing but hate you for it. Because I
confirmed him and got you the better. The same game played to his ego and gained his
the illusion that he had control. Then he will play plantation overseer, maintaining
a questionable tolerance. But call his bluff and he acts like a chump. The
wonder, now this, and turned once more control of the discussion,
suddenly at he said made less and live some. Consequently came
in that he had given you a tough time too, but didn't know how to ap-
tend. So real education - the days at the by, Nixon. Mitchell may well
make him look like a Knight of St. Euphy in comparison. Well are it yet.
said to be released to TV etc. is phenomenal. Then his aspect of the war will be at least impeded by his absence & the involvement of all close to him in an investigate of his activities. Think about it, maybe when I see you in Decbury I can get your thoughts as well as fill you in on where the plan lies. Otherwise I'm meeting with Paul Lott on this afternoon with the Norton Boys house folks this evening & later tonight with Lee Lockwood, a guy doing an NT documentary on Cuba. You want some help, Be on in about 3 weeks. Tomorrow a meeting at the college w/ P.T. to work out possibilities there followed by a session with Jim Forest & Judy to work out more immediate projects & possibilities. Paul Lott is en route to Cuba for that international resistance thing. He'll be gone for about a month so the Peaceaway Annual project can't really get underway until he comes back. That's as I believe I told you a long time thing. The aspirations have to do with a series of sessions with some of the organizers who work there who have shown interest in a more intense / daily life. Over a long period of time - or not too long - to bring them to the point of some kind of struggle against the place themselves or at least aiding others to do something there. Paul has some contacts to start with. Real guy's been coming to St. Martin at the Abbey in Newton for Pentecostal meetings for the last 3 years! Incredible! At least see Warren by Friday. We've had almost daily contact with him. And Joyce is now out to lunch with a girl who'll take up the Workshop Congressmen thing. That's basically all the news that I can get to write in. God Bless! One thing I will say is that it's far easier to write this than the other way. The letters thru usual channels have been seeker out & are undoubtedly dead & dry as death. What may seem here to be complete control of a situation, you must remember is part facade. The old man, both in Pauline & my own terms, lives in sometimes with a consciousness that is almost tragedy. What that says is both good & bad, a mixture I'm sure you're familiar with. Right on!
in utter confidence - should not be committed to paper. I would want you not even to say a word of it to Dan until we have a fuller grasp of it. I say it to you for 4 reasons. The first obviously is to get your thinking on it, the second to give you some confidence that people are thinking seriously of escalatng resistance. Eg called me up to town last night along with Bill Davidson who, in case people have not told you, has become one of our better people. Parenthetically someone with a knowledge of the scene, a keen sense for tactic + detail + little fear of risk for himself. He's the most central fig. in the Phil. scene + went into the Berards in Georgetown w/ three kids. Eg outlined a plan for an action which would say - escalated.

searches + we discussed pros + cons for several hours. It needs much more thought + careful selection of personnel. To Bishop - in our terminology, make a citigens arrest of someone like Henry Kissinger. Him because of his influence on policy maker yet sans cabinet status, he would therefore not be as much protected as one of the bigger urgs; he is a bachelor which would mean if he were so guarded, he would be anxious to have unguarded moments where he could carry on his private affairs. Literally a figurehead. To voice a set of demands e.g. cessation of use of B52s over N.Vietnam, incl. Cambodia + release of political prisoners. Hold him for about a week during which time big urgs of the liberal world would be brought to him + also kidnapped if necessary (which for the most part it would be). + hold trial or grand jury affair out of which an indictment would be brought. There is no pattern of these demands being met + he would be released after this time with a word that we're non-violent as opposed to you who would let a man be killed - one of your own - so that you can go on falling. The liberals would also be released as would a film of the whole proceeding on which, hopefully, he would be far more hurtful than he is on his own territory. The impact of such a thing would be phenomenal. People forewnting to do it: it will ultimately be done by someone here + eng. For every decade there is a feature on violence + killing. Eg. want to do it + do it well + I believe he has the know how to direct such an escapade. The major problem, as I see it, is the severe consequences for something that is largely "drama" with little lasting effect. Second problem I discern is position of something like this in a movement context, i.e. what next? Some thought would have to be given to that. It seems at least possible to have 2 fairly distinct groups on the one hand the fellows who have a scent chance but a chance of remaining anonymous + the big urgs who will provide the "public" aspect of the action who are preserved by their own position as captives. Also, the concept of a film of the
The lot of Political Prisoners in the Federal Penal System

Before engaging in any question which involves Penal System policy toward Political Prisoners, we must provide a context for its questions, both practical and theoretical. One of the few revolutionary movements that have failed to perceive the total reality of an isolated phenomenon, subject to no other, is the American prison system. In this limited view, the inmate becomes an objectified by a backward penal system.

