

JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

AGENCY INFORMATION

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RECORDS SERIES :
STAFF PAYROLL RECORDS

AGENCY FILE NUMBER :

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ORIGINATOR : HSCA
FROM :
TO :

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DATE : 12/01/76
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SUBJECTS :
HSCA, ADMINISTRATION
OZER, ROBERT

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Box 2.

[R] - ITEM IS RESTRICTED

February 17, 1977

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

PERSONAL

Dear Bob:

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

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

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

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

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

Sincerely,

Thomas Howarth
Budget Officer

TH/jal
Enclosure

PAYROLL AUTHORIZATION FORM

(Please Use Typewriter
or Ballpoint Pen)

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

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

To the Clerk of the House of Representatives:

I hereby authorize the following payroll action:

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

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

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

(If Committee Employee, complete appropriate item below.)

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

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

Position Number _____ If applicable, Level _____ Step _____

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

Date December 7, 1976

(Signature of Authorizing Official)

Thomas H. Downing, Chairman

(Type or print name of Authorizing Official)

Select Committee on Assassinations

(Title—If Member, District and State)

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

APPROVED: _____

Chairman, Committee on House Administration

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

Copy for Initiating Office or Committee

PAYROLL AUTHORIZATION FORM

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or Ballpoint Pen)

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

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

To the Clerk of the House of Representatives:

I hereby authorize the following payroll action:

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

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

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

(If Committee Employee, complete appropriate item below.)

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

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

Position Number _____ If applicable, Level _____ Step _____

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

Date December 7, 19 76

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

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

(Title—If Member, District and State)

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

APPROVED: _____
Chairman, Committee on House Administration

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

Copy for Initiating Office or Committee

PAYROLL AUTHORIZATION FORM

(Please use Pencil or Ballpoint Pen)

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

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

To the Clerk of the House of Representatives:

I hereby authorize the following payroll action:

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

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

Position Title	01711	Gross Annual Salary
staff counsel		\$30,000

(If Committee Employee, complete appropriate item below.)

1083.33 *ju*

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

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

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

Position Number _____ If applicable, Level _____ Step _____

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

Date October 14, 19 76

Thomas N. Downing
(Signature of Authorizing Official)

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

Chairman
(Title - If Member, District and State)

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

APPROVED: _____
Chairman, Committee on House Administration

Office of Finance use only:

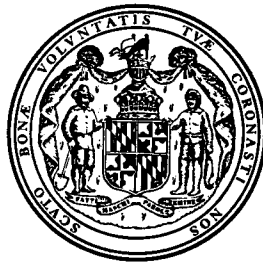
Office Code _____

Monthly Annuity \$ _____ .00

[Signature]

FRANCIS B. BURCH
ATTORNEY GENERAL

OFFICES OF



JON F. OSTER
GEORGE A. NILSON
DEPUTY ATTORNEYS GENERAL

THE ATTORNEY GENERAL

ONE SOUTH CALVERT STREET

14TH FLOOR

BALTIMORE, MARYLAND 21202

301-383-3737

December 8, 1976

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

Dear Dick:

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

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

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

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

Sincerely yours,

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

Robert C. Ozer
Assistant Attorney General
Chief of Investigations

RCO:sw

(3)

December 6, 1976

7:30 p.m.

Dear Dick:

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

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

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

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

Sincerely,

Bof

Bob Ozer

ADMINISTRATION
EMP. RECORDS
OZER, R

October 15, 1976

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

Dear Ed:

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

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

Thanking you, I am

Sincerely,

Thomas N. Downing
Chairman
Select Committee on Assassina-
tions

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

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The Honorable Edmund L. Henshaw, Jr.
Clerk
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This letter is written in behalf of Robert C. Ozer, a new employee on the Select Committee on Assassinations of which I am Chairman.

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Thanking you, I am

Sincerely,

Thomas N. Downing
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RESUME

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

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L.L.B. (with Honors): University of Pennsylvania
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February 1975-July 1976: United States Department of
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Exercised supervisory responsibility and
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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

DETROIT 48226

CHAMBERS OF

RALPH B. GUY, JR.

