

Date: 11/03/1998

To: SAC, Pittsburgh

Attn: VIOLENT CRIMES

Section

For FBI Field Office use only

CM# 4024

From: SAC, PITTSBURGH (89A-PG-64410-ELA-1) (P)

Title: [redacted] aka

ET AL;
JOHN P. MURTHA-MEMBER OF CONGRESS
CCSCAKA-THREATNotification of SAC Authority Granted for Use of
CONSENSUAL Monitoring Equipment
(Check only one)

- ☒ Routine Use
☐ Emergency Use-Sensitive Circumstances (cannot exceed 30 days & May be extended only by FBIHQ).

This form must be typewritten & submitted within 10 working days of the date authority is granted as shown in Item 5 below.

1. Reason for Proposed Use: (Check) ☐ Corroborate Testimony ☐ Protect Consenting Party ☐ Protect Government Property ☒ Collect Evidence ☐ Other (Specify) _____		2. Type of Equipment: (Check) ☐ Transmitter/Receiver ☐ Concealed Recorder ☐ CCTV/Audio & Video ☐ CCTV Video only ☐ Microphone ☒ Telephone ☐ Other (Specify) _____	
3. Consenting Party (Identify <u>ONLY</u> on Field Office Copy) ☒ Nonconfidential Party ☐ Confidential Source ☐ Cooperative Witness		4. Interceptee(s): (Include Title if Public Official) [redacted] & others as yet unknown.	
5. Duration of Proposed use: Authorized On: 10/29/1998 ☒ For the duration of Investigation ☐ For 30 days (Emergency NTCM usage) Expiring On: _____	6. Equipment Concealed: ☐ In a Motel Rm. ☒ In a Telephone ☐ In a Residence ☐ On a Person ☐ In a Vehicle ☒ Other (Specify) <u>VOICE MAIL</u>	7. City & State where Equipment will be used: <u>JOHNSTOWN, PA</u>	
8. The following mandatory requirements have been met: ☒ Consenting party has agreed to testify; ☒ Consenting party has executed a consent form; & ☒ Recording/transmitting device will be activated only when consenting party is present.		9. Government Attorney in judicial district where monitoring and/or recording will take place has been contacted; foresees no entrapment; & concurs in the use of the technique. ☒ Yes ☐ No Date of Contact: 10/30/1998 Identity of Govt. Atty: <u>AUSA</u> [redacted] Judicial District: <u>WDPA</u>	
10. Violation(s): Title(s) <u>18</u> Sec(s) <u>115(a)(1)(B)</u> USC			
11. DOJ notification required ☐ Yes ☒ No. If "Yes" check reason below: NOTE: Requests for Routine NTCM usage involving any of the 7 sensitive circumstances requires a teletype to HQ prepared in the format described in the MIOG, Part II, Section 10-10.3(8). Request for Emergency NTCM usage involving item 6 below requires immediate contact with the FBIHQ substantive desk for DOJ approval. The 7 sensitive circumstances do not apply to the use of CCTV video only.			
1. ☐ Interception relates to an investigation of a member of Congress; a Federal Judge; a member of the Executive Branch at Executive Level IV or above; or a person who has served in such capacity within the previous 2 years. 2. ☐ Interception relates to an investigation of any public official and the offense investigated is one involving bribery; conflict of interest; or extortion relating to the performance of his/her official duties. 3. ☐ Interception relates to an investigation of a Federal law enforcement official. 4. ☐ Consenting/nonconsenting party is a member of the diplomatic corps of a foreign country. 5. ☐ Consenting/nonconsenting party is or has been a member of the Witness Security Program and that fact is known to the agency involved or its officers. 6. ☐ Consenting/nonconsenting party is in the custody of the Bureau of Prisons or the U.S. Marshals Service. 7. ☐ Attorney General; Deputy Attorney General; Associate Attorney General; Assistant Attorney General for the Criminal Division; or the U.S. Attorney in the district where an investigation is being conducted has requested the investigating agency to obtain prior written consent for making a consensual interception in a specific investigation.			

12. Synopsis of Case: (Attach additional page if necessary)

On 12/3/97, [redacted] in a telephone conversation with an insurance agent regarding a disputed claim, threatened the life of the insurance agent and Congressman Murtha, among others. [redacted] initially transported by local police department to a local hospital for psychiatric evaluation. [redacted] subsequently prosecuted by local authorities regarding the threats directed toward the insurance agent, and on 9/2/98, was convicted in a jury trial. On 10/15/98, [redacted] was sentenced on the state charges to five years probation and ordered to undergo mental health evaluation. On 7/8/98, [redacted] was convicted in federal court in a jury trial of the threats directed toward Congressman Murtha. Sentence pending in federal court.

13. Justification statement necessitating emergency authorization:

- ☐ Emergency 30 day authorization granted due to imminent need (within 48 hours) for use of consensual monitoring device(s) which precluded the handling of this request in the usual manner.
☐ Other (Attach Additional Page to Specify) Serialized _____

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PHW/jr

COPY 5

(Office ELA Case Subject)

Filed

Field Approval

14. CDC (if _____) Signature: _____
 15. SSA/G Signature: _____ Date: 10/29/98

FBIHQ Approval

16. Unit Chief (if Sensitive Circumstances Exist) Signature: _____ Date: _____

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