Time considerations being what they are, we can guess this will be the last effort along these lines, as may even prove to be futile. If so, there are basically 3 things I want to let you know. First, by way of discussion for evaluation of the top-level thing. It is my guess that this is the third letter claiming rights for reinstatement. This for 2 reasons. His attitude toward me was complete about face. He was out for 'blood' (mine). At least the 3rd hour. And that wasn't expected since he claimed he didn't get it. The letter contained a criticism of the NY Times piece of the guy who was given a look at you this week for a letter for reinstatement. Evidence of this new attitude were plentiful & some, if we could have missed it.

Nothing would stop him from reading a section of the contraband & going beyond the issue onto a personal note was more than accidental. He told me I was the most selfish person I'd ever met, etc. I refused to be angry or respond on that level. He was clearly distraught by the whole thing & I think that person & violence be failed utterly to control. I would not exactly say it was premeditated thing although I feel some understanding was created. You would know best the outcome & effectiveness, if any. But then we did not know what to expect or what we wished to achieve. The best part was seeing you & the old fighting spirit to know just had, beyond physical confinement, they had no control over you. Funny- we was always to handle these group sessions that demanded such discipline because they would usually be a space of time later on when that could be let down. The honor of me was that there was no space afterwards & I only fully grasped that later that night. In all our efforts to face reality, in some instances it still eludes us. The second is the proposal that I jokingly I opened up to you in the corner. If you would like it- now or some time later- we can do it. See, we talk to him about it if you wish & think it over seriously and we'll work it out. In the event of banning might be too soon at this point to do anything, either whole thing or letter passage is subject to discussion. We can also arrange it now with writing. I say this not to exert pressure on you or another. The future is an unknown except in certain given areas- I don't have a preference for the exact lines that future will take. I'm open to all sorts of possibilities & the reality will undoubtedly be "none of these." The real problem I have with that is "either you or D. coming out" is that it says the movement can't go on with one of you or both. And I'm arrogant enough to think I believe that your being with me is enough to make the rest, we get off our tails to prove that it can. Which leads me to #3 & their
Boyd—

The enclosed is dynamite, I mean it. The proposal (+3) is something more, I mean more should know about, I want his name to go the reasons indicated, and you must of necessity. So it's something, I'm entrusting to you. I want him to get this letter if at all possible, if not at least the contents of it.

How are you? loved the time spent in Leesburg. You have a beautiful community there which needs only some within it to urge it to action. I kind of think, at this stage, that that is essential. They've seen enough of outsiders & know the facts. One of them must now take the leap or an action must be done there by an outside group to let them work out the follow-up that are at stage in resistance.

Listen, I'll call Friday at 4:00 at the 524-0038 number. If you don't answer, I'll presume you haven't gotten this yet & try for Sat. at 12:15. We didn't set up a time & I don't want to call the house so this seemed best.

Lots of love to you & all

6/7
56. Please explain in detail your statement in your aforementioned letter [Attach. H] that "One thought (suggestion) was to elect a particular corp. & have ea. area hit it simultaneously"?

57. Did you understand Philip Berrigan's statement in his letter to you which is attached hereto as Attachment No. I that "maybe the circus ought to hit the road" to refer to a suggestion that future draft board break-ins should be expanded outside the eastern seaboard area?

58. If your answer to Interrogatory No. 57 is no, what did that statement mean to you?

59. Did you understand Philip Berrigan's statement in his aforementioned letter to you [Attach. C] that "a well subsidized team could head for the hinterlands, i.e. in W. Va., and trash the rural boards in the State" to be a suggestion that persons join together for the purpose of breaking-in and/or destroying Federal government files in Selective Service System offices in West Virginia?

60. If your answer to Interrogatory No. 59 is no, what did that statement mean to you?

61. Did your statements in your letter to Philip Berrigan which is attached hereto as Attachment No. J "that to build up a N.Y. area means some very modest actions to get some people to work with, and Westchester could be good targets" refer to a suggestion that Westchester, New York, should be considered as a good target for break-ins in Selective Service System offices in or around that city and/or the destruction of Federal government files in those office(s)?