DISTRICT JUDGE

October 20, 1976

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

Re: Robert Charles Ozer

Dear Mr. Morris:

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

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

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

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

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

Re: Robert Charles Ozer

October 20, 1976

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

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

Re: Robert Charles Ozer

October 20, 1976

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

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

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

Re: Robert Charles Ozer

October 20, 1976

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

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

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

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

Re: Robert Charles Ozer

October 20, 1976

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

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

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

Sincerely,

RALPH B. GUY, JR.
United States District Judge

Blind cc: ✓ Mr. Ozer

OZER

JUSTICE

How to Get Your Man

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

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

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

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

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

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



New Jersey Newsphotos

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

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

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

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



UPI

Who runs the courts?

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

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

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

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

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

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

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

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

ERROLD K. FOOTLICK and FRED SOLOWEY in Detroit and ANTHONY MARRO in Washington

Letters

Newsweek, December 22, 1975

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

FRED J. SOLOWEY
Executive Director

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

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

CONGRESSIONAL RECORD—*Extensions of Remarks*

GRAND JURY ABUSE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 3, 1975

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

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

U.S. to Probe Swainson's Lawyer

BY KATHY WARBELOW
AND JACK KRESNAK
Free Press Staff Writers

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

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

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

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

FBI Agents Tell Story Of Court Intimidation

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

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

mant activities for both federal and local law enforcement agencies.

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

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

Kohl, reached in his office Friday,

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

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

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

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



UPI Photo by TOM CONOGHUE

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

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Continued from Page 1A

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

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

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

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

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

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

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

U.S. marshals.

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

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

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

Detroit Free Press

ON GUARD FOR 144 YEARS

145—No. 249

Thursday, January 8, 1976

INTIMIDATION RULED OUT

Swainson's Attorney Is Cleared

BY KATHY WARBELOW
Free Press Staff Writer

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

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

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

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

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

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

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

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

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

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

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

Please turn to Page 7A, Col. 1

tion of people's reputations and lives."

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

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

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

But Pulvirenti said he was very upset about being

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

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

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

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



Free Press Photo/IRA ROSENBERG

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

Detroit Free Press

AN INDEPENDENT NEWSPAPER

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6-A

FRIDAY, JANUARY 9, 1976

As We See It

Strike Force Tactics Go Beyond Proper Bounds

ATTORNEY GENERAL Edward Levi owes the people of Michigan the courtesy of bringing Robert Ozer, the head of the federal organized crime strike force in Detroit, to account for the reckless misuse of his power.

Mr. Ozer's handling of the trial of John Swainson, former Michigan governor and Supreme Court justice, has been irresponsible. Even if Mr. Swainson's conviction on a perjury charge stands up, Mr. Ozer has trampled on the rights of people at three crucial points in the proceedings.

The latest episode—his abuse of Mr. Swainson's attorney, Konrad Kohl, on the basis of an unsubstantiated and, as it turns out, untrue charge—is only the climax of Mr. Ozer's sorry record.

Mr. Swainson stands convicted of perjury, and on that basis he has resigned from his seat on the Supreme Court. As we said at the time of his conviction, Supreme Court justices, of all people, are accountable for the truth or falsity of what they say under oath. A jury of his peers found Mr. Swainson had violated his oath. It was certainly proper that he resign.

Despite that fact, and even should that conviction be upheld, we think Mr. Ozer's tactics cannot go unchallenged.

Federal prosecutors with access to grand juries have enormous powers. They have a duty to pursue corruption where they find it, and to prosecute without deference to anyone because of his high position. They are answerable for their tactics, however.

Mr. Ozer's case that Mr. Swainson had accepted a bribe turned out, when he got to trial, to be flimsy and unpersuasive to the jury. His sweeping insinuations that there is widespread corruption in the Michigan judiciary stand thus far unsupported.

And now his charges against Mr. Kohl turn out to be supported by no evidence, in the opinion of the grand jury. Mr. Ozer has had to acknowledge that the grand jury found "perfectly satisfactory" Mr. Kohl's explanation of the alleged intimidation incident.

We want and support vigorous prosecution of government wrongdoing. We hope that the Justice Department will continue to pursue corruption and try to root it out.

Mr. Ozer's tactics, though, raise the most serious questions and have to be dealt with too. Federal prosecutors have large and dangerous powers. The society cannot tolerate guilt by announcement.

Mr. Ozer's tactics cannot be condoned, no matter how much we share his zeal for rooting out corruption.

Newsweek Magazine in December published the transcript of a meeting of prosecutors held a year ago in Houston, Texas. Mr. Ozer was one of the participants. The transcript shows him speaking enthusiastically of "investigation by terrorism."