62. If your answer to Interrogatory No. 61 is no, please explain in detail what you meant by your statement.

Respectfully submitted,

RICHARD L. THORNBURGH
Assistant Attorney General

GEORGE W. CALHOUN
Attorney, Department of Justice

LARRY P. GREGG
Attorney, Department of Justice
Selective Service System offices at 3701 North Broad Street, 3207 Kensington Avenue, and/or 1421 N. Cherry Street, Philadelphia, Pennsylvania, February 6-7, 1970.

48. If your answer to Interrogatory No. 47 is no, what did that reference mean to you?

49. Did you participate in or were you involved in the break-ins identified in Interrogatory No. 47, either in planning the break-in(s), in direct participation in the break-in(s), or in the subsequent concealment of the identities of those who did participate in the break-in(s)?

50. If your answer to Interrogatory No. 49 is yes, please relate in detail the nature and extent of your participation or involvement.

51. Please identify and explain in detail the activities of the East Coast Conspiracy to Save Lives, the Second East Coast Conspiracy to Save Lives, the Iron Mountain Group of the East Coast Conspiracy to Save Lives, and the 2nd Conspiracy to Find America.

52. Please explain in detail your involvement in any of the actions or groups identified in Interrogatory No. 51 and any activities involving break-in(s) and/or destruction of Federal government files sponsored or coordinated by those groups.

53. Did you participate in or were you involved in any other break-ins and/or destruction of Federal government files, either in planning the break-in(s) and/or destruction of files, in direct participation in the break-in(s) and/or destruction, or the subsequent concealment of the identities of those who did participate?

54. If your answer to Interrogatory No. 53 is yes, please relate in detail the nature and extent of your participation or involvement.

55. Did your statement in your letter to Philip Berrigan which is attached hereto as Attachment No. 4 that "Walsh came in & announced New Haven had been done the night before. Boston based - some new (Beverly one) & some old. It took a maximum of 2 weeks, $200., & no/one/else knew it was happening before it was done. Good, clean, efficient job. All were delighted" refer to your knowledge of the perpetrators of the break-in at the Selective Service System office at New Haven, Connecticut, on or about July 9-10, 1970?
39. Did your statement in your aforementioned letter [Attach. F] that "I was added to the forces inside" and "Entrance easy & the 9 hours on the platform very comfortable.-- well relatively so. The action O.K." refer to your entry into the Selective Service System office either at 38 South Street, Dover, Delaware, or 109 West Pine Street, Georgetown, Delaware, or 3203 Kirkwood Highway, Wilmington, Delaware, and if so, which one?

40. If your answer to Interrogatory No. 39 is yes, please relate in detail what actions you took before leaving the office and, specifically, whether you handled, removed, and/or destroyed any Federal government files.

41. Please explain in detail your statement in your aforementioned letter [Attach. F] that "Tony, Paul, Bill Davidson & Ted Glick were formulating on the spot plans -- they would rent military uniforms & come in the front door & do the confrontation, get us out".

42. Please explain in detail your statement in your aforementioned letter [Attach. F] that "we'd take the place out"?

43. Did you participate in or were you involved in the entries into the Selective Service Systems offices in Georgetown, Dover, and/or Wilmington, Delaware, and/or the destruction of files therein on June 17-18, 1970, either in planning the entry and/or destruction of files, in direct participation in the entry and/or destruction of files, or the subsequent concealment of the identities of those who did enter and/or destroy files?

44. If your answer to Interrogatory No. 43 is yes, please relate in detail the nature and extent of your participation or involvement.

45. Did the references to "Wilmington circus" in Philip Berrigan's letter to you which is attached hereto as Attachment No. G refer to the entries into and/or destruction of files at the Selective Service office at Wilmington, Dover, and/or Georgetown, Delaware?

46. If your answer to Interrogatory No. 45 is no, what does that reference mean to you?

47. Did Philip Berrigan's reference in his aforementioned letter [Attach. G] to a "Philly circus" refer to the break-ins at the
attached hereto as Attachment No. E, did your statements, respectively, that "Wednesday is D. Day" and "The Philly kids need a Tues., Wed., or Fri. but the coming Tues. is out so Wed. is D. Day" refer to the date set for the entry into the Selective Service Systems in Delaware, on June 17-18, 1970?

33. Did your statement in your aforementioned letter [Attach. E] that "he agreed with my position that all should hide in" refer to a plan to hide in Selective Service System office(s) in Delaware until they closed on the night of June 17-18, 1970?

34. Did your statement in your letter to Philip Berrigan which is attached hereto as Attachment No. F that "In the a.m. a trip to the State place to hang the platforms for the hide-in" refer to the hanging of platforms in Selective Service System office(s) in Delaware in order to permit people to hide inside the offices until after they closed on or about June 17-18, 1970?

35. Did your statement in the aforementioned letter [Attach. F] that you "went to reserve cars for rental" and "went to Wilmington (to rent a Van)" refer to your renting cars that you and those persons acting with you might use in furtherance of a plan to enter Selective Service System offices in Delaware and destroy Federal government files on June 17-18, 1970?

36. Did your statement in your aforementioned letter [Attach. F] that Grady "wanted to do timings" refer to a check of the amount of time it would require for the stages of the actions against Selective Service System office(s) in Wilmington, Georgetown, Dover, and/or other cities in Delaware?

37. If your answer to Interrogatory No. 36 is no, please explain in detail your quoted statement.

38. Please explain in detail your statement in your aforementioned letter [Attach. F] that "the decision was to drop it for a time. I fought long & hard not to but was defeated. So we closed in on the State thing & made lists of who was needed & decided to drop the rest, send them home, etc."?

-5-
24. On or about October 10, 1970, did you meet in the Baltimore area with Joseph Wenderoth, Jogues Egan, Neil McLaughlin, and/or any other person(s), at which time the kidnap plan and the plan to blow-up, destroy, or otherwise disrupt in any way discussed?
25. If your answer to Interrogatory No. 24 is yes, please relate in detail the content of that discussion.
26. Did you know or have reason to believe that the plan to blow-up, destroy, or otherwise disrupt utilities systems in Washington, D.C., and/or the kidnap plan had been scheduled to take place on or about George Washington's Birthday, 1971?
27. Please relate in detail the nature and extent of your knowledge concerning the plan to blow-up, destroy, or otherwise disrupt utilities systems in Washington, D.C.
28. Why did you not contact the District of Columbia Police Department, the Federal Bureau of Investigation, or other appropriate law enforcement agencies with regard to that plan?
29. Please relate in detail the factual basis for your statement in your aforementioned letter to Philip Berrigan [Attach. A] that plaintiff Davidon "has become one of our better people. Parenthetically someone with a knowledge of the scene, a keen sense for tactic & detail & little fear of risk for himself. He's the most central figure in the Phila. scene."
30. Specifically, did this refer to plaintiff Davidon's participation in or involvement with break-ins at Selective Service System offices and/or his harbouring and assisting persons who were AWOL from the armed forces?
31. Did your statement in your aforementioned letter [Attach. A] that plaintiff Davidon "went into the Boards in Georgetown with those kids" refer to plaintiff Davidon's direct participation in the entry into the Selective Service System office at 109 Pine Street, Georgetown, Delaware, on June 17-18, 1970?
32. In your letter to Philip Berrigan which is attached hereto as Attachment No. D and your letter to Philip Berrigan which is
15. Did you understand Philip Berrigan's suggestion in his aforementioned letter [Attach. B] to coordinate the kidnap plan with the "one against capitol utilities" and a "D.C. Fiasco" to refer to a plan to blow-up, destroy, or otherwise disrupt heating and/or electrical systems in Washington, D.C.?

16. Did you understand Philip Berrigan's reference to "the subterranean project in the District" for the "Winter of '70-'71" in his letter to you which is attached hereto as Attachment No. C to refer to a plan to blow-up, destroy, or otherwise disrupt such utilities systems in Washington, D.C.?

17. Please relate in detail the basis for and extent of your knowledge of a plan to blow-up, destroy, or otherwise disrupt utilities systems in Washington, D.C.?

18. Did you know or believe that Philip Berrigan and/or Joseph Wenderoth had entered utilities tunnels in Washington, D.C.?

19. Did you know or believe that Joseph Wenderoth or any other person was trying to get blueprints or plans of the underground utilities tunnels in Washington, D.C.?

20. Did you know or believe that Joseph Wenderoth or some other person had collected or was attempting to collect dynamite or other explosives to be used in the blowing-up, destruction, or otherwise disruption of utilities systems in Washington, D.C.?

21. If your answer to Interrogatory Nos. 18, 19 and/or 20 is yes, please relate in detail the basis for and extent of your knowledge and/or belief.

22. In August 1970, did you meet with Joseph Wenderoth and/or Neil McLaughlin in the area of Sea Girth, New Jersey, and discuss the kidnap plan and the coordination of that plan with the plan to blow-up, destroy, or otherwise disrupt utilities systems in Washington, D.C.?