Mr. Ozer's performance in the Swainson case has left us with the sickening feeling that we now know all too well some of what that means. It is well past time for Mr. Ozer to be brought under control by the Department of Justice, which is not, after all, named the Department of Terrorism.

Oust Ozer, Bar Chief Urges

BY KATHY WARBELOW
AND RALPH ORR

Free Press Staff Writers

George Bushnell Jr., president of the State Bar of Michigan, called Thursday for the removal of special federal prosecutor Robert Ozer because of what Bushnell called Ozer's "continuous course of misconduct" in handling the case against former state Supreme Court Justice John Swainson.

In a letter to U.S. Attorney General Edward Levi, Bushnell said that Ozer's public, out-of-court comments about the Swainson case and his recent actions against Swainson's attorney, Konrad Kohl, constituted

"transgressions against elemental concepts of fairness and justice."

These should result in Ozer's removal not only from his position as head of the U.S. Organized Crime Strike Force in Detroit but also from "any other position of authority," Bushnell said.

Bushnell said the three-page letter, which he made public Thursday, did not reflect an official position of the State Bar, which represents every attorney who practices in Michigan. He said, however, that it had been written after discussions with bar commissioners and officers who were "deeply

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Continued from Page 1-A

concerned" about Ozer's conduct.

Ozer declined to comment on the letter. A spokesman for Levi said he had received the letter Thursday morning but would not comment on it.

In the letter, Bushnell declared that Ozer's public, pre-trial predictions that Swainson would be indicted on perjury and bribery conspiracy charges were "outrageous and inexcusable."

Swainson was indicted by a grand jury on those charges but was convicted by a federal district court jury only on perjury charges.

BUSHNELL INCLUDED in his criticism comments attributed to Ozer in news reports that the verdict had been a "compromise" and that "if the jurors thought Swainson was really innocent, they would have acquitted him on all counts."

Bushnell said he was not criticizing Ozer's conduct in prosecuting Swainson during the trial. "We have to assume it was a fair trial," Bushnell said. "Swainson was convicted, and I do not challenge

the verdict."

But most serious, Bushnell said was Ozer's recent action in bringing Swainson's attorney, Kohl, before the federal grand jury on an allegation — later found to be untrue — of witness intimidation while post-trial legal motions in the Swainson case are pending in court.

Though Kohl was exonerated, Bushnell said that bringing Kohl before the grand jury amounted to "the spectacle of the federal government using the awesome powers of the grand jury to harass its adversaries."

Though his letter dealt exclusively with matters connected to the Swainson case, Bushnell said Thursday in an interview that he had also been concerned about Ozer's conduct in other cases.

He mentioned Ozer's efforts

to disqualify Detroit attorney William Bufalino as the lawyer for a witness who has been jailed for refusing to testify before the grand jury about the disappearance of former Teamsters Union President James R. Hoffa.

Bushnell said Ozer's public comments about Bufalino "served to intimidate and have an extremely negative effect on that particular matter."

HOFFA'S SON, James P. Hoffa, said Thursday he did not agree with Bushnell and said he felt Ozer had acted properly on the charge against Kohl.

Hoffa, who is also a lawyer, said Ozer had done an outstanding job in investigating Hoffa's father's disappearance. Hoffa said he feared the probe would falter if Ozer is

removed as head of the strike force.

"It is important that Mr. Ozer not be distracted from his duties, so that he will be free to pursue the conspirators responsible for the disappearance of my father," Hoffa

said.

Bushnell said he had in the past publicly criticized both Wayne County Prosecutor William Cahalan and Oakland County Prosecutor L. Brooks Patterson, but said he had not before had occasion to call for

the strong disciplining of a prosecutor.

He said he had advised Kohl that he was writing the letter, and said Kohl had tried to persuade him not to do it.

Kohl said he would not comment on the letter.

U.S. silent on Bushnell plea to fire Ozer from strike force

By **ROBERT ANKENY**
News Staff Writer

The U.S. Justice Department has refused to comment on State Bar of Michigan President George E. Bushnell's demand for the removal of Robert C. Ozer, head of the U.S. Organized Crime Strike Force in Detroit.

"We have received his (Bushnell's) letter and we have no comment at this time," a spokesman for U.S. Attorney General Edward Levi said yesterday.

Bushnell's strongly-worded three-page letter to Levi calling for Ozer's ouster cited the Strike Force chief for "ruthless conduct" in prosecution of former Michigan Supreme Court Justice John B. Swainson.

Ozer also said he would not comment on Bushnell's charges or the demand for his removal.

But, in an interview which will appear in The Sunday Magazine this weekend the 33-year-old special federal prosecutor said he wrote to Bushnell, "telling him he was



Robert Ozer



George Bushnell

complaining about some things I didn't say. But he still goes on the same way, in spite of my letter."

Sunday Magazine Writer Al Stark, who conducted the interview with Ozer weeks ago, reported that Ozer's initial reaction to the mention of Bushnell's name was: "That ass."

"Look, Bushnell is a lawyer, he should know to go to the record to see who actually said what."

Bushnell said State Bar criticism of

Ozer began last May after Swainson appeared before the federal grand jury when, he said, Ozer "publicly predicted" the grand jury would indict Swainson.

Bushnell said Stephen C. Bransdorfer, then State Bar president, on May 23 protested "the impropriety of that conduct" to the acting Assistant Atty. Gen. John C. Keeney. In June, Bushnell said, Keeney told Bransdorfer that Ozer had been "severely admonished."

After Swainson's trial — in which he was acquitted of bribe conspiracy but convicted on three counts of lying to a federal grand jury — Ozer made statements which Bushnell said "equated accusation with guilt." The Ozer post-trial statements cited by Bushnell as "outrageous and inexcusable" were:

- That the verdict was "a compromise verdict" and that if the jurors thought Swainson was really innocent of conspiracy they would have acquitted him on all counts.

- That "an acquittal very frequently ex-

The Detroit News
Page Three
Friday, January 16, 1976

presses a feeling that the evidence does not convict beyond a shadow of a doubt."

- And that "a jury is unwilling to convict such an exalted figure like Swainson without conclusive evidence like they see on TV or the movies."

Ozer told Sunday Magazine reporter Al Stark that he sees nothing wrong with his post-trial statements.

What Bushnell calls the "most serious act of misconduct" occurred within the past two weeks and involved Swainson's defense attorney, Konrad D. Kohl.

A convicted felon, James P. Pulvirenti, was arrested Jan. 1 by the FBI for the alleged kidnaping-torture of John J. Whalen, a burglar who was the government's informant and chief witness against Swainson.

At Pulvirenti's arraignment, Ozer told the court that Pulvirenti had told federal agents that Kohl had man to sit in the courtroom during Whalen's testimony in the Swainson trial in order to intimidate and frighten Whalen.

Kohl denied the allegation and he interviewed Pulvirenti before his trial after getting his name from a list of possible defense informants received by the government.

Pulvirenti also reportedly later denied making the accusation.

Kohl said he had asked Pulvirenti to come to court to his own testimony for possible falsification and Pulvirenti did. Kohl said he gave the man about \$25 for expenses but paid him nothing else.

Ozer subpoenaed Kohl before the grand jury — although the attorney had said he would appear voluntarily. After an hour and 15 minutes of questioning Kohl, Ozer emerged from the jury room to say the Strike Force and the grand jury were satisfied with Kohl's explanation.

Concluded on Page 5A

... from Page 5A

"There is no evidence of impropriety, much less illegal conduct, by either Mr. Kohl or Mr. Swainson," Ozer said.

Bushnell recounts the incident in his letter to Atty. Gen. Levi. He scores Ozer for making the allegation public before checking it out more thoroughly and charges that "the damage Mr. Ozer's behavior has inflicted upon the integrity of the administration of justice is irreparable."

Bushnell calls for "the removal of Mr.

Ozer from his present position and from any other position of authority."

In a press conference yesterday afternoon, Bushnell said his letter to Levi was "not an official one from the State Bar in the sense that it was a measure adopted by a majority of the bar's membership."

But he said it was written after consultation with officers of the State Bar he was able to reach.

Bushnell said he did not believe his letter would have any effect on the Swainson case, which, he said, "I assume will be appealed."

Detroit Free Press

AN INDEPENDENT NEWSPAPER

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6-A

SATURDAY, JANUARY 17, 1976

In Defense of Fairness

IN CALLING on Attorney General Edward Levi to remove Robert Ozer, the head of the organized crime task force in Detroit, George Bushnell makes a critical distinction that cannot be overemphasized.

Mr. Bushnell, the president of the State Bar of Michigan, hammers home the point that he is not speaking out to defend John Swainson, the state's former governor and Supreme Court justice, who has been convicted of perjury by a federal jury. Mr. Swainson was con-

victed by a jury of his peers, and there is no reason to doubt the appropriateness of that verdict. Unless it is overturned on appeal, it will stand as a judgment on Mr. Swainson's lack of probity.

The complaints against Mr. Ozer center on means rather than ends. He has used tactics and made statements that are offensive to our sense of fair play and equity, and obviously to Mr. Bushnell's as well.

Under our American system of jurisprudence, we are supposed to be concerned about means as well as ends. The federal grand jury has been misused by Mr. Ozer; he has practiced a policy of guilt by announcement. This practice, which has cropped up at various stages of Mr. Ozer's unsuccessful prosecution of Mr. Swainson on bribery charges, is obnoxious and wrong.

The attorney general owes it to the good reputation of the Justice Department and to the concept of fairness and equity to deal forcefully with Mr. Ozer's actions. We believe, with Mr. Bushnell, that that means his removal from positions of responsibility.



Levi



Ozer

Forceful action in order

ROBERT C. OZER
1587 BATES
BIRMINGHAM, MICH. 48009

October 15, 1976

Richard Sprague, Esquire
C/o Honorable Thomas N. Downing
2135 Rayburn House Office Building
Washington, D.C.

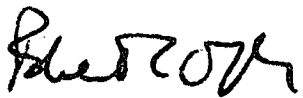
Dear Mr. Sprague:

Enclosed herewith please find a resume of my background and experience. I wish to apply for a staff position with the House Select Committee investigating the assassinations of John F. Kennedy and Martin Luther King, Jr.

I will, of course, be happy to supplement this letter and resume with any formal application or other materials that may be required or requested by you.

Best personal regards.

Sincerely yours,


Robert C. Ozer

932, 934, 935



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

WSL:vda

August 12, 1976

Michigan Board of Law Examiners
c/o Clerk, Supreme Court of Michigan
P. O. Box 88
Lansing, Michigan 48901

Re: Robert C. Ozer

Dear Members of the Board:

Robert C. Ozer, presently a Departmental Attorney with the Organized Crime and Racketeering Section, Criminal Division, United States Department of Justice, has requested that I advise you fully of the facts and circumstances concerning his impending termination of service with the Department. At his request, I am pleased to do so.

Mr. Ozer joined the Department in December 1969 and was initially assigned as an attorney with the Philadelphia Strike Force. His work was excellent, and in April 1972 he was promoted to head the Buffalo Strike Force. His work there was also excellent, and he left the Department in May 1973 to enter private practice in Philadelphia. He returned to the Department with the Organized Crime and Racketeering Section in October 1974, and in February 1975 was assigned to head the Detroit Strike Force.

The first disciplinary inquiry of any kind conducted by the Department concerning Mr. Ozer began on December 4, 1975, when Mr. Ozer was formally requested to explain certain comments attributed to him in Newsweek Magazine, December 1, 1975.



Mr. Ozer advises me that he is submitting to you full documentation concerning that inquiry. Mr. Ozer submitted his formal explanation on December 15, 1975, and on December 19, 1975, Mr. Ozer was interviewed personally by Associate Deputy Attorney General Rudolph W. Giuliani and later that day by the Deputy Attorney General, the Honorable Harold R. Tyler, Jr. The matter was then taken under advisement by the Department.

During the next several months, the Department received several complaints concerning Mr. Ozer's conduct during the investigation, trial, and subsequent investigation concerning Michigan Supreme Court Justice John B. Swainson. Most notably these complaints were contained in a letter to the Attorney General, in January 1976, by George E. Bushnell, Jr., President of the State Bar of Michigan, in which abusive use of the grand jury, as well as improper public statements, was alleged.

On April 27, 1976, the Deputy Attorney General wrote a letter to Mr. Ozer, a copy of which, I am advised by Mr. Ozer is being provided to you.

It is to be noted that the Deputy Attorney General found all of the allegations of grand jury abuse and many other allegations in Mr. Bushnell's letter to be unfounded and without substance. As you will note in the letter, Mr. Ozer was formally admonished for his statements which appeared in Newsweek and for his public statements, post-trial, in which he commented upon the verdict in the Swainson case.

During the pendency of the inquiry concerning Mr. Ozer, I had every hope and confidence that he would conduct himself with the most meticulous care to avoid any conduct, personal or professional, which could reflect adversely upon the Department. In this regard I was disappointed. In my view, Mr. Ozer exercised poor judgment in his retention of his personal attorney for his own divorce proceedings. Mr. Ozer had met his attorney as opposing counsel in the highly publicized Swainson case (the attorney represented a co-defendant), and in fact the Detroit newspapers took note of the attorney's appearance of record as counsel for Mr. Ozer in divorce proceedings.

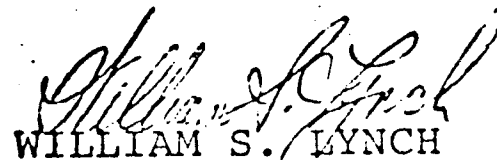
Mr. Ozer should have known that such an attorney-client association could reflect adversely upon the Department

in the event that his attorney had any further dealings, as an adversary, with the Detroit Strike Force. In fact, such an incident occurred in May 1976.

In May 1976, the attorney was retained by the family of a federal prisoner for the purpose of efforts to effectuate a reassignment of that prisoner from the federal penitentiary at Leavenworth, Kansas, to an institution closer to Michigan. Mr. Ozer instructed a subordinate to make application to have the prisoner brought to Detroit by means of a writ of habeas corpus ad testificandum. The subordinate objected to issuance of the writ, but he was overruled by Mr. Ozer. It is Mr. Ozer's contention that his subordinate was advised that the purpose of the writ was to ascertain whether or not the prisoner could assist federal investigators with their ongoing investigation and to thereby enable the Department to ascertain whether or not the Department should in any way support a permanent reassignment to a different prison. Mr. Ozer's subordinate claims he was not so advised until he raised the issue of the propriety of the application for the writ. The prisoner was in fact brought to Detroit where he remained in Marshal's custody for several weeks. He was interviewed by Mr. Ozer's subordinate and by a federal investigator, and he was then returned to Leavenworth. Under the circumstances, I consider Mr. Ozer to have exercised extremely poor judgment in the proceedings involving the issuance of the writ of habeas corpus ad testificandum, and I feel that he treated a subordinate improperly by summarily overruling the subordinate's objections to issuance of the writ. Mr. Ozer's poor judgment as outlined above caused me to conclude that Mr. Ozer's resignation should be requested. I have requested and received Mr. Ozer's resignation, although the effective date of that resignation has not been precisely determined.

I view Mr. Ozer's conduct as outlined above to be extremely poor judgment with respect to his responsibilities as Chief of a Department of Justice Strike Force. I believe, however, that he is an excellent lawyer and I believe that he is professionally and morally qualified for admission to the Michigan Bar. I do recommend his admission to the Michigan Bar.

Very truly yours,


WILLIAM S. LYNCH

Chief, Organized Crime and
Racketeering Section
Criminal Division

MEMO TO: Richard A. Sprague

FROM: *plus* Robert C. Ozer
Staff Counsel

SUBJECT: Procedure for Issuance of Subpoenaes

DATE: October 21, 1976

The House of Representatives, by House Rule 11(m) (2) (a), a copy of which is attached, provides that subpoenaes, when authorized by rule (or resolution) may be issued by the committee, "only when authorized by a majority of the members of the committee," and that the chairman, or such member delegated by him, may perform the ministerial act of issuing the subpoena.

We are advised by the Office of Legislative Counsel (Willoughby Sheame) as well as by Staff Director of the Select Committee on Narcotics that the above procedure is invariably followed by all House committees and subcommittees.

All of the attorneys who have conferred you this question feel that our resolution (H. Res. 1540) does not provide for any different procedure. The resolution at lines 1-10, page 2, refers to the select committee (or any subcommittee authorized by it) as authorized to issue subpoenaes. At page 3, lines 4-7, the conventional procedure described above was provided by authorization to the chairman (or any member designated by him) to sign subpoenaes.

Finally, even if the resolution (H.Res.1540) had authorized a unique and different procedure, the committee itself has limited itself to the conventional procedure described above. This has been done by the routine adoption by the committee of the Rules of the House. Thus, even if the House had expanded the committee's authorized power (which it did not), the committee has limited itself to the conventional procedure.

I have not yet ascertained, but I will undertake to do so, whether the phrase in Rule II(m) (2) (a) "when authorized by a majority of the members of the committee" can mean a majority of those present and voting - e.g. a quorum of two;

or the requirement is actually for a majority of the committee. I am inclined to feel, without benefit of research or consultation at this time, that just as a majority of the House (under House Rules) means a majority of the quorum present and voting, a majority of the committee would be satisfied by a majority of the quorum present and voting.

sideration of such measure or matter in the House. This subparagraph shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; or

(B) any executive decision, determination, or action which would become or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

Paragraph (6) was originally contained in section 108 of the Legislative Reorganization Act of 1970 (84 Stat. 1140) and was incorporated into the rules on January 22, 1971 (H. Res. 5, 92nd Congress, p. 144). The rule was amended on October 13, 1972 (H. Res. 1153, 92nd Congress, pp. 36013-23) to clarify the three-day availability requirement, and was further amended effective January 3, 1975 (H. Res. 988, 93rd Congress, p. —) to eliminate the exemptions from the first sentence of the rule conferred upon the Committees on Appropriations, House Administration and Standards of Official Conduct, and on January 14, 1975 (H. Res. 5, 94th Congress, p. —), to remove some extraneous language inadvertently inserted in the first sentence by H. Res. 988.

With respect to the committee expense resolutions reported by the Committee on House Administration pursuant to clause 5 of Rule XI, the one-day availability requirement of that clause, rather than the three-day requirement of this rule, is applicable, but other privileged resolutions reported from that committee are now subject to this clause (Speaker Albert, Mar. 6, 1975, p. —).

(7) If, within seven calendar days after a measure has, by resolution, been made in order for consideration by the House, no motion has been offered that the House consider that measure, any member of the committee which reported that measure may be recognized in the discretion of the Speaker to offer a motion that the House

shall consider that measure, if that committee has duly authorized that member to offer that motion.

Paragraph (7) was contained in section 109 of the Legislative Reorganization Act of 1970 (84 Stat. 1140) and became part of the rules on January 22, 1971 (H. Res. 5, 92nd Congress, p. 144).

Power to sit and act; subpoena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and Rule X (including any matters referred to it under clause 5 of Rule X), any committee, or any subcommittee thereof, is authorized (subject to subparagraph (2)(A) of this paragraph)—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The chairman of the committee, or any member designated by such chairman, may administer oaths to any witness.

(2)(A) A subpoena may be issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of any investigation or activity or series of investigations or activities,

only when authorized by a majority of the members of the committee, and authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(B) Compliance with any subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

Prior to the adoption of clause 2(m) effective January 3, 1975 (H. Res. 988, 93rd Congress, p. —), only the Committees on Appropriations, Budget, Government Operations, Internal Security and Standards of Official Conduct were permitted by the standing rules to perform the functions as specified in paragraphs (1)(A) and (B), and other standing and select committees were given those authorities by separate resolutions reported from the Committee on Rules each Congress. On January 14, 1975 (H. Res. 5, 94th Congress, p. —), paragraph (2)(A) was amended to require authorized subpoenas to be signed by the chairman of the full committee or any member designated by the committee.

Use of committee funds for travel

(n) Funds authorized for a committee under clause 5 are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States. No appropriated funds shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and

the following conditions shall apply with respect to their use of such currencies:

(1) No Member or employee of the committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(2) Each Member or employee of the committee shall make to the chairman of the committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

Prior to the adoption of clause (n) and of clause 1(b) of Rule XI effective January 3, 1975 (H. Res. 988, 93rd Congress, p. —), each committee was given separate authority to incur expenses in connection with their investigations and studies, and certain committees were authorized to use local currencies for foreign committee travel, in resolutions reported from the Committee on Rules in each Congress. As indicated in clause 1(b), the authority to incur expenses (including travel expenses) is subject to the adoption of expense resolutions reported from the Committee on House Administration as required by clause 5, Rule XI.

MEMO TO: Richard A. Sprague

FROM: Robert C. Ozer
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RESUME

Robert C. Ozer

Address:

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

Education:

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

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

February 1975-July 1976: United States Department of
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and prosecutions in the State of Michigan.

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Rome, Klaus and Comisky

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as general litigation attorney, civil and
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Assistant prosecutor for the city of Baltimore. From November 1967 to November 1968, assigned to Trial Division with trial responsibility on a weekly basis for a general criminal calendar. From November 1968 to December 1969, was responsible for organized crime and political corruption investigations and prosecutions.

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