23. If your answer to Interrogatory No. 22 is yes, please relate in detail the content of that discussion.
7. Did you consider the kidnap plan discussed at the August 17, 1970, Connecticut meeting a serious plan or was it 'just talk'?

8. If you did not consider the kidnap plan seriously, what was your intent in writing Boyd Douglas in a cover note to your aforementioned letter [Attach. A] that: "The enclosed is dynamite & I mean it. The proposal (#3) is something noone & I mean noone should know about"?

9. Following your aforementioned letter to Philip Berrigan [Attach. A], did you receive the letter from him which is attached hereto as Attachment No. B?

10. Did you communicate with plaintiff Davidon, Eqbal Ahmad, Jogues Egan, Neil McLaughlin, Joseph Wenderoth, or any other person, contents of the letter or the modifications to the kidnap plan suggested by Philip Berrigan in that letter [Attach. B]?

11. If your answer to Interrogatory No. 10 is yes, please identify the persons with whom you did discuss the plan and/or show Philip Berrigan's letter and relate in detail the content of any discussions with regard to the modifications suggested by Philip Berrigan in that letter [Attach. B].

12. Please relate in detail all references to the plan, or actions taken in furtherance of the plan, by yourself or by others, you believed, after you received the aforementioned letter of Philip Berrigan [Attach. B].

13. Specifically, with regard to Philip Berrigan's suggestion in his aforementioned letter [Attach. B] to the kidnap plan that you "sic Eq on it immediately," and that "I don't think E can build his own team on this -- he'll probably need help," did you contact Eqbal Ahmad after receiving Philip Berrigan's letter and discuss the kidnap plan in any way?

14. If your answer to Interrogatory No. 13 is yes, please relate in detail the content of that discussion.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SISTER ELIZABETH McALISTER, et al., )
Plaintiffs, )

v. ) Civil Action No. 72-1977

RICHARD G. KLEINDIENST, et al., )
Defendants. )

DEFENDANTS' FIRST INTERROGATORIES TO
PLAINTIFF ELIZABETH McALISTER

To: Elizabeth McAlister
c/o Jack Levine, Esquire
1427 Walnut Street, Suite 200
Philadelphia, Pennsylvania 19102

Defendants hereby propound the following interrogatories to
plaintiff Elizabeth McAlister, to be answered under oath, pursuant
to Rule 33, F.R.Civ.P. Answers are due to be filed thirty days from
the date of service hereof.

1. Did you meet with Eqbal Ahmad and William Davison in Connecticut
on or about August 17, 1970, as you stated in your letter which
is attached hereto as Attachment No. A?

2. Did you discuss for several hours at that meeting a plan to
kidnap Dr. Henry Kissinger, or someone like him, as stated in your
aforementioned letter [Attach. A]?

3. If your answer to Interrogatory No. 2 is yes, please relate in
detail the content of that discussion and plan.

4. Did you discuss at that meeting a plan to also kidnap "big wigs
of the liberal ilk" in order that you, and/or others in attendance
at the meeting, could 'try' Dr. Kissinger or conduct a grand jury
affair, as you stated in your aforementioned letter [Attach. A]?

5. If your answer to Interrogatory No. 4 is yes, please relate
in detail the content of that discussion and plan.

6. What was the purpose of the plan reported in your aforementioned
letter [Attach. A] to kidnap Dr. Kissinger, or someone like him?
FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1273373-0

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Page 55 ~ b6; b7C; b7D; b7E;
Assistant Attorney General
Criminal Division

Director, FBI

SISTER ELIZABETH McALISTERS, et al. v.
RICHARD G. KLEINDIENST, et al.
(E.D. PA.) CIVIL ACTION NO. 72-1977

October 5, 1973
1 - Mr. Miller
1 - Mr. Mintz
1 - Mr. Williamson

Pursuant to the request of [Redacted] of your division, enclosed is a memorandum dated October 1, 1973, captioned "SISTER ELIZABETH MC ALISTER, ET AL, PLAINTIFFS V. RICHARD G. KLEINDIENST, INDIVIDUALLY AND AS ATTORNEY GENERAL OF THE UNITED STATES, ET AL DEFENDANTS," which contains the logs prepared during the electronic intercept of plaintiff Davidon.

Enclosure

NOTE: Philadelphia airtel dated 10/1/73, same caption, enclosed an LHM consisting of the logs in the Davidon intercept. A copy of these logs was requested by [Redacted], Criminal Division, who is representing the Government in this civil action advised SA James L. Williamson, Office of Legal Counsel, that he needed copies of the logs in the Davidon intercept to use in preparing the Government's response to interrogatories filed by plaintiffs herein.

J LW: deh

MAILED 4
OCT 5 - 1973
FBI

SECRET MATERIAL ATTACHED
TO: DIRECTOR, FBI  
(ATTENTION: OFFICE OF LEGAL COUNSEL)  
FROM: SAC, PHILADELPHIA (62-5217) (P)  
SUBJECT: SISTER ELIZABETH MC ALISTER, ET AL  
V. RICHARD G. KLEINDIENST, ET AL  
(EDPA), CIVIL ACTION NO. 72-1977  

62-115 389-17  
See Philadelphia notice, 8/10/73, and Bureau notice to Philadelphia, 9/20/73.

Enclosed for the Office of Legal Counsel are two copies of an LHM pertaining to handwritten logs of information furnished by_____.

The LHM is classified "secret" inasmuch as previous communications relating to have been so classified, and because of the technique involved. It is noted that, per Philadelphia airtel to Bureau captioned "FASTCON", 7/2/71, the Bureau was furnished with two copies of complete transcripts of the information furnished by_____.

On 9/26/73, AUSA______ MDPA, Harrisburg, b6 Pa., advised that on 9/11/73 he opposed a motion filed by b7c Attorney J.______ on behalf of plaintiffs in this case to dissolve the protective order entered 5/1/72 in U.S. v. AHMAD. Judge R. DIXON HERMAN has not rendered a decision on the motion and is expected to do so within the next two weeks.

Bureau (Enclosures 2) (RMD-29)  
2-Philadelphia  
(1 - 62-5217)  
(1 - 100-51190, Sup-B)  
RC Infrk  
(5)

DECLASSIFIED BY: 1259  
Oct 8, 1973  
LEGAL COUNSEL  
AUSA, EDPA, Philadelphia, Pa., advised there are no new developments.

Philadelphia will keep the Bureau advised.
Philadelphia, Pennsylvania
October 1, 1973

SISTER ELIZABETH MC ALISTER,
ET AL,
PLAINTIFFS

V.
RICHARD G. KLEINDIENST, INDIVIDUALLY
AND AS ATTORNEY GENERAL OF THE
UNITED STATES, ET AL
DEFENDANTS

Reference is made to the memorandum of Robert
C. Mardian, Assistant Attorney General, Internal Security
Division, U.S. Department of Justice, to the Director,
Federal Bureau of Investigation, dated February 11, 1971,
captioned, "Electronic Surveillance Information Request:
EQLAL AHMAD, PHILIP BERRIGAN, ELIZABETH MC ALISTER, NEIL
MC LAUGHLIN, ANTHONY SCORLICK, JOSEPH WENDROTH, DANIEL
BERRIGAN, THOMAS DAVIDSON, MARJORIE SHUMAN, BEVERLY BELL,
PAAUL MAYER, WILLIAM DAVIDSON, JOGUES EGAN."

DECLASSIFIED BY 1259
ON 8-25-78
SECRET

CLASSIFIED BY WORRIS S. HARZENSTEIN
EXEMPT FROM GCS CATEGORY NO. 2
DATE OF DECLASSIFICATION INDEFINITE

This document contains neither recommendations
nor conclusions of the FBI. It is the property of the
FBI and is loaned to your agency; it and its contents are
not to be distributed outside your agency.

62-115389-20
ENCLOSURE
SISTER ELIZABETH MC ALISTER,  
ET AL  

V.  
RICHARD G. KLEINDIENST, INDIVIDUALLY  
AND AS ATTORNEY GENERAL OF THE  
UNITED STATES, ET AL  

DEFENDANTS

Referenced memorandum requested information concerning conversations of the above-named individuals which have been monitored by electronic surveillance devices.

(1) Conversations in which William Davison was a participant were overheard on the following dates:

November 24 through December 11, 1970; 
December 13 through 20, 1970; 
January 3 and 4, 1971.

(2) The electronic surveillance device consisted of an interception of communications on telephone number 215-442-884, listed to William Cooper Davison, located at his residence, 7 College Avenue, Haverford, Pa.

(3) This installation was originally authorized by the Attorney General of the United States on November 6, 1970, and was instituted at 8:00 a.m., November 24, 1970. On December 7, 1970, the Attorney General authorized the continuance of this installation and it was continued in effect until 12:00 midnight, January 6, 1971.

The following are logs maintained by Special Agents of the FBI during the period the above-discussed electronic surveillance was in effect: